

## **PLANNING COMMITTEE**

Monday 19 June 2023

### **Present:-**

Councillor Paul Knott (Chair)

Councillors Asvachin, Bennett, Jobson, Ketchin, Lights, Miller, Mitchell, M, Sheridan, Wardle and Williams

### **Also Present**

Director of City Development, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Principal Project Manager (Development) (CMB), Planning Solicitor and Democratic Services Officer (HB)

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### **COUNCILLOR ASVACHIN**

The Chair asked Members to note that, prior to appointment at Council on 18 July 2023 in respect of the position of a Deputy Chair of the Planning Committee, in the absence of a Deputy Chair, who normally chaired the Planning Member Working Group, Councillor Asvachin had chaired the meeting of the Group on 12 June 2023.

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### **MINUTES**

The minutes of the meeting held on 25 May 2023 were taken as read, approved and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO, 21/1676/FUL - LAND NORTH EAST OF 371 TOPSHAM ROAD, EXETER**

The Assistant Service Lead - Development Management (Major Projects) presented the application for the development comprising change of use to golf driving range including construction of an 8 bay and 2 training bay facility incorporating equipment store and car park.

The Assistant Service Lead - Development Management (Major Projects) reported that the application had been deferred at the previous meeting of this Committee on 25 May 2023 so that changes to the conditions could be carried out. A Member had also asked if amenity could be improved, taking into account the local community's concerns.

Accordingly, the following revised and new conditions had been agreed with the applicant as set out in the report and detailed as follows:-

- condition 14 had been added to require a Border Management Plan;
- condition 21 had been added to prevent the use of herbicides etc.;
- condition 17 (now 18) had been amended to provide opening hours of 9.30am during the week and 10.00am on Saturdays, Sundays and Bank/Public Holidays;

- condition 13 has been amended to require biodiversity monitoring.;
- no further condition has been added with respect to noise, as condition five already required a Noise Impact Assessment to be submitted and approved by the Local Planning Authority, and any necessary mitigation measures to be implemented, as recommended by Environmental Health. Sound proofing can therefore be secured through this condition if it is considered necessary.

As amenity could cover a wide range of issues it had not been possible to pin down improvements in this regard. The issue of whether public access could be allowed on the site, for example when the facility was not in use had been raised again; however, the applicant had stated that this was not possible for safety, security and insurance reasons. Members were reminded that this has no bearing on whether planning permission should be granted or refused.

The original committee report to this Committee on 25 May 2023 was attached as an Appendix which contained an assessment of the salient planning issues that Members were asked to consider when coming to a decision.

In respect of lighting in the car park, Members were reminded that this was controlled by condition 19, so no lighting could be installed unless agreed by the Local Planning Authority. The applicant had confirmed that no lighting was proposed in any case.

Councillor Begley, having given notice under Standing Order No. 44, spoke on the item. She read statements from Gill Barnes and Phil Wright raising the following points:-

Gill Barnes

- 340 residents have objected strongly to this application and the way it has been conducted. A seven-five vote rejecting the case officer's recommendation was called undecided at the meeting of this Committee on 25 May 2023 and deferred by the Chair. The officers offered the Club an opportunity to improve their plans;
- the Club have been allowed to submit amendments without any consultation. They did not consult with Natural England as it is mandatory for them to be included in all discussions throughout the planning process nor contact made with the RSPB nor the Devon Wildlife Trust;
- of the seven issues the Club were asked to improve, only one has been completed - the banning of herbicides, pesticides and fertilisers which cause many problems, especially the glyphosate that is in use on Exeter Road but about to be banned by Defra;
- the issue of opening and closing times was incomplete but the times to commence were basically as agreed. Weekdays opening is agreed at 9.30 am to avoid the number of cars on the road and for Saturdays, Sundays and Bank Holidays the start is 10.00 am. With no floodlighting at all, the closing times need to be flexible according to the season but this should be discussed further as 9.30 pm in the summer months is too late when the adjacent houses have school children and babies trying to sleep. 8.30pm weekday is proposed as a compromise. Weekends and Bank Holidays the times are reasonable at 8.00 pm.;
- clarification is needed on the timing of ball collecting and grass cutting as it is assumed that it would be in the hour prior to opening time;
- no border management plan has been drafted;
- the monitoring method to ascertain any increase in Biodiversity is not evident;

