

PLANNING COMMITTEE

Monday 23 July 2018

Present:-

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

Also Present

City Development Manager, Principal Project Manager (Development) (HS), Development Manager Highways and Transport and Democratic Services Officer

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MINUTES

The minutes of the meeting held on 25 June 2018 were approved 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. 18/0534/FUL - LAND WEST OF RINGSWELL AVENUE

The City Development Manager presented the application for the construction of 48 dwellings (Use Class C3), means of access, public open space and associated infrastructure. He explained that, in line with this Committee's decision on 25 June for the applicant to further discuss access and land ownership issues, these had been undertaken with the County Council and the applicant wished to proceed with the original application, as an alternative access via Ribston Avenue was impractical for technical, legal and cost reasons.

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

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

- the application should be considered jointly with the forthcoming proposal for the adjoining land for an independent hospital, the location of which next to a school is questionable;
- endorse use of brownfield site for housing development, but concerned for boundary usage;
- unacceptable disruption to existing wildlife corridor to the rear of Warwick Road. The pedestrian/cycle link to be provided along this boundary should be adequately illuminated;
- existing traffic congestion at the Honiton Road/Ringswell Avenue junction will be exacerbated and proactive measures necessary to improve this junction; and
- associated signage as part of the construction management plan should be in place at an early stage to control timing and movement of construction vehicles.

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

- although discussions have taken place with the County Council on land ownership the applicant's stance remains unchanged and wishes to proceed on their own terms citing cost and legal difficulties in amending the proposal;
- do not accept the measurements referred to by the applicant in respect of the capability of Ribston Avenue to be widened to adoptable standards; and
- as requested at the June meeting, the views of residents should be listened to particularly their concerns in respect of child safety of those children attending the Saint Nicholas Catholic Primary School and fears regarding emergency vehicles accessing Ribston Avenue.

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

- only matter to consider is that of access and discussions had been held with the County Council regarding access via Ribston Avenue and, whilst an offer of land had been made by the County, it was not without complications. In particular, the legal process and consequent re-design of the scheme would result in significant programme delay and cost;
- even if the land ownership issues could be resolved, then a minimum width of only nine metres would be available for the formation of the alternative access road. This was below the 9.5 metres minimum adoption requirements and the 10.5 metres advisable minimum construction width;
- traffic congestion during school dropping off and picking up hours is considered to be no different than around other schools in the City; and
- benefits will include development of a brownfield site to deliver 48 homes, 17 of which are affordable and a CIL contribution of £404,000.

He responded as follows to Members' queries:-

- have used TRICS data, an industry accepted formula for predicting traffic movements, which showed 15 traffic movements generated by residents during the morning peak which would coincide with school generated traffic;
- the County Council had not proposed the widening of Ringswell Avenue; and
- the work on the access from Ribston Avenue for construction vehicles will be temporary and therefore not as rigorous as for a road suitable for adoption the provision of which is restricted for the stated reasons. Vehicle movement will be subject to a construction management plan.

The Development Manager Highways and Transport explained that improvements to the Honiton Road/Ringswell Avenue junction would require significant investment and he also provided information on TRICS - trip rate calculations of traffic/people movements in and out of developments – the average being 5-7 movements per day.

Members considered that the development would impact adversely on the existing traffic congestion on Honiton Road which, in light of recent statistics, was considered to be one of the worst in the country and should therefore be categorised as "severe" in line with national planning policy guidelines. It was also noted that reference to lower traffic generation associated with a previous permission approved for this site could not be used as evidence as the permission was some six years old. It was remarked that the County Council, the previous owner of this and the adjoining site identified for an independent hospital, should

have sought to facilitate improved access via Bramley Avenue and Ribston Avenue in advance of the applications coming forward. Members were also very concerned regarding the safety of children along Ringswell Avenue.

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

RESOLVED that the City Development Manager, subject to prior consultation with the Chair, be authorised to **REFUSE** planning permission for the construction of 48 dwellings (Use Class C3), means of access, public open space and associated infrastructure for the following reasons:-

- (1) the increased congestion that will result along Honiton Road, particularly at the Ringswell Avenue junction; and
- (2) safety risks to children of the Saint Nicholas Catholic Primary School along Ringswell Avenue.

