

## **PLANNING COMMITTEE**

Monday 13 February 2017

### **Present:**

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

### **Also Present:**

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

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### **DECLARATIONS OF INTEREST**

Councillors Gottschalk and Sutton declared disclosable pecuniary interests, the former having enrolled on the University of Exeter's Graduate Budget Business Partnership and the latter as an employee of the University of Exeter and withdrew from the room whilst Minute 11 was discussed.

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### **PLANNING APPLICATION NO. 16/1232/01 - UNIVERSITY OF EXETER, EAST PARK, STREATHAM CAMPUS**

The Principal Project Manager (Development) (PJ) presented the application for outline planning application to build student accommodation (up to a maximum of 35,700 square metres) ancillary central amenity facilities (up to a maximum of 1,500 square metres) with associated infrastructure and landscaping (all matters reserved).

Following the original submission proposing up to 39,500 square metres revised plans had been produced, the changes relating to the proposed future siting and height of the buildings within the site and, as a consequence, the overall quantum of development had reduced from 39,500 square metres to 37,200 square metres, with a re-estimation of student bed spaces from 1,300 to between 1,150 and 1,220. The main changes were the reduction of the building heights close to the boundaries of the site and a reduction in the developable area alongside the western boundary together with a series of reductions in storey heights the various reduction being 12 to 8 storeys, 8 to 6 storeys, 7 to 5 storey, 6 to 3 storeys and 6 to 5.5 to 3 storeys but with an increase in height within the central section of the northern part of the site from 3/4 to 5 storeys.

There would be no parking available for students other than provision for disabled students and drop off spaces, which was anticipated to equate to approximately 60 spaces across the site.

The Assistant Director City Development set out the Policy background with reference to the Exeter Local Development Framework Core Strategy, the Exeter Local Plan First Review 1995-2011, the Development Delivery Development Plan Document (Publication Version) 2015 and the University of Exeter Streatham Campus Masterplan Framework. The Masterplan adopted by the City Council in

2010 had identified East Park for up to 26,400 square metres for development and had been prepared in the context of the University's 2006-16 Estates Strategy to provide guidance on provision of accommodation for students including the opening of Duryard, Birks and Lafrowda that opened between 2010 and 2012. In that context, the Masterplan had reserved on-campus sites primarily for further academic expansion, with East Park expected to be a long term site. However, the City Council did flag up that there might be a need to consider at a later date whether some of the land identified for future development on campus should be devoted to more student housing and, when approving the Plan in December 2010, it wished to ensure that sufficient purpose built student accommodation continued to come forward.

The Assistant Director indicated that the development of significant further student accommodation at East Park was necessary to ensure good performance against the target of 75% or more of students in purpose built student accommodation to meet University aspirations that first year and overseas students have the opportunity of a campus experience and to reduce the impact of students imbalancing communities in popular student areas.

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

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

- hundreds of objections have been received to this development and the reductions in heights and reduced number of blocks still do not justify this proposal. Academic or other buildings on this or larger scale would also be unacceptable;
- objections come from a wide range of people both from the immediate neighborhood and from further afield and include academics and other employees of the University, two thirds of their objections relating to the scale and massing and to the high rise development being inappropriate for East Park;
- the development will lead to the loss of green space and the destruction of a green lung in the north east of the City;
- the University description on its website of the campus as beautiful with lakes and wooded areas and its description that the scheme will prove a positive contribution to the area and complement the wider area of the University does not square with this proposal;
- with eight and six storey blocks still proposed this is not a sustainable development;
- the Exeter Local Plan First Review 1995 to 2001 Policy E4 requires that development will only be acceptable if the character and setting of the campus is protected - this development does not protect the campus. Similarly, the Development Delivery Development Plan Document (Publication Version) 2015 requires development to respect and contribute positively towards the character and appearance of the area - again the proposal fails to do this;
- information in respect of ceiling heights should have been included in the report and not reported verbally;
- the University cannot back up its statement that expansion will continue in next five years with firm evidence - the demand for places may be affected by other issues, for example, Brexit;
- University staff state that there are other requirements on campus such as improved academic facilities, extending the library for students etc. which would be preferable to accommodation;

