

PLANNING COMMITTEE

Monday 20 March 2017

Present:

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

Also Present:

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

19

MINUTES

The minutes of the meetings held on 9 January and 13 February 2017 were taken
as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 17/0121/01 - LAND ADJ. WEST OF ENGLAND SCHOOL, TOPSHAM ROAD, EXETER

The Assistant Director City Development presented the outline application for up to
123 houses and associated infrastructure with all matters reserved except for
access.

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

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

- circulated photos of the applications site showing its beauty;
- additional car journeys generated by the development will increase pollution – a recent House of Commons Committee inquiry being informed that some 40,000 deaths a year result from pollution and a recent air quality survey near Poppies on Topsham Road show pollution levels to be at a dangerous level in this area;
- two special needs schools are located in this area including the West of England School and pollution problems will add to the difficulties experienced by the children; and
- evidence provided by a consultant professor at the RD&E Hospital confirms that high pollution levels impact adversely on the health of children.

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

- the statement from the the applicants in the visual and landscape assessment supporting the scheme which concludes that “development on this site will not have any substantial effects upon landscape resources and

visual amenity within the local or wider area, including the strategically important Ludwell Valley Park is not correct”;

- the Valley Park is greatly valued by residents for physical/mental wellbeing, with volunteers having planted over 250 trees for the benefit of future generations;
- the development will prevent the desire of residents to nurture a semi wild area which enhances the value of the Valley Park;
- the RSPB state that the application site is an integral party of the Valley Park and recommend that all Valley Parks should be enhanced and maintained for green infrastructure purposes;
- the proposed mitigation measures of additional hedgerows and trees will not compensate the destruction of this area;
- will do unacceptable harm to visual amenity;
- local residents were not consulted;
- the Council acknowledges the importance of the Park as whole and has refused repeated applications.

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

- endorse the above comments;
- the Government in recent years seems to have provided a developers’ charter to encourage unacceptable developments such as this;
- accept that recent appeal decisions must be taken into account with regard to the housing supply situation. Equally, there is a need to take into account the impact of all developments along Topsham Road which are impacting adversely on traffic and resulting in increased pollution. The cumulative impact is not sustainable and will adversely affect the future of this area for the next 20 years; and
- will lead to the loss of an important landscape area, visible from many parts of the City, and it is important to protect what little remains in the City of green field areas.

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

- some 3,000 additional properties have been provided in this area which is one of the most extensively developed parts of the City with new developments in the Newcourt area etc. which cannot accommodate further development;
- adverse impact on the Ludwell Valley Park, which should be kept for future generations;
- the adjoining estates have only one access in and one out and the roads themselves are restricted served by one set of traffic lights;
- the County Council’s Development Management Committee did not support the scheme; and
- identical applications have been refused in the past.

Mrs Keatt spoke against the application. She raised the following points:-

- speaking on behalf of many people to urge rejection of the planning application for this site and keep it from becoming a blot on the landscape. It is part of Ludwell Valley Park that people first see on their approach in to Exeter and if this field is built on then it will alter the skyline forever;
- Ludwell Valley Park is unique as its undulating hills offer significant views of the City, of the Haldon Hills and by looking across this field; the estuary from Topsham winding out to the sea at Exmouth;

- the prominence and importance of the Ludwell Valley Park is clear from the Council's Riverside and Ludwell Valley Park Master Plan. This looks to increase the use of the Park, whilst protecting biodiversity and enhancing natural wildlife habitats. As the population grows, it is important to ensure that Exeter's future development will protect its wildlife and give it space to thrive;
- the Council's 'Wild City' partnership with Devon Wildlife Trust is creating new habitats to encourage birds but is at odds with allowing this application to go ahead as it would destroy a field that, for almost 25 years, has been included in the Ludwell Valley Park designation;
- places like Ludwell Valley Park improve the quality of life for people in Exeter (physically, emotionally and mentally) and help attract visitors to Exeter. It is vital to protect Ludwell Valley Park at a time of continued growth of the city as people of all ages need open spaces to explore and enjoy;
- the field should be protected for future generations to enjoy the beauty and wildlife within Ludwell Valley Park. Allowing this development, with all the extra pollution, buildings, noise and traffic, will not help this to happen.

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

- the principle of development is not in doubt and some changes have been made to the layout;
- the scheme reduces the amount of land taken from the Valley Park in comparison with the earlier scheme and the financial contribution of £250,000 is offered towards mitigation measures;
- only 0.003% of the City's population are objecting which should be taken in the context of the housing shortage in the City
- the application must be judged in light of recent Appeal and High Court decisions that confirmed that the City does not have a five year supply of deliverable housing sites;
- there are no highways grounds to refuse the application as confirmed by Devon County Council Highway Engineers; and
- there are no ecological grounds on which to refuse the application.

He responded, as follows, to Members' queries:-

- the contribution of £250,000 for mitigation measures was requested by the City Council;
- can not advise of precise location of the access for construction traffic but use of the access onto the M5 from the A379 was requested by officers; and
- no highway reason to withhold planning permission.

Members requested that their concern in respect of the stance of the County Council, which is set out below, be recorded.