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PLANNING APPLICATION NO. 17/1788/OUT - FORMER EXWICK MIDDLE SCHOOL

The City Development Manager presented the outline application for a residential development with vehicular access from Gloucester Road via Higher Exwick Hill (All detailed matters relating to access, appearance, landscaping, layout and scale of development reserved for future consideration).

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

- do not object to the principle of housing development on this site;
- amended plans have been provided since the publication of the report which show different and unacceptable changes to the access to the site from Gloucester Road;
- the ecological appraisal and updated ecological walkover survey was produced by an individual who is no longer a member of the relevant chartered institute
- the tree survey is not fit for purpose as the development will lead to the unacceptable loss of a number of trees which remain in a good condition and proposes the removal of some trees in other people's gardens. Some roots will impact on houses and construction traffic accessing the site will be affected by low hanging branches of some trees; and
- the current access of three metres is inadequate and should be widened to the required minimum of six metres or an alternative access identified.

The City Development Manager stated that, as the application was outline, access details would be determined when the reserved matters were before the Planning Committee. Members asked that traffic issues in the area be fully addressed as part of the final determination.

Members also requested a report to the Planning Member Working Group on technical highway matters discussed in planning applications at this Committee including TRICS and Traffic Regulation Orders for the Development Manager Highways and Transport to brief Members.

The recommendation was for approval, subject to the conditions as set out in the report. The principle of residential development of this brownfield site within the built up area was considered acceptable and compliant with relevant development plan policies.

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

- in the event that the number of dwellings exceeds 10, or the combined floor space exceeds 1,000m² affordable comprising 35% of the total number of units will be provided with a tenure split 70%/30% social rented/intermediate, and 5% of affordable units as wheelchair accessible housing, built in accordance with the Council's Wheelchair Accessible Housing Design Standards;
- a Traffic Regulation Order contribution of £5,000;
- a Travel Plan contribution of £500/dwelling; and
- the provision of open space with public access and on-going management/maintenance arrangements

planning permission for a residential development with vehicular access from Gloucester Road via Higher Exwick Hill (All detailed matters relating to access, appearance, landscaping, layout and scale of development reserved for future consideration) be **APPROVED**, subject also to the following conditions:-

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.
Reason - To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
- 2) **Pre-commencement condition:** 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 for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
- 3) No construction activities associated with the development hereby approved (other than the formation of the access itself) shall take place on the application site until a safe and suitable vehicular and pedestrian access to the site from Gloucester Road via Higher Exwick Hill has been provided and made available for use in accordance with detailed drawings which shall previously have been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Local Highway Authority. No dwellings comprised in the development shall be occupied until the access has been fully completed in accordance with the approved details.
Reason - To ensure that a safe and suitable access to the site is provided for all users in accordance with Paragraph 32 of the NPPF.
- 4) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in

accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - 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.

- 5) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: 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.

- 6) **Pre-commencement condition:** Prior to the commencement of the development hereby approved an Air Quality Impact Assessment incorporating proposed mitigation measures to minimise the air quality impacts of the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the proposed and agreed mitigation measures shall be fully implemented prior to the occupation of any dwellings comprised in the development.

Reason for pre-commencement condition: - To ensure that the potential impacts of the development on air quality are fully considered and appropriately mitigated.

- 7) **Pre-commencement condition:** The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all dwellings and the final levels of all roads forming part of the development, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details

Reason for Pre-commencement condition: In the interests of the visual amenities of the area and the residential amenities of future occupants of the development and the occupants of existing neighbouring properties.

- 8) **Pre-commencement condition:** No part of the development hereby

approved shall be commenced until adequate areas shall have been made available within the site 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 Local Planning Authority and retained for the construction period.

Reason for pre-commencement condition: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. 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.

- 9) A detailed scheme for landscaping, 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 dwelling or building shall be occupied 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 - To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 10) 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.

- 11) Any trees, shrubs and/or 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.

- 12) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the submitted Ecological Appraisal by Sunflower International dated July 2016 as updated by the additional report dated 13th March 2018 prepared by Richard Green Ecology Ltd. The additional survey work identified in the aforementioned documents should be carried out prior to the commencement of the development. Any licences required from Natural England in respect of the mitigation measures identified shall be obtained prior to the commencement of the development.

Reason - To ensure that the development is implemented in a manner that minimises the direct ecological impact of the construction of the development.

- 13) 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.