- landscape and visual assessment and the balloon test were taken before the revised proposal was put forward and did not include the five storey block at the top of the central ridge. Therefore, this new element should also be subject to consultation and a further balloon test;
- the balloon test was taken on a windy day reducing the overall height of the balloons and therefore the heights are misrepresented;
- 1,220 students will increase noise and light pollution. The mitigation measures proposed by the University to reduce noise are dubious as noise emanating from the campus currently causes problems; and
- accepting this proposal at outline stage, with only reserved matters to be considered at a later date will change the character of the area for ever.

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

- represent hundreds of objectors and endorse comments of Councillor Owen;
- objectors do not object in principle to further development and many support accommodating students on campus in accordance with Local Plan First Review Policy E4, providing the character and appearance of the campus is protected. However, there has been an increase from a proposed 26,400 square metre development as set out in the 2010 Campus Master Plan to 37,200 square metres, which is a 40% increase;
- scale and massing is excessive and will have a detrimental impact on the character and setting of the campus and is contrary to Policy H5A which states that the scale and intensity of use should not harm the character of the building and locality and is also contrary to the Development Delivery Development Plan Document (Publication Version) published in 2015;
- the density of the development will be detrimental to the ecological, amenity and landscape setting of the area. Devon Wildlife Trust state that species will be affected by the close proximity of the envisaged buildings and sought a wider buffer area of wildlife friendly habitat, separating buildings from these boundaries, in order to allow scope for the avoidance of disturbance to legally protected species; and
- with a large number of purpose built student accommodation such as at the Football Club, Honiton Inn and the Bus Station, the argument that still further accommodation on the campus is necessary in order to exceed the 75% level is not accepted. Further, with the Article 4 designation covering many areas in the City there will be a limit on houses that can be converted to houses in multiple occupation which can be occupied by students.

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

- the development will exacerbate parking difficulties in the St James, St David's and Pennsylvania areas of the City where parking of student cars is an increasing problem with specific problems likely for fire engines in negotiating tight corners;
- a fractured relationship exists between Pennsylvania residents and the University. Although the University produces many documents on transport, future plans etc. it is slow to respond to public concerns The University took five months to respond to my views on the University's Sustainable Transport Plan;
- in the 1980's student numbers were in the region of 5,000 but this has now quadrupled to 20,000 which is one fifth of the City's population which could increase to a quarter of the population if expansion continues, bringing with it an escalation of current problems. There has been no improvements to roads and car parks to match this growth;

- of a student population of 20,000, 3,000 bring cars to the City and this development will see at least an additional 200 cars who will park in roads not covered by residents' parking or restrictions. These will add to the problems of pollution and lead to increased parking in residential areas - cars along the streets can already be identified as connected with university students. Other Universities such as Cambridge, Loughborough and Nottingham insist that students do not bring cars but Exeter only advises;
- a £20,000 financial contribution is sought towards a review of the existing residential parking zones, the making and implementation of traffic orders and meeting costs of design, road markings etc. This is seen by many residents as a stealth tax. Furthermore, its introduction of residents' parking in one area will push the problem parking to other streets such as Upper Rosebarn Lane;
- circulated photographs show the parking problems with one being of an empty street taken during vacation time. Research has shown that some vehicles are not taxed but abandoned in this area;
- because of the parking problems bus sizes have been reduced with congestion leading to the termination of one service. This service was used by students of St Peter's and parents now use their cars for the school run leading to further congestion;
- other objections referred to include increased noise, light pollution – lights in the stairwells will be on 24/7 - loss of green open space and visual impact across the wider area; and
- believe that a line should be drawn and the development resisted.

