

## **PLANNING COMMITTEE**

Monday 13 November 2023

### **Present:-**

Councillor Paul Knott (Chair)  
Councillors Asvachin, Bennett, Hannaford, Jobson, Ketchin, Miller, Mitchell, M, Patrick, Sheridan, Vizard, Wardle, Warwick and Williams, M.

### **Also Present**

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

68

### **HOWARD BASSETT**

The Chair reported that this would be Howard Bassett's last Planning Committee prior to his retirement. The Chair and Director City Development expressed their thanks and those of Members for his many years of service to the Council and wished him well on his retirement.

69

### **MINUTES**

The minutes of the meeting held on 4 September 2023 were taken as read, approved and signed by the Chair as correct.

70

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

71

### **PLANNING APPLICATION NO. 23/0875/VOC - SANDY PARK STADIUM, SANDY PARK WAY, EXETER**

The Principal Project Manager (Development Management) (CMB) presented the application for redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand.

Variation of condition 7 of 12/1030/FUL to allow up to six music concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and 15th July inclusive, to avoid bank holiday weekends and any local school holidays, for an attendance of up to 15,500 people per concert.

The following key issues were set out:-

- impact on residential amenity and heritage;
- highway, access and parking; and
- economy

As background, the Principal Project Manager (Development Management) (CMB) advised that the original consent to which this application pertains, ref. [12/1030/FUL](#), was for a permanent increase in capacity from the previous 10,744 to 20,600 in the form of an extension to the West stand and new permanent stands on the remaining three sides of the ground, additional parking and bus/coach drop off and a conference centre to the south stand and Courtyard by Marriott Sandy Park to south with footbridge from hotel to stadium. As confirmed by a site visit on 14 March 2023 and by an email received from the applicant dated 16 March 2023, consent had been partially implemented and was, therefore, extant.

The recent application, ref. 23/0151/VOC, had been granted by Planning Committee in June 2023 for the variation of Condition 7 of 12/1030/FUL to allow up to four music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.

The Principal Project Manager (Development Management) (CMB) further informed Members of the following:-

- the application now sought to vary Condition 7 of planning application [12/1030/FUL](#) to allow up to six music concerts per year on weekends only, for an attendance of up to 15,500 people per concert to take place between 1 May and 15 July avoiding local school half term and summer holidays, Furthermore the originally proposed small events (not including concerts) of no more than 5,000 people per event had been removed from the proposed condition variation;
- following comments received from National Highways, the dates set out in the proposed condition variation wording had been amended to cover school half term summer holidays after 15 July;
- the concerns of the statutory consultees - the local highways authority, National Highways and Environmental Health - had been overcome following the submission of additional information, and the omission of the originally proposed small events, and recommended conditions;
- the statutory consultees' objections were withdrawn and the amended conditions were set out in the update sheet; and
- advice was issued to the applicants during the course of planning application, 23/0151/VOC, by technical consultees regarding data to be collected at the above events relating to noise and highways impacts. This data would be used to inform any future application for similar events. A Post Event Report by Clarke Saunders, dated 3 July 2023 had set out this data including complaints received for 2023 events.

The Principal Project Manager (Development Management) (CMB) further advised that 17 objections had been received, including from McMurdo Ltd on behalf of The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) which owned land immediately adjacent to the Exeter Chiefs Stadium. The objections were mainly noise pollution, traffic and parking issues/impact on the M5 Junction 30 and antisocial behaviour/alcohol and littering and the impact of these were set out in detail in the report.

It was considered that the proposed music events would give rise to economic benefits for the rugby club and the wider area, including the provision of employment opportunities which carried substantial positive weight in the planning balance. On balance, the benefits of the scheme were considered to outweigh any adverse impacts and the proposal represented sustainable development overall.

The recommendation was for approval, subject to the conditions set out in the report and the update sheet.

