

PLANNING COMMITTEE

Monday 30 November 2015

Present:

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

Also Present:

City Development Manager, Principal Project Manager (Development) (PJ), Project Officer
Planning (AL) and Democratic Services Officer (Committees) (HB)

82

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

83

BUS AND COACH STATION SITE

In view of the significance of the planning application below and the multitude of issues which need to be taken into account, the application would be considered at an Extraordinary Meeting of the Council in the Guildhall on 14 December 2015 starting at 6.00pm.

APPLICATION NO: 15/0791/01

LOCATION: Exeter Bus & Coach Station Redevelopment Area, Paris Street, Exeter, EX1

PROPOSAL: Demolition of existing buildings at Exeter Bus & Coach Station, no. 188 Sidwell Street & nos 1-29 (odds) Paris Street for a comprehensive retail-leisure led mixed use development comprising Use Classes A1, A2, A3, A4, A5 [retail including food & drink uses], D1 & D2 [assembly & leisure] & including a new Leisure Centre & new Bus Station, with associated access landscaping and public realm works.

84

PLANNING APPLICATION NO. 15/0645/03 - 30-32 LONGBROOK STREET, EXETER

The Principal Project Manager (Development) (PJ) presented the application for construction of a six storey building comprising ground floor retail use and student accommodation for 25 studio units.

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

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

Mrs Caroline Fox spoke against the application. She raised the following points:-

- live in Longbrook Street and viewed original plans, elements of which have been changed during the planning process, including removal of timber cladding;
- only four bicycle parking spaces have been provided which will be insufficient for the 25 student flats proposed;

- some flats are to be for use by the disabled but, as all have fold down beds, there would appear to be insufficient room for this cohort;
- the retail space on the ground floor is unnecessary especially as space reserved for retail in Portland House opposite, also a student block, is yet to be occupied;
- the height remains a concern as the building will be twice as high as the adjacent property and it is considered that it will be out of character with the area. Although Portland House opposite possesses six storeys, the building is set back further from the pavement edge and the top floor is also set back on the building itself. The Portland House has a larger footprint and the height is therefore proportionate. This proposal will be closer to the pavement edge than Portland House; and
- this development will not improve the gateway to Longbrook Street.

Members, referring to the small size of the rooms suggested that the development would benefit from a community or amenity room and that a launderette would also be beneficial. It was noted that the proposal was not at the high end of student accommodation, as was the case with some other student provision in the City, and that some students would opt for cheaper accommodation. They might also be attracted to a city centre location. It was reported that there was no provision for disabled students and that such provision was not a requirement but that 25 cycle parking spaces were to be provided. There would not be 24/7 warden coverage but a student management plan would ensure suitable arrangements in respect of student welfare, security and with appropriate communication channels for local residents.

It was also noted that the University Guild was not a statutory consultee but that it did receive the weekly list. Members felt that the issue of consultation, as well as accommodation for disabled students and Guild views on student accommodation in general, could be beneficially raised at the University Task and Finish Group.

RESOLVED that subject, to the completion of a Section 106 Agreement under the Town and Country planning Act 1990 securing a Student Management Plan, planning permission for construction of a six storey building comprising ground floor retail use and student accommodation for 25 studio units 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 3 November 2015 (dwg no. GA-01 rev A; GA-02 rev A; GA-10 rev E; EL-01 rev C; EL-02 rev C) and 24 November 2015 (dwg nos; EL-03 rev D & EL04 rev D) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases; availability of areas to accommodate operatives' vehicles, construction plant and material; emissions of noise and dust and hours of demolition/construction work.
Reason: In the interest of the environment of the site and surrounding areas.

- 5) The contamination remediation must be carried out in accordance with the John Grimes Partnership Environmental Report dated January 2015, unless otherwise agreed in writing by the Local Planning Authority. 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, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
- 6) C57 - Archaeological Recording
- 7) The building hereby approved shall not be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 8) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
a) windows to include means of opening, reveals, cills and headers;
b) layout of roof area and roof mounted plant equipment;
c) shop front external window and door display;
d) rainwater goods; and
e) refuse storage building.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 9) Before the first occupation of the building hereby permitted the window in the southern elevation as shown on dwg no. EL-02 shall be fitted with obscure glazing to be agreed in writing with the Local Planning Authority and shall be permanently retained in that condition thereafter.
Reason: To prevent overlooking of the neighbouring residential flat

**PLANNING APPLICATION NO. 15/0907/03 AND 15/0909/03 - LAND OFF
EXETER ROAD, TOPSHAM, EXETER**

The City Development Manager presented the application for six residential flats, car parking and associated facilities 15/0907/03); and Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27 July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02).

