

PLANNING

Date: Monday 18 March 2019
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

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

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 11 February 2019.

(Pages 5 -
12)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).

5 **Planning Application No. 19/0055/VOC - Sandy Park Lodge, Old Rydon Lane**

To consider the report of the City Development Manager. (Pages 13 - 26)

6 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 27 - 32)

7 **Appeals Report**

To consider the report of the City Development Manager. (Pages 33 - 36)

8 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 2 April 2019 at 9.30 a.m. The Councillors attending will be Councillors Harvey, Mrs Henson and Edwards.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 15 April 2019** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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PLANNING COMMITTEE

Monday 11 February 2019

Present:-

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

Apologies

Councillor Morse

Also Present

Service Lead City Development, Principal Project Manager (Development) (MH), Project Manager (ZN) and Democratic Services Officer

7

MINUTES

The minutes of the meeting held on 7 January 2019 were taken as read, approved and signed by the Chair as correct.

8

DECLARATIONS OF INTEREST

A Member declared the following disclosable pecuniary interest and left the meeting during consideration of the item:-

COUNCILLOR	MINUTE
Mrs Thompson	10 - Applicant

9

PLANNING APPLICATION NO. 18/0878/ECC - LAND BETWEEN 106 HAMLIN GARDENS AND 65 CARLYON GARDENS, HAMLIN LANE

The Principal Project Manager (Development) presented the application for construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

It was noted that, on grounds of viability, the applicant was proposing a non-policy compliant affordable housing provision comprising five shared ownership units and independent advice sought by planning officers concurred with this conclusion and that the level of provision advocated by the applicant was the maximum that was financially viable.

The recommendation was for approval, subject a Section 106 legal Agreement under the Town and Country Planning Act 1990 and to the conditions as set out in the report.

RESOLVED that planning permission for construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking subject to completion of a Section 106 Agreement under the Town and Country Planning Act 1990 in relation to affordable housing and subject also to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 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 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) 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 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 part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
Reason for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
- 5) **Pre-commencement condition:** - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water

drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.

Reason for pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

6) 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.

7) 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.

8) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. E1206-GSA-HG-DR-A-1101 RevC3, and the cycle parking shall be maintained at all times thereafter.

Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of 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.

11) 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.

12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.

Reason: To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.

13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design Consultants Ltd (Project Ref 4291).

Reason: To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.

10

PLANNING APPLICATION NO. 18/1669/FUL - LAND REAR OF ORCHARD LEA, PINN LANE

Councillor Mrs Thompson declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Project Manager presented the application for development of a 1.5-storey, single family, three-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close.

Mitch Temple spoke in support of the application. He raised the following points:-

- have worked with the City Council planning officers throughout the process since 18 October with the design changed to deal with any potential issues in terms of privacy and daylighting;
- access to the site will be via an existing access; and
- the final design will not negatively impact the amenity of any neighbours and includes obscure glazing in the bathroom and ensuite and is neither overbearing nor overlooking and is very suitable for the site.

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

RESOLVED that planning permission for development of a 1.5-storey, single family, 3-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close 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 strict accordance with the submitted details received by the Local Planning Authority on date dwg. nos. 180042.THOMPSON.04PP A Rev. A-23.01.19, 180042.THOMPSON.05PP 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.

- (4) 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.

- (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 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.

- (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) 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.

- (8) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

- (9) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re enacting that Order, no extension, garages or other development or alterations shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.

Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- (10) Before the development hereby approved is brought into use the proposed rooflights in the south roofslope of the property shall be glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted on the ground floor or roofslope of this elevation.

Reason: To protect the amenities of the adjoining property.

- (11) Before the development hereby approved is brought into use the proposed windows in the west elevation of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the ground or first floor of this elevation.

Reason: To protect the amenities of the adjoining property.

11

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

12

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

13

SITE INSPECTION PARTY

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

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

Chair

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COMMITTEE DATE: 18/03/2019

APPLICATION NO: 19/0055/VOC
APPLICANT: Exeter Rugby Group PLC
PROPOSAL: Variation of Condition no. 3 of Planning Application Reference Number: 17/0665/OUT granted planning permission on 26/06/2018 to remove requirement for one-way system on Old Rydon Lane to be implemented/completed prior to implementation of permission.
LOCATION: Sandy Park Lodge (Formerly Primrose Orchard)
Old Rydon Lane
Topsham
Exeter
Devon
EX2 7JP

REGISTRATION DATE: 15/01/2019

EXPIRY DATE:

HISTORY OF SITE

17/0665/OUT – Demolition of existing bungalow to allow construction of a new hotel with up to 250 bedrooms and associated facilities including new pedestrian foot bridge link as main entrance at high level via Sandy Park Stadium Car Park (Outline application with all matters reserved except access). Approved 26/06/18.

18/0998/RES – Approval of the details of the proposed 250 bed hotel i.e. for the reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26th June 2018, reference 17/0665/OUT). Approved 12/09/18.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a single storey detached residential property and curtilage on the south side of Old Rydon Lane. The site, which is triangular in shape, is located opposite existing car parking serving the Sandy Park Stadium which lies to the north of the site. The south-east boundary of the site abuts the embankment of the M5 motorway. The site has outline planning permission for a hotel as referred to above.

The outline approval was granted subject to a Section 106 agreement and a number of conditions. This application (known as a section 73 application) seeks to vary condition 3 of the outline consent which relates to the timing of the commencement of the development to remove the restriction on commencement of work until the One-way Traffic Regulation Order on Old Rydon Lane has been implemented.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

None.

REPRESENTATIONS

87 letters of objection have been received raising the following issues –

- Lack of footpath and lighting from motorway bridge to bottom of Old Rydon Lane
- Fundamentally contrary to intentions of original outline consent which developer was aware of signed up to – questions integrity of applicant to now seek to vary condition
- Variation of condition would increase traffic, noise and dirt coming through Old Rydon Lane and Newcourt Way, including construction traffic, with consequent adverse impacts on highway/pedestrian safety
- Why not use route through stadium car park for construction traffic
- Should withdraw permission for hotel until link road from Old Rydon Lane to A379 is completed
- Status of Old Rydon Lane not appropriate for construction traffic
- Attempt to make Newcourt Way and Old Rydon Lane the route for construction traffic contrary to the original commitments, and assessment of acceptability of the scheme – an underhand process
- Old Rydon Lane part of strategic cycle network – relaxation of condition would compromise this and undermine sustainable transport choices
- Contrary to local residents wishes and the basis on which they supported the original proposal
- Not insisting on TRO implementation prior to commencement opens up prospect of construction traffic on Newcourt Way/Old Rydon Lane
- Undermine future of TRO in its entirety, i.e. first step in arguing it is unnecessary.

1 letter of support raising the following points –

- Acknowledging delivery of TRO is out of applicant's control
- Suggests TRO is not necessary
- Other options to mitigate impact exist e.g. control of construction traffic routes
- Amendments to access points to ensure safety in absence of one-way introduction.

CONSULTATIONS

County Head of Planning, Transportation and Environment (Highways) – Comment as follows and recommend retention of a requirement for the one-way to be in place prior to hotel being brought into use.

“Observations:

The submitted application is vary condition 3 of Planning Reference 17/0665/OUT to remove the requirement of the one-way system on Old Rydon Lane to be implemented/completed prior to the implementation of permission at Sandy Park Lodge, Old Rydon Lane, Exeter

Background

The County Council, as highway authority, were consulted on the outline application in 2017, where concerns were raised over the impact on Old Rydon Lane (ORL). The highway authority considered ORL to be unsuitable for staff/delivery traffic due to the narrow nature of the road, raising concerns on public safety and intensifying vehicular movements on a Green Infrastructure Route, ultimately recommending refusal. However, in discussions with the applicant, an eastbound one-way section along ORL

was proposed, mitigating these concerns. This was subsequently approved at ECC committee meeting that took place on Monday the 30th October 2017 (with advice from the ECC solicitor) and secured via a Grampian Condition.

In addition to the one-way section, the applicant will provide a traffic island on ORL (secured at reserved matters stage, Planning Ref:18/0998/RES) preventing right turning vehicles into the proposal, meaning that (ultimately) all staff/delivery traffic will have to be accessed via Clyst Road. This in combination with the one-way system have been conditioned as part of any proposal.

HATOC

The one-way and contraflow cycle lane went to Exeter Highways and Traffic Orders Committee on Monday the 14th January 2019 where the matter was resolved and approved by Devon County Council members. The full details of the Agenda/minutes can be viewed via:

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=168&MIId=2922&Ver=4>

Proposed Variation of Condition

The One-way system was secured by condition and the applicant contributed a S106 sum to fund such a scheme. The removal of Condition 3 introduces the idea of removing the pre-commencement condition. Given that the ECC members have approved the Grampian one-way system at outline and DCC members have approved the scheme at HATOC, the **County Council as highway authority cannot support the application to remove the condition.**

This is in the interests of protecting Old Rydon Lane (the narrow nature of the road, raising concerns on public safety and intensifying vehicular movements on a Green Infrastructure Route). These are consistent with the reasonings for the refusal of the original outline planning application (17/0665/OUT).

*If the Local Planning Authority were to recommend approval for the application, it is thought that the application would only be acceptable **if Condition 12 of the outline consent was discharged appropriately (CEMP) and that a pre-occupation condition was added.***

The applicant has yet to discharge condition 12, to which the highway authority would expect all construction traffic to be directed via Clyst Road. This should prevent any traffic using ORL while the hotel was being constructed and therefore mitigates the concerns that have been highlighted in previous highway responses.

*It should be noted that DCC Engineering Design Group are currently working on the detailed design to implement the one-way restriction. The one-way order that was agreed at HATOC has not yet been sealed and normally takes place nearer to the expected date of the works. The road space and closure have been provisionally booked for the week commencing the 27th May 2019, with the fully implemented scheme **expected** to be in place by the end of June 2019.*

*Henceforth, whilst the highway authority would not wish to delay the project, it does need to **protect the nature of ORL and fulfilling the conditions agreed by both ECC members (ECC planning committee) and DCC members (HATOC).***"

Central Government Guidance

National Planning Policy Framework (NPPF)

Exeter Local Development Framework Core Strategy 2012

CP1 – Spatial approach

CP9 – Strategic transport measures to accommodate development

CP10 – Meeting Community Needs

CP15 – Sustainable design and construction
CP16 – Strategic green infrastructure
CP18 – Infrastructure requirements and developer contributions
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
DG1 – Objectives of urban design

Development Delivery Development Plan Document (Publication Version): -

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD30 - Green Infrastructure

Exeter City Council Supplementary Planning Documents

Planning Obligations SPD 2009
Sustainable Transport SPD 2013

OBSERVATIONS

Background

The outline planning permission for the hotel was granted subject to various conditions and a S106 Agreement. One of the conditions (no. 3) is a Grampian condition which prevents implementation of the consent until such time as a Traffic Regulation Order (TRO) in respect of the introduction of a one-way system (east bound only) along a stretch of Old Rydon Lane between the railway bridge and the application site has been both approved and implemented. The current wording of condition 3 as imposed is set out below –

“Pre-commencement condition: The development hereby approved (planning application no. 17/0665/01) shall not be implemented until a Traffic Regulation Order (TRO) in respect of the introduction of a one-way system (east bound only) along a stretch of Old Rydon Lane between the railway bridge and the application site has been approved and implemented by Devon County Council as the relevant Highway Authority, and all works necessary to implement the Order have been completed to the Highway Authority's satisfaction and the Order brought into force.

Reason for pre-commencement condition: To ensure that traffic associated with the servicing of the hotel, and associated use of staff parking spaces provided directly on the hotel site, is managed to protect the capacity of the highway network and the safety of pedestrian and cycle users of Old Rydon Lane in the vicinity of the site.”

Under the provisions of the S106 Agreement the applicant was also obligated to pay a financial contribution of £40,000 to Devon County Council prior to the commencement of the development towards the implementation of the one-way system.

Since the outline, and subsequent reserved matters, for the hotel were granted the necessary approval of the required TRO has been granted by the Devon County Council's Highways and Traffic Orders committee (HATOC) thereby fulfilling the first part of condition 3's restriction on the implementation of the development. The applicant has also been invoiced by DCC for the financial contribution towards implementation of the TRO as set out in the S106 agreement and this invoice has been paid. However, the implementation of the TRO rests with DCC as the Highway Authority, and whilst this is understood to be in hand there is currently no fixed date for the work to be carried out.

The issue, and applicant's suggested solution

This situation has created a problem for the developer in terms of entering into a contractual commitment for the construction of the hotel given that the physical implementation of the TRO is outside of their control. The result is uncertainty as to when construction of the development would be able to be commenced, and thereby inability of the applicant to enter into a contractual agreement with a construction company/hotel operator for delivery of the hotel development.

Given that the relevant TRO has been approved, and that the applicant has paid the obligated financial contribution to facilitate its implementation, the applicant has done everything that is within its control in respect of condition 3 as imposed. Therefore, in order to overcome the obstacle to entering into the necessary contractual commitments, the potential loss of a major new International branded hotel coming to the City and to ensure delivery of the hotel, the applicant is seeking to vary the condition as set out below to remove the prohibition on commencement until such time as the one-way TRO has been implemented.

Suggested variation of condition 3 –

The development hereby approved (planning application no. 17/0665/01) shall not be implemented until a Traffic Regulation Order (TRO) in respect of the introduction of a one-way system (east bound only) along a stretch of Old Rydon Lane between the railway bridge and the application site has been approved by Devon County Council as the relevant Highway Authority.

Consideration

The formal consultation response from DCC as Highway Authority highlights that their initial view when consulted on the outline application for the hotel was one of concern based on Old Rydon Lane being unsuitable for staff and delivery traffic due to its narrow nature leading to a recommendation of refusal. However this was overcome with the proposal for introduction of a one-way section on part of Old Rydon Lane secured through a 'Grampian condition' (condition 3 as attached to the outline approval). Responding to this application to vary the condition to remove the requirement for the one-way TRO to be implemented on the ground prior to the implementation of the hotel consent, DCC as Highway Authority have indicated that they could not support an application to remove the condition. However, they have indicated that if the Local Planning Authority were minded to recommend approval to a variation of the condition this would only be acceptable if it retained a pre-occupation clause i.e. requirement for the TRO to be implemented prior to the hotel being brought into use, and condition 12 of the outline consent

relating to a CEMP (Construction and Environment Management Plan) were discharged incorporating provision for all construction traffic to be directed via Clyst Road.

This stipulation would not overcome the obstacles to contractual obligations for the delivery of the hotel being entered into. Whilst such a variation would allow work on the construction of the hotel to commence in advance of the one-way TRO being implemented it is considered unreasonable to expect parties to commit to the significant financial outlay involved with the, albeit unlikely, prospect that once completed the hotel could not be brought into use if the TRO implementation (which is not within their control as it rests with the highway authority) had not taken place. The implementation of the one-way TRO now rests solely in the hands of the Highway Authority following the approval of the TRO, and the applicant's payment of the required financial contribution to DCC. In their formal consultation response DCC indicate that although the one-way order agreed at HATOC has not yet been sealed (which normally takes pace nearer to the expected date if the works) the road space and closure have been provisionally booked for the week commencing the 27th May, with the fully implemented scheme expected to be in place by the end of June 2019.

There has been significant concern raised in representations that removing the stipulation of the one-way TRO having to be implemented prior to commencement of the development is intended to allow Newcourt Way/Old Rydon Lane to be used as the route for construction traffic, or that this would be the result of such a relaxation in any event. The introduction of a one-way restriction in itself does not prevent construction traffic from using this route to approach the site (east bound traffic would still be allowed), it merely stops it being used in both directions. However, one of the other conditions attached to the outline approval (condition 12) requires the submission and approval of a Construction Environmental Management Plan (CEMP) prior to commencement of the development. It is through this document that the routes for construction traffic associated with the development would be stipulated. There is no proposal to vary this condition and indeed in connection with this application to vary condition 3 the applicant has made a written commitment that any CEMP submitted in respect of the scheme will specify that all site traffic will access the construction site via Clyst Road and thereby not use Old Rydon Lane.

Condition 12 reads as follows -

“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.”*

Conclusions

Based on the Highway Authority's formal consultation response it is clear they are actively pursuing the implementation of the one-way TRO, with an intention that the works are completed in the not too distant future (June 2019). As mentioned above implementation is now entirely within the control/gift of the Highway Authority. This, coupled with the control over construction traffic routes afforded by condition 12 of the outline approval through the submission of acceptable CEMP, is considered to minimise any potential adverse impacts arising from the proposed variation of condition 3. The construction period for the hotel is likely to be fairly extensive thereby giving the Highway Authority ample time to implement the one-way TRO ahead of the hotel being ready for occupation/use. In this context it is considered that it would be unreasonable to refuse the request to vary the condition and that the issues raised in the representations would remain adequately addressed as they were in the decision on the original outline planning consent, and through the subsequent reserved matters approval (which includes the traffic island preventing right turn into the hotel site for vehicles travelling in an eastbound direction along Old Rydon Lane).

Indeed, with the TRO having been approved (as required by the condition) there is no longer any doubt about the achievability of the one-way TRO that was considered a pre-requisite to the acceptability of the scheme in terms of transportation impacts. The applicant, having made the required S106 financial contribution towards the implementation of the TRO, has thereby enabled delivery of the measure required to make the development acceptable from a transportation impact perspective. In these circumstances, and with the requirements of condition 12 in place, it is considered that the limitation on commencement until the TRO has been physically implemented has become less critical, and in the context of it being outside the applicant's control, could be considered unreasonable.

Consequently, it is considered that the application to vary the condition should be approved. As a S73 application results in a new consent it is necessary to repeat all previous conditions as part of the decision notices as well as the specific condition being varied.

RECOMMENDATION

Approval subject to conditions as follows –

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(2) of the Town and Country Planning Act 1990 (as amended).

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 24th April, 11th July and 8th September 2017 in respect of planning application ref no. 17/0665/OUT (including dwg. nos. 1632 L01.04 Rev B, SPH-KT-L01.03-D, SPH-KT-L01.02-D, SPH-KT-L02.01-A, SPH-KT-L03.01-A and 1632L03.02 A) as modified by other conditions of this consent.

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

3) **Pre-commencement condition:** The development hereby approved (planning application no. 17/0665/01) shall not be implemented until a Traffic Regulation Order (TRO) in respect of the introduction of a one-way system (east bound only) along a stretch of Old Rydon Lane

between the railway bridge and the application site has been approved by Devon County Council as the relevant Highway Authority.

Reason for pre-commencement condition: To ensure that traffic associated with the servicing of the hotel, and associated use of staff parking spaces provided directly on the hotel site, is capable of being managed to protect the capacity of the highway network and the safety of pedestrian and cycle users of Old Rydon Lane in the vicinity of the site.

4) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

5) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a detailed surface water management plan shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Surface water management shall be implemented in line with the approved plan and maintained as such thereafter.

Reason for pre-commencement condition: To protect the integrity of the adjacent M5 motorway embankment and drainage system.

6) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a detailed landscaping plan and planting schedule for the treatment of the M5 motorway boundary shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Planting shall be undertaken in accordance with the approved schedule and maintained as such thereafter.

Reason for pre-commencement condition: To protect the integrity of the adjacent M5 motorway soft estate.

7) Prior to the development hereby permitted being brought into use, a revised travel plan for the whole of the Sandy Park site, incorporating the hotel, shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). The travel plan measures shall be implemented in accordance with the agreed plan.

Reason: In order that the development promotes public transport, walking and cycling, and limits the reliance on the private car.

8) Prior to the development hereby permitted being brought into use, a revised Match Day Access Strategy shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Thereafter the hotel shall only be used and operated in accordance with the approved Match Day Access Strategy.

Reason: In the interests of highway safety, the efficient operation of the local and strategic road networks, and to safeguard the amenities of neighbouring residents.

9) 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.

10) **Pre-commencement condition:** 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 for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

11) 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.

12) **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.

13) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

14) **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. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

15) Noise from mechanical building services plant shall not exceed the limits set in Table 6.5 of the Sandy Park Hotel Noise Impact Assessment report dated April 2017 by WSP Parsons Brinckerhoff.

Reason: In the interests of the residential amenity of the occupants of surrounding properties.

16) **Pre-commencement condition:** The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from patrons, deliveries, collections and events.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

Reason for pre-commencement condition: In the interests of the residential amenity of the occupants of surrounding properties.

17) **Pre-commencement condition:** Prior to the commencement of the development 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 for pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

18) 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.

19) **Pre-commencement condition:** 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 for pre-commencement condition: To ensure the satisfactory drainage of the development.

20) No more than a maximum of 40 staff/servicing parking spaces shall be provided on the site of the hotel building itself i.e. on the land on the south of Old Rydon Lane, and these spaces shall only be used by staff/servicing vehicles and not at all by hotel guests or visiting members of the public.

Reason: To ensure that highway impacts of the scheme on Old Rydon Lane are limited to staff/servicing related traffic.

21) No part of the development hereby approved shall be brought into its intended use until the footpath (of at least 3m in width) and crossing of Old Rydon Lane located adjacent to the frontage of the building, 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.

22) Prior to the construction of any bridge over the public highway, a detailed Approval In Principle for the footbridge 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.

23) No part of development shall commence until a Car Park Management Plan has been submitted to and agreed in writing by the Local Planning Authority outlining how adequate car parking will be provided for the onsite guests/staff/deliveries/Match Day uses, and be maintained during construction works on site, and once the hotel is open for use.

Reason: To ensure that adequate onsite parking provision is provided for all uses.

24) No part of the development hereby approved shall be commenced until details (including timeframe for delivery) of the access into the staff car park/delivery area have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of permeability and encouragement of the use of sustainable modes of transport.

Local Government (Access to Information) 1985 (as amended),

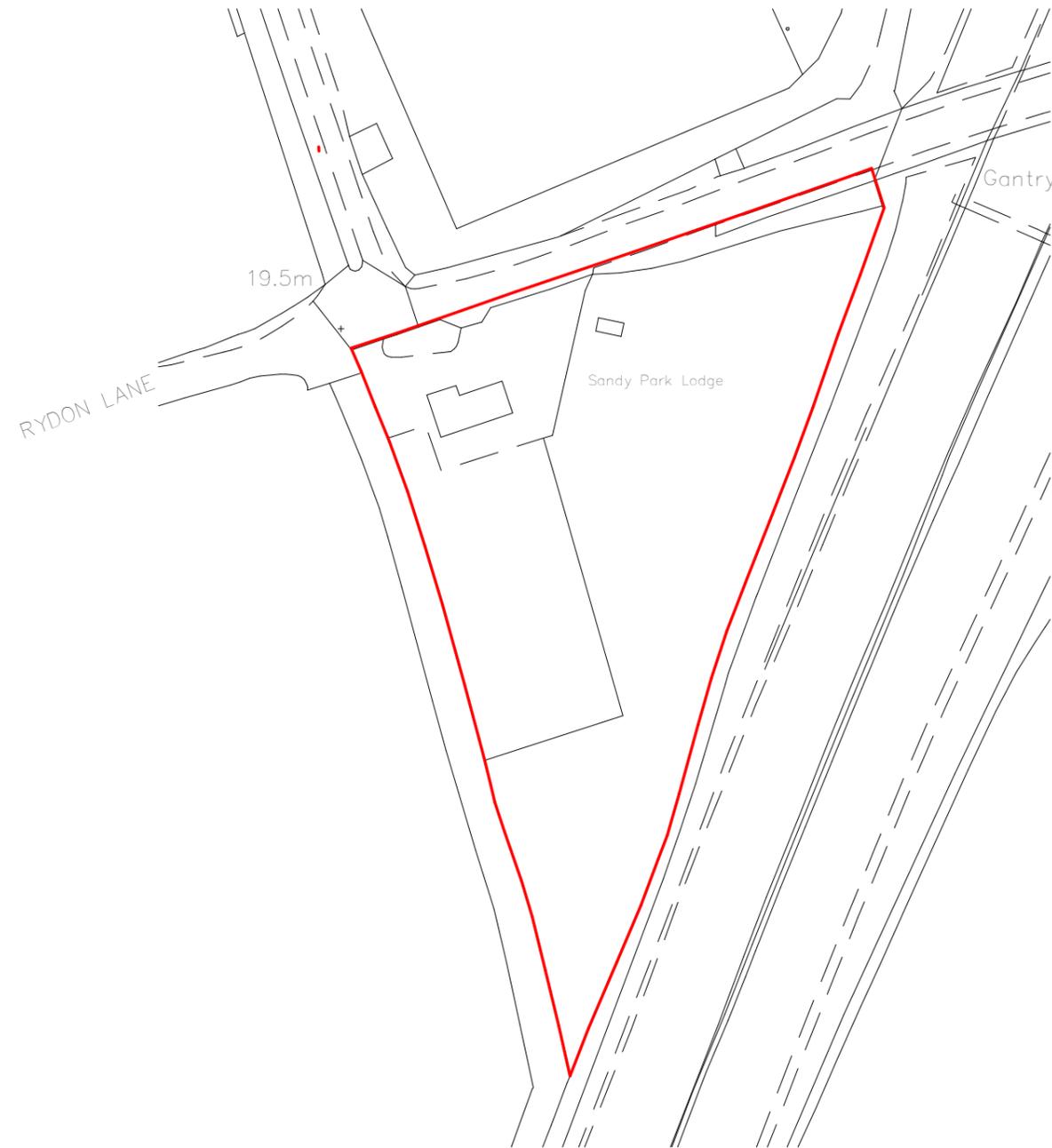
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223

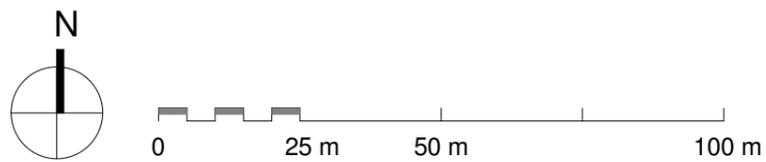
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Site Location Plan

1 : 1250



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S A N D Y P A R K H O T E L - S I T E L O C A T I O N P L A N

Contractors to check all dimensions on drawing.
 Any discrepancies must be reported to Kensington Taylor or the contract administrator before proceeding.
 Do not scale from planning drawings, work to figured dimensions.
 This drawing must be read in conjunction with all relevant consultants drawings.
 This drawing © Kensington Taylor Architects.

Revision Schedule		
Revision Number	Revision Date	Revision Description
P3	Planning Revision	29.08.18
P2	Issue for outline planning	21.04.17
P1	Planning Submission	29.06.18

PLANNING ISSUE

Kensington Taylor
 CHARTERED ARCHITECTS • URBAN DESIGNERS
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Project
Sandy Park Hotel

Title
Site Location Plan
 Author AP Checked by RC

Date 29/08/2018 11:54:52 Scale As indicated @ A3

Project 1632 Status Planning

Drawing number
 SP-KT-XX-XX-DR-A-IE-1632- SK100-P3

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 18 MARCH 2019

Report of: City Development Manager

Title: Delegated Decisions

1 WHAT IS THE REPORT ABOUT

1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by Ward.

2 RECOMMENDATION

2.1 Members are requested to advise the Asst City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to Planning Committee meeting.

2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

3.1 The latter part of the application reference number indicates the type of application:

OUT	Outline Planning Permission
RES	Approval of Reserved Matters
FUL	Full Planning Permission
TPO	Works to Tree(s) with Preservation Order
ADV	Advertisement Consent
CAT	Works to Tree(s) in Conservation Area
LBC	Listed Building Consent
ECC	Exeter City Council Regulation 3
LED	Lawfulness of Existing Use/Development
LPD	Certificate of Proposed Use/Development
TEL	Telecommunication Apparatus Determination
CMA	County Matter Application
CTY	Devon County Council Application
MDO	Modification and Discharge of Planning Obligation Regulations
NMA	Non Material Amendment
EXT	Extension to Extant Planning Consent
PD	Extension - Prior Approval
PDJ	Office to Dwelling - Prior Approval

3.2 The decision type uses the following codes:

DREF	Deemed Refusal
DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
REF	Refuse Planning Permission
RNO	Raise No Objection
ROB	Raise Objections
SPL	Split Decision
WDN	Withdrawn by Applicant
WLU	Was Lawful Use
WTD	Withdrawn - Appeal against non-determination

**ANDY ROBBINS
CITY DEVELOPMENT MANAGER**

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Pinhoe

Delegated Decision

Application Number: 18/1084/FUL Delegation Briefing: 24/01/2019
Decision Type: Permitted Date: 28/02/2019
Location Address: 11 Woodland Road Exeter Devon EX1 3PL
Proposal: Replacement of the existing conservatory and first-floor extension over existing flat roof/balcony situated on top of the existing kitchen.

Delegated Decision

Application Number: 19/0060/PD Delegation Briefing:
Decision Type: Prior Approval Not Required Date: 01/03/2019
Location Address: 14 Thackeray Road Exeter Devon EX4 8HD
Proposal: Single storey rear extension extending a maximum 4m from rear elevation, height to eaves 3m and max. overall height 3m.

St Davids

Delegated Decision

Application Number: 17/1558/FUL Delegation Briefing: 17/01/2019
Decision Type: Permitted Date: 04/03/2019
Location Address: 34-35 Guildhall Shopping Centre Queen Street Exeter Devon EX4 3HL
Proposal: Proposed conversion and change of use of existing retail units (A1 Use Class), cafe (A3 Use Class), offices (B1 Use Class), ancillary basement storage (Sui Generis) and circulation space (Sui Generis) to create 1no. flexible retail/food and drink unit (A1/A3 Use Class), a bowling alley (D2 Use Class), a leisure unit (D2 Use Class) and bar and restaurant (A3/A4 Use Class). External alterations to facades, including creation of two new dedicated entrances, reconfigured shopfronts and access, installation of new windows and roof terrace, and associated works. (Revised description/plans)

Delegated Decision

Application Number: 18/0661/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Date: 28/02/2019
Location Address: 14-16 Mary Arches Street Exeter Devon EX4 3AZ
Proposal: Conversion of the former Mulberry Suite at St Olaves Hotel, into 7no. en-suited cluster bedspaces with communal kitchen and dining (change of use from C1 (Hotel) - Sui Generis)

Delegated Decision

Application Number: 18/1201/FUL Delegation Briefing: 15/11/2018
Decision Type: Refuse Planning Permission Date: 05/03/2019
Location Address: 48 St Davids Hill Exeter Devon EX4 4DT
Proposal: Proposed single storey dwelling, extension and refurbishment of existing ground floor flat and renovation to existing rear elevation.

Delegated Decision	
Application Number:	18/1202/LBC
Delegation Briefing:	15/11/2018
Decision Type:	Refuse Planning Permission
Date:	05/03/2019
Location Address:	48 St Davids Hill Exeter Devon EX4 4DT
Proposal:	Proposed single storey dwelling, extension and refurbishment of existing ground floor flat and renovation to existing rear elevation of this listed building.

Delegated Decision	
Application Number:	18/1866/LBC
Delegation Briefing:	31/01/2019
Decision Type:	Permitted
Date:	07/03/2019
Location Address:	50 Magdalen Street Exeter Devon EX2 4HY
Proposal:	Internal alterations

Delegated Decision	
Application Number:	19/0083/LBC
Delegation Briefing:	31/01/2019
Decision Type:	Permitted
Date:	06/03/2019
Location Address:	44 Queen Street Exeter Devon EX4 3SR
Proposal:	New signage - change colour and branding of existing arrangement.

Delegated Decision	
Application Number:	19/0088/ADV
Delegation Briefing:	
Decision Type:	Permitted
Date:	06/03/2019
Location Address:	44 Queen Street Exeter Devon EX4 3SR
Proposal:	New signage - change colour and branding of existing arrangement.

St Thomas

Delegated Decision	
Application Number:	18/1473/FUL
Delegation Briefing:	01/11/2018
Decision Type:	Permitted
Date:	05/03/2019
Location Address:	Land Associated With 4 Ferndale Road Exeter Devon EX2 9BW
Proposal:	Formation of two semi-detached, two-storey, 3-bedroom, dwelling houses on the land associated with 4 Ferndale Road.

Topsham

Delegated Decision	
Application Number:	18/1322/FUL
Delegation Briefing:	07/02/2019
Decision Type:	Permitted
Date:	01/03/2019
Location Address:	2 Orchard Way Topsham Exeter Devon EX3 0LB
Proposal:	Demolition of existing outbuilding and proposed single storey rear/side extension

Delegated Decision

Application Number:	18/1550/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	01/03/2019
Location Address:	5 Parkfield Way Topsham Exeter Devon EX3 0DP		
Proposal:	Discharge of condition 3: The materials for new wall will be existing bricks taken from existing wall. The builder says he will be able to disc-cut to avoid mass damage to bricks but will obviously lose some. If we do, we can get matching bricks from patio. Permeable pavements. These are to be Marshalls Driveline Priors Red Block Paving, see supporting documents.		

Delegated Decision

Application Number:	19/0051/FUL	Delegation Briefing:	24/01/2019
Decision Type:	Permitted	Date:	05/03/2019
Location Address:	Quay House Holman Way Topsham Exeter Devon EX3 0EN		
Proposal:	Replacement of all windows and patio doors		

Total Applications: 18

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 18 March 2019
Report of: City Development Manager
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Summary of Decisions Received

- 3.1 **18/0334/FUL** – 4 Penleonard Close, Exeter. APPEAL ALLOWED.

The application sought a rear extension and demolition of a garden room and construction of a music room

The appeal has been allowed in respect of the above scheme. During application discussions, the Council advised that alterations and further extension to the rear of this property had potential, but the music room element should be separate from the original dwelling house and proposed extension; and the music room height should not increase in height with distance from the dwelling house to ensure the scheme (totalling 14.8m in depth from the original rear elevation) was subservient and did not harm the character and appearance of the original house.

The main issues were the effect of the development on

- the character and appearance of the original house and, consequently, the St Leonard's Conservation Area;
- the living conditions of the occupants of 3 Penleonard Close having particular regard to light and outlook.

To take each in turn, the Inspector noted some uniformity and distinctiveness to Penleonard Close making a positive contribution to the prevailing character of the conservation area. However, Penleonard Close is not specifically mentioned in the St Leonard's Conservation Area Appraisal and Management Plan. The distinctiveness was found to be much less marked to the rear of the property as various extensions, alterations and outbuildings are apparent and the appeal dwelling has itself been significantly altered. While these existing alterations are partly visible from public viewpoints, they were not considered to have affected the contribution the house makes to the conservation area. Equally, the limited view of the proposed development from the street and front of the property was concluded to have no greater impact upon the conservation area than the development it will replace, and therefore concluded to not harm the character or appearance of the conservation area. He considered the contemporary flat roof design, with varying heights, to add interest and to contrast well with the traditional style of the house to ensure the two parts would be clearly discernable. It was also concluded that the development to be of modest height and therefore be subservient to the original house, and despite conflicting with the maximum depth and width advised in the Householder's Guide to Extension Design SPD, the development was viewed to accord with the aims of the SPD as it was found to be subservient. The development is not considered to affect the grain of development as the house would still appear as a detached dwelling with a

spacious garden. It was also concluded there would be no harm to the character and appearance of the dwelling, and therefore the private views of the site would not be harmed by the development.

The Inspector also concluded that the replacement of the pitched garden room roof with a flat roof, including parapet wall, some 8m in depth at 1.4m higher than the eaves line of the existing garden room along the boundary with No.3, would be lower in height than the existing garden room roof ridge and the new structure would result in an overall reduction of height and mass. Consequently, the Inspector concluded there to be no loss of light or outlook to the windows in the rear elevation of No.3 and, while the increased height along the boundary would have greater impact upon the No.3's garden than is currently experienced, it was found to be limited and the majority of the garden remains unaffected therefore, on balance, it was concluded to not result in harmful loss of light or outlook from the garden of No.3. The proposals would therefore comply with Policy DG4 of the Local Plan.

3.2 **18/0555/FUL** – 20 Victoria Street. APPEAL DISMISSED

The application sought ground and first floor extensions.