The Principal Project Manager (Development Management) (CMB) responded to Members' questions:-

- the operator would be Sandy Park and the permission would apply to events taking place in Sandy Park. Sandy Park would engage a preferred contractor and any event would comply with the conditions;
- the application was for a permanent consent, the four events in June relating to temporary consent. The Club had requested a permanent consent at that time, but a trial period had been agreed instead;
- the Club had collected data from the June events as requested by Devon County Council Highways, National Highways and Environmental Health which provided concrete evidence to support the application, all bodies requiring strict monitoring procedures and report back annually on the events previously held to inform how to proceed with new events;
- the currently proposed conditions in respect of noise, antisocial behaviour and other issues considered to be potentially harmful were much stricter than the June events;
- as it was an application for permanent permission a time limit could not be set;
- capacity numbers had been incrementally increased for the June events, the applicant being able to do so within the event management strategy as highway improvements came forward. The numbers had been further increased by 500 to allow for staff attending the events
- there would be staggered arrival times so that the influx of concert goers would be more dissipated;
- National Highways had stipulated that the main event could not start earlier than 21:00 hours to reduce noise impact and avoid the sudden impact of people putting pressure on the motorway and Junction 30;
- the club had offered a much lower noise limit than in June and lower than other venues in similar circumstances;
- conditions required the use of two specific Park and Ride sites as well as supervision of pedestrian routes, including controls to prevent use of private driveways;
- the noise limits within the conditions were those proposed by the applicant, the different levels to reflect their wish to have slightly different acts. These were assessed to be in compliance with national planning guidance and a 1995 guidance on noise limits for outdoor music events;
- the conditions would reflect the submitted documents for planning approval for 10:30pm closure for Sunday events whilst a licensing condition requiring a 9:30 closure could be required;
- the noise complaints reported in June were not in breach of the conditions but the relevant condition proposed had been tweaked to make it more rigorous. The lower limits proposed were to help mitigate the increased number of events sought and to reflect the more permanent nature of the application; and
- a condition in respect of timing reflected the wish to dilute arrivals and also ensuring that attendees did not arrive before 4:00pm.

Kevin Cook, speaking against the application, raised the following points:-

- many of the residents who live close to Sandy Park were frustrated and considered that the granting of Sandy Park planning applications had already been decided;

- noise levels had been monitored during the last Sandy Park concerts, but now, there was the potential for an attendance of 15,000 people;
- further detail was required on the proposed six concerts and on which days they were to be held;
- as with the rugby matches, people manoeuvre, park up, and drop off and collect, spectators, including a minibus, in Bishops Way which is a residents' parking permits only area. This was dangerous to pedestrians and cyclists crossing, at the top of Bishops Way;
- signage to deter parking in Bishops Court, during any Sandy Park event was still lacking and there was little or no parking enforcement;
- Sandy Park still allowed event attendees to come away from Sandy Park, with copious amounts of alcohol, which fuelled anti-social behaviour;
- there was still no marshalling provision in the adjacent residential area, unlike the marshalling that occurred at University rugby matches that take place at Sandy Park; and
- there were many "constants" but none of them benefitted the residents that live close/adjacent to Sandy Park, who felt that their genuine concerns and issues were being ignored.

Responding to a Member's query, he advised that problems of noise had been apparent the day before some events which had not been monitored by Environmental Health officers.

Mark Isaacs, speaking in support of the application, raised the following points:-

- granting planning would bring concerts to the city, which would benefit not just the club but also the wider community;
- the club, which was solely owned by its members, had played a major part in the growth of Exeter over the past 17 years, bringing millions of pounds into businesses within the city. Rugby matches up to a capacity of 15,000 were regular and successfully held and the venue had recently been chosen again to host the women's rugby world cup in 2025 which would have a positive impact on the city. The Sandy Park Hotel had also brought a much needed 4-star hotel facility to the city;
- there were very tight restrictions for the four events in June – some of the tightest restrictions imposed compared to any other venue in the UK, with most having later cut off times than those placed on Sandy Park;
- the club had worked within the tight restrictions imposed;
- the club had been flexible in its approach to ensure that it worked with the conditions for the benefit of both the City and the environment around Sandy Park and had worked with Environmental Health who had not objected, subject to the conditions. Highways England had not raised an objection and as part of the event management plan would ensure that the impact on the residents would be minimal. There was therefore no technical reason to object to the application; and
- the amount of detailed work that had gone into this application would ensure that again these series of concerts would run as successfully as this year and would bring many benefits to both the Exeter Rugby Club and the City of Exeter for years to come.