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

- two photos of East Park, a highly valued communal green space used by thousands of people, not just local residents were circulated;
- the site had been earmarked for development primarily for low rise academic buildings. It was acknowledged that there was pressure to house more students on campus;
- the Masterplan, approved by this Council, defines how this historic park should be treated with three clear directives of respecting the distinctive landscape setting and high visibility from surrounding areas, retaining and enhancing the biodiversity of the Taddiforde and Hoopern Ponds Valleys and the need for "a light touch" and not detract from the enjoyment, layout and setting of this park. The development does not meet these directives. It is 40% bigger than agreed, has no academic space and now has 13 tower blocks of five storeys or more. It is a radical departure from the agreed Masterplan. Priorities may have changed but the site has not;
- the report states that a development of this magnitude needs careful consideration due to its significant impact;
- if there has been such consideration why is the highest building now located at the top of the hill and on which there has been no balloon test, no consultation, no design review and no landscape and visual assessment;
- there has been no traffic modelling for a huge site, in natural bottleneck, on an already over-crowded campus and no environmental impact assessment;
- corridors between densely populated tower blocks cannot promote the public realm, health and well-being benefits require by policy;
- the concerns about buffer zones from Devon Wildlife Trust have not been addressed;
- valid objections such as noise and light pollution have been shelved as "conditions". Are Members convinced that a noise survey will provide ways to mitigate the noise from 1,200 students living so near to so many residents;
- without answers and key details, a scheme of this enormity cannot be approved;

- critical objections cannot be dealt with at reserved matters as there is no certainty that they will be adequately addressed and almost 70% of the objections relate to the scale of the project being decided now, not at the reserved matters stage;
- in conclusion, this is not about being anti-student, quite the opposite since people freely recognise the economic benefits that the student population brings to Exeter. The decision is about good stewardship of the beautiful campus, respecting a treasured green space, balancing economic and environmental needs, and maintaining the integrity of the planning process; and
- we urge the Council to refuse this application.

He responded as follows to Members' queries:-

- the tabled information showed a photograph taken in the summer of 2016 and an accurate artists 3D impression of how the student residences would look from the east; and
- believe that the conditions do not address the objections.

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

- the University of Exeter is one of the top 100 research Universities in the world and within 1% overall and wishes to encourage more students, for which additional living space is required;
- East Park has been identified for a potential development since the 1970's;
- provision of student accommodation on campus will reduce pressure for housing in areas of the City traditionally occupied by students and residential provision which accords with Policy E4 Exeter Land Plan First Review 1995 - 2011;
- on campus residential provision is a requirement of the students themselves and the University in particular wishes to provide such accommodation for first year students;
- the development will protect the landscape with additional planting and linear planting in the centre, with 70% of the site remaining as green open space;
- cycling and walking routes through the site will be provided;
- following a balloon test and, in light of general concerns, revised plans were submitted with the heights of the blocks reduced; and
- the proposal is a good addition to the campus and will add to its existing character.

He responded as follows to Members' queries:-

- the public will be able to access this site in the same way as the rest of the campus;
- as set out in the Masterplan, the existing campus layout has the academic and social/administration buildings located within central areas with purpose built student accommodation concentrated to the western and eastern boundaries;
- the only figure of future student numbers that can be provided at present is that of the 1,400 - 1,500 additional students numbers anticipated. The University is a dynamic institution and it is difficult to assess future post graduate and international student numbers;
- the University wishes to be sustainable and, in respect of heating, looks to achieve the highest standard. Whilst unable to link to the District Heating programme and therefore unable to contribute towards decentralised energy infrastructure the University is looking to a BREEAM excellent standard for a combined heat and power system. Other heating systems would also be investigated;

- the change from identifying this site from academic to student accommodation is necessitated by the addition of new students; and
- the University aim is to use the campus as efficiently as possible.

Responding to Members' queries in respect of comments that there are enough purpose built student flats and there is no need for further accommodation of this type in the City, the Assistant Director City Development stated that the Core Strategy Policy CP5 provides the strategic context which supports additional student accommodation to meet housing need. Whilst there were existing planning consents for a substantial commitment to additional student bedrooms, further student accommodation at East Park was necessary to ensure good performance against the target of 75% or more of students in purpose built student accommodation. He set out the current statistics which backed this position. He also advised that in the Article 4 Direction areas there were also a number of small flats which were used as student accommodation legitimately within the policy.

Members referred to the absence of comments from both the Police Liaison Officer and the Fire Service and that the revised plans had not been put to the Design Review Panel.

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

**RESOLVED** that, the application for outline planning permission to build student accommodation (up to a maximum of 35,700 square metres) and ancillary central amenity facilities (up to a maximum of 1,500 square metres) with associated infrastructure and landscaping (all matters reserved) be **DEFERRED** to provide an opportunity reconsideration of the quantum of development and parameter plans within a revised outline application for consultation with local Members and the community to achieve a more acceptable design.

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**PLANNING APPLICATION NO. 16/1488/03 - ARTHUR ROBERTS HOUSE, 121 BURNTHOUSE LANE**

The Project Manager presented the application for the demolition of existing building, erection of 46 new apartments, together with car parking, cycle parking, access road and landscaping. - Revised description and revised design.

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

- the 46 apartments will contribute a much needed regeneration to this area of the city and will give many young people the chance to get on the housing ladder due to the location of the scheme;
- the purchase price of the land was a fair market value proved by both the viability study and a letter from the selling agent confirming this fact. Some of the other offers were very close but were for an alternative use for which the council would receive no CIL and no affordable housing;
- the last scheme of 40 units included a refurbishment of an existing building and although viable did not provide affordable housing. This was due to the structure of the existing building and other various costs. Full costings were identified by the Taylor Lewis Partnership as required by the planning department. Their costs had been accepted by both parties;
- the existing building had now been replaced by new, providing the opportunity to improve the development and create a further six units all of which had been allocated to affordable housing. The applicant was not looking to profit from this amendment and this whole development could be deemed affordable housing;

- even before purchasing the site, the applicant worked with an open book policy and had agreed a Section 106 Agreement under the Town and Country Planning Act 1990 for affordable housing; and
- an open evening was held for local residents to discuss the plans which went down well resulting in five letters of support with all from immediate neighbours and there were no letters of objection.

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

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and County Planning Act 1990 regarding the provision of Affordable Housing, planning permission for the demolition of existing building, erection of 46 new apartments, together with car parking, cycle parking, access road and landscaping be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 17 November 2016 and 25th January 2017 (*Dwg. Nos. 897,81 - 04A; 897,81-08E; 897,81-09F; 897,81-12F; 897,81 - 13C; 897,81-13B; 897,81 - 17B; 897,81 - 51A; 897,81 - 52; 897,81 - 53; 897,81 - 54 ;897,81 - 55; 897,81 - 56 and 897,81 - 57*, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement Condition:**  
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 for Pre-Commencement Condition:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) C37 - Replacement Planting
- 5) No part of the development hereby approved shall be brought into its intended use until the vehicular and secure cycle parking facilities have been provided and maintained in accordance with the requirements of this permission and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with the details hereby approved by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.  
**Reason:** To promote the use of sustainable transport modes, in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.
- 7) **Pre-commencement condition:**  
No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:  
a) There shall be no burning on site during demolition, construction or site

preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance;

d) Details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

**Reason for Pre-commencement condition:** In the interests of the occupants of nearby buildings.

- 8) The existing building should be assessed for possible bat interest prior to works to the roof being carried out. This should involve inspection of the roof to be removed for potential roosting opportunities. If bats are found to be using the roof, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.

**Reason:** To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000

- 9) In order to mitigate and compensate for the ecological impacts as a result of this development, mitigation and compensation measures shall be carried out and implemented as stated in Appendix 4 of the Preliminary Ecological Appraisal Report dated December 2016.

**Reason:** In the interests of preservation and enhancement of biodiversity in the locality.

- 10) No part of the development hereby approved shall be brought into its intended use until the bellmouth access onto Burnthouse Lane is provided, the redundant accesses on Burnthouse Lane are reinstated to a full height kerb and a facility to prevent uncontrolled discharge of water over the footway on Burnthouse Lane has been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

**Reason:** To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework

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**PLANNING APPLICATION NO. 16/1543/03 - 36 HIGHER SHAPTER STREET,  
TOPSHAM, EXETER**

The Assistant Director City Development presented the application for the demolition of existing dwelling and construction of new two storey dwelling.

