

## **PLANNING COMMITTEE**

Monday 30 September 2013

### **Present:**

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

### **Also Present:**

Chief Executive & Growth Director, Assistant Director City Development, Planning Solicitor, Senior Area Planning Officer and Democratic Services Officer (Committees) (HB)

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### **DECLARATIONS OF INTEREST**

Members declared the following disclosable pecuniary interests and withdrew from the meeting during consideration of the item below:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	80 (macebearer at the University)
Councillor Sutton	80 (employee of the University)

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### **PLANNING APPLICATION NO. 13/3135/03 - CLYDESDALE ROAD AND BELVIDERE ROAD, EXETER**

Councillor Sutton declared a disclosable pecuniary interest as an employee of the University of Exeter and withdrew from the meeting during consideration of this item.

Councillor Choules declared a disclosable pecuniary interest because of his paid role as macebearer at the University of Exeter and withdrew from the meeting during consideration of this item.

The Senior Area Planner presented the application for upgrade and improvements including lighting. He reported that it was proposed to delete the staggered gates and therefore condition four stating that they be unlocked at all times.

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

- trustee and previous Chair of the Duryard Trust which had worked closely with the University in developing the proposal
- approval for the re-development of the Duryard Halls had been given in 2009 on condition that no development should take place until modifications to the proposed site specific travel plan had been submitted
- the travel plan stated that the University would seek to provide physical improvements to the surfacing to encourage cyclists onto the route which may include the provision of bollards to prevent through movement by vehicles.
- the overall plan was presented to a meeting of beneficiaries early in 2012 the only sticking point being the use of locked gates on Clydesdale Road. It was agreed that if the gates were only bolted that would be acceptable. Soon after the same residents decided that gates were not unacceptable
- the revised plans have no gates, so the main object has not been satisfied. The situation will be more dangerous because the surface will be improved

as will the lighting and it is likely the length of Clydesdale Road in front of Ladymount will be widened resulting in more traffic travelling faster

- request refusal of application in its present form

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

- Mr Taylor is no longer Chair of the Duryard Trust. The new Committee supports the new proposal, the University having now responded to previous concerns
- changes made in respect of lighting, surface treatment, the large retaining wall, protection of trees and the removal of the gate are all acceptable
- slight amendment still sought in respect of signage at junction of Higher Hoopern Lane/Clydesdale
- proposal will improve use of the lane for pedestrians/cyclists.

The Senior Area Planner stated that the County Council Highways Engineer had advised that, although double yellow lines would be desirable at the top of Coplestone Drive, they were not vital to this proposal and it was not therefore justifiable to request the University to implement them.

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

**RESOLVED** that planning permission for upgrade and improvements including lighting be **APPROVED**, subject to the following conditions:

- 1) C05 – Time Limit – Commencement
- 2) C15 – Compliance with Drawings
- 3) No part of the development hereby approved shall be commenced until further details of the proposed works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The details shall include the Highcroft/Belvidere Road and Clydesdale Road junction design and the required bollard or similar safety feature close to the junction of Belvidere Road and Clydesdale Road.  
**Reason:** To ensure that the development hereby approved is carried out in strict accordance with agreed plans.

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**PLANNING APPLICATION NO. 13/3822/03 - EXETER GOLF AND COUNTRY CLUB, TOPSHAM ROAD, EXETER**

The Assistant Director City Development presented the application for the erection of specialist golf course netting (20 and 30 metres high) close to specific sections of the golf course's main boundaries.

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

Mr Porter, representing Persimmon Homes, spoke against the application. He raised the following points:-

- Persimmon had invested heavily to provide a high quality residential development
- the netting will have a significant impact on the properties with some 1,000 home buyers affected to varying degrees. The 27, 30 metre high lattice towers, together with netting will be too close to the property boundaries and have an overbearing and oppressive impact on houses and significantly reduce the amenity of residents who will not feel at ease in their homes

- existing tree screening at 12 metres high is still 18 metres less than the fence and the fence is three times higher than standard homes and will be visible from a long distance, impacting adversely on the skyline to the detriment of the character and appearance of the area
- there is a potential for disturbance from noise of wind blowing through the netting and of ropes hitting towers
- the RNSPB are concerned that birds will be injured flying into the netting
- there are other options which are more subtle and suitable.

