

PLANNING COMMITTEE

Monday 17 February 2014

Present:

Councillor Bialyk (Chair)
Councillors Choules, Denham, Mrs Henson, Newby, Owen, Prowse, Sutton, Tippins and Winterbottom

Apologies:

Councillors Spackman, Edwards and Mitchell

Also Present:

Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Democratic Services Officer (Committees) (SLS)

23

DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interests were made.

24

PLANNING APPLICATION NO. 13/4988/16 - LAND TO REAR 94-106 THORNPARK RISE, EXETER

The Assistant Director City Development presented the application for demolition of 54 garages owned by Exeter City Council, and the erection of 8, 3 bed, 4 person semi-detached houses and associated access and parking.

Members were circulated with an update sheet - attached to minutes, which included further clarification regarding the current occupancy of the garages.

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

A revised proposal for reducing the scheme to 8 from 9 homes (four pairs of semi-detached houses) of standard design had been submitted, including parking provision for 12 spaces. The Assistant Director City Development responded to a comment on the ownership of the garages.

RESOLVED that planning permission for land to rear of 94 – 106 Thornpark Rise, Exeter be **APPROVED** subject to a legal agreement limiting occupation of 35% of units as affordable houses and 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 6 February 2014 (dwg. Nos. AL(0)200TR Rev P3, LL(0)400TI Rev P, AL(0)201TR REV P3, AL(0)202TR Rev P3, AL(0)203TR Rev P3, AL(0)204TR Rev P3, AL(0)206TR Rev P2, AL(0)205TR Rev P3) 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 and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials confirm with the visual amenity requirements of the area.
- 4) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure the satisfactory drainage of the development.
- 5) 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 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: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) 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.
- 7) 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 5837:2005 - 'Trees in Relation to 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: To ensure the protection of the trees during the carrying out of the development.
- 8) The proposed estate road, cycle ways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 9) No part of the development hereby approved shall be brought into its intended use until the secure cycle parking facilities have been provided and maintained in accordance with details stated on drawing no. LL (0) 400 T1 Rev P. Thereafter the said facilities shall be retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles associated with the construction process.
Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.
- 11) 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 local amenity.
- 12) Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development a time frame for the installation of photo voltaic panels in line with the details set out in section of the submitted Design and Access Statement Rev P1 dated 03/02/2014 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details, and upon installation, the photo voltaic panels shall thereafter be maintained so that they provide the required level of generation.
Reason: In the interests of sustainable development.
- 13) Within 1 month of occupation all occupants of the new dwellings hereby approved shall be provided with a residential travel pack containing details (and maps if appropriate) of walking and cycling routes in the area and their links to wider networks within the city, and timetables and routes of public transport provision in the area.
Reason: To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.
- 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 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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- 15) Following demolition of the garages and prior to the construction of the replacement dwellings hereby approved details of the proposed boundary treatment, including any retaining structure required, between the site and Nos 67-85 Birchy Barton Hill shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and the residential amenities of the occupants of the adjoining properties.

25 **PLANNING APPLICATION NO. 13/4937/03 - 15 REGENTS PARK, EXETER**

This item was deferred to enable an updated position to be reported. It was anticipated that the application would be presented to the Planning Committee meeting to be held on 17 March 2014.

26 **PLANNING APPLICATION NO. 13/5032/02 - TITHEBARN GREEN LAND AT MONKERTON, EXETER**

The Area Planner presented the application for reserved matters on details of the Link Road between Cumberland Way and Tithebarn Lane Bridge (Ref 12/0802/01) which related to the link road to Exeter, and was needed to help deliver additional housing in East Devon and support future employment opportunities.

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

Members were circulated with an update sheet - attached to minutes. It contained details of a further objection which had been received identifying issues similar to those set out in the main report.

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

- the Gipsy Hill has been a hotel since the 1960's and is a family run business run by myself and my two daughters. In its past it has been a Judges' Lodge and past guests include Cliff Richard, John Major and, more recently, David Miliband. Its facilities and gardens contribute to the quality of life in the local community. It's internal facilities are able to play host for 400 guests and, with its gardens, many more.
- the closure of the link road would be so detrimental to the hotel that it would threaten its closure and, with the closure, the staff, who have mortgages to pay, would lose their jobs.
- the hotel played a vital part in the cycle path scheme. A strip of land was sold to the County Council for just £1,000 without which, Government funding would have been lost. Now the County Council seem to have disregarded the hotel completely.
- the County Council have produced the "Monkerton and Hill Barton Transportation and Access Strategy" where there is no reference to the Hotel or the number of trips generated to and from it. Yet figures have been produced that suggest that the average daily trip count for the hotel is 241 (88,000 per annum) and many of these are in rush hours. Yesterday lunch time an hour was spent finding out the direction of guests travelling to and from the hotel. Between 1.15pm and 2.15pm there were 15 motor vehicles and, of the 30 trips, 50% were via Pinhoe. This same document has an orange line showing that Gipsy Hill Lane is a cycle and pedestrian

infrastructure. Yet the Lane has the aforementioned vehicle movement which includes large delivery vans and coaches.

