

## **PLANNING COMMITTEE**

Monday 16 June 2014

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Choules, Denham, Edwards, Lyons, Mitchell, Mottram, Newby,  
Raybould, Sutton, Williams and Winterbottom

### Also Present:

Assistant Director City Development, Principal Project Manger (Development) and  
Democratic Services Officer (Committees) (HB)

65

### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

66

### **PLANNING APPLICATION NO. 14/0815/03 - EXETER CRICKET CLUB, COUNTY GROUND, PRINCE OF WALES ROAD, EXETER**

The Principal Project Manager (Development) presented the application for  
demolition of cricket pavilion and machine shed and development of three to five  
storey student residential accommodation and associated works.

The Principal Project Manger (Development) described the location of the proposed  
new building, the overall number of student units to be created, the storey height of  
the building and the relationship of the building to the Valley Park and Prince of  
Wales Road. The relevant development plan policies were outlined and, in  
particular, the St. James Neighbourhood Plan Policies D1, C2 and SD2. The  
reasons for the removal of the existing pavilion to facilitate the enabling student  
scheme was explained and the objection received from English Heritage  
highlighted.

The comments made by the Devon Design Panel were explained and the changes  
since the Panel meeting outlined. The comments made by the St. James Panel  
were explained and the amended plans or responses made by the architect  
reported. It was reported that the Tree Officer had assessed the site and the  
proposed replacement planting scheme was considered acceptable. The  
importance of a Section 106 Agreement to secure the building of the pavilion was  
reported. The Principal Project Manager (Development) concluded that the proposal  
met the development plan policies and the material considerations were in favour. It  
represented an appropriate scheme which preserved and enhanced the character  
and appearance of the conservation area and resulted in the continued presence of  
cricket with a new pavilion secured by a legal agreement.

Councillor Owen, having given notice under Standing Order No. 44, attended the  
meeting and spoke on this item.

- St. James Neighbourhood Forum do not object in principle to the  
development and, although preferring accommodation other than for  
students, accept that the development is necessary to secure the long term  
future of the Cricket Club;
- share concerns of the Forum regarding a number of issues with the  
development, principally those of design;

- the Neighbourhood Plan produced by the Forum was the first of its kind in the country and strongly welcomed and supported by the City Council and the Department for Communities and Local Government. It would be wrong therefore, having accepted the Plan, to ignore the views and concerns of the Forum;
- some 50 letters of support and five letters of objection have been received. The majority of the former are from Cricket Club members with the latter including residents of the Horseguards development as well as residents of the St. James Ward;
- the Forum Design Panel was set up as a smaller body within the Forum to examine the issues, the Panel comprising a number of individuals with planning/design backgrounds and who had a number of concerns regarding design;
- SD2 of the Neighbourhood Plan covers design and landscape issues and included a requirement for the Forum to be satisfied with the design. The Forum, as well as being concerned with aspects of the design, feel that there will be an unacceptable impact on Hoopern Valley. There was concern that the Forum's views would be overridden by the decision of the Planning Authority.
- there was no reference in the report to the views of the City Council's Conservation Officer;
- conditions are required to ensure that student accommodation will be car free, that there will be an enforceable refuse plan and that there is a management policy for the loading bays;
- paragraph 1.98 of National Planning Policy states that planning permission should be refused if it conflicts with a Neighbourhood Plan. There is no point in a Neighbourhood Plan if it is going to be ignored by the Planning Authority; and
- as the Forum is not satisfied with some issues, request the deferral, rather than the refusal, of the application;

Ms Boston spoke against the application. She raised the following points:-

- the St James ward hosts two iconic sporting establishments - the football and cricket clubs;
- two policies - SD2 and D1 - of the Neighbourhood Plan are relevant to the proposal. Arising from the former, the Forum established a Design Panel, the Chair having met with the architects to discuss those issues with which the Forum had concerns;
- feel that the student accommodation will be overbearing on a site that is important both to the locality and the City as a whole as it is visible from a wide area. Are seeking a reduction in massing;
- the Devon Design Panel expressed some of the concerns that are shared by the Forum;
- are supportive of the Club's ambitions and feel that an iconic club should have an iconic building;
- an individual, not the Forum, sought the listing of the building by English Heritage; and
- request deferral of the application for further consideration to be given to the design issues.

