

PLANNING COMMITTEE

Monday 2 December 2013

Present:

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

Apologies:

Councillors Choules, Mitchell and Winterbottom

Also Present:

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

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DECLARATIONS OF INTEREST

Councillor Sutton declared a disclosable pecuniary interest and withdrew from the meeting during consideration of the item below:-

Councillors Denham and Spackman declared other interests and withdrew from the meeting during consideration of the item below:-

COUNCILLOR	MINUTE
Councillor Denham	101 (lives close to the application site)
Councillor Spackman	101 (lives close to the application site)
Councillor Sutton	101 (employee of the University)

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

The Assistant Director City Development reported that the Golf and Country Club had contacted the Council by email on 22 November 2013 advising that progress was slow in moving the application forward. As Persimmon had only discussed landscaping matters and not indicated a willingness to contribute to costs a meeting between the company and planning officers had been held on 29 November. A letter was expected from Persimmon this week. It was understood this would state that insurance was available and propose some form of compromise. The application would be again considered at the next meeting of this Committee on 13 January 2014.

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PLANNING APPLICATION NO. 13/4170/03 - SOUTH CLOISTERS, ST. LUKES CAMPUS, HEAVITREE 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.

Councillors Denham and Spackman declared other interests as they lived close to the application site and withdrew from the meeting during consideration of this item.

The Senior Area Planning Officer presented the application for conversion from student accommodation to office space for medical department and four storey extensions on east and west elevations and an additional storey. He reported the receipt of four additional representations.

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

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

- following deferral at the previous meeting of this Committee, further information has now been received. However, this information has been received too late for proper consideration - the Transport Statement of 38 pages was submitted on 28 November and the Master Plan for the St Lukes campus, together with conditions for a proposed Section 106 Agreement, had been circulated on 29 November which had not been seen by some of the objectors
- although the colour of materials have been changed the scale and massing has not
- the University refused on two occasions to discuss the initial application with residents and the latest consultation exercise has been inadequate
- the proposal to delegate the decision to approve is wrong for an application of this size and it should be refused to allow for further consultation
- there is a lack of car parking provision on the campus and photographs confirm that there is a significant amount of illegal parking in neighbouring streets. The development is likely to result in a high degree of overspill into neighbouring streets. The applicant has failed to increase car parking capacity
- the development will lead to an increase in on-street parking in an area where controls are necessary to ensure residents have parking spaces. There are 75 unlimited parking bays in the area, 12 adjacent to the College in College Road and College Avenue. The County Council state that they are looking to reduce unlimited car parking spaces here from 12 to nine.
- traffic congestion in the area is significant and there have been two serious accidents in Heavitree Road recently. There are a number of establishments in the area which generate significant traffic movement including the Police and Ambulance Stations, Waitrose, Pyramids Swimming Pool, St Leonards and Newton Primary schools, Exeter School and residential homes
- service vehicles, including catering and refuse vehicles, reverse through no entry signs on Raleigh Road which is illegal and which the University have failed to address. The number of these vehicles is likely to increase with this development
- Tim Jones, Chair of the Devon and Cornwall Business Council, stated at the meeting of Scrutiny Committee - Economy on 14 November 2013 that because of the significant pressure on the City's transport structure the cancellation of the high speed bus project had been a real blow. This development will only increase this transport pressure
- the University states that the development will be a "landmark building" and a "signpost". A landmark feature would impact adversely on the St Leonards Conservation Area and the Conservation Area Appraisal/Management Plan published in 2008 refers to the importance of ensuring that there are no unsympathetic additions to the St Luke's campus

- a comprehensive statement on the overall development of the St Lukes Campus is required first prior to bringing forward proposals for South Cloisters
- the loss of student accommodation which would result if this scheme were to proceed is contrary to the University's policy of providing sufficient accommodation in the City for students and is also contrary to the City Council's Core Strategy
- the development will have an adverse impact on the St Leonards Conservation Area. The Southern Area Working Party expresses similar concerns regarding the impact on the townscape
- the development should be opposed for reasons of height, massing, intrusiveness, impact on privacy and affect on natural light. It will lead to increased traffic and therefore increased pollution in a densely developed area
- the Committee was asked to refuse the application which is contrary to the Core Strategy.