He responded as follows to Members' queries:-

- 15,000 was the maximum capacity sought for events, the additional 500 taking the total to 15,500 as set out in the application, was in respect of event staff;

- the club would continue to work with residents to address their concerns around parking by minibuses etc. in residential areas, particularly the Bishops Court estate, through the provision of signage and a Traffic Regulation Order would be implemented;
- it was made clear to attendees to respect the needs of residents. Close work was undertaken with key stakeholders to ensure little impact to the surrounding environment and ensuring residential areas were not impacted. A robust traffic management plan includes not using the parking at Digby and attendees are directed to use the Newcourt Rail Halt;
- cleaning teams were deployed into residential routes to the stadium and security strategically placed to deter anti-social behaviour; and
- the club was willing to work with one of the strictest conditions for events of this nature and had a reduced decibel level of 65 for Sunday events and therefore feel that a 10:30pm finish is appropriate.

The Director City Development advised that there were two key issues, one relating to traffic impact especially on Junction 30 and the other to residents' concerns relating to noise, parking, litter and anti-social behaviour all having been assessed by bodies independent of the Council using significant live, real time data rather than computer generated information.

Both Highways England and Devon County Council as statutory highway authority had no objections and had requested conditions as set out in the update sheet. Similarly, the City Council Environmental Health team had assessed the data, worked very closely with the applicant and recommended conditions accordingly having no objections to the proposal.

Concerns raised by a third party in respect of noise and the strong concern by residents had been rigorously examined and had been balanced against the wider benefits the events would bring and with regard to significant steps by the club to ensure the events would be well managed.

Members expressed the following views:-

- it was recognised that the restrictions placed on the club were quite severe and compared favourably with events held at two stadiums in a major English city;
- concerts brought benefits to the city and any future issues emerging with acoustics could be examined;
- the traffic flow was unlikely to clash with the Devon County Show;
- the number of tickets sold did not reflect the stadium's capacity;
- robust conditions would mitigate the concerns raised with the continuation of concert events, in particular the controls in relation to opening and closing times, event management plans and parking controls and the use of the Exeter Safety Advisory Group; and
- the current views of residents was unclear as there did not appear to be the same strength of opposition to the events as expressed earlier in the year.

The recommendation was moved, seconded and carried.

**RESOLVED** that planning permission for the redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand. Variation of condition seven of 12/1030/FUL to allow up to six music concerts per year on weekends only between 1<sup>st</sup> May and 15<sup>th</sup> July inclusive, to avoid bank holiday weekends and any local school holidays, for an attendance of up to 15,500

people per concert be **APPROVED**, subject to the conditions set out in the report and the amended conditions set out in the update sheet.

72

**PLANNING APPLICATION NO. 23/0232/FUL - APPARELMASTER, COWLEY BRIDGE ROAD, EXETER**

The Principal Project Manager (Development Manager) (HS) presented the planning application for the construction of new buildings for Purpose-Built Student Accommodation (Sui Generis use) with associated landscaping, servicing and infrastructure works (Revised Plans).

The Principal Project Manager (Development Management) (HS) described the layout and location of the site through the site location plans, aerial views and photos of the site, 3D visualisation, site layout, elevations, site sections, cycle parking and CGI, the report also presenting the following key issues:-

- the principle of development involving loss of employment land and PBSA;
- scale, design and appearance;
- contamination and flood risk;
- impact on residential amenity;
- access; and
- wildlife, ecology and biodiversity.

The Principal Project Manager (Development Management) (HS) provided the following additional detail:-

- the proposal was for the construction of four new buildings of up to six storeys for purpose-built student accommodation (Sui Generis use) with associated landscaping, servicing (from Cowley Bridge Road) and infrastructure works, with two disabled parking spaces to be provided on site;
- the development would provide 350 student bed spaces, arranged in four blocks as 154 studio bed spaces (of which 17 would be accessible studios) and 196 beds in 35 cluster flats;
- Block A at the southern end would be five storey, the top floor being recessed. Blocks B and C were six storey with the top storey being recessed. Block C had an additional five storey wing on the Cowley Bridge Road frontage. Block D would be an articulated open L shape, with a three-storey wing fronting Cowley Bridge Road and a five-storey wing running back towards the railway line;
- the blocks would be set back from the rear of the pavement. Spaces between the buildings provide landscaped amenity space and glimpsed views to the Exe Valley. A minor part of the site, which ran behind dwellings on Cowley Bridge Road, was identified as a wildlife enhancement area; and
- ground floor communal internal amenity space would be provided in Block C, which had a direct entrance onto Cowley Bridge Road to facilitate potential community use.