- the colour of the actual building has not been confirmed. Interior lighting and the oversized car park are other issues that need addressing, as does the archaeology assessment;
- there has not been any clarification on noise or the required noise assessment. Under normal circumstances in an area of tranquillity such as this, there is no disturbance at all by noise from humans. It is one of the most secluded fields in the Ludwell Valley because of its lack of access to walkers, runners etc. so the wild life is completely undisturbed. This field provides peace and quiet alongside the adjacent Community Orchard field where there are seats to enjoy this continuous tranquillity. Any noise, however, small can adversely affect wildlife and ecosystems. External amenity spaces are an intrinsic part of the overall design of the Park and Site 53 is one of the most important and should not be changed to accommodate a driving range etc.;
- the Club chose to use its existing land three years ago when the pond was enlarged and the 18th hole extended by some 60 yards .Previously, the Club sold off two areas of their own land to the same developers, Heritage Homes now Heritage Bricks but under the same ownership. The Club do not need to have a purpose built range to practice;
- the local residents have also raised concerns over the lack of any archaeological report as there are the remains of a bronze age hut and a cremation pit;
- the revised Exeter Local Plan will be published later this year. It has retained LS1 which has been referred to as being out of date but will include that policy which the Golf Club believes justifies their application and presence in this Valley Park. The list in the leisure section of the Local Plan on informal recreation does not cover the proposed use of a golf driving range. Informal recreation in any Valley Park is limited and there is no mention of organised sport or any ball games;
- a Geo Environmental report in 2019 refers to the asbestos contamination within the field and unexploded ordnance. A thorough investigation by an expert is necessary; and
- this field must remain as a tranquil peaceful place and remain of landscape value and part of a working farm.

Phil Wright

- clarification is required on times for mowing and ball collection;
- residents should be involved in border maintenance and landscaping and there has been no consultation on how this can occur;
- confirmation is required that there will be no exterior lighting of any kind; and
- most things asked for are included in the recommendations except the most important that the field will be protected from future development.

Gill Baker, speaking against the application, raised the following points:-

- this application was first submitted in 2021 and, thanks to the efforts of the planning officers and input from over 400 consultees, it has been revised to achieve a “less worse” impact on this important part of Exeter’s greenspace. But it is necessary to decide whether “less worse” is acceptable and whether this development will have an impact on the biodiversity, landscape and public amenity value of Ludwell and whether any building in the Valley Park is acceptable or whether it is more reasonable for valuable land like this to be strategically ring-fenced as part of our green infrastructure;
- with the increase in housing development across the city it is increasingly important to expand the area of the city’s valley parks for the common good;

- it also needs to be decided if this loss of undeveloped greenspace is acceptable and if it is a reasonable development - how can it be ensured that is not just “less worse” but the “least worst”;
- the Committee is being asked to determine whether the development as described is reasonable within planning terms and also if the applicant will be reasonable in restricting the development to the detail shown in the latest proposal;
- the development must not be a bit-by-bit return to the original proposal or incrementally become something worse;
- the scheme has received over 300 objections, is contrary to the Valley Park Masterplan and compromises the city’s Green Infrastructure strategy;
- the right decision is the one made at the 25 May 2023 meeting. The proposal should be refused and every power should be used to ensure that the proposal is the “least-worse” as possible. This would mean setting strict legal conditions and paring back the development to an absolute minimum; and
- the integrity of Ludwell Valley Park must be protected.