The Section 106 Agreement was proposed to be revised to take account of the variation to the open space requirement and to the affordable housing. It was

proposed to deliver the latter on land to the rear of this site which the applicant was to acquire also for housing. The open space, which would exceed the minimum requirement of 10%, would then serve both developments. In addition, a commuted sum of £42,000 would be provided for improvements to the Recreation Ground playing area. This money could also be used to facilitate access from these developments to the park.

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

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

- at the outline stage it was understood that some of the homes would be for Topsham residents but this now appears to have been a “backdoor” approach to achieve approval for a development in an environmentally sensitive area and that this undertaking will not be kept;
- there has been no change since the Committee meeting on 2 November in respect of the height of the buildings and the provision of the play area. The provision of the latter on either the land to the rear of the site which the applicant is looking to acquire or the land to the side of the development close to the motorway are only suggestions;
- the Topsham Gap is an important landscape setting which will be further eroded with this development. The importance of the Gap is recognised through the opposition to the development adjacent to the rugby club by both the planning authority and the local community. The Motorway acts as a distinct boundary;
- the outline application indicated a lower density and the site was screened by trees to reduce visual impact. Further, the flyer circulated in Topsham suggested that low price homes would be available for Topsham residents;
- the buildings were also lower in height at the outline stage. Now two blocks of two stories and one three storey block are proposed. The latter, in particular, is similar in height to the motorway embankment and will be unacceptably dominant in the approach into Topsham beyond the motorway bridge;
- the “21st Century design for a 21st Century urban area” is out of keeping with the character of Topsham;
- the development will destroy the landscape setting; and
- request the Committee to reject the application and preserve the Topsham Gap.

Mr Burley spoke against the application. He made the following points:-

- nominated by local residents in Retreat Drive/Wessex Close to make further representations in respect of the two applications;
- on 2 November, the Chair concluded that the concerns of local residents were “persuasive” and the Committee voted unanimously to defer this application for the following issues to be reconsidered:-
 - reincorporation of an open/play space, consulting with the community as to the preferred type of provision, that is, on site or at the Rec;
 - rejection of “incremental planning” and a reduction in density back to the original outline approval 23, including the omission of the three storey elements;
 - omission of the pedestrian access to Retreat Drive; and

- incorporation of a separation gap and landscape between the new scheme and Retreat Drive, mitigating the current highly urban design on this small town fringe site;
- the applicant has ignored every point. The consultation on recreation space was a sham, and the proposal is a fudge, leaving provision open to post approval negotiation. As neither site options are on land within the applicant's ownership or, critically within the application red line, it is probable that neither will be enforceable and this site will end up with no on-site provision, contrary to what was requested by the Committee;
- the refusal to consider any modification to the scheme highlights the desire to maximise development profit;
- the residents of Wessex Close and Retreat Drive accept development will take place but feel strongly that, as previously cast and currently presented, proposals are unsatisfactory. Furthermore, it might undermine the City Council's carefully constructed position on the upcoming Topsham Gap Public Inquiry; and
- the Committee is urged to stand by the reservations felt when considering this application previously and reject the identical proposals being represented again. The scheme should be withdrawn and re-submitted when all the issues, including that for the adjoining Wessex Close site, if this is to be incorporated and used for open space, have been properly scrutinised.

He responded as follows to Members' queries:-

- real concern that the site adjacent to Wessex Close will not be developed as indicated by the applicant and that, accordingly, an open space area will not be provide;
- the suburban type of small town adjacent to the site will be lost through the creation of a continuous, ribbon style development; and
- the three storey element for the block close to the motorway suggests a continuation in the height of the motorway.

