

## **PLANNING COMMITTEE**

Monday 20 February 2012

### **Present:**

Councillor Bialyk (Chair)  
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs Morrish,  
Newby, Prowse, Spackman, Sutton and Winterbottom

### **Also Present:**

Strategic Director, Assistant Director City Development, Development Manager, Planning  
Solicitor and Member Services Officer (SJS)

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### **MINUTES**

The minutes of the meetings held on 5 December 2011, 16 January 2012 and 30  
January 2012 were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P.J.Brock	21 (Member of Devon County Council)
Councillor Macdonald	21 (Sustrans Volunteer Ranger and a member of the RSPB)
Councillor Prowse	21 (Member of Devon County Council) 24 (Student Landlord)
Councillor Sutton	21 (School Governor at St James School)

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### **RESIDENTIAL DESIGN SPD**

Members congratulated the Design team on winning the Urban Design Award in the  
Public Sector Category for the Residential Design SPD at the Urban Design Group  
Awards in London.

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### **PLANNING APPLICATION NO.11/1800/03 - FORMER IBSTOCK BRICKWORKS SITE, LAND OFF HARRINGTON LANE, EXETER**

Councillor P.J.Brock declared a personal interest as a member of Devon County  
Council.

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger  
and a member of the RSPB.

Councillor Prowse declared a personal interest as a member of Devon County  
Council.

Councillor Sutton declared a personal interest as a School Governor at St James  
School.

The Assistant Director City Development presented the application for residential  
development of 230 units and care home of 72 beds with roads, open space,

landscaping and infrastructure, all following phased demolition of existing buildings at former Ibstock Brickworks Site, land off Harrington Lane, Exeter.

He advised Members that the site covered approximately 9.7 hectares and comprised the former Ibstock Brickworks plant, a former quarry/landfill site and a field. There was an area of land immediately adjoining the site which was used for storage of plant and machinery.

The application was for the erection of 230 residential units, a 72-bed care home, open space provision and associated infrastructure works following demolition of the existing building. The style of the dwellings was based on the Arts and Crafts/Garden suburb style with five landscape character areas. The affordable housing on the site would be 70% social rented and 30% shared ownership although final details of the position and mix had yet to be agreed. The scheme's internal highway arrangement provided options to extend into the adjoining Eastern Fields to provide a link through to Exhibition Way.

The Assistant Director City Development outlined the main issues of the loss of employment land; access, traffic and the link road through to Exhibition Way; design of the scheme; former use of the part of the land as landfill; open space and wildlife; and Section 106 issues.

Members were circulated with an update sheet giving details of 16 additional representations received; additional advice from Head of Environmental Health Services; issues raised by the applicant in response to the committee report; amendments to conditions and an additional condition regarding care home phasing. Members were also advised that one further letter of objection had been received.

The recommendation was delegated to the Assistant Director City Development in consultation with Chair of Planning to approve subject to the agreement of the arrangements for provision of affordable housing, satisfactory additional negotiations and information to improve the Building for Life score and investigation of a footpath link through to the footpath/cycleway alongside the railway line (including receipt of satisfactory amended plans, reconsultation with neighbours if necessary and consideration of any representations received), a Section 106 Agreement as detailed in the report and the conditions as set out in the report with amendments and an additional condition as per the update sheet.

In answer to Members' questions, the Assistant Director City Development clarified the following:-

- part of the negotiations with the developer would include increasing the Building for Life score
- officers worked with developers to resolve issues before applications come to Members; often the final affordable housing mix and position was negotiated later through the Section 106 agreement
- this development and the approval at Pinhoe Quarry would generate £1.4 million in total towards the Exhibition Way link road. The Highways Authority advised that the link would not be required until 300 houses had been built; at a rate of 50 per annum it was not likely that the link would be required for at least four years; the timing of the contributions for the highway improvement would be sought at the earliest appropriate time
- the Section 106 Agreement would form part of the planning permission and if the applicant should fail, or the land be sold, the Section 106 Agreement would still stand

- the application had originally been for 211 houses and 1 hectare of employment land; the employment element had now been removed and the application was for 230 houses and a care home
- Devon County Council were currently undertaking a consultation on four possible options for the Exhibition Way link
- there was 10% open space provided on site; the site was adjacent to Eastern Fields (9 hectares) and there was open space at nearby Pinhoe Quarry
- the link road would not be a primary route
- the Village Green status for Eastern Fields was being dealt with by Devon County Council; the Exhibition Way link could be provided through Eastern Fields although an appropriate replacement area for any designated Village Green lost through the road would need to be found
- there were proposed conditions to ensure that the care home was properly landscaped.