Ms Mallett spoke against the application. She circulated photographs and raised the following points:-

- the development would have an unacceptable impact on College Road and adjacent area with the large mass being out of character with the area
- the latest consultation did not offer any re-assurances, and supporting documentation, including the future Masterplan for the campus and the Transport Statement, were not received in sufficient time
- the introduction of glazing in place of panelling on the fourth storey does not alleviate the anticipated loss of privacy for neighbouring properties
- as a signpost feature it dwarfs Raleigh and College Roads
- light pollution will continue at night from stairwells and offices
- loss of trees is opposed and replanting will be with immature trees. Contradictory statements have been received regarding the value of the trees to the street scene
- traffic congestion remains a huge concern and there will be an increase in demand for parking in the area with no provision on campus
- illegal reversing of service vehicles into Raleigh Road continues
- the proposal is overbearing, overlooking and will result in the loss of privacy.
- incongruity of scale and character of the proposal in relation to existing residential neighbours.

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

- the University has responded to the issues raised at the previous meeting and has produced a Transport Statement and Devon County Council has no highway objections. The University has agreed to a condition requiring a contribution of £6,000 towards Traffic Regulation Orders in the vicinity. It has also produced a Statement of Community Involvement
- as part of its Sustainable Transport Strategy, the University subsidises bus routes to the University including additional services in the evening. It also operates a shuttle bus service from St Luke's to St David's Station and the Streatham Campus.
- a lighter colour of materials has been introduced together with glazing replacing panelling on the fourth floor. Allied to the earlier agreement to reduce by three metres the extension of the building towards College Road the overall impact will not be oppressive
- a template for the future development of the St Lukes Campus was produced on 19 November. The University wishes to expand the Medical School which is important for both teaching and research and is working closely with the RD&E Foundation Trust and the NHS which will assist in the

funding of research. Of a recent £535 million investment in the University facilities, approximately £12.1 million is to be committed to this development which will result in the creation of 240 new jobs

- there will be an additional 330 students and 155 staff; the average student spend is calculated to be £185 per week including rent

He responded as follows to Members' queries:-

- catering vehicles deliver via the Raleigh Road entrance as does Biffa Waste Removal, both of whom have been requested to abide by agreed visiting times. This issue will be revisited to ensure that the times are adhered to
- the University operates a robust Sustainable Transport Plan. It subsidises bus routes to the University including additional H and D bus services in the evening. It also operates a shuttle bus service from St Luke's to St David's Station and the Streatham Campus. It has also developed car sharing and other uses of public transport and has provided cycle parks and shower facilities. It has introduced staff and student travel discounts. Car sharing will be extended on to the St Lukes campus. It is therefore incorrect to state that the University has no regard for sustainability issues. However the University does not pay staff to bring cycles to work.
- the staff increase of 400 relates to 240 new jobs and the transfer of 160 from the Veysey Building on the Salmonpool Lane site
- the Master Plan for the St Luke's campus envisages the development of the South Cloisters as the initial scheme, both the Listed Buildings fronting on to Heavitree Road and the quadrangle are to be maintained, the latter because it provides valuable amenity space. It is not anticipated that the remainder of the site will be re-developed for some 10-15 years. The University has worked closely with the City Council's City Development team in developing the Master Plan.

The County Council's Highway Development Management Officer responded to Members' queries:-

- the University has possessed for some time a robust Travel Plan and has effectively introduced a number of sustainable transport initiatives, for example, single car occupancy has been reduced on the main Streatham Rise campus from 45% to 35% between 2009 and 2011. Further, the St Lukes site is very close to the City Centre and main arterial bus routes so many of the additional staff and students are not expected to use cars
- the Triangle Car Park is close to the St Lukes site