The recommendation was for approval, subject to the completion of a legal agreement and conditions.

The Principal Project Manager (Development Management) (HS) provided the following responses to Members' queries:-

- the Design Review Panel had not been involved with the proposal but there had been extensive liaison with the Council's Urban Design Officer;

- condition 18 covered external materials with an appropriate regard can be made to embodied carbon;
- the local community had been consulted on the use etc. of the community room which would be 150 square metres;
- the use of the rooms out of term would be secured by the management plan with a restriction on the length of letting which was common to such student schemes;
- cycle parking would meet Sustainable Transport SPD guidance and there would be no car parking other than for two disabled spaces;
- the design was compatible with existing student accommodation in the area with use of red brick and cladding elements on the roof; and
- the prevention of fireworks could be secured through the Student Management Plan secured through the Section 106 Agreement.

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

- purpose built student accommodation was suitable on a narrow, brownfield site between a busy road and busy rail-line and it would not be particularly desirable for residential accommodation. It was the right development in the right place and avoided the continuation of an industrial use with associated heavy lorry use;
- he welcomed the consultations which were undertaken with the Cowley Bridge and West Garth Residents' Associations;
- the widening of the footpath, provision of a cycle path and a contribution of over £100,000 towards GP provision in the area were also welcomed;
- the flexible use of a community room, to be secured through a Section 106 Agreement was welcome;
- the development would provide secure accommodation for students;
- the heights of the buildings have addressed the concerns of overlooking neighbouring residential properties; and
- some residents have remarked on the general need for more social and affordable housing.

Sue Sparling, speaking in support of the application, made the following points:-

- representing Metropolitan and District Securities;
- early consultations were carried out with the West Garth Residents' Association and the use of the community centre would be free of charge for residents groups;
- whilst brick work had a longer longevity than some other materials, extensive research was being undertaken to reduce the impact of embodied carbon;
- the number of units had been reduced from 372 to 350 and cycle provision had been maximised;
- the design provided a positive contribution to the neighbourhood with open views to the countryside with articulated frontage; and
- the development provided natural surveillance and the 65% provision of open space provided for significant biodiversity gain.

She responded as follows to Members' queries:-

- there would only be two parking spaces which would be designed for accessible use and the extensive provision of cycle spaces would encourage non carbon travel;

- there were differing views on design and, rather than using the Design Review Panel, the applicant had recruited its own design officers; and
- appropriate controls on the use of fireworks would be incorporated into the agreements with occupants as part of the management plan.

The Director City Development in conclusion, advised that the development would provide additional purpose built student accommodation further reducing pressure to convert residential accommodation. It would respond appropriately to the overall context of the site in the shadow of the Streatham Campus and would fit in well with the existing landscape. The Environment Agency had withdrawn its original objections as an appropriate Flood Risk Assessment, sequential site search and mitigation through design had been provided with regard to the site being in Flood Zones 2 and 3 and a Flood Emergency Plan would be required by condition.

Members expressed the following views:-

- the proposal offered one of the better designed student accommodation in the city on a brownfield site, broken into blocks, reflecting other student residences with a respectful relationship to neighbouring residential properties;
- provision of the free non-commercial use of a community room was welcome as was the £106,240 contribution for GP surgeries expansion;
- long term issues around car usage in the area may emerge over time and that, whilst the site is appropriate for use as student accommodation, there remains a problem of a lack of community balance overall in the area.

The recommendation was moved, seconded and carried unanimously.