Councillor Mrs Thompson, having given notice under Standing Order No.44, spoke on this item. She circulated a plan showing the Devon County Council options for the Exhibition Way link road and raised the following points:-

- common thread from feedback from local residents was that there were unresolved issues which could not be resolved through this application
- Exhibition Way link would not be primary road
- this application was at variance to the Devon County Council consultation currently being undertaken on options for the Exhibition Way link road
- concerned regarding the access to Harrington Lane and Chancel Lane
- need to look at bigger picture in particular the capacity of Chancel Lane bridge; traffic accessing this development would cross this bridge; Pinhoe Access Strategy stated that the bridge was poor
- the bridge was sub standard; the last survey being in 1997
- the design score of 8 out of 20 was unacceptable
- the highway contribution was per dwelling; there was no contribution from the care home which would generate traffic from staff and visitors
- concern regarding the education contribution; this proposal would generate an increase in children and two classrooms and two teachers at Pinhoe Primary School would not help with the different age ranges of the children
- if the Village Green status was successful then any replacement loss of land due to the Exhibition link would be a poor exchange
- the Highway Authority were not at the Committee to clarify matters
- Exhibition Way bridge was owned by Exeter City Council
- objected to the application as need to resolve all issues before this application could be approved.

In answer to Members' questions, Councillor Mrs Thompson clarified the following:-

- would be attending the consultation on the options for the link road tomorrow
- this was a brownfield site which would be developed for residential use but the following issues should be resolved before a consent was given; Village Green status and any replacement land for the link road; primary traffic routes; inadequacies and construction of Exhibition Way bridge; the suitability of the right access to Venny Bridge: the education provision recommended by Devon County Council.
- had concerns regarding the suitability of the Exhibition Way bridge to take 40 tonne lorries and the safety of the every day use of the bridge, there was water penetration on the bridge
- until 300 homes had been built and the link road was in place more traffic would use Chancel Lane
- was a complex application.

The Assistant Director City Development advised that no decision had been made on Village Green status and the replacement land required as a result of any link road could be overcome. The education contribution could be used toward improvements at Pinhoe school or other schools in the locality.

Mr Long spoke against the application. He raised the following points:-

- Eastern Fields was widely used by the local community and there had been a lack of recognition of the use of Eastern Fields, the Fair was regularly held there and only last week a cross country run took place there
- South West Water had objected due to the inadequate sewer system
- what was the urgency? All the issues should be resolved before approval granted
- the local schools were full and concerned regarding the education contribution and where it would be spent
- was the spilt of affordable housing suitable?
- where would the replacement employment land be?

In answer to Members' questions, Mr Long clarified that there was still not a preferred option for the link road; concern that the developer did not have a user for the care home and it could become houses at a later date; the route through Chancel Lane was unsuitable for heavy vehicles; there was a bus route in this area. He was not opposed to housing on the site it's just that this application was being rushed through. The application would need to be called in as it was change of use of land from employment to housing which was contrary to the Local Plan.

The Assistant Director City Development stated that the sewerage position would be covered by condition 20, the care home did have an end user and the application had been advertised as a departure to the Local Plan but he did not envisage any intervention by the Government Office.

Mr Evans (agent) spoke in support of the application. He raised the following points:-

- this site had been vacant since 2006
- was a brownfield site which when developed would provide much needed housing and also options for Exhibition Way link
- the care home already had an end user
- the issue of contamination on the site due to the land fill use would need to be resolved
- numerous discussions had been held with officers to bring the application to this stage
- would provide a contribution towards the Exhibition Way link and help to deliver the link with the road layout
- the layout had regard to the various options for the link road.