RESOLVED that, subject to no new substantive objections being received prior to the end of the consultation period (4 December 2013), the Assistant Director City Development be granted delegated authority to **APPROVE** planning permission for conversion from student accommodation to office space for medical department, four storey extensions on east and west elevations and additional storey subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the requested financial contribution of £6,000 towards a review of the Traffic Regulation Order in the vicinity of the site and subject also to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials

- 4) C35 - Landscape Scheme
- 5) Unless otherwise agreed in writing or shown on the approved plans, no trees, shrubs and/or hedges on or around the site shall be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) 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: In the interests of amenity.
- 9) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 10) The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points on the site boundary agreed in writing by the LPA.
Reason: In the interests of sustainable development.
- 11) Any additions to the building hereby authorised, in terms of the proposed side and roof extensions, shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1 January 2019. Prior to commencement the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within three months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.
Reason: In the interests of sustainable development.
- 12) Where construction of any building (other than a dwelling) hereby permitted has not been commenced before 1 January 2019, the Local Planning Authority shall be notified in writing of the identity of all buildings for which construction has commenced before 1 January 2019, within 10 working days following that date.
Reason: In the interests of sustainable development.

- 13) The development hereby approved shall be constructed so as that the internal systems for space and water heating are capable of being connected to the proposed District Heating network. Details of those heating systems, and details of the means of connection to the proposed District Heating network, shall be submitted to and approved in writing by the local planning authority prior to occupation of the development.
Reason : In the interests of sustainable development.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.
- 15) 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 been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 16) The University Travel Plan shall be updated with specific details on the proposed measures to reduce single occupancy car driver trips to the St Luke's campus and shall be submitted to and agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development and a review of travel patterns for the site shall be undertaken within six months of occupation of the development and on an annual basis thereafter, unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.
- 17) Before the development hereby approved is brought into use, a plan shall be submitted to and approved in writing by the local planning authority indicating the proposed windows in the west elevation of the property which shall be permanently glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass Level 3 or equivalent. The development shall take place in accordance with the agreed details, and therefore so maintained.
Reason: To protect the amenities of nearby properties”.

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PLANNING APPLICATION NO. 13/3185/01 - NEWCOURT CARAVAN PARK, EXETER

The Assistant Director City Development presented the application for extension to existing mobile home park for up to 22 additional units.

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

- 84 years of age and have lived in 20 Moon Ridge for 21 years which was bought to enjoy a quiet and peaceful retirement

- were not told on purchase that Wilson Leisure would seek to develop the large open field bordering the property
- proposal will lead to two properties being located next to my boundary fence, part of the garden will be lost and car parking space will be re-located
- seek the re-location of five of the proposed units -18A to 22A - although the two properties closest to 20 Moon Ridge are of greatest concern.

Mr North responded to Members' queries to clarify the area of his land which he believed would be lost and explaining that he anticipated that his home would be only eight feet away from the nearest property.

The Assistant Director City Development explained the landscaping proposals and confirmed that trees would be preserved.

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

- the proposal presents a sustainable addition to the City's housing stock and will contribute to the five year plan for the supply of housing
- original number of housing units has been reduced from 25 to 22
- the principle of development is not in doubt as the site was identified in the Core Strategy adopted in 2011 and accepted by the Planning Inspector.
- the development of the site is in accordance with the Strategic Housing Land Availability Assessment
- there will be no significant harm, either short or long term, to existing residents of the Park with little impact on the character and appearance of the Park.
- there will be a minimal ecological impact and the bio-diversity of the remaining open space will be enhanced.
- no objections have been received from the Environment Agency, South West Water or Devon County Council
- pedestrian access to the Riverside area will not be provided as requested by the County Council.
- a viability appraisal showed that there would be insufficient profit generated by onsite affordable housing

Members questioned Mr McMurdo on the outline layout for the 22 homes in light of Mr North's concern over the impact on his property. They felt that the issue of proximity of two of the dwellings could be resolved by re-designing the road through the site and adjusting the location of the new homes.

The Assistant Director advised that these issues could be addressed as part of condition two relating to the details of the layout and it would be appropriate to consult Ward Councillors at this stage. Further, an informative would be added to ensure that the applicant was made aware of the request to change the location of the individual homes.