In answer to Members' queries, Mr Porter made the following points:-

- Persimmon are prepared to insert a clause in the contract of the sale of houses, to limit the purchasers ability to make claims in respect of stray balls, although he understood that the effectiveness of such a clause has been doubted
- the Golf Club were consulted from the beginning of the reserved matters application at which stage a 20 metre high fence was proposed. The Club had ample opportunity to oppose reserved matters as well as respond to the changes to the proposal
- there is an on-going dialogue with the Club regarding revised proposals and, up until recently, the relationship with the Club has been quite good
- the consultants, Nicholas Pearson, have recommended a combination of measures as part of an alternative solution including the provision of more modest fencing and the re-configuration of holes 9 and 10
- would need to consult the client Persimmon on issue of whether they are willing to offer a financial contribution towards the cost of re-configuring the golf course
- unfair for Persimmon to be expected to pay for protective fencing on its land

Mr Gannon, Chairman of the Golf Club, spoke in support of the application. He raised the following points:-

- Golf Club have never objected to the principle of housing adjacent to the course, whereas Persimmon have constantly objected to fencing proposal
- professional golf consultants have advised that the fencing is essential, including consultants engaged by Persimmon, although they did not accept the advice of their own consultants
- Persimmon have been unwilling to offer financial support towards the cost of the re-design of golf course
- believe that approval of the application is the only solution and that refusal is likely to lead to the loss of the Golf Club which is a great asset to Exeter and will affect the lives of many of the City's residents.

In answer to Members' queries, Mr Gannon made the following points:-

- consultant's report prepared for Persimmon had been commissioned in June 2012 and forwarded to the local planning authority at the end of October 2012
- the Club had been on site since 1929 and the main issue is proximity of houses to the Club
- the cost of the netting is estimated at £250,000, with cost of course re-design likely to be £1 million
- although holes 1, 2 and 6 are well set back from houses, the 10<sup>th</sup> hole will be too close and there will be a proliferation of stray balls in gardens and, crucially, some are likely to hit the houses

- Persimmon engaged well with the Club initially over first three months but then failed on a number of occasions to meet Club officials and advisors to discuss a way forward
- the City Council should have anticipated likely problems at the earlier planning stage.

The recommendation was for refusal for the reasons set out in the report.

Members were presently minded to approve the proposal but **RESOLVED** to defer consideration of the application for the erection of specialist golf course netting (20 and 30 metres high) to enable further discussions between the applicant and adjacent landowners on a more appropriate solution, with verbal updates to be given to future meetings of this Committee.

(Report circulated)

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**PLANNING APPLICATION NO. 13/3883/03 - 16 MARLBOROUGH ROAD, EXETER**

Councillor Mrs Henson expressed an interest as she knew the agent for the applicant.

The Assistant Director City Development presented the application for detached dwelling, access to highway, parking, car port and associated works. He proposed the removal of condition six and the addition of conditions relating to a bat roost and slow worms.

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

- the application is simply for one dwelling within a garden and is not motivated by financial gain
- no objections had been received from the Highway Authority
- ownership of the access lane should not affect the decision on planning grounds
- support recommendation for approval