**RESOLVED** that, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

- £106,240 for GP surgeries expansion;
- Student occupation and management plan;
- public access to amenity room;

All Section 106 contributions should be index linked from the date of resolution.

the Director City Development be authorised to **APPROVE** planning permission for the construction of new buildings for purpose-built student accommodation (Sui Generis use) with associated landscaping, servicing and infrastructure works (Revised Plans), subject also to the conditions and informatives set out in the report (the detailed wording of which may be varied).

and further **RESOLVED** that the Director City Development be authorised to **REFUSE** planning permission for the reasons of absence of the matters listed in the conditions being secured if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed within six months from the date of this Committee or such extended time as agreed by the Director City Development.

The Principal Project Manager (Development Management) (CMB) presented the application for the development of 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access



roads, car parking and services. The applicants were Gladman Retirement Living Ltd.

The Principal Project Manager (Development Management) (CMB) described the development through a site location plan, comparative site layout of the current proposal and extant consent together with comparative elevations, impact on neighbouring amenity, setting out also the following key issues:-

- character and appearance;
- residential amenity; and
- economy.

The Principal Project Manager (Development Management) (CMB) provided the following additional detail:-

- the proposed main vehicular access would be off Weirfield Road to the south-west of the site, which would lead to a parking area for 33 cars, of which two would be accessible, one would be for car club use, and four would be for Weirfield Road residents;
- there would be a secondary vehicular access to the north of the site off Topsham Road for dropping off;
- the main building access would be on the southern elevation of the south-west element at lower ground level;
- there would be two additional entrances on the northern elevation at ground level and some cycle parking;
- the site had extant consent, ref. 21/1864/FUL, for the erection of a building containing 85no. retirement apartments, together with communal facilities, access, car parking and landscaping. The current scheme was virtually identical to the extant consent;
- the site also has extant consent, ref. 19/1436/VOC, for the erection of a building containing 63no. C2 assisted living apartments, together with communal facilities, access, car parking and landscaping. This consent had been partially implemented and was very similar to current and subsequent schemes; and
- there had been no objections from any statutory consultees, including the Highway Authority with only one objection from the Civic Society, a non-statutory consultee.

The Principal Project Manager (Development Management) (CMB) advised that the application had resulted in 123 objections including the St Leonard's Neighbourhood Association, the main concerns being:-

- overbearing impact, overshadowing to Weirfield Road;
- out of character as it would be too tall with the wrong colouring and an overdevelopment of the site;
- increased traffic, causing light and air pollution; and
- access should be on Topsham Road not Weirfield Road for pedestrian safety.

Detail was provided on the impact on neighbouring amenity and it was concluded that the proposal was acceptable regarding the impact on privacy as well as in terms of any harm to outlook. Similarly, it was concluded that the proposal was acceptable in terms of access and parking.

The Principal Project Manager (Development Management) (CMB) acknowledged that 123 letters of objection had been received but that the application was virtually identical to previously approved schemes including extant consents. The concerns

raised were considered under the previous scheme and found acceptable, namely the impact on the character of the area, the residential amenity and highways safety. The following concluding points were set out, all providing substantial positive weight cumulatively:-

- contribution of 65no. new dwellings to current housing shortfall of 457 homes;
- high density and effective use of land and use of a brownfield site;
- bringing vacant site back into use;
- employment opportunities during construction and operation; and
- developer contributions.

The application was recommended for approval.

Responding to Members' queries, the Principal Project Manager (Development Management) (CMB) advised that:-

- details of internal layouts had been provided including details of lifts and stairs but not of internal elevations as these are not required;
- the development was being progressed by a new provider who were offering slightly larger units as part of a more luxurious retirement offer; and
- the proposed landscaping would be addressed via condition and there would be a net bio-diversity gain.