Mr Steward spoke in support of the application on behalf of the Cricket Club. He raised the following points:-

- this long established cricket club has worked closely with Yelverton Properties, Lacey, Hickie and Caley Architects and Exeter City Council planning officers to bring forward a sustainable, well designed development

to ensure the future viability of the Club. It will be a win-win scenario for all parties;

- this leading local Club will be able to remain at the County Ground and ensure the future development of cricket for locals and the wider Exeter and district community, particularly youth cricket;
- a new pavilion will be provided at no cost to the Club with a 30 year lease replacing a building which is no longer fit for purpose and costly to run and maintain;
- the St James Neighbourhood Forum have been very positive and made a significant contribution during the pre-application process;
- the University are supportive, especially as extra student accommodation will be provided; and
- unlike other Cricket Clubs, Exeter Cricket Club do not pay players, income raised being used to further the development of cricket especially the youth section and the running of the building.

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

In response to questions and comments made by Members, the Principal Project Manager (Development) confirmed that the Conservation Officer had been consulted and raised no objection. The Principal Project Manager (Development) also confirmed that the choice of materials would be made following further consultation with the St. James Neighbourhood Forum prior to the final approval being made by the Local Planning Authority.

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

**RESOLVED** that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 securing the construction of the replacement cricket pavilion and a Student Management Plan, the Assistant Director City Development, subject to prior consultation with the Chair of this Committee, be authorised to **APPROVE** planning permission for demolition of cricket pavilion and machine shed and development of three to five storey student residential accommodation and associated works, 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) C37 - Replacement Planting
- 6) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.  
**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved

- 7) If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.  
**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution
- 8) No part of the development hereby approved shall be brought into its intended use until the access, disabled parking facilities, turning area, access drive and access drainage 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 provide a safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site.
- 9) 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
- 10) No part of the development hereby approved shall be occupied until the pedestrian/cycle connections from the development to the boundary of the site with Prince of Wales Road, as indicated on Drawing 13049 L01.04 have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and maintained for this purpose at all times.  
**Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with paragraphs 29 and 3 of the NPPF.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement to include earth removal 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. The approved Statement shall be adhered to throughout the construction period.  
**Reason:** In the interests of highway safety and public amenity
- 12) The building hereby approved shall be designed and constructed with the aim of achieving BREEAM 'Excellent' standard and shall achieve a BREEAM score of 61 as a minimum. Within three months of commencement a BREEAM design stage assessment report shall be submitted to the Local Planning Authority. This shall demonstrate that the development has been designed so as that BREEAM 'Excellent' standard can be achieved. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared by a licensed BREEAM assessor.

**Reason:** To ensure the building complies with Exeter Core Strategy Policy CP15.

- 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 interest of residential amenity.

- 14) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

**Reason:** In the interests of the preservation and enhancement of biodiversity in the locality.

67

**PLANNING APPLICATION NO. 14/0824/03 - EXETER CRICKET CLUB, COUNTY GROUND, PRINCE OF WALES ROAD, EXETER**

The Principal Project Manager (Development) presented the application for a new cricket pavilion, relocation of machine storage shed and practice nets and new sight screen and alterations to access.

The Principal Project Manager (Development) described the siting, height, external appearance and relationship of the proposed building in relation to the cricket pitch and Prince of Wales Road. The St. James Neighbourhood Plan Policy SD2 was highlighted as it specifically referred to development at the Cricket Club. The details of the building were explained in relation to the comments which arose from the Devon Design Panel. The issue of noise was raised and the need for a specific condition agreed. The Principal Project Manager (Development) commented that the scheme met the development plan policies and would represent a scheme which preserved and enhanced the character and appearance of the Longbrook Conservation Area.

Councillor Owen, having given notice under Standing Order No. 44, attended the meeting and spoke on this item.