The County Council's Development Management Committee had debated this recommendation in July 2016 and considered a highway objection by reason of safety and congestion; however this was withdrawn on the advice from the County Solicitor. Consequently, County Members had voted on agreeing the Officer recommendation of no objection. This motion was voted on and lost. Members then took a second vote, in light of the above and resolved that Exeter City Council be advised that the Committee is not able to submit any view on this application. Following a request from a local County Councillor the revised application was taken back to the County's Development Management Committee in March 2017 to consider the Highway Authority's response. The minutes state that "the Chairman reminded Members that this Committee on 20 July had considered this matter as

the Highway Authority and it had been resolved 'that Exeter City Council be advised that the Committee is not able to submit any view on this application'" Subsequently the application had been refused by the Exeter City Council and was now the subject of an appeal. The new revised application received by the Exeter City Council was unchanged in highway terms and the officers would respond in the normal way reflecting the Committee's previous considerations'.

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

RESOLVED that planning permission for up to 123 houses and associated infrastructure with all matters reserved except for access be **REFUSED** as the proposal was contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 CP16, Exeter Local Plan First Review 1995-2011 Policies L1 and LS1 because:-

- (a) it would prevent the potential opportunity for informal recreation of the site in association with the Ludwell Valley Park designation; and
- (b) the proposal would harm the landscape setting of the City through development of Valley Park land.

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PLANNING APPLICATION NO. 16/1576/01 - HOME FARM, PINHOE

The Assistant Director City Development presented the outline application for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (all matters reserved for future consideration apart from access)

He detailed the planning background including the decision of the Inspector allowing an appeal in respect of an earlier application, legal agreements relating to affordable housing, open space and highway matters including the agreement of the applicant to offer a 35% provision in respect of the former and the legal position relating to a Section 73 application.

Dr Garnett spoke against the application. He raised the following points:-

- am a professional ecological consultant with 10 years consultancy experience with serious reservations about the development due to completely inadequate dormouse and bat surveys;

Bats

- the bat report provided by Acorn Ecology in late 2012 had a number of shortcomings according to best practice guidelines;
- only three surveys were conducted in respect of the lesser horseshoe and barbastelle bats when there should have been six, one a month from April to September, for this medium sized development. All three surveys were less than two hours when they should have been three hours and should have included the night time and dawn rather than just evenings. All three surveys were in Autumn when they must be spaced between Spring, Summer and Autumn;
- only three static detectors were deployed when there should have been six, one a month from April to September;
- all static work was done in Autumn which is bad for barbastelle which can move around seasonally according to radio-tracking evidence;
- no assessment of tree roost potential as the survey only looked at farm buildings;

- the survey did not follow appropriate guidance;
- the Inspector appears to have taken these reports at face value; and
- planners have a legal duty to properly consider biodiversity.

The Dormouse

- no proper dormouse survey has ever been done, despite excellent potential for this species in an extensive network of species-rich hedgerows in the area. A report mentioned some hand-searching for nests but this is inadequate and unlawful;
- there had been three recent records of dormouse within the 1 to 1.5km to the southeast, and two others in connected habitat to the north of Exeter which is almost certainly an underestimate of their distribution as dormice are nocturnal, arboreal and reclusive and are under-recorded;
- disagree that there would be no impacts - any dormouse on site would be affected by construction works affecting hedgerows and future residents altering/breaking up hedges;
- distribution and numbers needs to be established, and then, if present an appropriate mitigation plan put in place; and
- both species have not been properly considered as demanded by the Natural Environment and Rural Communities Act 2006.

Responding to Members, he confirmed a breach of the Wildlife and Countryside Act 1981 and the identification of dormouse in close vicinity.

Responding to Members, the Assistant Director City Development stated that the total area was 7.7 hectares with 4.7 allocated for open space, including the drainage ponds, which was in excess of the 10% requirement. It was noted, in respect of the County Council request for an education contribution to mitigate the impact of the development, no commitment in this regard had been made by the City Council. It was not considered that there was any justification based on the information available to reach a different conclusion to the Inspector on ecological matters.

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

RESOLVED that, subject to completion of an appropriate Section 106 Agreement under the Town and Country Planning Act 1990 to secure the provision of 25% affordable housing, highway improvement/travel plan contributions and open space provision/maintenance outline planning permission for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (all matters reserved for future consideration apart from access) and the revocation of 15/1176/03 be **APPROVED**, subject also to the following conditions:-

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
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 three years from the date of this permission.
Reason:- To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason:- To ensure compliance with sections 91 - 93 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 plan no. 3007/001 Rev C.
Reason:- To ensure that an appropriate vehicular access is provided to serve the development.
- 5) Any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.
Reason:- To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans numbered 03893 TPP, appended to the Arboricultural Impact Assessment Report dated 18/06/2013, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason:- To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 7) Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason:- In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 8) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
Reason:- In the interests of the amenity of occupants of nearby buildings.
- 9) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
 - i) Timing and management of arrivals and departures of vehicles and site traffic;
 - ii) measures to control the emission of dust, dirt and noise during construction;
 - iii) temporary measures to deal with surface water associated with the site during the construction process;
 - iv) the phasing and timing of work;
 - v) the parking of vehicles of site operatives and visitors;

- vi) wheel washing facilities;
- vii) a procedure for handling and investigating complaints.