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

- welcomed the engagement by the new developer to meet with residents and the review by the architects to consider different positioning of the property on the site. She was also pleased that the developer had earmarked a possible sum to improve the local amenity through the resurfacing on a pathway opposite the site and for new tree planting;
- the local community was not against development of the site but were concerned about the relationship between the building and its neighbourhood;
- the access point down a small residential road had been the major bone of contention in all these applications;
- alternative access proposals had not been pursued as viability had been prioritised and this would continue to be a problem for the developer as they would also become the operator. Given that the homes would be for older people, many requiring care, regard needed to be given to people with disabilities. The frequency of the road closure could deny people access to onsite or offsite care;
- the design, bulk and massing were problematic and there was already a significantly detrimental impact from the big beige block of the Acorn development which dominated the skyline above the Ludwell Valley Park and was visible from Conservation Areas opposite;
- the site was adjacent to the Southernhay and The Friars and the St. Leonards Conservation Areas and there would be an adverse impact on St. Leonards Church, built of limestone with sandstone dressings, with its tall octagonal spire a prominent landmark. Views from a Conservation area were a material consideration and the dramatic views to the south would be obliterated. The relationship of this building to the edges of these Conservation Areas was very important but the density, bulk and relationship would detract from the character of the area and the beige appearance, will create a jarring clash;
- a city centre vision for as a green capital was a key Council strategy requiring any new development in the city centre to respect the city skyline and reflect the

underlying topography. Exeter was a low rise city and tall buildings should only be permitted in special circumstances and be of great architectural quality. Efforts to break up the density and massing had not transformed the proposal into an interesting block of flats;

- the development was not virtually identical to the previous schemes as there was less thought given to the landscaping, especially on the frontage to Weirfield Road, meaning less space for nature and less ability to help to manage water run off on site. Moreover, there were 19 fewer homes;
- the proposal was higher by six metres than the existing permission and four metres on the southwest corner;
- the 17.7 metre distance from front to front was less than the 22 metre minimum and greater where the new building was higher than existing;
- affordable housing for older people was also required;
- a daylight and overshadowing study was requested to assess the impact but the assumption was that this increase in height would not make much difference. This could not be assessed without a study;
- the scheme was not identical to the existing permission;
- it was stated that the latest development was acceptable based on the acceptability of each previous scheme but, in fact, each new scheme had continued to nibble away at the local amenity, not improved architectural merit and increases the detrimental impact on the nearest neighbours; and
- it had not addressed the unacceptable access point.

Helen Powell, speaking against the application made the following points:-

- local residents do not object to the Gladman Adlington planning application and have engaged deeply with the three planning applications over the past six years;
- there were concerns regarding height/density and massing. The height of the building which was excessive and its proximity to St. Leonard's Church and spire would overshadow Weirfield Road and roads close by. Views from Conservation Areas into the development as well as views from the river up this road were important. The new buildings would transform Weirfield Road into a dark tunnel;
- the design was of a poor quality and bland beige boxes do not fit with Edwardian houses in this part of the city;
- the level of density would harm the character of the neighbourhood;
- the proposal was worse than the previous Churchill application;
- the proposed development will be the first in this city to impose and overshadow the St. Leonards Church and its spire;
- there had been a six year resistance by local residents and road users to the opening of an access road in Weirfield Road and this view remained unchanged. The road had been closed or partially blocked 10 times since 2020, totalling six months;
- hundreds of local people had objected since 2017 including the 2022 ePetition with 952 signatures. This time, there are over 120 objections;
- reducing the size of the development and setting it back from both Topsham Road and the edge of Weirfield Road with a similar footprint to the Deaf Academy with its entrance on Topsham Road would go a long way to address the issue. It would remove the burden being placed on a narrow, steep Edwardian cul-de-sac where operating two large businesses was never a sound plan;
- the Department of Health fire code guidance stated that a minimum of two access points must be provided to the site for emergency vehicles. The

application, at present, did not comply with those regulations and Weirfield Road was not a blue light route; and

- the fire service had sent a fire engine down the road to check the turning circle but the access entrance was inaccessible due to the Care Home building works at this time. It was not certain that this small street could withstand a 12 tonne fire engine with modern firefighting equipment trying to reach new residents, turning in on a tight turning circle with parked cars, with a possible road closure.

Responding to a Member's query, she confirmed her opposition to the choice of brick colour maintaining that red brick should be used reflecting the prominent brick colour in the area.

