

PLANNING COMMITTEE

Monday 12 February 2018

Present:

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

Also Present:

City Development Manager, Principal Project Manager (Development) (MH), Development Manager Highways and Transport, Assistant Highways Development Management Officer (Exeter) and Democratic Services Officer (Committees) (HB)

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MINUTES

The minutes of the meetings held on 30 October and 4 December 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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APPLICATION NO. 17/1871/FUL - LAND AT TESCO STORES, RUSSELL WAY, EXETER

RESOLVED that consideration of the planning application for the construction of part 2, part 3 and part 4 storey building comprising an extra care (Class C2) development with associated communal lounges, restaurant, kitchen, wellness room, guest suite, laundries, care providers accommodation and office, vehicular access from Russell Way, sub-station, car parking and landscaped grounds be **DEFERRED** for further information.

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APPLICATION NO. 17/1148/FUL - LAND AT CLYST ROAD, TOPSHAM, EXETER

The Principal Project Manager (Development) (MH) presented the application for up to 155 residential units and a 64-bedroom residential care home with means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration.

He referred to the nature of the highway improvements proposed as part of the access arrangements and explained that the detail and internal layout were indicative only. The key issues included the lack of a five year housing supply for the City, transport and sustainability for the wider area including the town of Topsham, green infrastructure and affordable housing provision.

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

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

- a feeling of déjà vu is apparent as Waddington Homes also applied for housing and a care home in the Topsham Gap at the land off Exeter Road

and adjacent to Topsham Rugby Ground which was rejected by this Committee, but the developer went to appeal and won their case after a public enquiry. The land was then sold with outline planning permission to another builder to be developed. As a result Waddington Homes are now confident of this new application and have not bothered with a pre-application assessment;

- the issue of Exeter's housing shortage is being used to override all other considerations and although understanding of Exeter's housing problem this Committee, in the past, has accepted the importance of the open space between the city of Exeter and the town of Topsham. It has rejected other applications in the past which have only been allowed to progress following appeals to the Planning Inspectorate where the housing shortage was cited as the overriding factor;
- however, the Heritage Homes development and the Waddington, now Burrington Homes, development next to the Rugby Ground are both on the main Topsham to Exeter Road with relatively easy access to facilities. This new application is separated from the rest of Exeter by the Exmouth to Exeter railway line with the only possible road access to this green field site via Clyst Road. There is no other way in or out of the area and no way across the railway line;
- Clyst Road joins the edge of Topsham where Denver Road meets Elm Grove Road with Junction 30 of the M5 near Sandygate. For most of its length it is a narrow country road and within the East Devon District Council area. The edge of the proposed development is the boundary between Exeter and East Devon local authorities. From this boundary northward Clyst Road is exceptionally narrow for about half a mile with steep banks on either side and no pavements. Two cars can pass with care, two 4 x 4s struggle and any commercial vehicles cause a problem. Recently a car transporter got stuck and caused gridlock. Any pedestrians or cyclists using this section are at grave risk to their safety;
- traffic queues along Topsham Road and there is congestion around Countess Wear roundabout which has been exacerbated by the new developments referred to and in the Newcourt area. Anyone living on this application site will choose to travel along Clyst Road to avoid the congestion in Topsham;
- the road travelling towards Sandygate in its present narrow condition will be unable to cope with an increase in car movements plus cyclists and pedestrians;
- the land north of the application site is in East Devon, and according to their local plan the area is designated as Green Wedge and therefore protected from settlement coalescence;
- one of the potential results of 'creeping' development could be the coalescence of adjacent or neighbouring settlements, villages or towns. To prevent such coalescence, it is important that open land between settlements to help them maintain their separate identities, their landscape settings and to avoid the creation of unrelieved development.
- the application site is part of a small area of land within Exeter's boundary that juts into the East Devon Green Wedge and is bounded on the west side by the un-crossable railway line. To the east of Clyst Road is the River Clyst flood plain which it is hoped will be kept as green open space in keeping with the adjacent Green Wedge. Because of the protected Green Wedge status of the area north of the application site it is unlikely that there are any plans to widen Clyst Road here as it would mean removing the Devon banks and mature trees forming the road side;
- the application promises improvements to the Clyst Road going south to the junction with Denver Road. Denver Road itself cannot be further widened because of the railway bridge at that point which narrows the road so it is

unclear what improvements are promised as part of the Section 106 Agreement. Clyst Road at this junction is wide enough for two way traffic for a short distance. It then narrows on a bend where the presence of existing properties, a farm wall and mature, protected trees makes it impossible to have a pavement. Pedestrians have to walk in the road at this point. How is this going to be widened to cope with increased movements of cars and pedestrians?;