Reason:- In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 10) If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Any remediation details shall be implemented as approved.
Reason:- In the interests of the amenity of the occupants of the buildings hereby approved.
- 11) Prior to the commencement of development a detailed scheme for traffic calming works to Church Hill, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
Reason:- In the interests of highway safety within the vicinity of the site.
- 12) 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.
- 13) 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 water 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 in general compliance with the principles within the Flood Risk Assessment (Report Ref. 386/FRA2 V2) dated 21/11/2016, and shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.
Reason:- To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 14) C57 - Archaeological Recording

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PLANNING APPLICATION NO. 16/1562/03 - BUILDERS YARD, LOWER ALBERT STREET, EXETER

The Project Manager (Planning) (KW) presented the application for the demolition of existing buildings and redevelopment with student residential accommodation and associated landscape works (Revised Plans reducing from 3 storeys to 2 storeys).

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

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

- understand the need to accommodate an ever-growing student population in the city with the preferred method being purpose-built accommodation to alleviate the dominance of HMOs in the residential housing market, but this is the wrong proposal in the wrong place;
- there are 75 objections, followed by another 16 to revised plans. Already subject to an imbalance in the community make up due to the high number of HMOs in Portland Street as well as the surrounding areas. Residents are subjected to a number of anti-social behavior issues, from littering to loud music, student parties and general late night noise. Adding a further 15 students to the area will tip the balance over the edge;
- imbalance in relation to Policy H5 can only be considered in relation to the wider ward rather than an individual street. The relation of HMOs may not be imbalanced when considering the whole area, but the sheer number of large, dominant purpose-built accommodation either built or approved for development combined with the high level of HMOs in Portland Street, leave the local residents feeling hemmed in and overwhelmed;
- other student developments include The Kingfisher, Printworks and the Picturehouse with approval for the Bus Station site, Honiton Inn and Heavitree Road with an expectation in respect of Heavitree Police Station and the Pyramids sites;
- properties on Portland Street are not currently permitted to be turned into HMOs on the basis of creating an imbalance so it should not be possible to change a commercial property set within the same residential area and likely to create the same issues;
- despite the reduction in height, this development is too tall for a two storey building, too large for the space and too close to neighbouring properties and the residents of neighbouring properties still feel that there are irreconcilable issues to do with massing and scale compared to surrounding properties;
- the scale of the development and the effect on neighbouring dwellings is unacceptable. The development does not form a natural extension to the flats in Newton Close;
- overlooking was considered enough of a problem to reject a similar application in 1990 for residential purposes but the current proposal also reverts to overlooking the rear gardens/windows of the properties in Portland Street;
- with the distance between properties limited to just over 9 meters (rather than the recommended 22 metres required in planning law) there is a real concern that the new development would overlook the rear gardens and bedroom windows. The minor amendment to feature slanting windows does not solve the issue of overlooking;
- with no contextual images it is very difficult to fully appreciate the negative impact that the development will have on the overall scene of the area;
- the revised plans for the development have taken away the communal area that was in the previous three storey plans. This will cause the students to congregate outside the property and in the nearby Belmont Park with possible increase in antisocial behaviour in the area;
- rather than having a professional warden in situ to manage these issues, as is the case in other purpose-built accommodating, the warden would be a student;
- the local plan states that “75% or more of additional student numbers should be accommodated in purpose-built student housing.” However, it goes on to say that “New purpose built student housing should be located on, or close

to, the University Campuses or in the City Centre.” The site on Lower Albert Street fulfils neither criteria; and

- if HMOs are not allowed due to the large proportion of existing HMOs in the vicinity, then how is it possible to erect a purpose-built accommodation block which will have a similar effect as they are so close to neighbouring properties.

She responded as follows to Members queries:-

- great concern from residents regarding the high level of anti-social behavior experienced in the Newton area especially during Freshers week; and
- the site is close to an area of social housing in Clifton Road and Newton Close and in addition there is also a significant amount of families and older people in the vicinity.

Mrs White spoke against the application. She raised the following points:-

- representing the community of Newtown which is felt to be at tipping point. being eroded by developments affecting the demographic of the ward;
- 75 objections to this development when original plans were submitted, followed by an additional 16 when plans were revised. The development is still too tall and too large for the space, too close to neighbouring properties, and doesn't follow the traditional building forms of the area;
- impressions of the area were circulated showing how the new development may look from the rear gardens of Portland Street;
- a planning application has been previously rejected on this site due to overlooking and lack of privacy;
- the distance between facing windows in the development and the rear windows of Portland Street, is only 9.5 metres, even though planning guidance states that a minimum distance between facing windows should be 22 metres. Some Portland Street residents will have a building as tall as the three-storey Newtown Close flats, and as close as just two small car lengths away from their rear windows;
- because of its proximity, 19 windows from the proposed development would directly overlook the gardens, bedrooms and bathrooms of Portland Street. The angled windows will not address these privacy issues due to the proximity of this building;
- concerned that the scale of this building is disproportionate to the surrounding area of Portland St and Clifton Road and natural light will be severely diminished for some existing properties. The line drawings submitted by the developer do not show the building in the context of its surroundings;
- the 24 hour warden will be a student resident who will not have the authority to control behaviour. This will not work within a residential area and is a vastly different service to a permanently staffed front desk such as provided at the Printworks;
- regarding Article 4, it is felt that an imbalance is already occurring. Councillor Branston suggests that the amount of students on just Portland Street exceeds the 30% figure supplied by the City Council and is closer to 60-65%;
- Newtown is already accommodating a transient population from the Printworks and Kingfisher developments and the bigger the transient population, the fewer people will be invested in the community; and
- the development will affect the quality of life, including that of children. Please support the families and long-standing residents of Newtown and reject this proposal.