In answer to Members' questions, Mr Evans clarified that the Residential Design SPD was a guide, they were looking to bring forward a quality development and the scoring system was a matter of judgement. He thought that the score by the council was harsh; would endeavour to employ local people for the construction; there were two preferred methods for dealing with the methane gases and there were conditions to cover this; felt there were no major issues outstanding and confident all issues could be resolved.

During discussion, Members raised the following points:-

- concern regarding the objections from South West Water regarding the lack of capacity of the sewage system

- lack of play areas
- what was the care home going to end up as?
- was a difficult and complex application and some of the issues were outside of the Council's control
- there was pressure on local primary school places but the Council was not the responsible Authority
- application provided options for the link road
- there were unresolved issues but could not see what benefit there would be from deferring the application as these could be dealt with by conditions and delegation
- a fourth option for the link road had been added to the Devon County Council consultation at the request of local ward members
- Exeter urgently needed housing and this application would help to meet that need
- too many concerns including the wildlife aspect and the link route
- no cycle routes were proposed although condition 18 required cycle parking for all premises
- concern as design was a low score and in future years could question why approval was given.

The Strategic Director (KH) brought Members attention to the Pinhoe Access Strategy and advised that without this development the Exhibition Link road could not be delivered.

The Assistant Director City Development advised that he would investigate with the developer a possible a footpath link through to the footpath/cycleway alongside the railway line which would help to improve the permeability of the site.

Members were mindful that if approval was granted Local Ward Members should be advised of how the outstanding issues had been resolved.

**RESOLVED** that planning permission for residential development of 230 units and care home of 72 beds with roads, open space, landscaping and infrastructure, all following phased demolition of existing buildings be delegated to the Assistant Director City Development in consultation with Chair of Planning to **approve** subject to the agreement of the arrangements for provision of affordable housing, satisfactory additional negotiations and information to improve the Building for Life score and investigation of a footpath link through to the footpath/cycleway alongside the railway line (including receipt of satisfactory amended plans, reconsultation with neighbours if necessary and consideration of any representations received), a Section 106 Agreement as detailed in the report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken on plots 22, 23, 32-45, 48-50, 53-56, 66-84, 97-107, 117-120, 122, 131-137, 142-147, 167-170, 179, 180, 187, 197-200, 203-205, 209, 212-217 and 227-228 (as shown on drawing PL100702 SL.01H) without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- Part 1, Class A (extensions and alterations)
- Part 1, Classes B and C (roof addition or alteration)
- Part 1, Class D (porch)
- Part 1, Class E (swimming pools and buildings incidental to the enjoyment of the dwellinghouse)
- Part 1, Class F (hard surfaces)

**Reason:** In order to protect residential amenity and to prevent overdevelopment.

- 5) C35 - Landscape Scheme
- 6) C36 - No Trees to be Felled
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) Prior to the commencement of development, a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Ecological Assessment dated October 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document.  
**Reason:** In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site
- 10) Prior to the commencement of development, the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts and to identify any other badger activity on the site such as feeding/foraging patterns; and the survey and recommendations shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the survey has been approved in writing by the Local Planning Authority and the development shall proceed in accordance with the survey and any recommendations made.  
**Reason:** To ensure that the potential impact of the proposal upon badgers is appropriately addressed and mitigated.
- 11) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site, including gas migration, shall each be submitted to and approved, in writing, by the LPA:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to

demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To protect controlled waters and in the interests of residential amenity.

- 12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. In addition, to prevent pollution, any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.  
**Reason:** To protect controlled waters.
- 13) No development shall take place until a foundation risk assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the conclusions of the assessment.  
**Reason:** In order to ensure that piling does not create new migration pathways for contamination.
- 14) A comprehensive residential travel plan, to be agreed in writing by the Local Planning Authority, in relation to development of the site should be provided, operated and maintained.  
**Reason:** To ensure that sustainable (non private car) trips to and from the site are maximised.
- 15) The proposed estate roads, footways, footpaths, cycle routes, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture as appropriate shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals
- 16) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises (including the care home) in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 17) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
  - (a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;

(b) a programme for implementation synchronised with the progressive occupation of the development; and  
(c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 18) No building shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network rendered necessary by the development have been completed and confirmed in writing by the Local Planning Authority (in consultation with South West Water) as being satisfactory.  
**Reason:** To ensure that the public foul sewer network has sufficient capacity to serve the proposals.
- 19) No development shall take place until details of the sustainable urban drainage design have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.  
**Reason:** In the interests of sustainability, and visual and local amenity.
- 20) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.  
**Reason:** In the interests of the residential amenity of the occupants of surrounding property.
- 21) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the local authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason:** In the interest of the environment of the site and surrounding areas.
- 22) Prior to the commencement of any development adjacent to the boundary with the adjacent employment land, detailed plans, including sections of the proposed noise attenuation features, along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use adjacent to this boundary shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.  
**Reason:** In the interests of the residential amenity of the future occupants of buildings within these phases of the development.



- 23) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.  
**Reason:** In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy.
- 24) Prior to commencement of the development a scheme for generating a minimum of 10% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.  
**Reason:** To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.
- 25) The care home hereby permitted shall be constructed before the occupation of the 200<sup>th</sup> dwelling hereby permitted, unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** In the interests of securing employment provision in the area.
- 26) A detailed scheme for the treatment of the boundary of the site with all adjoining land including the planting of trees and/or shrubs and walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The boundary treatment shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

The Development Manager presented the application for construction of a 120-bed hotel, offices, cafe/restaurant and basement parking on two levels at land to the east of Dean Clarke House, Southernhay East, Exeter.

Members were advised that the proposal comprised two phases. The first building phase located on the part of the site closest to Dean Clarke House proposed a 120 bed hotel over six floors with coffee shop, restaurant and bar and an office on the ground floor. This building and the Phase 2 of the development would have access to two levels of basement car parking containing a total of 167 car parking spaces which would operate on a pay and display basis. This car park was also available for general public use. The second building phase was located closest to the existing courts building and comprised a five storey office of 1,760 sq metres. Because of the economic climate and the low demand for office space within the City at the present time, it was proposed to landscape the site of the proposed office building for the interim period before demand increased and it was viable to build the office building.

The Development Manager advised on the main issues of the use of site for a hotel and office as opposed to solely office use and the design of the building, in particular, its relationship with the adjacent listed building of Dean Clarke House.

Members were circulated with an update sheet giving details of an email submitted by the agent in response to concerns raised by the Courts Service and amendments to the conditions.

The recommendation was delegated to Assistant Director City Development to approve in consultation with the Chair of Planning Committee subject to the receipt of comments from English Heritage, agreement on the materials for the cladding or alternative design, and the conditions as set out in the report and amended conditions as per the update sheet.

In response to Members, the Development Manager clarified the position with regards to the need for additional hotel rooms within the budget to medium price range; the landscaping scheme on the site of phase 2 was of a good quality; this application was not considering any signage for the hotel; the Highways Authority would be consulted on the management plan for the construction phase; any fire exit issues would be regulated by building regulations; it was proposed that the materials for the cladding be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve; and the car park would be a public car park.

Mr Rocke (agent) spoke in support of the application. He raised the following points:-

- were economic benefits - £11m capital construction value; phase one would produce 70 permanent jobs and 73 construction jobs
- economic contribution of £2.14 million from jobs
- generate 42,000 plus additional visitors to Exeter per annum
- business rate receipt for the Council of £145,000
- proposals compliant with PPS4 and the soon to be agreed Exeter Core Strategy Policy CP2
- the site was currently used as a car park so therefore no loss of existing employment floorspace
- no interest in planning approval for office use
- surplus of vacant new office space in city centre
- would provide quality townscape
- contemporary design subordinate in scale and detail to historic listed Dean Clarke House
- choice between development that would generate jobs and economic benefits or a vacant site.

In answer to Members' questions, Mr Rocke clarified that the applicant had no intention to close the Premier Inn in Bonhay Road; this hotel would not be competing with other city centre hotels; and would be happy to meet with his client and the Council to discuss using local contractors.

During discussion Members raised the following points:-

- no objection to a hotel in this area but had concerns regarding the design in particular being adjacent to a listed building and in a conservation area
- concerns regarding ensuring that the cladding was suitable
- would the eastern elevation of the first phase be a blank elevation?
- concerns regarding security of the car park given its location to the court
- issues regarding adequate fire exit if phase 2 was being built at a later date.

The Development Manager clarified that there was no certainty as to when phase 2 would be brought forward. If English Heritage objected then the application would be brought back to Committee and condition 12 covered CCTV and lighting in the basement car park.

Members had concerns regarding the treatment of the eastern elevation and the need to ensure quality materials for the cladding.

**RESEOLVED** that a decision on the application for planning permission for construction of mixed use 120-bed hotel, offices, cafe/restaurant and basement parking on two levels be **deferred** to allow for further details of the eastern elevation of phase one and details of the cladding to be submitted.

(Report circulated)

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**PLANNING APPLICATION NO.11/1951/03 & LISTED BUILDING CONSENT NO.11/1949/07 - DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER**

The Assistant Director City Development presented the planning application and listed building consent for change of use and alterations from offices to 24 flats and 6 office suites at Dean Clarke House, Southernhay East, Exeter.

Members were advised of the planning history and that the building had been empty for four years and was deteriorating rapidly. This proposed scheme now sought to preserve the board room on the ground floor in office use. There would be five, two bed, affordable units on the ground floor which would be wheelchair accessible. The planning permission was for a period of one year only to encourage development to be brought forward as soon as possible.

The recommendation was delegated to the Assistant Director City Development to approve the planning application subject to agreeing a change in levels to the rear, the completion of a Section 106 Agreement in respect of affordable housing and a financial contribution to Natura 2000 of £8,400 (24 units x £350) and the conditions as set out in the report. The recommendation for the listed building consent was to approve subject to the conditions as set out in the report.

Professor Wigginton (architect) spoke in support of the applications. He raised the following points:-

- been working on this project since 2006
- market not right for purely office use
- worked closely with officers
- had been a large and difficult project

- the building was destroyed by the NHS
- a boutique hotel was not viable
- the building was in terrible state and would like to get started as soon as possible.

**RESEOLVED** that planning permission for change of use from offices to 24 flats and 6 office suites be delegated to the Assistant Director City Development to **approve** subject agreeing a change to levels to the rear, the completion of a Section 106 Agreement in respect of affordable housing, a financial contribution to Natura 2000 of £8,400 (24 units x £350) and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of one year beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
  - i) full details of any new extract vents, including size, height and position
  - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
  - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
  - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
  - v) refuse storage facilities
  - vi) location of site compound
  - vii) lighting
  - viii) parking surface area.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.  
**Reason:** In the interests of sustainable transport.
- 9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.  
**Reason:** To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.

- 10) No part of the development hereby approved shall be commenced until a construction statement, to include details of:
- a) parking and vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of planting and materials;
  - c) storage of plant and materials;
  - d) programme of works to include measures for traffic management;
  - e) vehicle washdown measures and facilities; and
  - f) provision of boundary hoarding
- have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.
- Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 11) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- Reason:** In the interest of residential amenity.
- 12) No development shall commence until a noise assessment report to appraise the scheme in respect of protecting the proposed accommodation from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed recommendations.
- Reason:** To protect the future hotel residents road traffic noise.
- 13) C70 - Contaminated Land

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

**RESEOLVED** that listed building consent for alterations to provide 24 flats and 6 office suites be **approved** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C15 - Compliance with Drawings
- 3) C57 - Archaeological Recording
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
  - i) full details of any new extract vents, including size, height and position
  - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
  - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
  - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
  - vi) refuse storage facilities
  - vii) location of site compound

viii) lighting.

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

(Report circulated)

24

**PLANNING APPLICATION NO.11/1960/03 - JAMES TOWNSEND PRINTERS,  
WESTERN WAY, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for variation of condition 2 to allow for change of use of six store rooms to student accommodation (Ref: 11/0140/03 approved 31/08/2011) at James Townsend Printers, Western Way, Exeter.

The recommendation was for approval subject to the conditions set out in the report.