The main issues were:

- a) The effect of the development on the character and appearance of the host dwelling;
- b) The effect of the development on the living conditions of the occupants of neighbouring dwellings, with particular regard to outlook and light; and
- c) The effect of the reduced area of garden space on the living conditions of future occupants.

To take each issue in turn, the Inspector considered the full width ground floor extension would not result in harm to the appearance and character of the dwelling, despite its depth of 8.5m exceeding the Householders Guide to Extension Design SPD, due to similar ground floor extensions in the immediate vicinity, and limited private views. The proposed first floor extension would have a greater impact on the character and appearance of the house. This is because few other houses in this terrace have first floor extensions, and none in the immediate vicinity projects as far as the 6.1m depth proposed under this scheme. The first floor extension would also be more widely visible than the ground floor element. Its prominence would be further increased by the use of timber boarding as an external material, which is not characteristic of the area. In summary, the scale and materials of the first floor extension would be unsympathetic to the appearance and character of the existing house and would be contrary to policy.

In terms of impact on neighbours, the Inspector considered the ground floor extension would have a limited impact on neighbours amenity and was acceptable. The first floor extension would result in solid wall at first floor level, projecting about 5 metres beyond the rear elevation of the neighbouring properties. This would have a harmful impact on the outlook from windows for both neighbouring properties, and a significant impact on the amount of light reaching No.21, and was contrary to policy.

In respect of living conditions for future occupiers, the existing property has a rear yard providing an outdoor amenity space that measures approximately 45 square metres in total. A significant proportion in a narrow strip has little amenity value, with a useable space of 33 square metres. This is below the 55 square metres referred to in the supporting text to Policy DG4 of the Local Plan. The proposed ground floor extension would only result in the loss of about 9 square metres of the more usable area beyond the existing extension. The Inspector stated the proposals would provide improved internal space for the occupants, and would include much better access to the garden, via patio doors in a lounge/dining room, which would make the remaining area more attractive and usable. He considered that these benefits outweigh the reduction in the overall amount of outdoor space.

In conclusion, the Inspector found that the proposal would provide adequate living conditions for future occupants. However, this did not outweigh the harm found with regard to the

character and appearance of the host dwelling, and the living conditions of neighbouring residential occupants.

3.3 **17/1148/OUT** – Land to the west of Clyst Road, Topsham, Exeter, Devon. APPEAL ALLOWED

The application sought Outline planning permission for up to 155 residential units and a 64-bedroom residential care home. Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration.

This application was recommended for approval by officers but was refused contrary to this recommendation by Planning Committee based concerns relating to the scheme's effect on the character and local distinctiveness of the strategic gap between Topsham and Exeter.

The Inspector identified the main issues as:

- The appeal scheme's effect on the character and local distinctiveness of the strategic gap between Topsham and Exeter;
- Its accessibility to modes of travel other than the private car: and its effect on highway safety.

To take each in turn, whilst the Inspector noted that the scheme would not satisfy the specific requirements of Local Plan policy LS1 (landscape setting), and was in conflict with that policy, he concluded that the policy is out of date in the light of the NPPF and therefore afforded this policy conflict limited weight. Consequently the critical policy underpinning the Council's case was identified as Core Strategy policy CP16. The Inspector attached no weight to policies in the Council's emerging Development Delivery DPD or Greater Exeter Strategic Plan given the lack of progress on the former, and early emerging stage of work on the latter.

The Inspector noted open and rural character of the site but also that it was affected by the presence of nearby built development. The Inspector concluded the scheme would both adversely affect the area's landscape character and result in an adverse visual impact to the setting of the built up area but that it would not result in any material coalescence of settlements. He concluded therefore it would be in conflict with policy CP16 but that the weight that could be afforded to that conflict depended on other factors in weighing up the planning balance in reaching a decision on the merits of the proposal.

In terms of accessibility the Inspector did not consider that the location of the site was so distant from facilities or public transport nodes that it would materially discourage the use of transport modes other than the private car. However, he did acknowledge the need for improvements to pedestrian linkage on Clyst Road as a fundamental requirement to be secured through an appropriate S106 agreement. The Inspector concluded on that basis the scheme was acceptable in terms of accessibility and highway safety.

In respect of the planning balance in the decision making process the Inspector highlighted the Council's absence of a 5yr supply of deliverable housing sites. Noting that measures to address this will be likely to require release of land subject to policies CP16 and LS1 he concluded that the lack of 5 yr supply reduces the weight that can be given to the identified conflict with policy CP16. He stated that in the context of the degree of housing supply shortfall the significant contribution that the appeal scheme could make to addressing this was a material consideration sufficient to outweigh the adverse effect the scheme would cause to the character and local distinctiveness of the strategic and the conflict with policy CP16. Consequently the appeal was **allowed**.

Costs

The appellant also made an application for costs in connection with the appeal against the Council's decision to refuse the application. The Inspector awarded partial costs to the appellant which will now have to be agreed between the parties.

4. New Appeals

- 4.1 **18/0814/ADV** - Unit 5 The Exebridge Centre. Cowick Street. The application sought a sign and fascias for a restaurant/takeaway.
- 4.2 **18/1605/FUL** - Atlas House, Victoria Park Road. The application sought a first floor extension for ancillary accommodation above the garage.

CITY DEVELOPMENT MANAGER

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Room 2.3. Tel: 01392 265275