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

- application deferred to review density and the location of the open space;
- keen to ensure that any development on this site and the site to the rear, adjacent to Wessex Close, works together as open comprehensive scheme. This will ensure that the roads, pedestrian access and site layouts work better and as effectively as possible, making best use of the available space and amenity areas;
- confirm that whilst both pieces of land have been in separate ownerships, Heritage have now also secured control of the area of land to the rear adjoining Wessex Close. Can therefore ensure that there will be suitable open space throughout the scheme and safer areas of amenity space, including an attractive open green to the rear section of land, which will be available for children to play on away from the busy main road;
- more than 10% of open space will be provided on site throughout the scheme but, in addition, prepared to continue to offer £42,000 to enhance the Playing Fields in Ferry Road which will be of benefit to all existing residents in the area;
- Ferry Road Playing Field is just 0.5 miles from this site and just 0.7 mile from the furthest point on the site not over a mile. It is just nine minutes walk away and therefore must be considered to be conveniently located to serve the development in accordance with policy;

- regarding density, Heritage are not trying to cram more density on to the site. The site coverage of the applications is 65sq metres less than the indicative outline scheme and the total floor area of the application, including the three storey elements, on just three dwellings is only 83 square metres more than the approved outline scheme; and
- the additional number of dwellings have been contained within the same mass of construction as was approved by the outline application and this has been achieved by reducing the average size of the dwellings so as to provide a more affordable mix of homes to cater for a wider range of buyers and broader price range.

He responded as follows to Members' queries:-

- the Flyer distributed to local residents referred to the availability of shared equity homes and he confirmed that he was happy for these to be made available for Topsham residents. Other homes were to be purchased by the City Council for rent but on a City wide basis rather than specifically reserved for local people; and
- the three storey element for the block close to the motorway provided a stepped approach in height which was considered preferable to a lower building which would not fit as well next to the motorway.

RESOLVED that planning permission for Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27 July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02) be **APPROVED**, subject to the following revision in respect of open space provision to the Section 106 Agreement under the Town and Country Planning Act 1990

"Before Occupation of any Dwelling the Owner shall submit to the city Council for approval:

- a) A plan showing the area or areas within the current application sites to be used as Open Space together with a financial contribution of £42,000, unless otherwise agreed in writing with the Local Planning Authority;
- b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and
- c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space".

and subject also to the following conditions:-

- 1) C06 - Time Limit - Approval of Reserved Matter
- 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 17th August 2015 (*Dwg. Nos. EXRD-PL1,3,7 & 9/ EXRD-PL2,8 & 10/ EXRD-PL18 & 19/ EXRD-PL20-22*) and 20th October 2015 *Dwg. Nos. EXRD-001-SITE PLAN/EXRD-002-HARD LANDSCAPING LAYOUT 1 of 2/ EXRD-002-HARD LANDSCAPING LAYOUT 2 of 2/EXRD-004-SITE PLAN WITH OPEN SPACE/ EXRD-PL4/ EXRD-PL5 & 6/ EXRD-PL11 & 12/ EXRD-PL13/ EXRD-PL14-17*), as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

- 3) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals
- 4) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.
Reason: To encourage travel by sustainable modes
- 5) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.
- 6) No more than 14 dwellings in the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width between the site access and Retreat Drive, as indicated on the October 2015 site plan, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 8) Any trees, shrubs and/or hedges on or around the site shall not 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.
- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by 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.

- 10) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 11) All trees shall be a minimum of 10-12cm girth and shall be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted must comply with *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant is advised to seek approval from the Planning Department that the form and quality of the trees is acceptable.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 12) All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 13) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.

- 14) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 13 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 15) No part of the development hereby approved shall be brought into its intended use until a visibility splay at the site access to Exeter Road has been provided, where the visibility splay provides inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions, and retained for that purpose.
Reason: To provide adequate visibility from and of emerging vehicles required to provide a safe and suitable access to the site.
- 16) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 17) Prior to the occupation of the dwellings hereby approved, a wildlife plan indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.
- 18) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP, the following restrictions shall be adhered to:
a) There shall be no burning on site during demolition, construction or site preparation works;
b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday 0800 to 1300 on Saturdays and not at all on Sundays and Public Holidays;
c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The approved CEMP shall be adhered to throughout the construction period.
Reason: To protect neighbouring residential amenity.
- 19) No development shall take place until a scheme for protecting the proposed development from noise has been submitted to the Local Planning Authority and approved in writing. All works that form part of the scheme shall be completed before any of the permitted development is occupied. *The*

applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.

Reason: To protect future residential amenity.

- 20) 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 building(s) 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 building(s) hereby approved.

- 21) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

Reason: To ensure the satisfactory drainage of the development.

- 22) Notwithstanding the provisions of the Town and Country Planning General Development Order 19995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the cartilage of the dwellings without the formal consent of the Local Planning Authority.

Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- 23) All gates to private gardens shall only be recessed by a maximum of 500mm.

Reason: To ensure the community is designed in a safe and secure way and in compliance with Policy DG7 of the Exeter Local Plan.

RESOLVED that six no. residential flats, car parking and associated facilities 15/0907/03) be **APPROVED**, subject to a revised Section 106 agreement under the Town and Country Planning Act 1990 to secure the provision of 2 no. one bedroom flats as intermediate rental housing and 6 no. two bedroom flats to be socially rented together with an additional commuted sum payable because of the increase in provision of houses from 27 to 28, the sum to be finalised with the developer and also form part of the varied Section 106 Agreement 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 17th August 2015 (Dwg. No. EXRD-PL23-28) and 20th October 2015 (Dwg. Nos. EXRD-001-SITE PLAN/EXRD-002-HARD LANDSCAPING LAYOUT/EXRD-004-SITE PLAN WITH OPEN SPACE), as modified by other conditions of this consent

Reason: In order to ensure compliance with the approved drawings.

- 3) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 4) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.

Reason: To encourage travel by sustainable modes.

- 5) No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.

Reason: In the interest of public safety.

- 6) No part of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width between the site access and Retreat Drive, as indicated on the October 2015 site plan, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.

Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

- 8) Any trees, shrubs and/or hedges on or around the site shall not 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.

- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with

such live specimens of such species of such size and in such number as may be approved by 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.

- 10) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

- 11) All trees shall be a minimum of 10-12cm girth and shall be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted must comply with *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant is advised to seek approval from the Planning Department that the form and quality of the trees is acceptable.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 12) All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 13) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason: In the interests of sustainable development.

- 14) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 13 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 15) No part of the development hereby approved shall be brought into its intended use until a visibility splay at the site access to Exeter Road has been provided, where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions, and retained for that purpose.

Reason: To provide adequate visibility from and of emerging vehicles required to provide a safe and suitable access to the site.

- 16) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 17) Prior to the occupation of the dwellings hereby approved, a wildlife plan indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.

- 18) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP, the following restrictions shall be adhered to:

a) There shall be no burning on site during demolition, construction or site preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall

be carried out, or deliveries received, outside of the following hours:

0800 to

1800 hours Monday to Friday, 0800 to 1300 on Saturdays and not at

all on

Sundays and Public Holidays;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

Reason: To protect neighbouring residential amenity.

- 19) No development shall take place until a scheme for protecting the proposed development from noise has been submitted to the Local Planning Authority and approved in writing. All works that form part of the scheme shall be completed before any of the permitted development is occupied. *The applicant should aim to achieve at least the standards for internal and*

external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.

Reason: To protect future residential amenity.

20) 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 building(s) 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 building(s) hereby approved.

21) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

Reason: To ensure the satisfactory drainage of the development.

86

**PLANNING APPLICATION NO. 15/0895/03 - BROADWALK HOUSE,
SOUTHERNHAY WEST, EXETER**

The Project Officer (Planning) (AL) presented the application for refurbishment and change of use of ground floor to provide 2 no. Class A3 restaurants, including erection of conservatories and laying out of external seating areas; remodelling of public realm including hard and soft landscaping and associated works (Departure from Local Development Plan)

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

It was noted that Historic England had responded to the second consultation on revised drawings and, following on from their initial comments, the revised proposals were deemed to be acceptable.

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

Mrs Forster spoke against the application. She made the following points:-

- had moved to Trinity House after ill health to benefit from the close proximity of city centre shops in this quiet area overlooking the Roman Walk, the block also including disabled residents and veterans who also valued this quiet location;
- the presence of restaurants would therefore disturb this quiet, especially during the evenings. Both would possess outside seating areas in the form of conservatories extending out of the restaurants and these would be overlooked by the balconies to the flats which were often used by residents;
- opening hours for the restaurants of 08.00 hours to 12 midnight Friday and Saturday and 08.00 hours to 23.00 hours the rest of the week would disturb

residents particularly at close of business with clearing up, removal of chairs and departure of diners; and

- there are already a number of restaurants in the city centre with more to be provided at both the Guildhall and the proposed Bus and Coach station re-development.

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

- Senior Asset Manager at The Crown Estate with responsibility for Princesshay including Broadwalk House and previously employed by Land Securities and am familiar with Princesshay, Broadwalk House and the City Centre generally;
- the City Centre is the most appropriate location for restaurants and issues covered are perceived loss of offices, residential amenity and heritage;
- the application properties have not been in office use for some time the last uses being an Estate Agent and medical consulting room. The argument that the proposals will result in the loss of office floor space and in some way be contrary to policy is misleading. Nevertheless, the units comprise less than 5% of Broadwalk House as a whole and both units are vacant and providing no employment opportunities. Currently, and not including these units, about 40% of Broadwalk House is vacant. The proposals will secure the re-occupation of the space by two restaurants and deliver approximately 40 new jobs;
- the proposals do not physically affect the continued use of the upper floors for Class B1 offices and there will be no changes in their access arrangements or total floor space currently in Class B1 use;
- it is common in town centres in the UK for restaurants to be part of mixed use sustainable development and many new purpose built schemes include restaurants at ground floor so as to add to the vitality and viability of the centres. Generally they are considered to be complementary facilities that provide convenient services for office occupiers and residents as well as shoppers and visitors. This is already the case in parts of the City Centre, including elsewhere in Princesshay;
- the application is supported by specialist reports that confirm the proposals and will not give rise to unacceptable impacts in terms of noise and smells and this is agreed with the City Council's Environmental Health Officer. There will be conditions relating to the proposed hours of use and emissions;
- the proposed restaurants will be managed as part of the wider Princesshay Centre which includes CCTV monitoring and security foot patrols 24/7, 365 days a year;
- extensive consultation has taken place with Historic England and the Council's Heritage Officer and the proposals fully address all of their issues and will improve the setting of the Roman Wall and deliver an improved public realm; and
- request that planning permission be granted with view to proceeding with the development in spring 2016 to facilitate a planned opening of the restaurants in late summer 2016, solicitors having been instructed with two lettings for the proposed units.

She confirmed that conditions regarding suitable opening hours and controls on the outside seating area were acceptable. It was noted that the blitz memorial was outside the restaurant areas but that this re-development was likely to increase public familiarity with this feature.

RESOLVED that planning permission for refurbishment and change of use of ground floor to provide two no. Class A3 restaurants, including erection of conservatories and laying out of external seating areas; remodelling of public realm including hard and soft landscaping and associated works (Departure from Local Development Plan) 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, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) 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.
- 4) C57 - Archaeological Recording
- 5) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of smoke, fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions thereafter.
The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.
Reason: To protect neighbouring amenity.
- 6) The uses hereby permitted shall not operate other than between the hours of 8am to 11pm (Sunday to Thursday) and 8am to 12 midnight (Friday and Saturday).
Reason: To protect neighbouring amenity.
- 7) A detailed scheme for hard and soft landscaping, including the planting of trees and/or shrubs, and the use of reclaimed architectural stone from the Princesshay archaeological excavations, shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved such a scheme. The scheme for hard landscaping shall specify materials, location and method for the use of the reclaimed stone and further details of the paving materials, any proposed street furniture and lighting and any other matters related to hard landscaping. The scheme for soft landscaping shall detail all species, tree and plant sizes, together with the timing of the implementation of the scheme and future management arrangements for the soft landscaping. The landscaping shall thereafter be implemented in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.
Reason: Because insufficient detail on these aspects has been submitted with the application and to safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 8) No amplified or acoustic music shall be played at any time within any of the external areas of the application site as outlined in red on the Proposed General Arrangement Plan 15-BHPL-SD 02.1
Reason: In the interests of amenity.
- 9) The external seating areas shall not be used after 11pm on any night, and all furniture that is removed for storage over night shall have been moved before 11pm.
Reason: In the interests of amenity.
- 10) Total noise levels from all building services plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 30 dB at the facade of the Trinity and Princesshay Garden apartments. The noise level can be measured at a surrogate point, and the level at the facade predicted by calculation to demonstrate compliance with this condition. The use hereby approved shall not begin until information has been supplied demonstrating compliance with this condition and given in writing by the local planning authority
Reason: In the interests of amenity.

87

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

88

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

89

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 15 December 2015 at 9.30 a.m. The Councillors attending will be Bialyk, Edwards and Lyons.

(The meeting commenced at 5.30 pm and closed at 7.23 pm)

Chair