She responded as follows to Members’ queries:-

- there has been insufficient scrutiny of the proposal which requires more consideration before a decision is made in order to protect the Valley Park; and
- the requirement for a 30 space car park is contradicted by the Club’s statement that only three cars an hour will enter the site and it is anticipated that the use of the car park will grow. The use of grasscrete will disrupt the ecology of the area and its use could lead to purposes other than supporting the Driving Range facility.

Will Gannon, speaking in support of the application, raised the following points:-

- since the Planning Committee meeting on 25 May 2023, the case officer has contacted the Club to request amendments to the planning conditions and the Club are happy to confirm full agreement;
- the focus of the Club is not only about providing sporting facilities for the residents of Exeter but also to highlight its activities in terms of charity and community work as well. The Club has agreed to host a visit from students and teachers from the Exeter Deaf Academy to learn about the different career possibilities on offer at the Club;
- the Club is very keen to substantially improve the biodiversity of the application site and wish to support the ethos of Exeter City Council in this respect. The Club will also be introducing new well-being functions to the vacant land and be responsible neighbours, as it is at its main site;
- public access to the land is not currently available and this will continue to be the case in future, mainly due to insurance issues, as well as general safety and security matters; and
- the Club wants to relocate its Golf Academy to this new site to become its permanent home.

He responded as follows to Members’ queries:-

- quiet electric vehicles will be used for maintenance and all maintenance works and ball collections will be undertaken during the opening hours set out in the conditions; and
- the Club has undertaken consultation with the local residents and will continue to hear any concerns raised as is the case with the existing facility.

The Assistant Service Lead - Development Management (Major Projects), in response to Members' queries, advised that:-

- the proposal accords with Policy CP16 of the Core Strategy, which is more up to date than the Local Plan First Review, and the background text of Policy CP16 confirms that the Valley Park can provide formal as well as informal recreation uses;
- any additional development such as the provision of berm lighting, as exists on the current facility, would require planning permission;
- the site layout shows 26 car parking spaces but does not show disabled spaces or cycle parking in accordance with the Sustainable Transport Supplementary Planning Document so it follows the number of spaces will reduce;
- the car park will be behind the building in views from the publically accessible parts of the Valley Park;
- an archaeological assessment will need to be undertaken prior to the commencement of the development;
- a Noise Impact Assessment must be submitted and approved by the Local Planning Authority, and any necessary mitigation measures to be implemented. This requirement was in response to concerns raised by residents. The area is an agricultural field and there have been concerns in the past from residents regarding noise from tractors in the early morning;
- an additional condition can be added to require a survey of the land to determine the existence of asbestos and any unexploded ordnance for necessary mitigation measures to be undertaken;
- the public consultation ended prior to the previous Committee on 25 May 2023 and Members at that Committee did not ask for any additional consultation to be undertaken, which would not happen automatically for changes to conditions; and
- the location of the building and car park will be on land that can be defined as a brownfield development and the rest of the site would be defined as green field.

The Director City Development provided the following concluding points:-

- the application had been deferred at the meeting of the Planning Committee on 25 May 2023 in order to request the applicant to consider changes to the application;
- the application is to be considered in the context of the Core Strategy and not the forthcoming Exeter Plan which is yet to be adopted; and
- an additional condition in respect of asbestos and unexploded ordnance can be added which can be carried out as a desktop exercise.

A Member stated that it was important to balance the needs and concerns of the local community with the wider provision of recreational facilities for the city as defined within the Core Strategy. He noted the measures proposed and agreed by the Club to mitigate the concerns that had been raised.

The Chair moved the recommendation for approval including the conditions set out in the original report as amended by the new conditions in the report to this Committee together with an additional condition in respect of asbestos and unexploded ordnance which was seconded, voted upon and CARRIED.

**RESOLVED** that planning permission for the development comprising change of use to golf driving range including construction of an eight bay and two training bay facility incorporating equipment store and car park be **APPROVED**, subject to the conditions as set out in the report as amended by the new conditions in the report to

this Committee together with an additional condition in respect of asbestos and unexploded ordnance.

The meeting adjourned at 18:20 and re-convened at 18:35.

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**PLANNING APPLICATION NO. 22/1746/RES - WEST PARK, UNIVERSITY OF EXETER, STOCKER ROAD, EXETER**

The Principal Project Manager (Development Management) (CMB) presented the application for approval of reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping. The application had been deferred at the previous meeting of this Committee on 25 May 2023 so that a site visit could be arranged.

The Principal Project Manager (Development Management) (CMB) spoke to the presentation, highlighting the following matters:-

- a site visit had been undertaken on 9 June 2023;
- concerns from residents of the impact on residential amenity and the potential overbearing impact and loss of privacy to neighbouring dwellings arising from proposed Blocks CB, ST and GH;
- the scheme was displayed via 3d models in the meeting;
- the additional information sheet clarified planning considerations material to current Reserved Matters application compared with Outline consent already granted;
- 20/1684/OUT approved plans included a Site Location Plan, a Demolition Plan, Land Use Parameters Plan, a Movement and Access Parameter Plan, a Heights Parameter Plan and a Landscape and Biodiversity Parameter Plan;
- reserved matters comprised layout, scale, appearance and access approved (subject to conditions) under the Outline consent. The appearance of the buildings had been assessed at the reserved matters stage and found acceptable subject to conditions regarding detail of materials. Access had been approved in terms of Highways safety and conditioned at Outline stage in terms of Highways safety and accessibility had been found acceptable at the reserved matters stage. The Landscaping Strategy had been approved and conditioned at Outline stage with further conditions at reserved matters stage;
- condition 15 specifying maximum gross internal floor area of 49,821sqm;
- parameter plans showing the limit and extent of development had been approved as follows:-
  - layout, scale, appearance and access approved condition 15 specifying maximum gross internal floor area of 49,821sqm;
  - Layout showing the maximum internal floor area of 49,821square metres in total, building footprints to not exceed areas defined in the Land Use Parameter Plan; the detailed layout of the proposed development falling within the approved parameters, the impact on residential amenity having been assessed in principle at the outline stage and therefore window control zones and height limits were set out on approved plans;
  - a more detailed assessment on residential amenity has been undertaken and found acceptable;

- the maximum scale had been approved at outline stage with the maximum floor areas conditioned via Land Use Parameters Plan and maximum Gross Internal Area condition;
- maximum heights were conditioned via the Heights Parameter Plan. As such, provided that the reserved matters scheme did not exceed the approved parameters, then the proposal must be considered acceptable in terms of scale.

The Principal Project Manager (Development Management) (CMB) referred to Residential Design Supplementary Planning Document (SPD) regarding the loss of privacy and overbearing impact detailing how the development met the criteria set out in the document, in particular in respect of Elmbridge Gardens, Dunvegan Close and other properties. In terms of loss of privacy, a minimum back to back distance of 22 metres was required between habitable room windows and in terms of harm to outlook the distance between habitable room windows and an elevated blank wall had to be a minimum of two times of the height of the wall plus the ground level difference. The plans met these criteria.

The Principal Project Manager (Development Management) (CMB) provided the following concluding points:-

- the University was of strategic importance to Exeter in terms of economy, education and vitality which provided substantial positive weight;
- Core Strategy, Local Plan and Supplementary Planning Guidance sought as much purpose built student housing on campus as possible to reduce housing pressures in city. The proposal would meet this need with nearly 1,500 net gain;
- a rigorous assessment of the adverse impacts of the scheme in terms of visual and residential amenity had been undertaken, amendments and additional information secured and conditions recommended to overcome concerns;
- on balance, the benefits of the scheme outweighed any adverse impacts and the reserved matters were considered acceptable overall;
- it was considered that there were no policy grounds for refusal; and
- the application should, therefore, be approved in line with NPPF paragraph 11 c).