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

- the applicant has read all the letters, acknowledged concerns and made amendments to the scheme but had been unable to engage with local residents to respond to their concerns because of delays in negotiations with the owner of the builder's yard;
- dramatically reduced the size of the scheme to minimise the impact on the community, the key changes being reduction of the building from three to two storeys, changing the type of accommodation to solely studio rooms which favour mature and returning students and discouraging anti social behaviour found in cluster flats and omitting outdoor communal areas so there are no opportunities for students to congregate and cause disturbances to its neighbours;
- the developer was born in Exeter and has lived his whole life here, has a proven track record in delivering high quality schemes in the city and will operate this site. It is not the case of an outside national developer backed by an investment fund with no sense of care or responsibility for the city or neighbourhood;
- the proposal supports the involvement of a local contracting team and a local supply chain as well as CIL contributions;
- the University of Exeter is expanding and this development satisfies all the criteria set out in the core strategy and the National Planning Policy Framework. The only subjective matter however is whether the proposal creates an imbalanced community. There is no definition in the NPPF as to what constitutes a community in terms of catchment area. The report suggests Portland Street, Clifton Road and Newtown Close have a 12.9% concentration of students not the suggested figure of 32%. If a singular street is to be chosen then it should be the street the site sits on and Lower Albert Street and Newtown Close have 0% students;
- the statement " an over concentration of students in any one area is created and so therefore undermines the balance and well being of a neighbourhood and community detrimentally" is not the case here. The site is previously developed land, in a sustainable location in very close proximity to the student campuses;
- the massing and scale of the proposals do not impact on the character of the area. The scheme is modern in appearance but is predominantly brick in construction; the proposal creates no overshadowing of neighbouring properties and does not cause any neighbouring properties to suffer any loss of privacy; and
- this proposal is part of a movement of new build student accommodation that in turn is forcing improved quality of HMO's which is slowly seeing landlords revert to permanent private accommodation therefore helping address housing shortage across the city.

He responded as follows to Members' queries:-

- 15 units will be provided which, it is believed, will attract mature and overseas students; and
- with the rooms some 30% bigger than those in cluster flats, the likelihood of students congregating to socialise and disrupting residents is reduced.

The Project Manager (Planning) confirmed that the distance from neighbouring residents was between 12.5 and 13 metres.

Members expressed concern at the close proximity of student accommodation to private residential dwellings, noting that the site was immediately adjacent to residential dwellings in Newtown Close and Portland Street. Because of the existing number of students currently residing on Portland Street, it was felt that the addition of student accommodation would change the character of the neighbourhood and create an imbalance in the local community. It was suggested that arterial routes offered preferable locations for students developments.

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

RESOLVED that, planning permission for the demolition of existing buildings and redevelopment with student residential accommodation and associated landscape works (Revised Plans reducing from 3 storeys to 2 storeys) be **REFUSED** as the scale and intensity of use would harm the character of the building and locality and would cause an unacceptable reduction in the amenity of neighbouring occupiers. It would create an overconcentration of the use in any one area of the city which would change the character of the neighbourhood and create an imbalance in the local community contrary to Policy H5 (A) and (B) of the Exeter Local Plan First Review.

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PLANNING APPLICATION NO. 17/0053/03 - BRITISH HEART FOUNDATION, 1 CHEEKE STREET, EXETER

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing building and construction of a seven-storey building, with a basement, to provide student accommodation (Sui Generis) and associated works and improvements and the provision of a new coach passenger waiting room (Sui Generis).

He reported that a day to day operational management plan for the coach passenger waiting room would be required and that the Police would continue to be consulted in the details of the management arrangements but it was not the intention for the allocated office for this purpose to be glazed with views into the passenger waiting room as it was not expected that the management responsibility would cover the waiting area as had been requested by the Police. In response to Members' questions, he advised that a disabled wheelchair accessible sized studio flat was provided on each floor of the building and that as part of the fire strategy refuge areas would be provided on each of the seven floors which could be used for those with disabilities in event of fire and that this had been reviewed by building control. The scheme had been amended and the cycle facilities would be provided to cater for residents and visitors to adopted Supplementary Planning Document standards.

A Member referred to previous undertakings that comprehensive consultations would take place with interested parties on the provision of the new coach passenger facilities as well as the new bus station itself and sought reassurances that this had occurred. As Chair of the Leisure Complex and Bus Station Steering Group he was concerned that the Group had not been kept adequately apprised on the consultation undertaken to date. The Principal Project Manager explained that the application had been advertised and that responses had been received from transport groups. The Member asked that the Steering Group be apprised of the feedback to date from interested parties.

The Principal Project Manager detailed the locations of the informal pedestrian crossings existing in the areas as well as those sought by the Highway Authority which were considered appropriate for the bus flow through this area. He also

advised that toilet facilities and a fully enclosed concourse would be available in the new Bus Station and that these would be open longer and be more easily accessible than those in the current bus station.

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

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

- speaking as a member of the Exeter and District Bus Users Group;
- in light of the open ended delay in the proposed re-development of the current Bus Station and the subsequent unknown delay in the move of coach passenger drop off and pick up to Bampfylde Street, I trust Councillors will make every effort to ensure that the coach passenger waiting room is included in this proposed development; and
- the lack of toilet provision is noted.

He responded as follows to Members' queries:-

- it had been estimated by the Chair of the Bus Users Group that the waiting room for coach journeys would be one third the size of that in the existing bus station; and
- the waiting room in the existing bus station is well used and passengers also wait outside the room in the concourse near the bus bays.

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

- representing Barton Willmore on behalf Exeter SPV Limited who seek to develop purpose-built student accommodation which has been subject to pre-application discussions to ensure a high quality, well designed and policy compliant scheme is presented, including a presentation to the Design Review Panel;
- the scheme comprises the removal of an unsightly building, particularly relevant when in light of the significant development and investment works at the Bus Station and Coach Depot sites;
- building will front the corner of Cheeke Street and Bampfylde Street and is of a high quality and distinctive design which responds to the local context through its articulation and material selection. It will be a positive and attractive addition to this part of the City Centre;
- the scheme has been designed in accordance with policies relating to the location of student accommodation and height constraints;
- other policy credentials are the provision of a sustainable development within a City Centre location to provide high quality student accommodation, boosting supply in the City and further releasing pressure on the housing market, delivering a building operated and managed by a specific student accommodation operator and the provision of active ground floor frontages on both streets that the building faces including the building's entrance and a new integrated/covered coach waiting area to be managed by the Council;
- a compliant level of cycle parking will be provided to encourage use of non-car modes by residents and visitors;
- a Travel and Management Plan will be devised and agreed before occupation to ensure the management of student drop-offs and pick-ups on Stover Court at the beginning and end of academic terms is achieved without any impact on the highway and local amenity;
- enhanced pedestrian permeability through the provision of a crossing on Cheeke Street to link with the Bus Station site and wider City Centre;

- scheme designed to appropriately relate to surrounding residential properties and ensures no loss of amenity.
- request approval

Responding to Members' queries, he advised that consultations on the travel plan had taken place.

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

RESOLVED that subject to:-

- (1) the Leisure Complex and Bus Station Steering Group being appraised at its next meeting on 22 March 2017 of the level of and response to consultations undertaken in respect of the new coach passenger waiting room as well as the wider bus station proposal; and
- (2) conditions, which may be varied, amended or supplemented as appropriate, and to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-
 - a District Heating Contribution of £25,228;
 - the completion of a Student Management Plan;
 - off-site highway works (including crossing improvements); and
 - Traffic Order costs.

the Assistant Director City Development or his successor, subject to prior consultation with the Leader of the Council, the Chair of the Leisure Complex and Bus Station Steering Group and the Chair of this Committee, be authorised to **APPROVE** planning permission for the demolition of existing building and construction of a seven-storey building including basement to provide student accommodation (Sui Generis) and associated works and improvements; and the provision of a new coach passenger waiting room (Sui Generis) subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received on 6 January 2017 and as superceded by revised details received on 28 February 2017 by the Local Planning Authority and as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform to the visual amenity requirements of the area.

- 4) A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife (such as nesting bricks or boxes) shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 6) No development related works, with the exception of demolition works, shall take place until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 7) No development approved by this planning permission (excluding demolition), shall take place 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 scheme shall include the following components:

a) A preliminary risk assessment which has identified: All previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 9) No development activities, including demolition or earthworks, shall take place on site until a Construction and Environment Management Plan (CEMP) for those activities has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- There shall be no burning on site during demolition, construction or site preparation works;
- Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- Site hoarding shall be kept clear of graffiti and fly-posting.

An approved CEMP shall be adhered to throughout the demolition and construction period.

Reason: In the interest of amenity of nearby occupiers.

- 10) The level of noise emitted from the site shall not exceed the limits presented in table 1, as measured on the specified boundary of the site and specified time of day. Further, plant items associated with the development should be controlled to a 'rating' level of not more than 50dB LAr,1hr during the daytime (0700-2300hrs) and 45dB LAr,1hr during the night-time (2300-0700hrs) outside any openable study/bedroom windows of the proposed development itself. The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.

Table 1. Plant Noise Limits at Nearby Existing Residences

Location	Recommended Plant BS4142 Rating Noise Limit		
	Day (0700-1900hrs) dB LAr,1hr	Evening (1900-2300hrs) dB LAr,1hr	Night (2300-0700hrs) dB LAr,15min
Existing Residences	51	47	44

to Southwest of Site			
Proposed Residences to Southeast of Site	48	45	44
Existing Residences to North of Site	43	40	39

Reason: In the interests of residential amenity.

- 11) Notwithstanding condition no. 3 no works other than demolition shall commence under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority in so far as they relate to that phase and the following shall thereafter be provided in accordance with such details:

- a) Detailed layout(s) of any plant room(s) associated with the provision of heat and hot water to the building.
- b) The entrance canopy.
- c) The Fire Access door onto Stover Court

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

- 12) Prior to commencement of the development (excluding demolition), details of visitor and resident cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure resident cycle parking facilities have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

- 13) The student accommodation hereby approved shall be constructed with heating systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

Reason: In accordance with the requirements of policy CP13 of the Exeter Core Strategy 2012 and in the interests of sustainable development.

- 14) Unless otherwise agreed in writing by the Local Planning Authority student accommodation hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development, excluding demolition, the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 15) Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

- 16) No development (with the exception of demolition) shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.

Reason: In interest of the amenity of future occupiers of the development.

- 17) A Management Plan for the Coach Waiting Facility shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority before that facility is first brought into use. The operation of the Coach Waiting Facility shall only be carried on in accordance with the terms of the Management Plan. The Management Plan shall include provisions for maintenance, security, cleaning and the provision of information to Coach Passengers.

Reason: In the interests of ensuring the facility is maintained for the purposes of a Coach Passenger waiting room.

- 18) No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.

Reason: In the interest of public safety.

- 19) The applicant shall submit a scheme for protecting occupiers of the development from noise. This shall be submitted to and approved by the Local Planning Authority before construction (excluding demolition) commences and shall be implemented before any part of the residential accommodation is first occupied.

Reason: In the interests of the living conditions of future occupiers.

- 20) The windows to stairwells and corridors in the Northwest elevation shall be constructed as obscure glazed, as shown on the approved plans, and maintained as such thereafter.

Reason: In the interests of the amenity of neighbouring occupiers.

- 21) No part of the development hereby approved shall be brought into its intended use until secure cycle parking spaces and vehicular spaces as indicated on “GA Plan Ground Floor Plan 0787-JSA-XX-00-DR-A-02001Rev P3”, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To provide safe and suitable facilities for the traffic attracted to the site.

- 22) No part of the development hereby approved shall be brought into its intended use until the redundant dropped kerbs have been reinstated on Stover Court have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To provide safe and suitable access and adequate facilities for traffic attracted to the site

- 23) No part of the development hereby approved shall be brought into its intended use until the informal pedestrian crossing on Cheeke Street has been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To provide safe and suitable access and adequate facilities for traffic attracted to the site.

- 24) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

25 **PLANNING APPLICATION NO. 16/1560/03 - 16 MOWBRAY AVENUE, EXETER**

The Project Officer (LC) presented the application for the change of use to Sui Generis (seven bed HMO) and replacement of rear conservatory and store.

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

Members noted the objections of the Exeter St James Forum but felt that, with only an increase from six to seven bedrooms and the significant number of additional students that could result from permitted development in the area, approval would be appropriate.

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

RESOLVED that planning permission for the change of use to Sui Generis (seven bed HMO) and replacement of rear conservatory and store 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 2 December 2016 (*dwg. no(s). 82-P01, 82-P02, 82-P03, 82-P04, 82-P04 and 82-P05*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to the occupation of the dwelling as a Sui Generis HMO secure cycle parking for 7 bicycles will be provided in accordance with the details provided on *dwg.no. 82-P04A* received by the Local Planning Authority on 09 January 2017.
Reason: To encourage sustainable travel.

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**PLANNING APPLICATION NO 16/0318/03 - LAND ADJ PINHOE HOARD,
PINHOE ROAD, EXETER**

The Assistant Director City Development presented the application for the erection of part three, part four storey building comprising 39 retirement living apartments with associated communal facilities, car parking access and landscaped grounds.

He detailed the history of the site and referred to the outcome of a number of negotiations with the applicant in respect of a contribution in lieu of affordable housing. This had now been agreed at £900,000.

Members welcomed the provision of retirement homes for which there was a high demand in Pinhoe. The improvements to the cycleway as part of the wider cycle network was also welcomed.

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:-

- a contribution of £900,000 in lieu of affordable housing;
- connection to District Heating; and
- the land to be part of the public highway.

planning permission for the erection of part three, part four storey building comprising 39 retirement living apartments with associated communal facilities, car parking access and landscaped grounds be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) **Pre-commencement condition:** If not otherwise agreed with Local Planning Authority in writing samples of the materials that are intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason for pre-commencement condition: To ensure that the materials conform with the visual amenity requirements of the area.

- 4) **Pre-commencement condition:** No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
 - d) Site hoardings shall be kept clear of graffiti and fly-posting.
- The approved CEMP shall be adhered to throughout the construction period.
Reason for pre-commencement condition: In the interests of the occupants of nearby buildings.
- 5) **Pre-commencement condition:** No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site (if not otherwise agreed in writing by the Local Planning Authority) to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the LPA and retained for the construction period.
Reason for pre-commencement condition: To minimise obstruction of and damage to the adjacent highway, in the interest of public safety.
- 6) **Pre-commencement condition:** 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 building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason for pre-commencement condition: In the interests of the amenity of the occupants of the building hereby approved.
- 7) **Pre-commencement condition:** The applicant shall undertake a noise assessment to identify whether any sound insulation measures are required to protect future residents from noise from road and rail traffic. The assessment should be submitted for approval in writing by the LPA prior to commencement of the development. If, following the assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed development from noise. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.
The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.
- 8) **Pre-commencement condition:** Before the commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning

Authority, to establish the absence of reptiles, badgers and other protected species.
Reason for pre-commencement condition: In the interest of conservation of habitats and species.

- 9) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO₂ emissions including a 44% CO₂ emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 10) **Pre-commencement condition:** Prior to commencement of development the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 10 above will be met. The measures set out in that assessment shall subsequently be implemented prior to the occupation of development.
Reason for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 11) **Pre-commencement condition:** A detailed scheme for landscaping to increase biodiversity and the amenity quality of the site, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of biodiversity and amenity.
- 12) **Pre-commencement condition:** Development details of the pedestrian access onto the shared cycle and pedestrian lane on Pinhoe Road and chamfer/taper to provide some visibility for pedestrians shall be submitted to and approved in writing by the Local Planning Authority, and no development shall take place until the LPA have approved the details. No part of the development hereby approved shall be occupied until the pedestrian access have been implemented in accordance with the approved details.
Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of highway safety for pedestrians and cyclists.
- 13) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the LPA.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and overlooking.

- 14) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme until the LPA have approved the scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with the LPA.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15) No part of the development hereby approved shall be occupied until the vehicular parking facilities (as indicated in the proposed site block plan) have been provided surfaced and marked out in accordance with details that shall be approved in writing by the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 16) Unless otherwise agreed with Local Planning Authority in writing construction/ demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the occupants of nearby buildings.
- 17) Prior to occupation of any dwelling hereby approved place until details of provision for nesting swifts has been 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) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 19) Prior to occupation of the development hereby permitted, a Travel Pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 20) No part of the development hereby approved shall be occupied until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site and to ensure that cycle access and cycle parking is provided, in accordance with Exeter Core Policy CP9, Local Plan Policy T3 and Sustainable Transport SPD 2013.

- 21) No building hereby permitted shall be occupied until sustainable surface water drainage works (SuDS) have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details for the sustainable drainage scheme shall:

- i. show how the rainwater falling on roofs and other surfaces are managed to restrict both the flow rate and the volume surface runoff;
- ii. show how the SuDS scheme is achieving a flow rate and a volume surface runoff approximate to the site greenfield response;
- iii. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- iv. show how the SuDS scheme is integrated in the landscape scheme and contributes to biodiversity;
- v. include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory sustainable drainage of the development.

- 22) Each unit of the residential home hereby permitted shall be occupied only by:
- persons of state pensionable age;
 - persons living as part of a single household with such a person or persons;
 - persons who were living as part of a single household with such a person or persons who have since died.

Reason: The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

- 23) Prior to the occupation of each unit hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications. If not otherwise agreed in writing by the Local Planning Authority.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the National Planning Policy Framework.

- 24) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

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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.

28

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

29

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 11 April 2017 at 9.30 a.m. The Councillors attending will be Councillors Harvey, Mrs Henson and Edwards.

30

RICHARD SHORT

The Chair reported that this would be the last Planning Committee meeting of Richard Short, Assistant Director City Development, and thanked him for his hard work and contribution to the work of the Council and this Committee over many years. Members thanks him and wished him happiness in his retirement.

Additional Information Attached after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 9.02 pm)

Chair

PLANNING COMMITTEE
20 March 2017

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 5 : Pages 5-22 : Ref 17/0121/01 : Land adj West of England School, Topsham Road

A total of 382 letters of objection have now been received, although local residents have independently counted a total of 394 objections. (Discrepancies have occurred due to residents sending in repeat objections either in the form of email, letter, pro forma or through the planning portal). However all correspondence has been recorded online. The additional objections reiterate concerns as summarised in the Committee report although an additional comment is made that a reptile survey should have been carried out on the site.

The applicant's ecologist commented that the Ecological Receptor Checklist at the beginning of their Ecological Appraisal Report confirms that suitable habitat for reptiles was not considered to be present, hence the reason no reptile survey was undertaken. Reptiles prefer a more rank grass sward and associated scrubby habitats. Such intensively managed agricultural grassland is unlikely to be used by reptiles and therefore it would be considered unreasonable to insist on a survey when there is little likelihood of reptiles being present in the field.

Petition containing 80 signatures (12 from local taxi drivers delivering/collecting students from Southbrook School and 68 from the cycle and pedestrian users adjacent to proposed access) objecting to the increased disruption, congestion, delays and hazards on the roads through the increased traffic.

Amended plans (dwg no. 3887_206_B) have been received which indicate the removal of a central section of the area identified for development to be replaced with additional landscape planting. The total developable area has been reduced from the original submission of 3.61ha to 3.51ha which has conversely increased the green infrastructure area of the site from 3.12ha to 3.22ha.

The applicant has confirmed a financial contribution of £250,000 towards enhancement of the Ludwell Valley Park, as part of the Green Infrastructure improvements for the area.

Condition 14

The development hereby permitted shall not be carried out other than in accordance with the Masterplan Framework Plan (dwg no. 3887_205_B) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

The County Flood Risk Officer raises no objection following receipt of the additional information subject to the following conditions being imposed:-

Additional Conditions:

15. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system 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. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Addendum (Report Ref. R70083Y001A, Rev. A, dated March 2017) and those parts of the Flood Risk Assessment (Report Ref. E70052Y002A, Rev. B., dated December 2016) not superseded by the former document.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its 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 must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

17. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system 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.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Item 6 : Pages 23-44 : Ref 16/1576/01 : Home Farm, Pinhoe

Nothing further to add.

Item 7 : Pages 45-54 : Ref 16/1562/03 : Builders Yard, Lower Albert Street**Comments & Objections:**

A further five objections have been received. Two are additional comments to those provided previously to the original proposal and three new objections. Additional new comments raised include:

- Rainwater harvesting and greywater re-use as stated in the Design & Access Statement should be incorporated, not just considered.
- Now that it is a two storey design, the social area for students to meet in has been removed, so there is nowhere to socialise as a group which is poor for welfare and mental health where a sense of community by meeting together should be a given right. They will therefore not have the sense of community that is so strong in Newtown.
- Suggestion that the University purchases a field out beyond the city and build there and bus in students like other universities do.
- The roof should be pitched, not flat, in order to be in keeping with surrounding buildings.
- A residential building for families or couples would have a positive impact on the area and encourage more families to live here rather than pushing them out as the transient student population in Newtown balloons.
- Additional pressure on local facilities, especially Belmont Park.

Additional information regarding community balance:

The applicant has expressed concern regarding advice in the report regarding how the community is defined for the purpose of considering imbalance. The report identifies that the adjoining Portland Street is 32% Council Tax exempt accommodating a large number (approximately 165) students, however, the adjoining local authority development in Newtown Close and Clifton Road comprises permanent residents.

For the avoidance of doubt, in 2010, the Council considered the issue of whether imbalance in relation to Policy H5 (b) should be considered on the basis of: individual streets; within defined radial distance of proposals; or within wider parts of wards. The latter was favoured. The Council changed this approach in the HMO SPD adopted in January 2014 to consider imbalance over the wider area where an Article 4 Direction applies and Council Tax exemptions exceeded 20%. The proportion of tax exemptions is 12.9% in this part of Newtown and over 20% in the area subject to the Article 4 Direction including exempt streets. The HMO SPD does not apply to purpose built student accommodation which is considered on its merits.

Item 8 : Pages 55-72 : Ref 17/0053/03 : BHF, 1 Cheeke Street

Two further responses have been received, one from National Express in support and one resident in objection:

National Express is supportive of the planning application and are particularly pleased to see the proposals for the coach waiting area, which we believe will provide ample capacity for scheduled coach customers in a modern and welcoming environment. We are very keen to continue to work with the Council in relation to the security arrangements, management of this facility, signage and wayfinding and provision of real time information within the waiting facility.

We understand that concerns have been raised in relation to the lack of toilet facilities within the designated coach waiting facility. We are therefore keen to ensure access to the toilets within the new bus station for coach passengers.

We understand that our specific operational requirements within Exeter will be met and in this regard we are supportive of the proposals for a new coach waiting facility alongside the coach bays.

Objection: Far too high, by approving this other tall buildings will be able to get approved, scale is ugly, loss of sky and natural light to

street level, will make air pollution worse, noise from air conditioning units will affect residents.

Item 9 : Pages 73-80 : Ref 16/1560/03 : 16 Mowbray Avenue

The applicant has asked for this statement to be circulated to Members.

“Since the Article 4 area came into existence there have been a number of examples of properties in Article Four exempt roads that have been granted permitted change of use to Sui Generis (i.e. HMO with 7 or more occupants). The list below shows four similar applications: two of these are for houses in Article 4 exempt roads and two are actually for properties within the Article Four area but not in exempt roads. All have been permitted change of use to Sui Generis use class.

- 16/1204/03 Change of use from 6 person HMO (Class C4) to 7 person HMO (Sui Generis). 6, Wrentham Estate, Old Tiverton Road, Exeter, EX4 6ND.
- 16/0976/03 Change of use from C4 (HMO for 6) to Sui Generis (HMO for 8) and first floor rear extension. 1 Longbrook Terrace, Exeter, EX4 4EU.
- 15/0346/18 Change of use from small HMO (Use Class C4) to large HMO (sui generis) limited to 7 residents. 32 Danes Road, Exeter, EX4 4LS.
- 13/4917/18 Certificate of lawfulness for change of use from small to large HMO. 31 Howell Road, Exeter, EX4 4LT.

16 Mowbray Avenue is a large property in an Article 4 exempt road. Before we submitted our application the Council confirmed that the proposed alterations can be made under permitted development rights and the proposed design was discussed with the planning department to find a mutually agreeable proposal. The proposal far exceeds the required communal space standards and is of a higher specification than the successful applications listed above.”

Item 10 : Pages 81-90 : Ref 16/0318/03 : Land adj Pinhoe Hoard, Pinhoe Road

Nothing further to add.