Rob Gaskell, speaking in support of the application, made the following points:-

- the site has extant planning permission for 63 Assisted Living units, and more recently 84 retirement apartments. Both present realistic fall-back positions for the applicant which could both be built out. The proposed design, scale, massing, access from Weirfield Road, parking numbers, amenity space etc. were all either the same, not materially different or an improvement, from what has twice been determined to be acceptable – therefore this proposal must also be acceptable;
- the access was the same as for the two earlier planning permissions, one of which is for 84 units, however there would be fewer vehicle movements arising from this development. The Highway Authority did not object to the access which has undergone a series of Road Safety Audits and access was now built out and an Inspector, confronted with local objections, determined that, owing to the previous permissions, it was impossible to find that the access was unsuitable;
- in terms of the concern of additional vehicles on Weirfield Road, the peak periods for traffic from the development is between 10.00-11.00am. Even during this peak, there are only 12 vehicle movements, that is, one additional vehicle every five minutes. Likewise, in peak between 4.00-5.00pm, only eight vehicle movements. The impact would clearly be limited;
- a condition has been suggested by the applicant that would limit the amount of servicing/delivery vehicles that would be able to use Weirfield Road which would reduce any impact/safety concern;
- the benefits of this development, included a £115,000 affordable housing contribution at a time of critical national and local need, economic benefits to the local community in terms of jobs created during construction, reducing the financial burden on Adult Social Care and NHS budgets and freeing up of existing under-occupied housing stock;
- it would be finished to a high standard, by an award-winning developer, as quickly as possible;
- there would be reduced vehicle movements along Weirfield Road compared to the earlier planning permission.

He responded as follows to Members' queries:-

- given the concerns regarding access off Weirfield Road, six options had been presented, to see if it was feasible to not take access off Weirfield Road, but no workable solution was found. The footprint of the Acorn development had mitigated against an improved access as had the need to ensure appropriate floor space to achieve commercial viability;
- the number of road closures to necessitate works to services had been acknowledged and there was sufficient space at the access points to ensure emergency vehicles could enter the site with any equipment necessary;

- planning conditions required sufficient space to facilitate access by delivery vehicles; and
- the Topsham Road access was for emergency and refuse vehicles, the Weirfield Road access primarily for private cars.

The Director City Development in conclusion, acknowledged the level of objections received but referred to the application being virtually identical to previously approved schemes dating back to 2018. Access from Weirfield Road was recognised as being of particular concern but had been thoroughly examined and there was no objection from the Highway Authority. It was an application for a care facility for older residents rather than a care home and offered improvements to the previous scheme including the reduction in building heights.

Members expressed the following views:-

- the difficulties raised previously regarding the access arrangements remained in spite of no objections from the highway authority. The access off Weirfield Road was particularly problematic given that the care facility would generate additional traffic. There remained too many issues to address before the application could be signed off;
- whilst there were reservations on some issues such as brick colour, the application was substantially similar to the previous extant consent and should be approved; and
- concerns of residents were sympathised with and, whilst the design and colouring was not unprecedented in the city, it did not reflect that of the St. Leonards area. Refusal would unlikely to be successfully defended at appeal.

The recommendation was moved, seconded and carried.

**RESOLVED** that, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure development contributions for the following:-

- NHS healthcare provision of £24,181 for Barnfield Hill Surgery, Southernhay House Surgery and St. Leonards Practice;
- Planning obligation monitoring fee in accordance with the Council's published current fees and charges of £612 plus £35 per year up until payment;
- Affordable Housing contribution of £115,673.13; and
- Habitats mitigation of £67,289.95.

in the case where developments are not liable or are exempt from paying the Community Infrastructure Levy, it is necessary to levy the Habitats Mitigation contribution through one of two mechanisms:

- an Undertaking made in accordance with Section 111 of the Local Government Act 1972; or
- an Unilateral Undertaking made in accordance with Section 106 of the Town and Country Planning Act 1990.

The applicant has confirmed their intention to submit a unilateral undertaking in respect of the Habitats Mitigation contribution. This aspect of the development is, therefore, acceptable subject to the Section 106 agreement.

planning permission for the development of 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access

roads, car parking and services be **APPROVED**, subject to the conditions and the Section 106 Agreement as set out in the report.

74

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Director City Development was submitted.  
**RESOLVED** that the report be noted.

75

**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 8.20 pm)

Chair