- how will construction traffic reach the site. Coming south from Sandygate along Clyst Road will be impossible. Traffic coming down Topsham Road and then Exeter Road will have to turn left into Denver Road, negotiating traffic-calming road islands and speed humps, come under the narrow railway bridge and then left into Clyst Road. Traffic coming from the A376 will come past Darts Farm, across the narrow bridge by the Bridge Inn and then negotiate the tight traffic-calming road islands at the Station Road and Elm Grove Road junction. Devon highways officers may have considered traffic flows but not the difficulties of using the local road network;
- there are insufficient school places for children possibly moving in to the application site with Topsham School at bursting point and there is no way across the railway line to reach the new school at Newcourt, the only way being north along Clyst Road;
- there is no need for a further care home as Waddington Homes got permission for one on the land adjacent to the Rugby Ground. There are likely to be more service vehicles which tend to be bigger and would cause more problems in the narrow Clyst Road;
- although the report raises concerns it concludes that the housing shortage in Exeter tips the balance in favour of acceptance. Other factors should tilt the decision towards refusal. East Devon recognise the Clyst Valley as an area worth protecting. This application plot, although within the Exeter boundary, lies within this zone, is also part of what is left of the Topsham Gap and approval here will set a precedent for further development in the remaining green fields. It is separated from the rest of Exeter by the railway line and its only road link with Topsham or Junction 30 is via Clyst Road which is a narrow lane for much of its length. The local road network will make access very difficult; and.
- deferral might be appropriate for a site visit along Clyst Road to view the potential dangers and the environmental setting of the proposed development.

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- support comments of Councillor Baldwin;
- residents of Topsham feel under attack with constant pressure on the Topsham Gap and the green buffer between Exeter and Topsham should be protected;
- the application should not be seen as the developer doing Exeter residents a favour by providing more housing;
- a site on a narrow country lane on the edge of Topsham is unsuitable for a development of this nature - the narrow nature of the lane with a number of bends creates dangerous traffic conditions and it is unsafe to walk along the Lane into Topsham;
- accept that the highway officers must work within their professional guidelines but non-technical arguments are also of value;
- further loss of green wedge land will contribute further to the “pack of cards” scenario and is a continuation of the thin end of the wedge

- the lack of detail for the application is unacceptable as is the lack of consultation on the proposals;
- the Committee refused an application for the West of England School site in order to protect green land and should do the same with this application.

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

- Mr. Andy Graham-Cummings' document for the Topsham Society's Planning Group dated 7 February 2018 shows clearly under the heading "Sustainability and Accessibility" that the applicant's Transport Assessment is flawed. The proposal site is not a "level walk" from facilities in Topsham';
- it is inaccurate to describe the proposed development as "sustainable". The site is at a high and far extremity of Topsham, on a dangerous road where there is no bus service and is never likely to be one, whatever "enhancements to the local sustainable transport provision by the way of a significant financial contribution" are proposed by the developer;
- also question the applicant's idea of siphoning the main road - where traffic at peak times can be high - through the development. The idea of making a short cycleway of the present stretch of road parallel with the edge of the field is questioned. The cycleway is a nonsense;
- Mr. Graham-Cummings also points out that Transport Assessment is based on modelling rather than actual measurements in Clyst Road itself and that the new junction proposed has not taken into account the blind bend just beyond it;
- there is also the matter of the mix of affordable housing and "market housing". Other recent developments in the Topsham Gap has shown that even when a provision is proposed, as it is here, for 35% of the units to be "affordable", this may never actually come to pass - at the reserved matters stage the provision may be transmuted to another site in the city. What Waddeton Park is really trying to make possible is the building of large, expensive houses on the outskirts of Topsham which will benefit from a Topsham postcode and therefore Topsham prices;
- the harm to the landscape setting of the city is the most obvious adverse impact. The report states "relatively modest", but this is based on his assumption that "the remaining open land beyond the application site to the north and the land between the appeal site and the M5" would maintain the visual separation and separate identity of Topsham;
- each permission to build in the Topsham Gap begets another: if this one is passed it will only serve as a precedent to a further application, just as the Exeter Road developments have done for this one - it is another bite out of the fields and open space which are the Gap;
- adverse impact on the community of Topsham, a great many of whose residents demonstrably care about the preservation of the Gap; and
- the proposed development would not amount to sustainable development and that its adverse impacts would significantly and demonstrably outweigh the identified benefits.

She responded to Members' queries:-

- the Great Horwood application, saw the Secretary of State rule against a similar development on the edge of a village even though Aylesbury District Council did not possess a five year housing supply;
- the average walking time to the nearest bus stop near the railway crossing in Topsham would be 20 minutes or 30 minutes for an elderly person; and

- Local Plan LS1 seeks the preservation of the Topsham Gap keeping it free of development to preserve Topsham's landscape setting and to prevent coalescence of Exeter and Topsham.

Members criticised the absence of sufficient detail within the application, the lack of consultation as well as the absence of a representative of the applicant to speak in support of the application and to respond to the many issues of concern. It was suggested that the application should be deferred for a site inspection but the consensus was that a decision should be made.

Regard was given to the precedent set at appeal in respect of applications already referred to in Topsham and to housing developments being brought forward elsewhere in the City and how these related to this area of land on the outskirts of Topsham, the absence of a five year housing supply in the City and the guidance within the National Planning Policy Framework seeking presumptions in favour of sustainable development. Reference was also made to negotiations in respect of Section 106 Agreements under the Town and Country Planning Act 1990. It was also noted that housing supply was one of the issues currently being considered by the Greater Exeter Strategic Partnership, that the emergency services were yet to comment on the development and that CIL contributions towards education placements would be a matter for further consideration.

Members expressed particular concern over the issues of access along the narrow Clyst Road and the continuing pressure on the green wedge of land around Topsham.

Some Members felt that Clyst Road lacked sufficient capacity to support this development and that it was unsuitable for construction traffic and would result in extra congestion on to Junction 30. It was not thought that the local highways network would be able to cope with the extra traffic and one Member stated that the upgrading of the road network should be undertaken prior to any development being considered. Issues of highway safety were also raised particularly existing dangers being exacerbated with lack of sight lines, absence of pavements, narrowness etc.

The Devon County Council Development Manager Highways and Transport advised that the impact on highways of new developments was assessed through the Trip Rate Information Computer System (TRICS) data base modelling used nationally on the basis of six to eight traffic movements normally expected from a residence and that the results had shown that the development would not result in a severe impact. He also stated that necessary improvements would be brought forward in conjunction with the scheme. He also advised in response to Members that the highway improvements would be achieved on land on which there were highway rights and would not involve acquisition of private land.

Regarding the impact on the Topsham Gap, a Member suggested that the circumstances around the loss of green wedge/open space were different than experienced in applications for housing development in other parts of the Topsham Gap as referred to by the objectors as well as elsewhere in the City. A different scenario was evident in that part of the application site, although wholly within the Exeter administrative boundary, demonstrably encroached into a continuous area of land in East Devon specifically identified as green space and that it could be shown to cause an unacceptable harm to this East Devon District Council designation of Green Wedge.

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

The motion to refuse the application, moved by Councillor Denham and seconded, was voted upon and carried. The motion to use the encroachment of the development site into the East Devon Green Wedge rather than highways issues as the reason for refusal was moved by Councillor Denham, seconded by Councillor Harvey, voted upon and carried

RESOLVED that planning permission for up to 155 residential units and a 64-bedroom residential care home with means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration be **REFUSED**, as:-

- (1) the proposal is contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 (the Vision, Spatial Strategy and policy CP16), Exeter Local Plan First Review 1995-2011 (saved policy LS1) and the emerging Exeter Draft Development Delivery DPD 2013 (policy DD29) because:-
 - (a) it would result in development outside the identified strategic locations for growth contrary to the Statutory Development Plan for the area; and
 - (b) development within the strategic gap between Topsham and Exeter would compromise the separate identities of both settlements and would adversely affect the attractive rural landscape which provides the essential green setting to the historic settlement of Topsham and which is an integral part of the wider rural landscape of East Devon; and
- (2) in the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policy CP7, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

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APPLICATION NO. 17/0916/FUL - LAND AT OLD VICARAGE ROAD, EXETER

The City Development Manager presented the application for the use of land for car wash and valeting service.