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

- all nine immediate neighbours and 12 others had objected
- applicants have no right of access for use of this privately owned alley
- the site is in a conservation area where all trees are deemed important and two Lucombe oaks are endangered. Occupants will feel oppressed by the trees and future felling on grounds of wellbeing and safety is likely
- building appears overbearing, obstructing daylight and views leading to loss of privacy and is detrimental to the neighbourhood
- the oaks have an established, diverse wildlife habitat that is enriched by the trees earmarked for felling. Exeter, with its Wild City commitment, should protect this centuries' old habitat
- isolation at the end of the unlit alley without neighbours' front doors and windows significantly increase risk of crime
- the Highways Engineer advises a condition that construction vehicles must turn within site so as to enter and leave Magdalen Road traffic lights in forward gear but the proposed eight metre wide turning head is inadequate for manoeuvring construction vehicles
- tanker and pump to remove sewage if blocked would be unpleasant and inconvenient for future neighbours

- request refusal of permission reinforcing policy and conservation precedent to safeguard the character of this greatly valued garden area and the trees within it – an important “green lung” within a highly trafficked part of Exeter’s inner city.

Ms Trim spoke in support of the application. She raised the following points:-

- No 16 Marlborough Road was built circa 1903 with a smaller garden than present which was extended in 1962 to include the development site
- a covenant to retain the trees was legally lifted in 1970 but the proposal presented seeks to retain the trees therefore making a positive contribution to the Conservation Area
- the property has a significant sized garden and the proposal for a new independent detached dwelling allows no 16 to retain a reasonable part of the existing back garden
- the new dwelling is proposed for the corner of the garden and is a low key, contemporary residential unit. It will have a light weight timber framed structure, rendered to reflect the listed buildings in the area. The main fenestration will face towards the trees and all habitable windows will face into the site and none overlook adjoining property
- a clear parking bay will be formed and the area enclosed by a new timber boarded fence
- no highway objections received and the development is subject to a legal agreement with the neighbouring landowner
- private parking defined on site with turning area

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

**RESOLVED** that the application for detached dwelling, access to highway, parking, car port and associated works be **REFUSED** for the following reasons:-

- (1) the access to the site is not of a sufficient standard;
- (2) will set an unacceptable precedent for the area and lead to similar applications for the construction of dwellings in gardens; and
- (3) fails to preserve or enhance the character or appearance of the Conservation Area.

(Report circulated)

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**PLANNING APPLICATION NO. 13/3654/03 - LONGACRE, HIGHER HOOPERN LANE, EXETER**

The Assistant Director City Development presented the application for first floor rear extension and lower floor front extension with terrace above. In response to a Member he advised that the music room would comprise of a recording studio and three isolation booths

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

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

- speaking on behalf of a number of neighbours
- the first floor rear extension will cause a loss of privacy on north and east sides and will have a significant detrimental impact on residential amenity

- concerns regarding noise pollution, the City Council having received 1,620 noise related complaints for this area generally since 12 January 2013;
- no evidence provided that noise insulation measures will be effective and fear that the room will be used for business/commercial use
- if there is a business use the access via Higher Hoopern Lane, which is narrow with no pavement, will become dangerous to pedestrians because of the extra traffic
- construction works will weaken the root systems of Monterrey pines on the boundary which may lead to their removal leading to the loss of their screening value.

Mrs Morgan spoke in support of the application. She raised the following points:-

- Longacre is to be used as a family home the owners valuing the peace and quiet of the area and fully appreciative therefore of the desire of neighbours for this peace to be maintained
- will consult fully with planning officer to ensure that extension to the rear and balcony will maintain privacy
- Longacre is already overlooked by neighbouring properties so issue of impact on privacy is not relevant
- size of extensions is proportional to the garden area
- design and construction will be of the highest specification to prevent any problems of noise, the contractor to be used, having significant experience in construction of similar facilities for other musicians
- the music room is for private use of husband and wife owners who will compose own music, voiceovers etc. There will be minimal visitors and the room will not be used at night time.

Members were advised that there was no legal responsibility on the Council, if it granted planning permission, for the removal/maintenance of the trees which were on private land.

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

**RESOLVED** that planning permission for first floor rear extension and lower floor front extension with terrace above be **APPROVED** subject to a satisfactory arboricultural report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 June 2013 (*dwg. nos. 13/048/03A & 13/048/04A*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** to ensure neighbour amenity is retained
- 5) 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 (specifically the use of the extension as a music studio).