The Director City Development, the Principal Project Manager (Development Management) (CMB) and the Planning Solicitor, in response to Members' queries, advised that:-

- in terms of student safety in light of the increase in total numbers, the Highways Authority had confirmed that access arrangements were satisfactory and that the uplift in student numbers was not considered significant;
- the Committee should consider the application before it and not suggest a change in direction of one of the student blocks, for example, from east to west to north to south;
- there would be vehicular access around the whole of block ST, including for emergency vehicles;
- the application was for student accommodation which could include summer school accommodation. It would be unreasonable to seek to impose a control on the nature of accommodation the University might wish to seek;
- a number of plans were approved at outline stage including height parameters and it was not possible to revisit issues agreed at outline stage in 2021; and
- storey numbers are predicated on the differing site levels and in some cases the sites have been excavated to accommodate the number of storeys - there was therefore flexibility within the parameter plans and officers were satisfied that the

maximum height in the plans had not been exceeded. The footprints were controlled under the land use parameters plan also agreed at outline.

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

Issues raised on behalf of some of the residents:-

- purpose it to correct errors raised by UPP contained within the outline and reserved planning applications to be corrected for the Committee to reach an informed decision which includes the last three years since the planning application started;
- height of Block ST which was initially Block B1 which has never been six storeys and reduced to four but was initially four storeys and reduced to a three storey on one small end portion with residents objecting to four storeys;
- the number of beds had not been reduced from 182 to 134. The initial figure of 134 now increased to 155 beds;
- separation distances between blocks and houses – ST to Elmbridge Gardens claimed to be 92 metres but is actually 89 metres from building to building and 39.5 metres on the resident's property so actual distance is 49.6 metres which is important in terms of amenity. The figure is reduced further if road access is included with many vehicles visiting the block;
- 26 objections/feedback forms sent to the applicant in December 2022 but not summarised in the community statement by UPP or passed to the Council or considered as part of the planning process and are therefore not on public record;
- traffic fatalities occurred over five years ago and therefore do not show on Highway Authority records;
- the many extra deliveries for the planned 1,500 extra students will increase traffic;
- ST will have 54 open windows on one side directly facing residents and 48 on another plus doors, outside areas and the bike store but window control zones were only put on one side of the building. On building CB there will be 41 windows plus doors in a large social area giving a total of 143 windows facing homes. Block ST will have 43 windows facing 63 Streatham Rise which added to Block CR will result in 111 windows facing their house and gardens;
- images of ST and CB in the application have been hidden from residents at each stage of the application with residents expressing objections to the size and overbearing impact of the blocks on residential amenity at every possible consultation stage despite requests for pictures and models of what the buildings would look. These had not been forthcoming. All written requests for feedback were ignored until 6 February when ST was finally shown but marked QR;
- policy states that buildings should not harm the character of buildings and not reduce the amenity of neighbouring properties or create an imbalance in the local community. Creating high quality buildings is fundamental and good design is a key aspect of sustainable development. Effective engagement is also essential between all interested parties;
- there has been no engagement with residents and if this continues residents and students will be poorly designed buildings and there will be constant conflict between residents and students; and
- it is not too late for UPP to consult.



## Comments of Councillor Pearce

- outline permission has been granted but is contingent on reserved matters being agreed. Section 97 of the Town and Country Planning Act 1997 give planning authorities power to revoke or modify any existing permission if work has not started. Work has not started on this application;
- it is in the gift of the Committee to refuse or support planning recommendations;
- additional technical details should have come forward at an earlier date; and
- a four storey building would be considered overbearing by a reasonable person so the residents of Elmbridge and Dunvegan understandably feel aggrieved.

Christopher Wakely, speaking against the application, raised the following points:-

- thank you to those of you who were able to take part in the site visit to the Birks Grange/West Park development;
- we all support the University's decision to accommodate its students on the main campus but wish for an open dialogue to reduce the detrimental impact of planned building on the local residential community;
- the impact of two buildings on the loss of privacy, noise and light pollution and general nuisance is significant;
- visualisations show the true impact of the steep gradient but they only appeared on the planning website at the end of February after the final date for objections. The image shows how blocks CB and ST have an overbearing impact on residences in Elmbridge Gardens and Dunvegan Close;
- the plan of Birks Grange/West Park Site show how the six-storey CB (41 windows) and four-storey ST (52 windows) look directly on to homes in Elmbridge Gardens and Dunvegan Close;
- the 3D printed model shows a flat lawn between block ST and the homes in Elmbridge Gardens but cardiac hill is missing;
- visualisations of block ST from Elmbridge Gardens and Dunvegan Close show how block ST is the equivalent of a 10-storey building from street level in Elmbridge Gardens which has an overbearing detrimental impact on privacy;
- the re-orientation of block ST towards the north west is suggested so that it faces Birks Grange Village rather than homes which would be a simple mitigation;
- re-siting the shop planned for the ground floor is suggested so that students from West Park do not contribute to the pedestrian traffic coming down the hill rather than towards the main campus;
- block ST - this four-storey block is planned for a site not currently used for student accommodation and has an equivalent height of a 10-storey building from residential roads. It is surrounded on three sides by residential properties. It will have 155 bedrooms with 52 windows looking directly over Elmbridge Gardens and Dunvegan Close. It is considered overbearing and should be removed altogether or re-orientated towards the north-west so that it overlooks Birks Grange Village rather than homes. It could be reduced in height to two storeys;
- there will be a detrimental impact from greatly increased vehicular and pedestrian traffic as the main access to the West Park site;
- there has been a lack of openness in the consultation process with too many late changes;
- the objectives of the Liveable Exeter vision should be upheld to strengthen neighbourhoods, create new communities and improve quality of life; and
- Glenthorne Road is an example of a push for extra quantity and profit which has created an over-intensified student accommodation block that has obliterated the local resident community.

Responding to a Member's query, he advised that the height of Block CB, a six-storey block would mean that it would look over the tree cover and directly into the homes in Elmbridge Gardens and Dunvegan Close and that the height should be reduced to four storeys.

Mike Shore-Nye, speaking in support of the application, raised the following points:-

- the heights, massing and the amount of accommodation proposed were assessed by officers and determined to be acceptable at outline stage and these constraints are defined within the parameter plans approved at outline stage;
- this Reserved Matters application is therefore predominantly concerned with the design of the proposed buildings, which has been subjected to significant public consultation, Design Review Panel scrutiny and detailed discussion with the Council's Urban Design and Planning Officer;
- there was a particular focus on the height of Block ST and its proximity to neighbouring properties at the Planning Committee on 25 May 2023. In terms of height, this building was reduced from six and four storeys to four and three storeys at outline stage following public consultation. The four-storey element of Block ST is 2.2 metres below the maximum height within the consented Parameter Plan;
- regarding proximity to neighbouring properties, Block ST follows the guidelines set within Exeter City Council's Residential Design Guide Supplemental Planning Document. The SPD calculation requires a minimum separation distance of 42.7 metres to the nearest property on Elmbridge Gardens, taking account of the level changes between the site and neighbours. The actual separation distance comfortably exceeds this at 92 metres. Block ST is fully compliant;
- regarding passing across 26 consultation feedback forms to the planning authority, following usual practice, the comments within these forms were summarised within the Statement of Community Involvement;
- concerns were expressed on the increased risk of traffic accidents on Cowley Bridge Road and New North Road due to the development - Highways Authority did not raise any concerns based upon the risk of accidents. Also, their own five year website data shows there have been no fatal accidents on this road within this time;
- at outline stage, the Council specifically asked the applicant for a shop to be retained as part of the development in order to reduce student footfall outside of campus. If other students wish to use this shop, the quickest and most direct route is to use the nearby footpath, situated on university land;
- condition 25 of the outline consent requires the applicant to provide detailed proposals for the management of surface water and silt run-off from the site during construction. In response to this condition, a proposed Drainage Strategy has been submitted; and
- since 2019, this development has evolved in response to officer, design review panel and public feedback. The result of this process is a compliant scheme. When completed, West Park will lead the education sector in low carbon, sustainable student accommodation. The project will also provide significant social value and local economic benefit to the city and wider community. West Park will help to meet current and expected future growth and build upon the University's £1.6 billion of output to the local and UK economy, together with supporting 15,500 jobs.