He outlined the history of the application, the applicant having previously operated a car wash on that part of the site fronting Cowick Street and which had closed following an application for a housing development. He referred to use of the proposed site by the St. Thomas Social Club and a Funeral Parlour for car parking and to the proposed operating hours of the car wash over the entire week. Responding to Members, he advised that only part of the former car wash site fronting Cowick Street had been within the St. Thomas Conservation Area and also stated that a drainage strategy would need to be agreed for the proposal.

Councillor Hannaford, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- the proposal will adversely affect Cowick Street, Old Vicarage Road, Old Vicarage Gardens and Powderham Road;
- the proposal has been considered at Delegation Briefing and referred to the Committee because of concerns of local residents regarding noise and pollution – it is a fast, noisy and frenetic business with teams involved in cleaning and valeting with a quick completion of jobs;

- residents are also concerned about traffic and parking. The traffic dynamic along Cowick Street in respect of the previous car wash was different in that the traffic was slow moving whereas, on the proposed new site, traffic from the residential area can be quicker and customers of the car wash may be unfamiliar with the road layout. The car parking spaces used by the Social Club and the Funeral Parlour will also be compromised;
- the siting of a portacabin next to residential properties is a concern because of noise of the operation from the portacabin, people smoking etc.;
- with a seven day operation proposed, neighbours with low garden walls will have their quiet weekends disturbed by the work and inhibit the enjoyment of their gardens;
- not only will existing residents be affected but also those moving into the new residences to be provided on the old car wash site;
- surprised at the recommendation for a two year trial period and opposed to residents being used as guinea pigs;
- the space on this site is already cramped with the Social Club and Funeral Parlour in situ;
- mindful that there will be an economic effect if the business does not proceed with associated lack of employment opportunities. Ask therefore for the Council's economic team to assist in searching for an alternative site for the car wash; and
- if permission is to be granted request no working on Sundays.

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

- the proposal will cause disturbance as it is five metres from doors and windows to residential properties in a densely populated area and will be detrimental to the people living in this area;
- it will impact on air quality and pollution control. Human health is adversely affected by exposure to air pollutants in ambient air. In response, the European Union has developed an extensive body of legislation and the UK government is also taking steps to reduce air pollution;
- the City Council has measured air quality in the local area and found, for example, that concentrations of NO₂ on Cowick St are currently only just below the legal limit of 40 µg/m³, when taken as an average over 12 months. The proposed business will have a constant queue of vehicles with their engines running, 12 hours a day, seven days per week, within one metre of back gardens and within five metres of windows and doors. It is reasonable to summarise that, during busy times, the heavy traffic in the area raises the level of pollution to above safe levels. Since the previous location of this business has closed, air quality in Cowick Street has improved;
- the previous site of the business, on Cowick Street, was granted temporary planning permission. The noise generated by the site was significant. The industrial vacuum cleaners run for 12 hours a day, seven days and week and generate 70db of noise;
- there is a problem of chemical usage - the business uses industrial solvents and cleaning products which are applied in a fine spray that travels easily in the slightest breeze and is harmful to human health. The pressure washers also generate constant noise;
- access to the site is via a small residential road. The previous site was via Cowick Street. The site is currently a car park for St Thomas Social Club. At weekends the car park is particularly busy. These customers will be forced to use neighbouring roads to park. There is already insufficient parking for residents in the area. The increased traffic along Old Vicarage Road will also be detrimental to the quality of life for residents; and

- the site is raised and will therefore cause a loss of privacy to all the houses on Powderham Road as the business staff and customers would have a clear view into rear bedrooms.

He responded to Members' queries:-

- lived in area for two years, the previous car wash having been closed for about a year, the problems of noise and pollution having reduced in this time;
- site is not acceptable at all for a business of this nature; and
- aware of poor air quality, both along Cowick Street and the Alphington Corridor.

Mrs Laska spoke in support of the application. She raised the following points:-

- the car wash on Cowick Street was started in 2006 and this application is for a different and enhanced operation with additional investment to reduce problems of noise and pollution including improved use of chemical pollutants and to ensure no contamination. Problems relating to drainage will be addressed;
- information on how noise and pollution are to be reduced were provided; and
- the intention is to run an efficient business offering a service to the community.

She responded to Members' queries:-

- will use commercial instead of domestic hoovers to reduce noise;
- previous site was open plan whereas the new operation will be under cover so there will be no water or chemical spray into neighbouring gardens;
- operation closed in April 2017 and will build up business again with six or seven employees initially; and
- weekend working is valuable when there is greater trade as people have greater freedom on weekends to bring their vehicle in. A seven day a week operation is beneficial to the public.