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

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

- speaking on behalf of some of the residents;
- it is the duty of the planning department to retain and protect existing buildings within a conservation area. There is no alternative but to demolish if it is beyond repair and any rebuild should enhance this historic area. Concerned about both the demolition and the rebuild;
- place importance on the production of a comprehensive and binding Method Statement for both the demolition and new build, which should be made available for all to view before a decision is finally made;

- impact upon daily routines, quality of life, wellbeing and for those who work from home the ability to earn a living will be severe;
- there are older properties in the street that will be vulnerable to the impact of heavy traffic flow and the vibration could be a serious risk to their stability. The work will attract contractors and their vehicles. Removal of old and delivery of new materials will be necessary on a daily basis for a considerable period of time. Access into the street is very narrow so size and weight of vehicles needs to be limited. There is no on or off street parking in the street so alternative parking arrangements for contractors needs is essential;
- the new build is significantly bigger than the existing building, particularly the roof height in comparison to the existing property and would overshadow the neighbouring houses causing loss of daylight;
- the rebuild does not reflect the character of the conservation area and the heritage of Topsham;
- building materials proposed could be more sympathetic to the existing building;
- the existing building is making a positive contribution to the conservation area and it's loss will cause harm to the area. To help mitigate its loss the new build could be sympathetic to the existing building in relation to size and style so that it too could make a positive contribution;
- due to the unique circumstances it is essential that the Method Statement be adhered to by all involved. It will also allow the Council to monitor the contractors performance and compliance with the agreed plan;
- Devon County Council's recommendations supports some issues but feel further consideration is required; and
- expect the Council to confirm that adequate insurance is in place and that a Historic Building Specialist is employed.

Responding to a Member's query, she emphasised the current difficulties with ongoing renovation works to other properties with associated parking of vans etc. which made access difficult especially for emergency vehicles for elderly residents and confirmed that the proposal could be supported if the applicant could sign up to meeting the issues set out in a proposed Method Statement.

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

- the application results from an extensive dialogue between the planning team and the applicant and was carefully assessed against all material planning considerations. The application complies positively with relevant National, County and Local Plan Policies and officers support the application;
- the application is to be a family home;
- the plans reflect input from some of the neighbours and comments of a non - material planning nature have also been taken on board;
- at the site inspection it was noted that the condition and the evidence submitted confirmed the building cannot be retained and that there is nothing within the building of any historical importance to merit retention;
- will seek to demolish and rebuild as quickly as possible to assist the immediate neighbours who are most affected by the scaffolding on their property mindful of the need not to cause inconvenience particularly to the neighbours at the end of the cul de sac. The adjoining neighbours have indicated their desire for demolition and rebuild;
- there is a general presumption for development in the National Planning Policy Framework Government Advice; where the proposal is sustainable - Economically, Environmentally and Socially and in such cases development should go ahead, without delay;
- the recommendation is subject to nine conditions which the applicant is happy to accept; and

- request approval of the application.

Responding to a Member's query, he advised that the new property will be set back slightly from the pavement which will enable materials to be delivered directly to the front of the property and parallel to the road then immediately lifted up into the middle of the build or transferred to the yard through the garage to the rear for storage

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

**RESOLVED** that planning permission for the demolition of existing dwelling and construction of new two storey dwelling be **APPROVED**, subject to the addition of an informative to ensure that the applicant engages with local residents to agree a construction, management and environment plan prior to submission to comply with condition 3 and subject also to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 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 29 November (*dwg. no(s). T.01, S.01, A.02, A.03, A.04, A.05*), as amended by the revised plan received by the Local Planning Authority on 06 January 2017 (*dwg. no. A.01*) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) 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.
- 4) **Pre-commencement Condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason for Pre-commencement Condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development prior to demolition of the building.
- 5) **Pre-occupation Condition:** No part of the development hereby approved shall be occupied until the on-site car parking space and cycle storage facility, as indicated on *Drawing number 16-703 Rev 2*, and a facility to prevent uncontrolled discharge of water onto the highway have been provided in accordance with details that shall

previously have been submitted to and approved in writing by the Local Planning Authority.