- 14) 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 and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
Reason - In the interests of the amenity of the occupants of the buildings hereby approved.
- 15) No building hereby permitted shall be occupied until surface water drainage works 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. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. 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;
 - ii. include a timetable for its implementation; and
 - iii. 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 drainage of the development.
- 16) 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.
- 17) No part of the development hereby approved shall be brought into its intended use until further details of pedestrian/cycle linkages/facilities from the site boundary to the existing highway network as indicated on the "site access points" drawing (Drawing No 23939-GA-004 Rev P01) have been

submitted to and approved in writing by the Local Planning Authority. Thereafter the three pedestrian/cycle connections shall be completed in accordance with the approved details prior to the occupation of any dwellings comprised in the development.

Reason - To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF

- 18) Prior to the construction of any retaining wall within 5m of public highway, a detailed Approval In Principle for that section of retaining wall shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).

Reason - To ensure the integrity of adjacent structures and land, and to formalise any necessary easements.

- 19) The development shall be implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy prepared by Clarkebond (report ref WE04300/Exwick/FRAand DS).

Reason - To ensure the satisfactory drainage of the development.

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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

In the event that the Section 106 Agreement is not completed within six months of the date of this committee meeting, authority be delegated to the City Development Manager to **REFUSE** permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 Agreement.

the demolition of existing buildings (Transport Club and Exeter Auto Centre) and re-development to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1, A2, A3, A4, B1, D1 and D2, cycle parking provision and public realm improvements. The proposed development was for 111 student bedrooms, arranged as 102 bedrooms in cluster flats and nine in studios. The proposal included ground floor retail/business/leisure uses arranged as two units with landscaping and public realm.

In response to Members' questions, the Principal Project Manager advised that the dropping off and picking up of students would be facilitated through laybys in adjoining streets with residents also able to park in the nearby NCP carpark. Responding to a Member, he advised that the building was not within a Conservation Area.

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

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

- the block, set on the former Transport Club and Exeter Auto Centre, would complement the adjoining purpose built student accommodation set for completion in August 2019, representing the second phase of the overall development of the site
- the design approach sought an appropriate structure to complement the evolving Grecian Quarter;
- a presentation had been made to the Planning Member Working Group in March 2018 and a public consultation exercise held;
- occupants would share the first phase bin and bicycle storage and internal amenity area;
- development would help meet demand for additional student accommodation and offered lower rent than the first phase; and
- it provided employment opportunities and was a sustainable development.

He responded as follows to Members' queries:-

- the public consultation had involved a letter drop to 500-600 local residences and businesses, advertisement in the Express and Echo and a public exhibition; and
- because of the constrained nature of the site it had not been possible to continue the pitched roof approach of the first phase. The two phases could not be built simultaneously because of the inability of the developer to acquire this site at an appropriate time and concomitant assembly difficulties.

Members supported the principle of this development. However, the majority of Members felt that the "block" appearance of the design provided an unacceptable contrast to the first phase of the development and, as such, detracted from the overall urban appearance of the area. It was also stated that it would adversely affect neighbouring residential properties already impacted on by large, purpose built student blocks in the vicinity.

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 (Transport Club and Exeter Auto Centre) and redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes

A1, A2, A3, A4, B1, D1 and D2, cycle parking provision and public realm improvements be **REFUSED** as the appearance and shape of the proposed development relate poorly to the first phase of which it is an integral part and, as such, the proposals are considered not to be visually attractive or good design, and to be contrary to the aims of policy DG4 of the Exeter Local Plan First Review, the objectives of the Exeter Core Strategy and Chapter 7 of the NPPF.

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PLANNING APPLICATION NO. 18/0872/FUL - 3 DUNVEGAN CLOSE

The City Development Manager presented the application for a single storey rear and side extension.

A Member raised concern about the proximity of a sewer. The City Development Manager confirmed that South West Water had been consulted and an informative relating to the sewer recommended by South West Water would be added to the consent.

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

RESOLVED that planning permission for a single storey rear and side extension 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 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details received by the Local Planning Authority in June 2018 (including drawing no. Bennett/PL 04A) 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 8 am 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.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 21 August 2018 at 9.30 a.m. The Councillors attending will be Foale, Thompson and Branston.

(The meeting commenced at 5.30 pm and closed at 7.33 pm)

Chair

DRAFT