Members noted that the report did not refer to a covered area as part of the operation nor the introduction of newer, less noisy equipment and, given the absence of any reference to any mitigating measures the proposal was unclear. They did not feel that a trial period of two years was appropriate as the concerns relating to noise and pollution etc. were likely to disturb the peace and enjoyment of neighbours' amenities from inception. It was also noted that both existing residents and those of the new properties to be built on the previous car wash site would be affected.

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

RESOLVED that planning permission for the use of land for car wash and valeting service be **REFUSED** for the following reasons:-

- (1) the adverse impact on residential amenity of neighbouring properties from the noise and pollution caused by the car wash and the perceived reduction in air quality being possibly deleterious to the health of residents; and

- (2) the unsuitability of such premises in close proximity to residential properties.

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**APPLICATION NO. 17/0308/FUL - EXETER GOLF AND COUNTRY CLUB,
TOPSHAM ROAD, EXETER**

The City Development Manager presented the application for two Bays of fine mesh protective golf netting 20 metres high, lattice supports (x3) over a total length of 60 metres to provide protection from stray golf balls for nearby dwellings.

Responding to Members, he confirmed that the netting would be screened by new, semi mature trees of approximately seven metres in height which were likely to grow further. Although the Club intended initially to provide a 10 metre high netting it may, in the future, increase to 20 metres should the problem with stray balls persist. Three pillars were required for the proposed length and were of the necessary design to support the proposed height. The normal colour of the netting was black. It was noted that the idea of residents entering into an agreement with the Golf Club to accept that, if netting was not provided, the Club could not be considered responsible in the event of damage to property and/or personal injury had not been raised.

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

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points, referring to a number of photos provide by the objector:-

- the application mirrors that of an earlier request for netting when a compromise had been reached between the Club and the house builder resulting in a reduction in netting height;
- one photo showed properties within 14 metres of the fence and the access road adjacent to the 9th hole, another showed the line of good and stray shots and another showed the visual impact with the inclusion of existing trees although there had not been any reference to their replacement;
- a partial solution has been provided through the realignment of the 9th hole which has all but stopped stray balls so it would be sensible for the club to pursue further options such as only permitting the exclusive use of the tee by experienced golfers which could negate the need for netting. Moving the hole closer to the tee would be the ideal solution and this option should be pursued and monitored. It will also mean less of a financial outlay for the club;
- residents have questioned the credibility of the analysis provided by the professional consultant and whether the nets will be an adequate deterrent;
- as the applicant is seeking initially to provide only a 10 meter netting the residents are questioning why permission is also sought for 20 metres; and
- application should be turned down and the alternative solution of moving the tee put forward adopted.

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

- there will be an adverse visual impact - for one resident of Holland Park this fence would be 16 metres away from their back garden and in plain view. The top would be much higher than 45 degrees up, and you would have to crane your neck to see it. For several other residents, enjoying their gardens and looking out of west-facing windows would be utterly oppressive;
- the photos show how dominant the netting would be within the local landscape;

- the trees partly screening the netting will be gone soon - they are old trees, and the golf club haven't planted successors. These trees - together with the rest along the same boundary - will soon be felled, or fall over. When that happens, not only will this netting become exposed, but another planning application can be expected for an additional 90 metre length of golf safety netting, as there will be no protection for the left hand boundary of the 9th hole;
- the effectiveness of the proposed netting in stopping stray balls is questionable. Checking the supporting technical reports carefully, there are conclusions which are incorrectly drawn. For example, the proposed netting has an effective height of 14 metres not 20. The reason for this is that the 9th hole slopes downwards, and where the netting is proposed to be, it is six metres lower than the tee;
- the consultant's analysis assumes the ground is level. Clearly it is not. A golf ball which would normally reach 20 metres high by the time it gets to the netting, will be 6 metres higher than that, measured from the ground;
- using the consultant's own data, it means that at least two thirds of tee shots made by men will reach over 14 metres height. The netting would not stop the majority of those and, as a result, the consultant's conclusion that "the 20 metres high proposed fence is reasonable...", is wrong;
- the stray ball problem does not require the northerly arm of the netting at all, and the southern arm won't stop many balls from escaping onto the new access road anyway;
- arguably, a solution has already been found by the golf club as no balls have been seen to have escaped into Holland Park since the new tee position came into operation even if it turns out that it is not a complete solution, it is believed that there is sufficient evidence to suggest that the current proposal should be refused on the grounds that it does not solve the problem; and
- as another option, the 9th hole could be shortened, which would take the whole danger area out of the equation. This would have a lesser effect on the viability of the golf course than the club might have the Committee believe.