**Reason for Pre-occupation Condition:** To ensure that adequate facilities are available for the traffic attracted to the site.

- 6) C75 - Construction/demolition hours
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 8) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO<sup>2</sup> Emissions including a 44% CO<sup>2</sup> emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.  
**Reason -** In the interests of sustainable development.
- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-  
Part 1, Class A (extensions and alterations)  
Part 1, Class B (roof addition or alteration)  
Part 1, Class D (Porch)  
**Reason:** In order to protect the visual and residential amenities and to prevent overdevelopment.
- 10) C75 - Construction/demolition hours
- 11) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no. 16/1543/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.  
**Reason:** In the interests of the appearance of the Conservation Area.

**PLANNING APPLICATION NO. 16/1390/03 - 2 LYMEBORNE AVENUE, EXETER**

The Assistant Director City Development presented the application for the retrospective application for first floor extension to garage/outbuilding (revisions to approved scheme ref. 15/0976/03). He reported that the applicant was seeking to regularise a range of aspects of the current as built structure which did not accord to the approved details of the scheme. The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure. The proposed French windows were to obscure glazed and fixed shut.

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

- issues of concern are integral to the planning process as there had been a misinterpretation of the plans by the planning department;
- existing approval was very contentious when permission was granted in November 2015 and although the current retrospective application seeks marginal increases in dimensions the current structure exceeded the original plans with continual increases in the structure which is wider, higher and larger than the original planning permission;
- infringement of privacy through the addition of French windows overlooking bedrooms;
- because of the previous infringements of the planning permission and the continual increase it is not believed that the applicant will insert obscure-glazed and fixed shut French door windows at first floor level on the south west elevation as applied for;
- overlooking and loss of privacy;
- overshadowing and loss of sunlight; and
- inappropriate design and impact upon character of the area.

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

**RESOLVED** that planning permission for the retrospective application for first floor extension to garage/outbuilding (revisions to approved scheme ref. 15/0976/03) be **REFUSED** on grounds of the proposal is contrary to Policies DG1 and DG4 of the Exeter Local Plan First Review and the Residential Design Supplementary Planning Document because its height, scale, materials and elevational treatment would be unsympathetic and visually incongruous to the detriment of the established character of the area and the full length windows within the front elevation would have a detrimental impact on the amenities of the occupiers of adjacent residential properties by reason of overlooking and loss of privacy.

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#### **PLANNING APPLICATION NO 16/1391/03 - 3 LYMEBORNE AVENUE, EXETER**

The Assistant Director City Development presented the application for the retrospective application for first floor extension to garage/ outbuilding (revisions to approved scheme ref. 15/0976/03). He reported that the applicant was seeking to regularise a range of aspects of the current as built structure which did not strictly accord to the approved details of the scheme. The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure. The proposed French windows were to obscure glazed and fixed shut.

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

- support comments of Mr Hanson;
- has been a contentious issue in the area with objections received from Chard Road, Sweetbrier lane, Lymeborne Avenue and Nicolas Road;
- inappropriate materials - should be block render instead of timber, cladding which is very distracting during the day because of the "glare" and clear glazing instead of obscure glazed; and
- construction should have been stopped permanently rather than for a six week period; and
- the structure is the size of a house.

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

**RESOLVED** that planning permission for the retrospective application for first floor extension to garage/outbuilding (revisions to approved scheme ref. 15/0976/03) be **REFUSED** on grounds of the proposal is contrary to Policies DG1 and DG4 of the Exeter Local Plan First Review and the Residential Design Supplementary Planning Document because its height, scale, materials and elevational treatment would be unsympathetic and visually incongruous to the detriment of the established character of the area and the full length windows within the front elevation would have a detrimental impact on the amenities of the occupiers of adjacent residential properties by reason of overlooking and loss of privacy.

16                      **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

17                      **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

18                      **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 7 March 2017 at 9.30 a.m. The Councillors attending will be Denham, Lyons and Newby.

(The meeting commenced at 5.30 pm and closed at 9.35 pm)

Chair