- three of the closest neighbours who would most greatly be affected by the road closure were never consulted so were unable to object. The letters that were received should have clearly identified that Pinn Lane was going to be closed.
- a plan of the link road shows provision for a staggered junction close to Pinn Lane. It would be simple to provide a connection from the south of Pinn Lane. This could be changed if and when the staggered junction was built. This change in the plans could be made quite easily. The changes would eliminate the threat of closure of the hotel.
- benefits for keeping the junction open include:-
 - a) the B bus will still be able to continue for locals and hotel guests to use
 - b) compliance with the 2004 Traffic Management Act to facilitate the expeditious movement of traffic i.e. traffic will be dispersed in two directions and less build up for traffic leaving Exeter Business Park
 - c) reduced carbon emissions due to reduced journey times in line with Government policies
 - d) emergency vehicles will keep the required two points of entry.
 - e) local residents will be able to use the facilities of the hotel and jobs won't be lost.
- the above benefits should be considered and:-
 - a) the Access Strategy documentation is inaccurate and should therefore not be relied on.
 - b) some of the neighbours were not consulted.
 - c) the fact that Pinn Lane was to be closed was not made clear.
 - d) present plans could easily be changed.
 - e) Since the opening of Cumberland Way the problem of the rat run no longer exists
- request refusal of the application

She responded as follows to Members' queries:-

- the staff profile was varied with many long standing members of staff who lived local to the hotel.
- officers from Devon County Council had visited the hotel in relation to the development of the cycle route.

Responding to Ms Carleton's query as to why a crossroads could not be provided, the Area Planner stated that the County Council had indicated that it would not be safe.

The Assistant Director City Development confirmed that any delay could jeopardise external funding for the Tithebarn Green link road and work was due to commence as early as 2 June. Members were sympathetic to the potential impact on the Gypsy Hill Hotel, but considered that the economic impact of not approving the application would be far greater. The Chair proposed an adjournment to allow more dialogue with Devon County Council officers to address some of the issues raised.

RESOLVED that a decision on planning permission for reserved matters on details of the Link Road between Cumberland Way and Tithebarn Lane Bridge (Ref

12/0802/01) be **ADJOURNED** until the Planning Committee meeting on 24 February 2014.

27

PLANNING APPLICATION NO. 13/5118/03 - HALL HOUSE, 15 CATHEDRAL CLOSE, EXETER

The Assistant Director City Development presented the application for the erection of two nursery classrooms for additional nursery provision at Hall House, Exeter Cathedral School to enable the number of pupils to increase from 120 to 153.

Members were circulated with an update sheet - attached to minutes including revised and additional conditions.

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

The Assistant Director City Development reported the views of English Heritage, the Conservation Officer and Environmental Health Officer which were included on the update sheet.

It was **RESOLVED** that planning permission for two classrooms for nursery provision be **APPROVED** subject to the following conditions –

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings - Notwithstanding details contained within the submitted plans, samples of the materials (including sample panels where appropriate) intended to be used externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform to the visual amenity requirements of the area.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) No part of the development hereby approved shall be brought into its intended use until the 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.
- 7) C57 - Archaeological Recording
- 8) Notwithstanding Condition no. 2 no work shall commence on site under this permission until full details of the proposed external lighting for the building and associated play/garden space have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 9) New Condition - The original boundary walls and doorways shall be protected throughout the development and shall not be removed or altered without the prior written consent of the Local Planning Authority.
Reason: To protect and preserve the character of the listed building.
- 10) New Condition - No material or equipment required in connection with works hereby approved shall be brought onto site until a construction management plan which outlines the methodology of the works to be undertaken, to include areas identified for material/equipment storage and proposed means of access for construction traffic and delivery.
Reason: To protect and preserve the character of the listed building.
- 11) New Condition - The building hereby approved shall not be used otherwise than in association with the Hall House.
Reason: To prevent the subdivision and retain the historic spatial hierarchy of the site.

28

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

29

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

30

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party be held on Tuesday 4 March 2014 at 9.30 a.m. The Councillors attending will be Prowse, Sutton and Winterbottom.

(The meeting commenced at 5.30 pm and closed at 6.40 pm)

Chair