He responded to Members' queries:-

- believe the position of the tee was changed about six months ago; and
- there was insufficient time to obtain professional advice on behalf of the residents as they were notified too late in the process.

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

- speaking as Chairman of Exeter Golf and Country Club which fully supports the application which has been submitted on its behalf by Heritage Homes;
- the responsibility for Health & Safety in these circumstances rests solely with the Club and, on such critical issues, the Club has always sought to act upon informed professional advice. In this respect, the Club has continued to employ the services of internationally renowned Golf Architect Tom MacKenzie of MacKenzie Ebert who has been the lead advisor to the Club throughout this difficult period and he also designed and supervised the extensive alterations to our golf course. Without his help and guidance, the Club would have needed to seriously consider moving from its location in the City;
- Tom has advised the Club ever since the problem with the 9th hole arose and has specifically responded on the information submitted by the Holland Park resident's in their briefing note. His advice has remained firm in respect of the need for the safety netting and the Club has to follow his advice in

order to comply with both its Health and Safety policy and Insurer's requirements. Planning consent is therefore needed in order to phase in the erection of this relatively short length of safety netting, firstly 10 metre high and, if necessary, 20 meter high, to ensure full protection of neighbours in Holland Park. From an aesthetic viewpoint, seven metre high trees will be planted in the gap where the dead trees have been removed and this will provide an immediate visual barrier between the netting and Holland Park, with the netting to be sited entirely on golf course land; and

- the Club would have also liked to avoid erecting the netting, particularly as it has to pay for it, but this is ultimately a matter of survival for the Club.

He responded to Members' queries:-

- moving the tee has not completely eradicated the problem of stray balls;
- although the re-alignment of the tee has helped, the professional consultants advise that the netting is necessary as further protection;
- the Club has a Golf Course Manager and a Golf Manager but it is not possible to log all incidents of straying balls. Because of the problems with stray balls moving the tee was implemented to assist and this has helped the situation but some balls still go astray and the problem has not gone away;
- regarding the suggested shortening of the hole, a previous reconfiguration of the course resulted in a reduction in its length which is now considered to be at a minimum beyond which people may no longer wish to play. Any further changes will be the thin end of the wedge and members and the general public will seek to use other courses;
- it is not considered that the proposed netting will be particularly obtrusive and there will not be overarching cross bars linking the three posts as shown on the circulated photograph;
- the standard netting colour is black which is not considered to be particularly visually intrusive and the towers are galvanised to prevent rusting - these could be painted green;
- this is the only part of the course that is at risk;
- at least seven of the 10 metres will be covered by trees. The total cost of a 20 metre fence will be approximately £60,000 which can be fitted in two sections, the second 10 metre section to be affixed on top of the first 10 metres if required. A 20 metre fence is recommended by the consultants but the Club have opted not to implement this immediately but to wait and see the effect of the 10 metre fence;
- confirm that change to the tee occurred about six months ago;
- the golf course is at 20% capacity at the moment and wishes to implement any consent in time for the busier period from April on;
- strongly refute claim that the consultant did not take into account the change in ground level on the 9th hole as he is an expert;
- the Club takes its responsibilities seriously and is properly insured but it is necessary to show that all necessary precautions have been taken should any claims for personal injury or property damage be received;
- the Club will do everything to avoid incidents and will continue to monitor the situation; and
- the new tee is all weather and in operation all year round and requires maintenance.

Members referred to the difficulty in determining a threshold for a netting, noting that an initially suggested height of 30 metres for the previous application for a netting had been deemed too high. They recognised that there was a need for the club to protect itself from potential claims and that a protective netting along with the other

measures taken would help limit the number of stray balls straying into neighbouring residential property.

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

RESOLVED that planning permission for two Bays of fine mesh protective golf netting on 20 metre high; lattice supports (x3) over a total length of 60 metres to provide protection from stray golf balls for nearby dwellings be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990. Approved drawings.
- (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 21st February and 27th March 20 (dwg. nos EGCC - Nets Loc Plan, 9th Hole Netting Survey Site Plan, 9th Hole Netting Survey Elevation, tower base foundation details, and tower elevation) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Prior to the installation of the protective netting hereby approved a landscaping scheme shall be submitted to and be approved in writing by, the Local Planning Authority. The landscaping scheme shall include details of a timeframe for its implementation and on-going maintenance arrangements. Thereafter the development shall be implemented in accordance with the approved landscaping scheme.
Reason: In the interests of the visual amenities of the area.