- request that the further consultations with the St. James Neighbourhood Forum, in respect of the application for student accommodation, should include the final proposals on the pavilion, particularly materials and colouring; and
- important for the relevant condition on noise to be robust as noise problems have occurred in the past in association with the neighbouring Squash Club.

Ms Boston spoke against the application. She raised the following points:-

- the Devon Design Panel, after considering the proposals on 7 November 2013, were not consulted further on revisions; and
- the "Two Hoots" property near to the University is a good example of a development appropriate for this Conservation Area.

Mr Steward spoke in support of the application on behalf of the Cricket Club. He raised the following points:-

- same consultation undertaken as for the student accommodation application with the St James Neighbourhood Forum and the Devon Design Panel. The Panel were very supportive and felt that the pavilion would sit well with the neighbouring accommodation block;

- responding to Panel views, the pavilion height would be reduced by removing the current mound of earth and changes would be made to the frontages facing both the pitch itself and the Prince of Wales Road. The layout and design of the pavilion would help maximise its use and emphasis was on a modern design for use by the club and visiting teams;
- will look to use solar panels; and
- accept appropriate noise condition.

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

In response to Members' comments, further control on any potential noise disturbance from events at the cricket club was considered necessary. In addition, the Principal Project Manager (Development) confirmed that the choice of materials would be made following further consultation with the St. James Neighbourhood Forum prior to the final approval being made by the Local Planning Authority.

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

**RESOLVED** that planning permission for a new cricket pavilion, relocation of machine storage shed and practice nets and new sight screen and alterations to access be **APPROVED**, subject to the following conditions:-

- 1) C05 – Time Limit - Commencement
- 2) C15 – Compliance with Drawings
- 3) C17 – Submission of Materials
- 4) C35 – Landscape Scheme
- 5) C37 – Replacement Planting
- 6) C45E – Time Restriction
- 7) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.  
**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved.
- 8) If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.  
**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution

- 9) No part of the development hereby approved shall be brought into its intended use until the access, turning area, access drive and access drainage 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 provide a safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site
- 10) 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
- 11) 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. The approved Statement shall be adhered to throughout the construction period.  
**Reason:** In the interests of highway safety and public amenity.
- 12) 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 interest of residential amenity.
- 13) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.  
**Reason:** In the interests of the preservation and enhancement of biodiversity in the locality.
- 14) No development shall take place until details of the land drain to be created within the southern part of the site have been submitted to and approved in writing by the Local Planning Authority and installed within an agreed time period.  
**Reason:** To reduce the potential for surface water run-off from the site.
- 15) Prior to the use of the building, an Events Management Statement to address potential issues of noise from amplified music or functions events shall be submitted to, and approved in writing by, the Local Planning Authority and adhered to thereafter, unless otherwise agreed by the Local Planning Authority.  
**Reason:** In the interests of residential amenity.

The Assistant Director City Development referred to a letter in the Express and Echo in respect of student accommodation and reported that the annual City Council report on student accommodation in the City would be available shortly and would help inform the debate when this application was brought before the Committee in the future.

69      **PLANNING APPLICATION NO. 14/0783/03 - 6 NEWCOURT ROAD, TOPSHAM, EXETER**

The Assistant Director City Development presented the application for a single storey extension alongside existing conservatory

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

**RESOLVED** that planning permission for a single storey extension alongside existing extension be **APPROVED** subject 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 21st March 2014 (*dwg. no(s).099-80160 page 5 to 8*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3)      C17A - Matching materials

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

The Assistant Director City Development reported that the Golf Club and Persimmon were in discussions and had not requested a mediator to resolve differences and that it was hoped that they would resolve outstanding issues.

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

72      **SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the circulated rota of site inspections, as amended, be approved.

73      **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.



**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 8 July 2014 at 9.30 a.m., the Councillors attending being Choules, Edwards and Lyons.

**Additional information circulated after agenda dispatched - circulated as an annexe**

(The meeting commenced at 5.30 pm and closed at 7.15 pm)

Chair