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:** to ensure neighbour amenity

- 6) A glass screen to minimise intervisibility and noise nuisance around the terrace will be provided as part of the planning consent. Details of the screen including its height, material and means to limit intervisibility for neighbouring properties shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure neighbour amenity and that the materials conform with the visual amenity requirements of the area.

(Report circulated)

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**PLANNING APPLICATION NO. 13/3429/03 - MILLBROOK VILLAGE, TOPSHAM ROAD, EXETER**

The Senior Area Planner presented the application for three and a half/four storey building comprising 24 retirement apartments with parking and associated works. He advised that the contribution possible in respect of off-site affordable housing in respect of the main development site should read £5,650,000 not £1,850,000.

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

**RESOLVED** that the Assistant Director City Development be granted delegated authority to **APPROVE** the application for three and a half/four storey building comprising 24 retirement apartments with parking and associated works subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 covering affordable housing, Natura 2000 site mitigation and age limitation on occupation and subject also to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 30th May and 27th August 2013 (*dwg. nos. 200, 201, 202, 203 Rev A, 204 Rev A, 205, 206 Rev A, 210 Rev A and 211*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) No part of the development hereby approved shall be brought into its intended use until the access, parking facilities and visibility splays have been provided in accordance with details, including maintenance arrangements, that shall have been submitted to, and approved in writing by,

the Local Planning Authority. Thereafter the access, parking facilities and visibility splays shall be retained for the intended purpose at all times.

**Reason** - To ensure that a safe and suitable access is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

- 5) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the said cycle parking facilities shall be permanently retained for the intended purpose.

**Reason** - To ensure that adequate facilities are available in the interests of encouraging the use of sustainable modes of transport.

- 6) C35 - Landscape Scheme

- 7) Submission of Noise Report and Mitigation if required.

- 8) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of the amenity of occupants of nearby buildings.

- 9) Any individual apartment within the development hereby approved shall achieve a Code Level 4 (including a 44% CO<sub>2</sub> emissions rate reduction from Part L 2006) as a minimum, and a Code Level 5 (Zero Carbon) if the development is commenced on or after 1<sup>st</sup> January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for certification has been made confirming that the required Code Level has been achieved and within one year of occupation of any apartment the developer shall submit to the Local Planning Authority evidence of the certification to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

**Reason:** In the interests of sustainable development.

- 10) The Local Planning Authority shall be notified in writing if the construction has commenced before 1<sup>st</sup> January 2016, within 10 working days following that date.

**Reason:** In the interests of monitoring compliance with sustainable development requirements.

(Report circulated)

The Area Planner presented the application for amendments to the masterplan and main site access together with the provisions of a new conceptual block plan, open space plan, design code framework, linear park management framework, a SANGS framework document and details of off-site highway works including improvements to the Pinhoe double mini-roundabouts. Additional technical information and



addendum to the Environmental Statement to take into account the masterplan changes and consultation responses, specifically in relation to transport and flood risk. The original proposal is: Residential development of up to 430 units (outline application with details of appearance, landscaping, layout and scale reserved for subsequent approval) including a local centre comprising retail space of up to 240 sqm and a community centre, care home of up to 60 bed spaces, specialist care home of up to 60 bed spaces and a park and change facility together with associated open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off a new access from the highway (B 3181).

**RESOLVED** that East Devon District Council be informed that Exeter City Council:-

- strongly endorses the recommendation for refusal by the Highway Authority due to the inadequate mitigation of the impacts on the Pinhoe double mini roundabout.
- wishes to work with East Devon District Council and Devon County Council to assess the future case for Park and Ride on the B3181 corridor.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 15 October 2013 at 9.30 a.m. The Councillors attending will be Denham, Newby and Owen.

(The meeting commenced at 5.30 pm and closed at 8.50 pm)

Chair