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APPLICATION NO. 17/1126/FUL - 16A MONMOUTH STREET, TOPSHAM, EXETER

The Principal Project Manager (Development) (MH) presented the application for a replacement ground floor extensions on north east, north west and south west elevations and glazed porch on south east elevation.

He referred to the two key issues of impact on neighbouring properties and impact of design on the Topsham Conservation Area and in response to a Member's query he confirmed that the total length of the extension proposed in combination with a previous extension was seven metres. Members were also advised that there was some divergence from household guidance but that each application should be considered on its merit.

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

- sympathetic to applicant's wish to enhance their home in part with view to ensuring its suitability in later years in order to remain in the area but feel that the proposal would be unsuitable for the Topsham Conservation Area;

- the proposal will be a large extension in a garden that is not very long or wide and will impact adversely on the neighbouring properties;
- existing extension is 3.5 metres from the rear wall of the house and, with a further three metres, will exceed seven metres which is not permissible under planning regulations;
- it will set an unacceptable precedent for the infill of other gardens and make it difficult to preserve existing open land left in the area;
- accept it is a semi-detached and not a terraced property but the Monmouth Street area is one of historical and architectural importance and the principle of resisting infill should be maintained;
- neighbours have a right to privacy and walls and roofs with windows are of such a size and proximity to cause overbearing, become oppressive and impact adversely on neighbouring amenity;
- housing shortage is not an issue but question of infill is; and
- cannot support the application as the property will have a detrimental impact on the Conservation Area and adversely affect the amenity of neighbours.

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

- in 30 years of living on Monmouth Street never has an application failed on so many counts in terms of policy compliance, detrimental effect to neighbours and impact on the historic character of this conservation area. The neighbours' amenity will be harmed. To say that there is no greater threat to privacy than standing in the garden of the property is absurd. As with other applications, the view from the garden is irrelevant;
- there are many policy non-compliances of the Householder Guide to Extensions adopted by Exeter City Council:
- natural light and outlook will be significantly affected for neighbours. Almost 50% of the garden of 16 will be subsumed by the structure, towering over the garden wall on the only side that receives direct sunlight, its black slate roof overshadowing the outlook. From inside 16B, and from the garden, the side extension will be overbearing and overshadowing;
- privacy will be affected by new direct sight lines created into the main bedroom, bathroom and garden of 16B;
- the scale and massing is not subservient to the original property but increases the footprint by 120% - that is unambiguously not subservient;
- the roofs should match the main roof in terms of shape and pitch - the roof forms for porch and extension do not;
- the maximum depth permitted is 3.5 metres from the rear of the existing property. This is not an application for a three metre extension, but for seven metres, as a four metre extension was built recently. It is non-compliant;
- the maximum width permitted is two thirds of the original rear elevation but the extension will cover the entire rear elevation;
- to approve this proposal would be against the specific guidance of the Exeter City Council Core Strategy. Of the seven key principles defined, six have been objectively demonstrated to be breached;
- policies are designed to protect the community from rogue applications. Ignoring them cannot be justified;
- it does not increase affordable housing but creates an entirely unaffordable home close to £1 million in value;
- to pass an application with such an overwhelming number of objections and so many clear breaches of policy, will render the planning process, local community feelings, and the designation of this street as part of a Conservation Area, irrelevant;

- this is not a modest extension. It wraps around three sides of the house and builds right to the boundary with neighbours on both sides, where it is overbearing and overshadowing; and
- the first application for a massive 10 metre extension was designed to provide leverage for a reduced extension in a revised application and the Committee should not be swayed by it.

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

- acting as agent for the applicant and refute concerns regarding loss of amenity, overbearing and loss of light;
- planning officers have been provided with detailed proposals and models including a comparative sun shadow study showing impact of sun over a twelve month period. The latter shows that there will be no impact on loss of light;
- design is acceptable with a hipped roof reducing the eave heights;
- proposal is to ensure a sustainable use in later years for the applicants and will provide a ground floor bedroom with shower room in order to maintain independent living;
- the rebuilt garage will be of the same footprint;
- reference to the previous extension by a Member relates in fact to 16B and not this property; and
- confirm that the applicants are of retirement age.