He responded as follows to Members' queries:-

- the suggestion for the re-positioning of the blocks would be costly in terms of finance and time and there is a commercial need to maximise the use of the site to ensure viability. The proposals meet the Council's design guidance and simply reducing or removing blocks will have an adverse impact on the Business Plan which is part of the overall work in bringing forward the scheme;
- the supplementary information provided by the applicant sets out the stages in public consultation and includes the reductions in heights put forward in response to consultations;
- the University also wishes to live in harmony with its neighbours and takes its responsibilities to the community seriously. The provision of on-campus student accommodation helps meet the Council's goal of reducing houses in multiple occupation; and
- the management regime to control student behaviour will be robust and similar concerns regarding the East Park development did not materialise. It is believed that the scheme will have a positive impact on the city.

Members expressed the following views:-

- whilst recognising the great value the University brings to the city in terms of education, culture, economy and diversity, to promote harmony with the community, consideration should be given to recalibrating some of the blocks so that students will look out onto students rather than neighbouring residential properties;
- whilst no one is opposed to a form of development to accommodate students, the concerns raised before and after outline stage have not been adequately addressed and, given that the buildings will be in situ for many years, in the interests of residents and to ensure long term harmony, the plans should be revisited;
- the County Council Highways officer has not provided sufficient information to back their statement that there are no highway concerns. Referencing data which only covers the last four years does not provide sufficient transparency or confidence that the road network is safe. There are a number of hotspots where traffic accidents can occur such as near the Buller statue and along New North Road and there have been fatal accidents in the area. The data provided is not sufficiently robust.

The meeting adjourned at 19:30 and re-convened at 19:35 enabling Members to view the 3D model.

The Director City Development and Planning Solicitor provided the following concluding advice:-

- it is not possible to recalibrate or mitigate the matters which have already been granted planning permission at outline stage by another Planning Committee in 2021. These cannot be revisited when reserved matters are under consideration;
- the Committee needs to consider the discharge of reserved matters within the application;
- advice has been given on the difference between outline and reserved and the status of the approved plans in relation to layout, scale, access and highways. Information was also provided on residential amenity and highways and how it relates to guidance within Supplementary Planning Guidance. The reserved matters are well within those policy guidelines;

- information has been provided on the community engagement undertaken by the University and also criticism of the level of that engagement. The issue of the applicant's community engagement is not a planning consideration but is encouraged when developments come forward;
- the issue of the proximity of Block ST to residents and the request to recalibrate cannot be considered at reserved stage as it falls within the footprint set out within the parameter plans agreed at outline stage;
- likewise, details of heights and access and how movements can be achieved were also agreed at outline stage;
- the details within the 3 dimension box can be considered; and
- the current footprint of Block ST as shown on the parameters plan cannot be rotated as it would fall outside the land use parameters plan already approved which sets out scale and massing.

The Chair moved the recommendation for approval which was seconded, voted upon and CARRIED after his casting vote.

**RESOLVED** that the application for planning permission for reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping be **APPROVED** subject to the conditions set out in the report.

54      **PLANNING APPLICATION NO. 23/0321/FUL - LAND ON THE WEST SIDE OF BELLE VUE ROAD, EXETER**

The Chair reported that the application for the erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works had been **DEFERRED** at the request of the applicant and would be considered at the July meeting of this Committee.

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

The report of the Director City Development was submitted.

**RESOLVED** that the report be noted.

56      **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.58 pm)

Chair