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

RESOLVED that planning permission for extension to existing mobile home park for up to 22 additional units be **APPROVED** subject to the following conditions:-

- 1) C07 - Time Limit - Outline
- 2) Approval of the details of the layout, scale, appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall

be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 3) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure the satisfactory drainage of the development.
- 4) C11 - Sewage Disposal
- 5) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - (i) the timetable of the works;
 - (ii) the hours of deliveries;
 - (iii) the routing of vehicles to and from the site;
 - (iv) the methods of traffic control at the site and / or at any other location if required;
 - (v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (vi) the compound / location where all building materials will be stored during the demolition and construction phases;
 - (vii) areas on or near the site where delivery vehicles and construction traffic will load or unload materials with confirmation that no vehicles will park on the County Highway for loading, unloading or waiting for site entry;Prior to commencement it is recommended that the consults, and necessary meets with, the Local Highway Authority to establish a safe means of progress.
Reason: To minimise impacts from construction related traffic on the environment and the amenity of residents and businesses.
- 6) C34 - Landscape Scheme - Outline
- 7) C36 - No Trees to be Felled
- 8) C38 - Trees - Temporary Fencing
- 9) C57 - Archaeological Recording
- 10) C61 - Approval of Foundation Details
- 11) Notwithstanding the annotation on the submitted feasibility plan drawing no. 47063729-001 Rev C there shall be no direct access created from the southern boundary of the application site to the footpath which runs along the estuary.
Reason: In order to limit the potential for increased disturbance in that location to the detriment of the Exe Estuary Special Protection Area.
- 12) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the construction and demolition phases

and highway safety, including but not limited to details of access arrangements and timings and management of arrivals and departures of vehicles, site traffic vehicle routes, emissions of noise and dust, the phasing and timing of work and site compound details. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

Reason: In the interests of local amenity.

- 13) 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: In the interests of local amenity.

- 14) No development shall take place unless and until a Wildlife Plan, which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.

- 15) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented in accordance with the submitted Flood Risk Assessment by Clarkebond (UK) Ltd dated December 2012 - Report No WE02946/FRA.

Reason - To ensure that the drainage strategy for the site is appropriate and minimises the impact of the development.

Informative : Attention is drawn to the fact that the Planning Committee considered the potential relationship of new park homes to No 20 Moonridge to be a key consideration in respect of any eventual approval of the layout of the development. Accordingly you are advised to give this issue particular consideration in the preparation of any “reserved matters” application and to discuss the layout with officers prior to any formal submission.

(Report circulated)

URGENT BUSINESS

The Chair agreed to take this matter as urgent business in order for an early decision to be taken within the 28 day deadline for an application under Section 106BA of the Town and Country Planning Act 1990 as amended by the Growth and Infrastructure Act 2013, these sections having introduced a new procedure for the review of planning obligations in respect of affordable housing. The applicant wished to reduce for viability reasons the affordable housing provision agreed under an earlier Section 106 Agreement as part of planning permission granted on 6 February 2012 from 15% to 0%. Other provisions of the obligation would remain. Because of the specialist nature of the necessary negotiations an independent consultant would be engaged to analyse the applicant’s submissions and submit a recommendation to the Council.

104 **SECTION 106 AGREEMENT - PINHOE QUARRY, HARRINGTON LANE, EXETER**

The Assistant Director City Development presented the report seeking delegated powers for the Assistant Director City Development to determine an application to vary the affordable housing provisions of a Section 106 Agreement under the Town and Country Planning Act 1990 relating to Pinhoe Quarry in consultation with the Chair of this Committee and the Portfolio Holder for City Development.

RESOLVED that the determination of the Section 106BA application for Pinhoe Quarry be delegated to the Assistant Director City Development, following independent viability advice, in consultation with the Housing Development Manager, the Chair of the Planning Committee and the Portfolio Holder for City Development or any nominated substitute if those post holders are unavailable at the time.

(Report circulated)

105 **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)

106 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

107 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 7 January 2014 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Sutton.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair