

PLANNING COMMITTEE

Monday 31 October 2016

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

Apologies:

Councillor Edwards

Also Present:

Assistant Director City Development, Principal Project Manager Development (PJ), Principal Project Manager (Development) (MD), Project Manager (Planning) (KW) and Democratic Services Officer (Committees) (HB)

81 **ROYAL CLARENCE HOTEL**

The Committee registered its sadness over the damage to the Royal Clarence Hotel following the recent fire.

82 **MINUTES**

The minutes of the meetings held on 25 July, 5 September, 3 October and 5 October 2016 were taken as read and signed by the Chair as correct.

83 **DECLARATIONS OF INTEREST**

Councillor Newby declared a disclosable interest as his wife worked for Exeter College.

84 **PLANNING APPLICATION NO. 16/0849/03 - PLAYING FIELD OFF WEAR BARTON ROAD, EXETER**

Councillor Newby declared a disclosable interest and left the meeting during consideration of this item as his wife worked for Exeter College

The Assistant Director City Development presented the application for the development of 101 houses, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure at Wear Barton and re-provision of senior football pitch and 11 under 11/nine under nine pitches at Exwick Sports Hub.

Members were circulated with an update sheet - attached to minutes.

Councillor Baldwin attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- although there is a housing shortage, housing provision is taking precedence again over preserving open space;
- although the transport report states that there will be no adverse impact on Tospham Road or the Countess Wear roundabout it is evident that this will not

be the case given the high level of traffic on this road which will increase with the other developments coming on line in the Topsham area;

- extra demand will be placed on the sewage works and some of the houses are only 100 metres from these works;
- there will be extra pressure on Countess Wear primary school with delays occurring with the new school being built in Newcourt which is behind schedule;
- two existing football pitches will be lost;
- is the proposal for a childrens' play area necessary given the proximity of the Lakeside Avenue Play area?;
- the Newcourt Area will have 3,500 new homes with only one play area and a multi-use games area still not provided
- although the College state that the area is little used there is use by the Youth Club as well as by the general public use during school holidays
- land could be used for a cricket pitch for the St James Cricket Club who are looking for a new facility;
- unlikely that the terms and conditions of sale from the local education authority to the College would have allowed to sell off for housing and College intention to fence off will prevent public access;
- if College do not want the land identified for housing they could hand over to the local community;
- Exwick already has playing fields so no pressing need to update facilities here and the distance of some eight miles is excessive for the youth of Countess Wear to travel. The proposal is contra to aims of Active Exeter;
- sympathetic to housing requirement but concerned that development in this area is detrimental to playing field and open space provision; and
- suggest compromise through a smaller number of houses and improved play facilities.

Councillor Leadbetter attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- support comments of Councillor Baldwin;
- the application has previously been recommended for refusal with objections from both Sport England and the public;
- premature to decide this application without full consideration of the recently produced sports strategy to re-evaluate overall sports facilities in the City; and
- residents of Countess Wear should not be disadvantaged by the lack of clarity within City Council housing policies.

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

- local resident speaking on behalf of the 185 people who have formally objected to this application;
- the site is legally designated as a playing field and furthermore is a vital open space. Development on such a site is thus contrary to local and government policy. Only minor modifications have been made to the proposal to develop the site which was turned down in June of this year. These modifications do not change the underlying point that covering two thirds of the playing field with housing will undoubtedly harm recreation opportunities in the area, however the remaining one third is used. A football pitch and children's play area, hemmed in by housing and situated under an electrical pylon, is incomparable to the current open field. Playing fields in Exwick, however high a standard, do not help the community of Countess Wear;
- statement from Exeter College that this development is about more and better provision of public recreation spaces which is not accepted;

- Exeter College has neglected the playing field over the last years. It has made no effort to engage the local population to promote use of the site. The college is using firm tactics to apply to develop the field. It has planning permission to fence off the field, and it will likely bar access in the event that this application is turned down. This is hardly the behaviour of a landlord who seeks to improve recreation opportunities for the community;
- in conclusion the application is essentially the same as that turned down in July and the reasons for turning it application down remain as strong as ever;
- propose an alternative. A community buy-out of the playing field would enable the football team to retain and improve their sporting facilities. It would allow the council and community to maintain and improve the recreational and ecological value of the site;
- the Committee should follow its own policies L3 and L5, reject this application, and all parties should to come together and find a better future for the playing field.

He advised Members' that the suggestion of a community by-out was an aspiration only.

Mr Laramy spoke in support of the application. He raised the following points:-

- Exeter College operates as an exempt charity, its core purpose, not to make a profit but to provide outstanding education and training benefiting Exeter, the community and ultimately the economy of the wider region. The College has around 10,000 students within its learning community;
- the College continues to follow a progressive agenda, aligned to the growth and success of Exeter;
- the planning application is part of a wider sports strategy and a vision that the College has to create, world class sports facilities here in the City;
- college had dual responsibility to achieve the best possible outcomes for our students but also to be part of the Exeter Community, so the proposed Wear Barton development includes open space, a playground and a full size football pitch. All of which, for the first time, provides guaranteed open space for this community and its residents;
- the land at Wear Barton is privately owned and the College has not used it for teaching for five-years. It is an unused asset and therefore a current liability for the College. There is minimal current demand from the public;
- there has been widespread consultation. The development not only provides much needed starter homes and affordable housing, but also an improved football pitch for the local team and guaranteed open space for the local community;
- the pitch will always be available for public use and demand for it will increase because of its improved condition and the new changing facilities. Plans have been developed in consultation with the Countess Wear Dynamos;
- the College is also providing enhanced playing pitches at Exwick, including a 3G astroturf, which will increase city wide pitch availability;
- to summarise, planning permission is sought by a not-for-profit college whose only aim is to improve still further, education and sports provision in Exeter.

He responded as follows to Members' queries:-

- the College was totally committed to improved playing field provision in Exwick;
- given funding cuts in the education sector, Exeter College having suffered more than some smaller institutions, it was not economically viable to donate the land for community use; and
- plan exists to ensure long term provision for use by Countess Wear Dynamos.

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

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 requiring:-

- affordable housing;
- highway works;
- a financial contribution towards a Traffic Regulations Order and Travel Planning;
- an equipment children's playing area if required;
- reinstatement of a full size playing pitch at Flowerpot Playing Fields to include community use and 11 under 11/nine under nine pitches;
- marked out pitches with the Wear Barton Road site; and
- provision of associated football equipment in connection with the marked out playing pitches.

planning permission for the development of 101 houses, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure at Wear Barton and re-provision of senior football pitch at Exwick Sports Hub be **APPROVED**, subject also to the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 3) The development hereby permitted shall begin not later than 2 year from the date of approval of the last of the reserved matters to be approved.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 4) In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. SK010C
Reason: To ensure that the means of access to the site are acceptable.
- 5) Construction work shall not take place outside the following times: 0800hrs to 1800hrs (Monday to Fridays); 0800hrs to 1300hrs (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 6) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development on site and work during the construction period shall be carried out in accordance with the approved details. This shall include details of mitigation measures to control the environmental impact of construction phases, including site traffic, vibration, noise and dust, as well as details of monitoring, complaints handling and arrangements to meet regularly with the local authority.

Reason: In the interest of the environment of the site and surrounding areas.

- 7) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the local planning authority. The buildings shall not be occupied until the approved remedial works have been implemented and details of compliance provided to the local authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
- 8) Before development is commenced, a noise assessment together with details of any necessary mitigation measures to protect future occupiers of the development against identified inappropriate levels of externally generated noise shall be submitted to and approved by the local planning authority and any mitigation measures so approved shall be implemented within the relevant part of the development before it is occupied.
Reason: In the interests of the residential amenity of the future occupants of the development
- 9) No work in connection with the development shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the local planning authority and the work shall be carried out in accordance with the approved scheme.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 10) Prior to the occupation of the development a biodiversity management and enhancement programme for the site shall be submitted to and approved by the local planning authority and the programme shall be implemented and maintained thereafter in accordance with the approved details.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 11) The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface from the site, including through the use of sustainable drainage systems. Details of the scheme, a timetable for its implementation and details of its future management shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.
Reason: To ensure the satisfactory drainage of the development.
- 12) No part of the development shall be occupied until the proposed raised table access, footways and cycle route, as indicated on Wear Barton Road Access Drawing SK01C, has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

- 13) No more than 25% of the development hereby approved shall be occupied until the pedestrian crossing enhancements at the Wear Barton Road/ Topsham Road/ Admiral Way signalised junction, as indicated on the proposed pedestrian/cycle signalisation plan Drawing SK03B, or other arrangements as agreed in writing by the Local Planning Authority have been provided and maintained for this purpose at all times.
Reason: To provide safe and suitable pedestrian and cycle access to and from the site to local amenities, in accordance with Section 4 of the NPPF.
- 14) No more than 50% of the development hereby approved shall be occupied until a dedicated pedestrian cycle route from the Wear Barton Road access, through the development to a connection in the south west corner of the site to Glasshouse Lane, as indicated on Drawing SK04B, have been provided to a standard agreed in writing by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 15) Before commencement of development the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

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PLANNING APPLICATION NO. 16/0963/03 - LAND BOUNDED BY EXETER ROAD AND THE RETREAT DRIVE (HERITAGE HOMES OFFICE), EXETER ROAD, TOPSHAM, EXETER

The Project Manager (Planning) (KW) presented the application for the erection of a B1 Office Building, access and associated infrastructure works.

The application had been deferred at the October meeting of this Committee for the proposal to be considered by the Devon Design Review Panel.

Members were circulated with an update sheet - attached to minutes. This sheet also contained the recommendations of the Design Review Panel.

Councillor Baldwin attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- this application is the final phase of a three phase history of this and two adjoining sites, all strategically important in terms of the Topsham Gap open space.
- following the granting of permission for Phase I, Phase II, was also granted permission, the density being close to the permissible maximum. At this stage, the issue of open space provision had become blurred and sidelined when a Section 106 Agreement under the Town and Country Planning Act 1990 requiring a contribution of £40,500 to improve open space generally in the Topsham area was agreed;
- accept there is a shortage of housing in Exeter but a three storey building in an environmentally sensitive area is not appropriate;
- citing proximity to the Retreat Boatyard in support is misleading as the Retreat Boatyard was in situ before the recent housing developments as well as Wessex Close and is already well screened from Exeter Road. These developments

have compromised the Boatyard which has had to downsize and also suffered from other operational problems; and

- propose that the application be refused and that the money obtained through the Section 106 Agreement be used for the original purpose of providing a play area on this area of land.

Councillor Leadbetter attending the meeting under Standing Order No. 44 stated that he supported the comments of Councillor Baldwin.

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

- at the previous meeting, stated that the Topsham Society would not contest the Design Review Panel assessment. Whilst still having severe misgivings about the scale, mass and appropriateness of the proposals, will not renege on this undertaking;
- note that the Council has refused permission to make representations to the Panel, although the Society obtained the agreement of officers to a compromise joint statement. However, this was countermanded at the last minute, leaving the Panel without vital context and the applicant inexplicably with an uncontested presentation. Far from being a blind session, the applicant had a “heads up” on the outcome, instigating changes before the report was issued. This underscores community concerns about balance and fairness;
- whilst ignoring context, the Panel raised key concerns about the design, making these a condition of its support. The applicant ignored most key concerns. Having consulted the Panel it’s recommendations should be implemented in full;
- even the limited changes made are material departures from the previous proposal and this application must therefore be properly reconsulted or resubmitted;
- at the previous meeting, Members voiced disquiet about the “incremental” basis of Heritage's applications. The site still has an LS1 policy area established by the Council to prevent the settlements coalescing. Ignoring this now, will expose the authority to applications on all LS1 land;
- given the track record, the applicant may return in a few months time saying that he doesn't want to build that replacement golf range on the North Gap land, but 150 houses instead;

Mr Lovell spoke in support of the application. He raised the following points:-

- at the previous meeting the objector stated that the Topsham Society would accept the decision of the Design Review Panel but is now continuing to object despite the support of the Panel;
- the Panel has provided full, final and qualified seal of approval;
- the applicant has taken on board the proposals put forward by the Panel including materials, mass, scale, height and proximity to the motorway, an entrance has been provided off Retreat Drive and the building has been moved away from Exeter Road with additional landscaping factored in
- the top floor roof box has been changed as suggested by the Panel;
- the Panel also gave its blessing to the principle of the use of the site for office purposes which it believed was suitable and fitted in well with the street scene and was a good use of a poor piece of land next to other commercial uses. The panel also felt that the impact on the Topsham Gap was not significant
- there are no planning grounds for refusal; and
- request the Committee heeds the view of the Panel

He responded as follows to Members' queries:-

- believe the application remains within the required date of determination;
- the Panel Chair stated that office use was appropriate for this piece of land but this was not confirmed in writing within the Panel report

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

RESOLVED that planning permission for the erection of a B1 Office Building, access and associated infrastructure works be **REFUSED** because of the adverse impact on the strategic Topsham Gap.

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**PLANNING APPLICATION NO. 16/0972/03 - LAND EAST OF RAILWAY LINE
BETWEEN APPLE LANE AND A379, APPLE LANE, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for proposed residential development for 47 units, vehicular access, landscaping, open space and associated works.

Members were circulated with an update sheet - attached to minutes.

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

- current residents purchased property on a quiet residential, enclosed family development the majority not being made aware of potential further development even though Redrow had already purchased the land;
- issues resulting from Sandy Park are noise, litter, anti-social behaviour and parking;
- currently, a bigger problem is that of traffic control which raises concerns regarding health and safety. Residents have already witnessed several issues regarding this, coaches trying to drive up through the estate and taxis and cars parking and dropping off on the development and congregating at the roundabout;
- unauthorised parking of cars which has caused obstruction of residents driveways and, most worrying of all, with only one entrance to the whole area, cars parked that would have inhibited access of emergency vehicles;
- these issues will undoubtedly increase in the future due to the planned expansion of Sandy Park from 10,000 to 20,000 and its extended use as a conference and concert venue, extending hours of use day and night;
- the plans submitted by Redrow propose opening of the Baker Bridge footpath onto Bishops Way. This proposal will, in effect, make Bishops Way a thoroughfare for pedestrians and a drop off point for vehicles using Sandy Park will lead to a substantial increase of noise, litter and anti-social behaviour with up to 20,000 people pouring down Bishops Way;
- it is unclear how cars will cross the footpath into the new development with this volume of pedestrians. This will raise safety issues as high volumes of people and traffic do not mix well;
- cars and taxis will inevitably back log along Bishops Way. This further increases concerns regarding emergency vehicle access to the whole development, and the safety of the many young children and pets who reside here;
- believe Redrow can find a solution that mitigates the worse of these concerns, making it safer for residents and rugby fans by diverting the public footpath from Baker Bridge around the perimeter of the proposed new development, connecting directly to the footpath that leads to the train station and the Park & Ride;

- this idea will prevent Bishops Way becoming a thoroughfare and maintain the essential character of the development that residents bought into; and
- believe that an alternative solution should be found.

Responding to Members he advised that there were no parking restrictions in the area at present and that the problem was with the single entrance.

Mr Heynes spoke in support of the application. He raised the following points:-

- application is recommended for approval reflecting prior discussion on the principle of development, highways, landscaping, ecology and surface water drainage;
- the site is allocated for employment use but, it would be wholly unrealistic to expect the site to come forward for employment given that, potentially, such a use may not sit comfortably with the current Redrow housing development now under construction to the east and the Council recognises this given that the site is identified as having potential for housing in the 2015 SHLAA;
- with no realistic prospect of any employment uses coming forward, the Government advises against such sites being retained particularly when they can be put to an alternative use;
- regarding concerns of third parties, it is important to be aware that the applicant has been monitoring representations during the course of the determination of the application;
- some objections have been raised, in particular from existing residents of the current Redrow housing development. Given that they are always looking to address any legitimate concerns of their new homeowners a meeting was arranged on 29th September and the proposals were discussed;
- residents purchased their properties aware of the proximity of Sandy Park to the development and the established access routes to the stadium along Apple Lane path and Baker Bridge. Any activity is limited to the home match days during the rugby season, which, is not all year round;
- if the site were used for employment purposes that could attract vehicles as there would be space possibly available for match day parking as employees are unlikely to work at weekends – thus residential development must be preferable; and
- in acknowledgement of home games regarding increased vehicular and pedestrian traffic, Redrow have employed their own security guard to stop access to the development as a drop off to the Baker Bridge which can already be accessed from the existing development.

He responded as follows to Members' queries:-

- Redrow employ people on match days to divert the public away from the estate even though there is no legal provision for this action
- Redrow happy to pay Traffic Regulation Order;
- will set up meetings with residents to further restrict parking; and
- willing to examine the potential for an alternative footpath alignment.

The issue of any alternative route for footpath would be discussed with the applicant.

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

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure affordable housing, a financial contribution toward a Traffic Regulations Order, Travel Planning and provision of additional play equipment within the adjacent sites planning permission for proposed residential development for 47 units, vehicular access, landscaping, open space and associated works be **APPROVED**, subject also to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the local planning authority. The buildings shall not be occupied until the approved remedial works have been implemented and details of compliance provided to the local authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
- 8) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0730 to 1800hrs Mondays to Fridays, 0730 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.
- 9) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development on site and work during the construction period shall be carried out in accordance with the approved details. This shall include details of mitigation measures to control the environmental impact of construction phases, including site traffic, vibration, noise and dust, as well as details of monitoring, complaints handling and arrangements to meet regularly with the local authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 10) C72 - Highway - Estate Roads etc
- 11) Prior to the occupation of any dwelling the means of access and parking for that dwelling shall be provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No development shall take place until an Environmental Management Plan, to include the on-site open space provision, which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted

to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.

- 13) Notwithstanding condition no 2 and prior to first occupation of the dwellings full details of the sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.
- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 15) No part of the development shall be occupied until the proposed raised table access crossing the Apple Lane path to Baker Bridge footway has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with paragraph 32 of the National Planning Policy Framework.
- 16) No more than 15 dwellings on the development hereby approved shall be occupied until details of a pedestrian/cycle connection between the site roads and Apple Lane path to be provided on the northern boundary of the site, in the vicinity of plots 16/17 and 18 has been submitted and approved in writing and implemented in accordance with the agreed details. The agreed link shall be maintained for public use at all times.
Reason: To provide safe and suitable access for sustainable transport modes in accordance with Section 4 of the National Planning Policy Framework.
- 17) Prior to occupation of any dwelling hereby approved details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 18) C57 - Archaeological Recording
- 19) No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall be constructed in accordance with the approved details at all times during the construction period unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the surface water from the construction site is appropriately managed to prevent increase to flood risk or pose water quality uses to the surrounding area.

**PLANNING APPLICATION NO. 16/0984/03 - FORMER B&Q STORE,
ALPHINGTON ROAD, EXETER**

The Principal Project Manager Development (MD) presented the application for the removal of Condition 3 regarding building's floor space limitation, variation of Condition 5 redefining goods to be sold from the premises and variation of Condition 8 to allow extended hours of opening to 9 pm Monday to Saturday of Planning Application 85/1023/01 allowed at appeal on 2 October 1986 (revised description).

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

RESOLVED that planning permission for the removal of Condition 3 regarding building's floor space limitation, variation of Condition 5 redefining goods to be sold from the premises and variation of Condition 8 to allow extended hours of opening to 9 PM Monday to Saturday of Planning Application 85/1023/01 allowed at appeal on 2 October 1986 (revised description) be **APPROVED** subject to the following conditions:-

- 1) The reserved matters details of access, layout, scale, appearance and landscaping shall accord with reserved matters approval ref. 86/1052/02, unless otherwise varied by this decision.

Reason: For the avoidance of doubt.

Prior to first reoccupation

- 2) Prior to the first occupation or use of the development hereby permitted following the date of this decision, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of soft landscaping, including that designed to screen and/or soften the appearance of the building from the adjoining residential properties in Edwin Road. It shall specify tree/plant species and methods of planting. All trees and plants in the approved Scheme shall be planted in the first planting season following the first occupation or use of the development hereby permitted following the date of this decision or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

- 3) Prior to the first occupation or use of the development hereby permitted following the date of this decision, details of cycle parking provision in accordance with the adopted Sustainable Transport SPD (March 2013) shall be submitted to and approved in writing by the Local Planning Authority. Cycle parking shall be provided on the site prior to the first occupation or use of the development hereby permitted following the date of this decision in accordance with the approved details.

Reason: To promote cycling as a sustainable mode of transport in accordance with Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

- 4) Prior to the first occupation or use of the development hereby permitted following the date of this decision, a Travel Plan (including recommendations and arrangements for monitoring and review) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.
Reason: To encourage travel by sustainable means in accordance with Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

Prior to installation

- 5) No external lighting shall be installed on the site or on the building following the date of this decision unless details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter external lighting shall be installed in accordance with the approved details.
Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policies DG1 and DG7 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

Restrictive/Permanent

- 6) No pedestrian or vehicular access to the site shall be provided from Edwin Road.
Reason: To accord with the original decision and prevent disturbance to the residents of Edwin Road.
- 7) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the retail warehouse to which this permission relates shall not be used for the sale of any goods other than those in the following categories:
- (i) Do-It-Yourself goods and garden centre goods, including related building materials, tools and equipment;
 - (ii) New kitchens and bathrooms;
 - (iii) Carpets, wall and floor coverings;
 - (iv) Lighting products;
 - (v) Household furniture, furnishings and textiles;
 - (vi) Office furniture and supplies;
 - (vii) Household goods and kitchenware;
 - (viii) Electrical goods;
 - (ix) Motor vehicle and bicycle related goods;
 - (x) Marine accessories and chandlery;
 - (xi) Camping and associated leisure goods (not including clothing and/or footwear);
 - (xii) Pet products; and
 - (xiii) Hobbies, crafts and toys.

The following categories of goods shall be permitted to be sold as ancillary goods restricted to a maximum floor area of 50 sq m each:

- a. Non-fashion clothing and footwear; and
- b. Toiletries.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the

city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

- 8) The retail warehouse shall not be sub-divided into more than one retail unit and shall not be used by more than one retailer with an individual fascia.
Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.
- 9) Retail sales shall not be carried out on the site at any time outside the hours of 9.00 am to 9.00 pm on Mondays to Saturdays inclusive and the hours of 9.00 am to 6.00 pm on Sundays and Bank/Public Holidays.
Reason: To protect residential amenity in accordance with paragraph 17 of the NPPF.
- 10) No vehicle deliveries to the retail warehouse nor loading or unloading of delivery vehicles on the site shall take place outside the hours of 7.00 am to 9.00 pm on Mondays to Fridays inclusive and the hours of 8.00 am to 1.00 pm on Saturdays. There shall be no vehicle deliveries to the retail warehouse nor loading or unloading of delivery vehicles on the site on Sundays or Bank/Public Holidays.
Reason: To protect residential amenity in accordance with paragraph 17 of the NPPF.
- 11) The car parking spaces and access thereto in the car park of the retail warehouse shall be kept permanently available for car parking and access purposes at all times.
Reason: To ensure adequate off-street parking and access thereto is provided in the interests of highway safety and amenity.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the retail warehouse shall not be extended without the prior grant of planning permission.
Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

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**PLANNING APPLICATION NO. 16/0872/03 - FORMER B&Q STORE,
ALPHINGTON ROAD, EXETER**

The Principal Project Manager (Development) (MD) presented the application for an extension to retail warehouse of 1,363 square metres (GIA) to be used primarily for the sale of garden centre goods, poultry and pet products, and decorative items including housewares and gardenware (Use Class A1), with ancillary internal cafe (190 square metres), following demolition of wall/fence (re-revised description).

Members were circulated with an update sheet - attached to minutes.

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

- can recall the site in question over many decades, from Claridges Wood Yard, to Commercial Motors, to B&Q and now The Range. Edwin Road has lived alongside its commercial neighbours with relative ease, over a very long period;
- in general, the neighbours welcome The Range, but have a few concerns that the council should act upon before permission is granted;

- one of the main objections is the large bank of air conditioning units that have appeared and been installed prior to gaining planning permission, without any sign of noise mitigation. All of the neighbours in Edwin Road would like to see these removed, and not mitigated. In positioning them right behind garden fences, where many of my neighbours enjoy the final rays of sunshine and have constructed eating areas and decking in a pleasant quiet area, the units will destroy that current ambiance and the quality of life currently enjoyed;
- in clearing an area for these air conditioning monsters, the developers have cut down many of the trees and bushes that formed a natural screen against the stark grey building and many residents would like to seek written assurances from the council that the trees are reinstated and the back of the building painted in the existing grey colour as it is looking very shabby throughout;
- would like assurances that there won't be any loud music playing and the tannoy announcements or recorded messages are kept to an absolute minimum;
- seek assurance that the car parking area does not become pay and display as is currently the case at the Water Lane site, as this would push even more traffic seeking alternative free parking into the already badly congested road system and inevitably into Edwin Road which is already jammed full of commuters using it as their nearest free parking place for walking or bussing into town;
- the developers have agreed to keep the green metal fence behind the wooden fence and the grey colour of the back of the building badly needs re-painting; and
- despite being relatively close to the main Alphington Road the residents of Edwin Road enjoy a quiet and relatively peaceful existence and thoroughly enjoy the use of their gardens in their leisure time which they greatly value. Believe that the Range and the residents can exist together and these few points that are so critical to keep the current peaceful nature of their gardens can be taken into account to ensure that the current ambiance continues unabated.

Mr Cotter spoke in support of the application. He raised the following points:-

- the existing Range Store in Haven Road will continue but in a different form. The new store will have different operational requirements and can maximize the overall shopping offer in an enhanced, quality store;
- some 45 jobs were lost when B&Q closed and 85 new jobs will be created through this £1.5 million development for a store which has become run down and in need of a refurbishment to bring back to life;
- will improve the overall ambience of this site, improve the car park and benefit both Aldi and Iceland; and
- hope to open the store by the end of the year and to work harmoniously with residents.

He responded as follows to Members' queries:-

- will look to address remaining issues following removal of air conditioning, including replacement landscaping; and
- the existing store has paid parking because of the landlord's requirement but parking will be free on the new site subject to a limit of three hours. The company finds that charging for parking hinders trade.

The recommendation was for approval, subject to the conditions as set out in the report (condition 5 amended, condition 8 delegated to officers) and subject to a Section 106 Agreement to pay £45,000 towards a new pedestrian crossing on Alphington Road at Sydney Road junction. Devon County Council would pay the remaining £45,000 and will need to be party to the agreement.

RESOLVED that planning permission for an extension to retail warehouse of 1,363 square metres (GIA) to be used primarily for the sale of garden centre goods, poultry and pet products, and decorative items including housewares and gardenware (Use Class A1), with ancillary internal cafe (190 square metres), following demolition of wall/fence (re-revised description) be approved, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 for a contribution of £45,000 towards highway works and the following conditions (condition 5 amended, condition 8 delegated to officers) plus a further condition to be added to remove plant if still on site at point of planning permission.

- 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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).
- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans listed below: (to be confirmed)
Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

Prior to commencement (further development)

- 3) No development from the date of this decision shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
 - e) Wheel washing facilities.
 - f) Measures to control the emission of dust and dirt during construction.
 - g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
 - h) No burning on site during construction or site preparation works
 - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be adhered to throughout the remaining construction period of the development.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner to avoid nuisance to neighbouring uses and inconvenience to highway users.

- 4) No development from the date of this decision shall take place until fences have been erected and other protection measures put in place for the protection of trees to be retained on and adjacent to the site in accordance with the Arboricultural Report (First Ecology, September 2016) submitted with the application. The fences and other protection measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.
Reason: To protect existing trees on or adjacent to the site in accordance with the Trees in Relation to Development SPD. These measures are required pre-commencement as specified to ensure that existing trees are not damaged by building operations.
- 5) No development from the date of this decision shall take place until technical details of the surface water drainage scheme submitted with the application have been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. These will include relevant drainage calculations and will demonstrate that there will be no increased risk of flooding to surrounding buildings, roads and land. The extension shall not be occupied or brought into use until the surface water drainage scheme has been completed in accordance with the approved details and it shall be continually maintained thereafter.
Reason: To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that the surface water drainage scheme is constructed to an appropriate standard and will not lead to increased risk of flooding to surrounding buildings, roads and land.
- 6) Prior to the erection of the walls of the extension above damp proof course samples of the external building materials shall be submitted to and approved in writing by the Local Planning Authority. The extension shall be built from the materials approved.
Reason: In the interests of design and the character of the area in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraphs 58 of the NPPF. These details are required pre-commencement as specified to ensure that the extension is constructed to a high standard and from the materials approved.
- 7) No development from the date of this decision shall take place until a BREEAM design stage assessment report for the extension is submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the extension is constructed to achieve BREEAM 'Excellent' standards, unless this is demonstrated not to be viable or feasible to the satisfaction of the Local Planning Authority. In the event of the latter, the report will show how the extension will be constructed to achieve BREEAM standards as high as viable or feasible to the satisfaction of the Local Planning Authority. The extension shall be constructed in accordance with the approved report.
Reason: In the interests of sustainable construction in accordance with Policy CP15 of the Core Strategy and paragraphs 93-97 of the NPPF. These details are required pre-commencement as specified to ensure that the extension is constructed to meet the required standards.
- 8) Details to cut CO2 emissions by 10%, unless not viable or feasible (to be confirmed)

Prior to occupation

- 9) Prior to the first occupation or use of the development hereby permitted, the road marking improvements and pedestrian access improvements shown on the approved plans shall be implemented in full.

Reason: In the interests of pedestrian safety in accordance with paragraph 32 of the NPPF.

Prior to installation/specific works

- 10) No external lighting shall be installed on the site or on the building unless details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter external lighting shall be installed in accordance with the approved details.

Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policies DG1 and DG7 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

- 11) No extraction equipment to treat and disperse emissions from cooking operations shall be installed on the site or on the building unless details of the extraction equipment have been submitted to and approved in writing by the Local Planning Authority. Thereafter extraction equipment shall be installed in accordance with the approved details.

Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policies DG1 and DG7 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

- 12) Prior to any planned works within the root protection areas of any trees on or adjacent to the site, details of the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved.

Reason: To ensure the health and longevity of the trees in the interests of design and amenity in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

- 13) In the event that existing trees on or adjacent to the site are felled or damaged by construction activities associated with the development and need to be removed, replacement tree planting shall be provided by the developer in accordance with details that will be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in the first planting season following the first occupation or use of the development hereby permitted or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of design and amenity in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

Restrictive/Permanent

- 14) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the extension to the retail warehouse shall not be used for the sale of any goods other than those in the following categories:

- (i) Do-It-Yourself goods and garden centre goods, including related building materials, tools and equipment;
- (ii) New kitchens and bathrooms;
- (iii) Carpets, wall and floor coverings;
- (iv) Lighting products;
- (v) Household furniture, furnishings and textiles;
- (vi) Office furniture and supplies;
- (vii) Household goods and kitchenware;
- (viii) Electrical goods;
- (ix) Motor vehicle and bicycle related goods;
- (x) Marine accessories and chandlery;
- (xi) Camping and associated leisure goods (not including clothing and/or footwear);
- (xii) Pet products; and
- (xiii) Hobbies, crafts and toys.

The following categories of goods shall be permitted to be sold as ancillary goods restricted to a maximum floor area of 50 sq m each:

- a. Non-fashion clothing and footwear; and
- b. Toiletries.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

- 15) The ancillary café hereby permitted shall be restricted to a maximum floor area of 190 sq m.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

- 16) The ancillary café hereby permitted shall not be operated independently of the retail warehouse. In the event that the ancillary café use is ceased, the floor area occupied by it shall revert to restrictive retail use in accordance with condition 14.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

- 17) The ancillary café hereby permitted shall not be used for the sale of food and drink other than hot and cold drinks, sandwiches, snacks and light refreshments for consumption on the premises only.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

- 18) The extension to the retail warehouse hereby permitted shall not be subdivided from the retail warehouse and shall be used by the same retailer

with the same fascia that is occupying the retail warehouse at the same time.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

- 19) The extension to the retail warehouse hereby permitted shall not be subdivided into more than one retail unit and shall not be used by more than one retailer with an individual fascia.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

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PLANNING APPLICATION NO. 16/0993/03 - FORMER B&Q STORE,
ALPHINGTON ROAD, EXETER

The Principal Project Manager (Development) (MD) presented the application for the change of use of part of retail warehouse service yard to external garden centre (ancillary A1 use), insertion of glazed doors on Northeast elevation of warehouse and erection of 3M fence.

The recommendation was for approval, subject to the submission of tracking details or a management scheme to ensure that deliveries can be carried out safely on the site that is satisfactory to the Assistant Director City Development (if the details above are not received within one month the application will be reported back to Committee) and to the conditions as set out in the report.

RESOLVED that, subject to prior consultation with the Chair, the Assistant Director City Development be authorised to **APPROVE** planning permission for a change of use of part of retail warehouse service yard to external garden centre (ancillary A1 use), insertion of glazed doors on Northeast elevation of warehouse and erection of 3 metre fence be approved subject to the submission of tracking details or a management scheme to ensure that deliveries can be carried out safely on the site

(If the details above are not received within one month the application will be reported back to committee.)

and subject also to the following conditions, with condition 3 delegated to the Assistant Director City Development, subject to prior agreement of the Chair:-

- 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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans listed below. (to be confirmed)

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

- 3) The vehicle delivery management scheme submitted with the application shall be adhered to at all times, unless the site reverts back to use as a storage yard for the retail warehouse and the 3 metre fence is removed.
Reason: In the interests of the safety of pedestrians, cyclists and other users of the car park in accordance with paragraph 32 of the NPPF.
- 4) The external garden centre hereby permitted shall be used for the display of plants and garden centre goods only, as an ancillary use to the retail warehouse. In the event that the ancillary garden centre use is ceased, the floor area occupied by it shall revert back to a storage yard for the retail warehouse.
Reason: For the avoidance of doubt and in the interests of protecting the viability and vitality of the city centre and other centres in Exeter.

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PLANNING APPLICATION NO. 16/0313/16 - 2 OAK ROAD, EXETER

The Assistant Director City Development presented the application to reconstruct dwelling along with 2 storey rear extension and front porch.

Councillor Bull attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- important to bring Laings Easiform properties back into use to add to the housing stock to provide additional housing;
- previous repair regime for such properties involved retrofit but demolition and rebuild is now preferred;
- as the properties were semi-detached to reduce disruption to adjacent properties the following change to condition 3 is proposed – “no construction shall take place outside the hours of 09:00 hours and 17:00 hours Monday to Friday and at any time on Saturdays, Sundays, Bank and Public Holidays”

Ms Amos spoke against the application. She raised the following points:-

- am a senior staff nurse at RD&E working four nights a week and sleeping during the day. The proposed construction hours will disrupt my sleep pattern affecting my job performance therefore putting patients at risk as well as risking my job;
- a change in working hours would result in a £10,000 per annum reduction in wages, having worked hard in my vocation to afford our home;
- the construction activity will adversely affect my two staffordshire bull terriers both of whom are old as well as breeding rabbits, all of whom may die as a result of this activity; and
- the two metre extension will adversely affect an expensive hot tub in the garden and privacy will be lost therefore impacting on the ability of the family to relax.

She responded as follows to Members' queries:-

- have only limited advance knowledge of which nights will be required to work and giving up night work will lead to significant financial loss. At present, sleep from 09:00 hours to 15:00 hours on at least three days of the week; and
- will need compensation as a result of this work, for example, requirement to alter sleep arrangements, payment of dog walkers etc.

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

RESOLVED that planning permission to reconstruct dwelling along with two storey rear extension and front porch be **DEFERRED** for further consultation with the neighbour.

PLANNING APPLICATION NO. 16/0311/16 - 102 MERRIVALE ROAD, EXETER

The Assistant Director City Development presented the application to reconstruct dwelling along with two storey rear extension and front porch.

Councillor Bull attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- important to bring Laings Easiform properties back into use to add to the housing stock to provide additional housing;
- previous repair regime for such properties involved retrofit but demolition and rebuild is now preferred;
- as the properties were semi-detached to reduce disruption to adjacent properties the following change to condition 3 is proposed – “no construction shall take place outside the hours of 09:00 hours and 17:00 hours Monday to Friday and at any time on Saturdays, Sundays, Bank and Public Holidays”

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

RESOLVED that planning permission to reconstruct dwelling along with two storey rear extension and front porch be **APPROVED** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25 April 2016 (*dwg. no. AP(0)30 Rev.A*) and on 1 July 2016 (*dwg. no. AP(0)28 Rev.A*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) No construction/demolition work shall take place outside the following times: 9am to 5pm (Mondays to Fridays) nor at any time on Saturdays, Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.

PLANNING APPLICATION NO. 16/0864/03 - LAND TO REAR OF CRAWFORD HOTEL, ALPHINGTON ROAD, EXETER

The Assistant Director City Development presented the application for four new dwellings.

Councillor Musgrave attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- serious reservations on behalf of residents relating to loss of quality of living and safety;
- despite views of the Highways Engineer and the Inspector, parking is a serious problem in Percy Road evidenced by a range of problems including illegal parking, insufficient turning space and with the Police required to leaflet the properties and to issue parking notices;
- reducing the number of parking spaces in Percy Road will exacerbate the problems and the proposed seven spaces for the four properties is inadequate given the current level of car ownership - with two or three cars per household there is a potential for 16 extra cars entering the development;

- visibility issues in respect of access to the main road;
- access via Percy Road is inappropriate; and
- object on behalf of residents.

Mr Hunt spoke in support of the application. He raised the following points:-

- have listened to concerns of this Committee and taken on board the comments provided by the Planning Inspector;
- the application proposes four houses in a sustainable location in the City, their delivery to make a contribution to meeting the housing needs of Exeter;
- have considered the objections from the local residents. However, the transport report concludes that the development will be safe and the Highways Authority do not object to the proposals. The Planning Inspector, when considering the previous application concluded, that there were no highway safety concerns or impact on car parking which could result in the refusal of the scheme. Therefore consider that, in terms of planning law and policy, there is no reason to refuse this application on highways grounds;
- regarding design, have worked hard to address the objections of this Committee and the Planning Inspector. The materials have been amended to comprise a mixture of brick and render which addresses the concerns previously raised. The façades have also been altered so that the rear of the detached dwelling now has a more consistent form of windows that are arranged symmetrically to provide visual rhythm. The size of windows on the front elevation of the terrace have also been amended to create a balance between solid and void in the elevation; and
- in summary, this application has sought to address the concerns previously raised. Having regard to the planning history, the scheme has been tested rigorously by officers, this Committee and a Planning Inspector and is now acceptable in all respects.

Responding to Members' suggestions he confirmed that he could report options for an alternative development to incorporate adjacent land to the developer

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

RESOLVED that planning permission for four new dwellings be **DEFERRED** to allow further negotiations regarding the use of Retail Park Close for access.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 22 November 2016 at 9.30 a.m. The Councillors attending will be Lyons, Denham and Newby.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 9.30 pm)

Chair

**PLANNING COMMITTEE
31 OCTOBER 2016
ADDITIONAL INFORMATION**

Correspondence received and matters arising following preparation of the Agenda

**Item 5 - Application Ref: 16/0849/03 - Pages 5-38
Playing Field off Wear Barton Road, Exeter**

One additional letter of objection reiterating concern regarding the loss of the site for recreational provision for local teams.

Since the publication of the Committee report the College have made the following comments:-

- i) The College is pleased that there is a recommendation to approve but consider that the case is not “finely balanced”.
- ii) An approved application will mean that an appeal can be avoided.
- iii) The College is thankful that Officers acknowledge that as a result of the proposed mitigation and/or the findings of the Playing Pitch Audit that permission could not be refused on the basis of an alleged loss of recreational land.
- iv) Members should be advised that the perceived loss of open land would not be so important that it would outweigh the pressing need for both open market and affordable housing taking other material factors such as:

- the site is privately owned;
 - the site will be fenced off and all public access prevented;
 - the proposal actually creates approximately 1.22 ha of open land with public access to formal and informal space;
 - the evidence is that the existing open space is not, in any event, much used; and,
- Policy L3 is out of date. (At best this policy can be given only moderate and the degree of conflict, if any, is at worst, slight. Against that Members must be advised that they need to give substantial weight to the failure to deliver a 5 year housing supply against an *at least* target and the pressing need for affordable housing).

**Item 6 - Application Ref: 16/0963/03 - Pages 39-48
Land bounded by Exeter Road and The Retreat Drive, Topsham**

Representations following re-advertisement

Three additional representations have been received following the re-advertisement of the application as a departure from the Local Plan. No new planning issues have been raised other than those stated in the main Committee Report.

The Design Review Panel

The proposal was presented to The Devon Design Review Panel on 20 October 2016. A copy of their feedback document is attached.

The applicant has made the following amendments to the scheme following the Design Review Panel meeting.

1. The building, as per their recommendation, remains the height it was designed at and they have adjusted the pitch of the atrium to make it more

distinctive.

2. The upper floor roof section has been adjusted so that it is much simpler and cleaner and the corner of the roof box has now been curved to match the front of the building. This is intended to make the roof box blend in much more effectively and is less visible.
3. The vehicle access has been moved to Retreat Drive in accordance with the Transport Specialist recommendations on the Design Review Panel which allows a more distinct front pedestrian entrance facing Exeter Road away from vehicles. The first section of Retreat Drive is an adopted highway held by Highways England.
4. Moving the entrance has also allowed the building to be moved further from Exeter Road and freed up a lot of space for extensive landscaping along Exeter Road where previously there was parking and the vehicle access and the car parking has been moved away from the front corner and the front entrance.
5. It is proposed that the landscaping will be the subject of a Planning Condition to submit the detailed planting scheme for approval but the applicant has indicated the more structured form of landscape planting as recommended by the Design Review Panel. This will involve extensive planting of Fastigate species of semi mature trees along Exeter Road and around the corner of The Retreat Drive to provide a green backdrop to the cycle/footway. This has been shown on the new CGI's.

A new Site Plan and Elevations as well as an amended Section drawing have been supplied.

Highways England: No objection

DCC Highways:

Access – Proposed via a dropped kerb onto Exeter Road, this meets the relevant visibility standards for the 85th percentile speed on Exeter Road (55m for 35mph). Although acceptable in principle it is advised that:

The dropped kerb will need to be built in accordance with DCC specification;

Uncontrolled discharge of water over a footway is contrary to S163 of the Highways Act 1980 and any new access will need to be designed to prevent this;

Permission must be applied for and approved before undertaking any such works on the highway;

Adjacent bus stop will be relocated as part of the works on land north of Wessex Close (16/0114/03).

Parking/Trip Generation – Plans show provision for 16 car parking spaces – given that 20 staff are expected to be employed, this seems sensible.

The level of traffic generation from the site is expected to be modest and the additional traffic is not a significant concern. Cycle parking in accordance with the standards set out in the Exeter City Council Sustainable Transport SPD are achieved.

Construction - To mitigate the impact on Exeter Road, adequate space will need to be made available within the site for construction traffic.

Conclusion – A number of objections have been raised by local residents regarding the safety of the proposed access, the parking provision and the additional traffic generated by the development. However, the relevant visibility requirements have been met and adequate vehicular parking has been provided. Therefore subject to conditions for provision of access facilities, vehicle and cycle parking and provision of space for construction vehicles and materials, no objection.

Item 7 - Application Ref: 16/0972/03 - Pages 49-60**Land east of railway line at Apple Lane and A379, Apple Lane, Exeter**

The applicants have submitted a dormice survey which concludes that there is *'no evidence of hazel dormouse recorded during the survey; the species is therefore considered to be absent from the site. No specific mitigation or licencing for this species is therefore required'*.

Condition 16 amended to read:-

No more than 15 dwellings on the development hereby approved shall be occupied until details of a pedestrian/cycle connection between the site roads and Apple Lane path to be provided on the northern boundary of the site, in the vicinity of plots 16/17 and 18 has been submitted and approved in writing and implemented in accordance with the agreed details. The agreed link shall be maintained for public use at all times.

Reason: To provide safe and suitable access for sustainable transport modes in accordance with Section 4 of the National Planning Policy Framework.

Item 8 - Application Ref: 16/0872/03 - Pages 61-76**Former B&Q Store, Alphington Road, Exeter**

The description has been re-revised to exclude the installation of air conditioning plant behind the building (retrospective permission was previously sought, as it had already been installed). Officers had asked for it to either be relocated on the site away from the Edwin Road residential properties or for details of noise mitigation measures. However, on 25 October the agent informed officers that the plant will be removed from the site within the next 2 weeks. Officers were also informed that a more conventional gas heating system will be provided with no external equipment required. Notwithstanding, should the plant still be installed on the site at the time planning permission is granted, a condition should be added requiring its removal prior to the reoccupation of the premises. The drafting of this condition is recommended to be delegated to the Assistant Director of City Development.

The applicant submitted details of the proposed drainage connections for the extension on 24 October, which was forwarded to Devon County Council Flood and Coastal Risk Management Team for comment. DCC has responded removing their original objection, subject to the following condition being added:

“No development from the date of this decision shall take place until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the Extension Drainage Plan (Drawing No. 6222-12, Rev. -, dated July 2016) and will detail the sizing and locations of the proposed surface water drainage network, supported by relevant drainage calculations, in order to demonstrate that there will be no increased risk of flooding to surrounding buildings, roads and land as a result of the development.

Reason: To ensure that the surface water runoff generated from the proposed extension can be safely managed and disposed of off-site.”

The above condition is recommended to be added to the planning permission should the application be approved.

The applicant has not agreed to enter into a s106 legal agreement to pay the site specific highways contribution of £90,000 to provide a new pedestrian crossing facility at the Alphington Road/Sydney Road junction adjacent to the site access. The applicant does not consider this amount to be fair, reasonable or necessary to make the development acceptable and have compared the contribution to the amount that the adjoining food

retail development paid when permission was granted for this in 2008 (£25k towards pedestrian/cycle improvements and £45k towards upgrading public transport facilities to the Alphington Road corridor). Devon County Council has offered to pay half (£45k) the funding to deliver the crossing, but this has still not been agreed by the applicant. The applicant considers that a contribution of £9,800 to be reasonable and fair, but have offered to pay £15,000. This has not been accepted by officers and officers have written to the agent to explain that the contribution is a 'site specific' requirement, and the application could be refused in accordance with Para 4.3.1 of the Planning Obligations SPD unless the applicant agrees to pay the contribution (£45k). A response has not yet been received from the agent and an update will be provided at committee.

The agent has stated that the condition requiring BREEAM 'Excellent' standards is unlikely to be achievable. Officers have responded pointing out that the condition has been worded to allow flexibility. No other comments have been received from the agent on the proposed conditions.

Five more objections and four more sets of comments from local residents have been received, primarily concerned by the installation of the air conditioning plant behind the building. These representations are available to view on the Council's website. In response to one comment concerned that the store might sell live animals, the agent has confirmed that The Range does not sell live animals. The conditions allow the sale of pet products and officers do not consider this includes live animals.

Item 9 - Application Ref: 16/0984/03 - Pages 77-84
Former B&Q Store, Alphington Road, Exeter

No further update.

Item 10 - Application Ref: 16/0993/03 - Pages 85-90
Former B&Q Store, Alphington Road, Exeter

No further update.

Item 11 - Application Ref: 16/0311/16 - Pages 91-94
102 Merrivale Road, Exeter

A corrected map for this application is attached.

No further update.

Item 12 - Application Ref: 16/0313/16 - Pages 95-98
2 Oak Road, Exeter

No further update.

Item 13 - Application Ref: 16/0864/03
Land to rear of Crawford Hotel, Alphington Road, Exeter

No further update.

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Site	Land Bounded by Exeter Road and The Retreat Drive, Exeter Road, Topsham, EX3
Proposal	Office Building off Exeter Road, Topsham - 16/0963/03
Local Authority	Exeter City Council
Agent	Vail Williams LLP
Applicant	Heritage Developments (SW) Ltd
Review Date	20 th October 2016

The following points are raised by the Panel:-

The Panel welcomed the thorough, clear and professional presentation given at The Design Review Panel session, held on the 20th October 2016 at Exeter City Council.

The Panel acknowledged the logical approach taken towards the design of the building, on what is acknowledged to be a fairly constrained site. Subject to the comments contained within this feedback document being appropriately addressed by the applicant, the Panel would be supportive of the proposals:-

The Panel is not supportive of the suggestion to either lower the building into the ground, or to reduce the height of the building, by decreasing the floor to ceiling heights. It is felt that the proposed building should be adaptable to other uses and users in the long term; therefore the Panel is not supportive of the suggested amendment of lowering the floor to ceiling heights of the proposed building, as this may restrict the buildings future flexibility.

The Panel has no concern in regard to the height of the proposed building; it is felt that the building provides a 'bookend' to the street scene against the back drop of the motorway flyover, and it is therefore felt to be appropriate that the building should not be apologetic. There is a concern that, within the 3d visualizations presented to the Panel, there appears to be a mismatch/discordant relationship between the curved form of the building's main elevation and the proposed roof top box. The Panel suggests that it may be possible to address this awkward visual affect through amending the composition between the curved façade, the roof box, and the circular light-well.

Re-orientating the building, so that the curved glazed facade of the building addresses the corner of the site and provides views towards the Exeter Road, may help also to address the concern in regard to the awkward relationship between the roof-top box and the curved façade. There is also a concern that currently the main views from the glazed façade face the side of the adjacent housing

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development. By re-orientating the building so that the curve faces the corner of the site, it is suggested that there is also an opportunity for the proposed building to better address, and therefore enhance, the street scene; also in turn provide a higher quality experience for the proposed buildings end users as well, having regard to the immediate surroundings.

The Panel feels that high quality detailing in regard to the glazing specification, the elegance of the proposed bracing system, and quality of the materials generally, will be crucial to the success of the proposed building. It is therefore suggested that this should be carefully considered as part of the proposals at an early stage, and or carefully conditioned as part of any approval that may be granted. It may be of benefit for 1:10 details of the glazing and bracing details to be provided to ensure an appropriate level of quality and elegance.

In terms of the proposed rendered fascia, the Panel suggests that it may be of benefit to the overall design of the proposed building if this were 'cleaner' and 'crisper', potentially seamlessly blending into a single plain with the proposed rendered façade below, on the north east and south east elevations.

It is suggested that the design may benefit from further considering the motorway facing elevation; there is a concern that this elevation should be low maintenance and consider long term weathering, and potential discoloration, as a result of its northern orientation and proximity to the motorway.

The incorporation of a roof terrace is supported by the Panel, however it is suggested that this proposed space could be further enhanced through the incorporation of further roof planting, potentially including trees. It is suggested that this may help the proposed building to link with the existing tree lined motorway embankment to the rear, (northern elevation), and in turn more sympathetically relate to and reflect its surrounding context. If this is proposed, then careful consideration should be given to the proposed depth of the roof structure to ensure that it is capable of bearing the proposed load, including water retention within the soil.

The Panel welcomes the proposed incorporation of trees and other planting along the Exeter Road boundary. It is felt that these proposed trees may help to create a better environment for pedestrians and cyclist. The Panel suggests that it may be possible to provide a cycle path within the proposed north east planted/landscape buffer zone adjacent to the Exeter Road. It is suggested that this may demonstrate an enhancement of the immediate context. However, it is felt that any planting, (trees and or shrubbery), proposed along the Exeter Road should not hide the building. It is suggested that the use of appropriate species of trees should be carefully considered, perhaps a high stemmed native species that may provide a green canopy, but would also provide a clear visual link, may be appropriate. It is felt that the proposed trees should also be contextually appropriate in terms of the historic landscape character of the setting; it is suggested that it may be beneficial to consult with a landscape architect in this regard to ensure the correct specification, (including, but not limited to, size and species), of trees and other planting.

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It is suggested that it may be beneficial for the proposed boundary stone wall (and or any other boundary wall or fence) not to be included within the proposals, potentially resulting in a softer green boundary with the site that enhances the street scene, and does not feel cut off from it. It is suggested that the proposed stone could be utilized as the material for the plinth element of the building instead, providing the proposed contextual link.

Generally there is a concern that the landscape proposals are being considered as an afterthought. The Panel suggests it may be beneficial for detailed landscape proposals, which respond to a wider contextual analysis, to be developed alongside and as an integral part of the proposed building design. It is felt that it may be beneficial for a contextual analysis to be undertaken, (including sun path and shadow studies), that may inform the detailed landscape proposals. It may also be beneficial to consider and illustrate the proposals in relation to the neighbouring sites and wider context. The Panel feels that subject to an appropriately designed detailed landscape scheme, there is an opportunity for the proposals to represent an enhancement to the existing site and its immediate surroundings, which the Panel suggests may be a material consideration in favour of the proposals.

It is suggested that any detailed landscape proposals should incorporate an external lighting design. The external lighting design should be produced to ensure that dark antisocial spaces are not created at night, as well as to appropriately define the building and the surrounding landscape within the street scene, without resulting in light pollution or light spill that would have a detrimental impact upon wildlife and habitats.

The Panel is supportive of the vehicular access being provided from Retreat Drive. However, the Panel questions the clarity of the entrance location and the arrival experience for end users, and it is suggested that the production of a detailed landscape design may help to address this concern.

There is a concern in regard to the provision of car parking to the front of the site along the Exeter Road, and it is suggested that it may be of benefit to the design for all of the parking to be relocated to the rear of the site.

In terms of transport generally, the Panel suggests that a specific work place travel plan may be useful as a supporting document, which may help to demonstrate one aspect of the proposals sustainable credentials.

The Panel notes the applicant's assertion that, due to the tidal estuary location of the proposal site, there is no Statutory need to consider sustainable urban drainage (SUDs). However, the Panel suggests that incorporation of an appropriate SUD's scheme within the proposals, perhaps through a mixture of appropriately designed landscape and planting, along with the use of an attenuation tank under the parking area, may represent a sustainable enhancement to the existing setting that may be a material consideration in favour of the proposals.

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Generally, the Panel welcomes and is supportive of the proposed aspirations in terms of the buildings sustainability credentials; however the Panel suggests that it may be beneficial for the proposed sustainable and renewable energy measures to be further enhanced. It is questioned if it might be possible for the building to aspire to be more than carbon neutral and be carbon negative. The Panel also suggests it may be beneficial to incorporate detailed ecological and habitat measures into the building and landscape design so as to be able to empirically demonstrate an enhancement to the site and immediate context in terms of ecology and sustainability. The Panel feels that if the suggestions for the proposed building to be carbon negative, along with the suggested ecological and habitat measures were incorporated into the design, that this should represent a significant material consideration in favour of the proposals design.

It is suggested that the proposals may benefit from considering the integration of solar shading into the glazed southern elevation of the proposed building, so as to avoid the potential for overheating, and avoid the need for retrospective amendments, and or the retro fitting of potentially unnecessary mechanical cooling.

SUMMARY OF KEY RECOMMENDATIONS

In summary the main recommendations of the Panel are:

- Subject to the comments contained within this feedback document being appropriately addressed by the applicant, the Panel would be supportive of the design of the proposals.
- The Panel is not supportive of the suggestion to either lower the building into the ground or to reduce the height of the building by decreasing the floor to ceiling heights.
- There is a concern over a discordant relationship between the curved form of the building's main elevation & the proposed roof top box element.
- It may be beneficial to re-orientate the building, so that the curved glazed facade of the building addresses the corner of the site & provides views towards the Exeter Road.
- The quality of the detailing & quality of the materials will be crucial to the success of the proposed building.
- The motorway facing elevation should be carefully considered in terms of long term weathering & maintenance.
- The proposed roof terrace is supported, but may be enhanced through the incorporation of further roof planting, potentially including trees.
- The Panel supports the proposed incorporation of trees & other planting along the Exeter Road boundary.
- Any proposed planting, (trees & or shrubbery), along the Exeter Road should not hide the building.
- It may be beneficial for there not to be any boundary wall or fence along the Exeter Road

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boundary.

- It may be beneficial for detailed landscape proposals to be considered, (& submitted), as an integral part of the proposed building design.
- It is suggested that any detailed landscape proposals should incorporate an appropriate external lighting design.
- The Panel is supportive of the vehicular access being provided from Retreat Drive.
- It may be of benefit for no parking to be located to the front, (Exeter Road), side of the site.
- A specific work place travel plan may be useful as a supporting document.
- Incorporation of a SUD's scheme within the proposals may represent a sustainable enhancement to the existing setting that may be a material consideration in favour of the proposals.
- The Panel is supportive of the proposed aspirations in terms of sustainability.
- The proposals may benefit from considering the integration of solar shading into the glazed southern elevation of the proposed building.

The Devon & Somerset Design Review Panel

NOTES:

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