Whilst the majority of Members supported the application some raised concerns at this loss of valuable storage space for the students.

**RESEOLVED** that planning permission for variation of condition 2 to allow for change of use of 6 store rooms to student accommodation (Ref: 11/0140/03 approved 31/08/2011) be **approved** subject to the following conditions:-

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the following submitted details :-  
*Approved drawings on application no 11/0140/03 - received by the Local Planning Authority on 27th January and 28th March 2011 (dwg. nos. 31509\_P001, 31509\_P121, 31509\_P122, 31509\_P123, 31509\_P124, 31509\_P125, 31509\_P115, 31509\_P116 Rev A, and 60463(63)001),*  
*Approved drawings on application no 11/1738/37 - received by the Local Planning Authority on 20th October 2011 (dwg. nos. 31509\_P103 Rev C, 31509\_P105 Rev C, 31509\_P106 Rev C, 31509\_P107 Rev C, 31509\_P108 Rev C, 31509\_P109 Rev C, 31509\_P110 Rev C, 31509\_P111 Rev C, 31509\_P112 Rev C, 31509\_P113 Rev C, 31509\_P114 Rev B, 31509\_P117 Rev D, 31509\_P118 Rev D and 31509\_P120 Rev B), and*  
31509\_P104 Rev E (received on the 30th November 2011), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

(Report circulated)

25

**PLANNING APPLICATION NO.11/1996/03 - 16 THORNTON HILL, EXETER**

The Assistant Director City Development presented the application for a ground floor extension on the south elevation of annexe, decking, double and single gate on north east boundary at 16 Thornton Hill, Exeter.

Members were circulated with an update sheet giving details that the applicant had confirmed that the annexe would be used by her elderly and registered disabled mother and that amended drawings had been submitted showing the amended floor plan without the designated kitchen area.

The recommendation was for approval subject to the conditions as set out in the report.

**RESEOLVED** that planning permission for a ground floor extension on south elevation of annexe, decking, double and single gate on north east boundary be **approved** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) C15 - Compliance with Drawings
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) The extension hereby approved shall not be occupied otherwise than in association with the occupation of the main dwelling for the accommodation of a member of the occupiers family or of a domestic staff member and shall not be occupied as a separate residential unit.  
**Reason:** To prevent the creation of an additional separate dwelling.

(Report circulated)

26

**WORKS TO TREE(S) WITH PRESERVATION ORDER NO. 11/3202/04 -  
IBSTOCK BRICKWORKS, CHANCEL LANE, EXETER**

The Assistant Director City Development presented the application for works to trees subject to a preservation order at Ibstock Brickworks, Chancel Lane, Exeter. This application was for the removal of scrub and crown lifting of all trees to 1.5m above ground level. The justification was to give access to gas monitoring points within the area, some of which could not be found. Environmental Health Services and the Tree Officer had no objections.

The recommendation was for approval subject to the conditions as set out in the report.

Councillor Mrs Thomspson, having given notice under Standing Order No.44, spoke on this item. She raised the following points:-

- representing the residents of Chancel Lane
- the trees provided a valuable screen for residents and if the trees were removed then their residential amenity would change.

The Assistant Director City Development clarified that the trees would be crown lifted to a height of 1.5 metres to allow for location of monitoring points for the methane gas in order that further work could be undertaken on the options to deal with the gas.

The Assistant Director City Development stated he would advise local residents of the decision and the reasons why the works were being undertaken on the trees.

**RESOLVED** that the application for works to trees with a preservation order to lift all trees to 1.5m above ground level be **approved** subject to the following conditions:-

- 1) T01 - Tree - Time Limit
- 2) T05 - Trees - Quality

(Report circulated)

27

### **BUILDINGS AT RISK**

The Assistant Director City Development presented the buildings at risk report. He stated that he had been advised that the project for a hotel at Thomas Hall was no longer thought to be viable.

**RESOLVED** that the report be noted.

(Report circulated)

28

### **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

29

### **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

30

### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

31

### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 6 March 2012 at 9.30 a.m. The Councillors attending will be Macdonald, Mrs Morrish and Spackman.

(The meeting commenced at 5.30 pm and closed at 9.20 pm)

Chair