Members who had attended the site visit did not feel that the proposal was excessive or overbearing and considered it would not have a significant impact on neighbouring properties. It was noted that a precedent for infill had already been set in respect of 16B.

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

RESOLVED that planning permission for replacement ground floor extensions on north east, north west and south west elevations and glazed porch on south east elevation be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- (2) 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 5 July 2017 (including revised Design and Access Statement received 5 January 2018; dwg. nos 7528-01; 7528-14 Rev C; 7528-15 Rev C) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Informatives

- 1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.
- 2) This site is not located within a Smoke Control Area and so there is no requirement on the type of appliance that can be installed or the type of fuel that can be burnt. The applicant should be advised however of the potential for solid fuel fires and stoves to cause a nuisance to neighbours by means of smoke, fumes or odour if they do not burn cleanly or dispersion from the chimney is poor.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager submitted.

RESOLVED that the report be noted.

110

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

111

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 March 2018 at 9.30 a.m. The Councillors attending will be Councillors Denham, Gottschalk and Newby.

Additional Information Circulated after Agenda Dispatched - attached as an appendix

(The meeting commenced at 5.30 pm and closed at 9.43 pm)

Chair

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**PLANNING COMMITTEE
12 FEBRUARY 2018**

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 5 : Pages 5-20

Application Ref: 17/1871/FUL

Land at Tesco Stores, Russell Way

Councillors will be asked to defer this application to a later date in view of the fact that the applicant has failed to undertake a Stage 1 Safety Audit which means the Local Highway Authority cannot currently comment on the application.

Item 6 : Pages 21-44

Application Ref: 17/1148/FUL

Land at Clyst Road, Topsham

Minor amendments to conditions listed in main report as follows:-

Condition No.

- 2) Delete word 'access' as this is not a 'reserved matter'
- 3) insert missing drawing no. '4179-501 Rev C'
- 4) insert missing drawing no. '4179-501 Rev C'
- 5) Replace "in the vicinity of" with "within 20 metres of"
- 6) Delete word "all"

LATE AMENDMENT:

(This amendment was not on the document circulated on 9/2/2018)

The reference to condition 5 is actually meant to be condition 11, and the reference to condition 6 is meant to apply to condition 16.

Item 7 : Pages 45-52

Application Ref: 17/0916/FUL

Land at Old Vicarage Road

Nothing further to report.

Item 8 : Pages 53-60

Application Ref: 17/0308/FUL

Exeter Golf & Country Club, Topsham Road

Since the main report was prepared the applicant has confirmed that whilst consent is being sought for 20m high netting and supports it is only the Golf club's intention to initially erect the netting and supports to a height of 10 metres. They have indicated this will allow them to monitor the effectiveness of the 10m netting and the works already carried out to the tee position etc. in terms of addressing the problem of stray balls, and that it would only be their intention to then take the netting up to 20 metres if there is a continuing health and safety issue. Whilst this is useful for Members to know as background regarding the Golf Club's intention, Members are reminded that consent is being sought for 20 metre high netting and

that in the event permission is granted were the Golf Club to only implement a 10 metre high netting initially no further permission would be required should the Golf Club then decide implement the full 20 metre height.

A further representation has been received from Mr Forrow (a resident of Holland Park) raising the following matters :-

- Disputes the officer conclusions regarding the degree of visual and amenity impact arising from the proposed netting, and the number of properties affected.
- Suggests that the role existing trees play in screening the visual impact of the netting should be disregarded given doubts about their long term future based on their health/age and the intentions of the Golf Club with respect to their retention.
- Suggest misleading statements were made regarding the need for netting to prevent stray golf balls leaving the course when the application for development of the practice range was considered (17/0006/03).
- Queries the technical justification for, and hence efficacy of and need for, the proposed netting stating
 - 50% of the proposed netting is redundant
 - Relative height of netting to tee such that balls hit towards it would go over it
 - Netting proposed would fail to adequately protect users of the access road.
- Alterations to 9th tee position seem to have significantly reduced incidence of stray golf balls, although suggest some players are still using the old 9th tee position rather than the new one.

This additional representation has been brought to the attention of the applicant for a response regarding the justification and need for the proposed netting and the outcome of this will be reported at Planning Committee.

Item 9 : Pages 61-68
Application Ref: 17/1126/FUL
16A Monmouth Street, Topsham

Nothing further to report.