

PLANNING COMMITTEE

Monday 14 March 2016

Present:

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

Apologies:

Councillors Choules, Mottram, Newby and Williams

Also Present:

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

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MINUTES

The minutes of the meetings held on 4 January and 8 February 2016 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

In respect of Minute No. 21, Councillor Spackman declared an interest as he lived in College Road.

No declarations of disclosable pecuniary interest were made.

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PLANNING APPLICATION NO. 16/0113/03 - RADMORE AND TUCKER, FROG STREET, EXETER

The City Development Manager presented the application for the demolition of the existing building and erection of a new building for student accommodation comprising 98 units (Use Class C2), cycle parking, works of hard and soft landscaping and other works incidental to the proposals.

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

Mr Groom spoke in support of the application. He made the following points:-

- the previous proposal, put forward in January this year, had been refused and amendments made to overcome the two reasons for refusal;
- objections from Historic England had been met by significantly reducing the building footprint in length, depth and height. The historic views Historic England were concerned about were now preserved and they no longer had any objection to the development;
- issues of scale and massing had also been addressed - the proposed development was now a full storey lower at the western edge than before and was also stepped down significantly at the eastern edge to the point where a full section of building had been removed to improve amenity. Additionally, the building line at the rear has been pulled in to increase the distance between properties and increase the area of amenity space at ground floor;

- the changes made demonstrated that the developer had listened to this Committee and other local stakeholders;
- all other design, planning and management issues about the proposal remained as previously reported; and
- concerns and comments during the course of the consultation process had been taken on board and it is believed that the building will positively contribute to Exeter as a whole.

The Highway Development Management Officer stated that a contra flow would need to be introduced for West Street as it was anticipated that many students would access the University campus by bike and would utilise this one way street. A Traffic Regulation Order was necessary and it was proposed to seek payment by the developer through the Section 106 Agreement. It was stated that students would also use Bonhay Road to get to the campus but were also likely to use West Street to reach the city centre. It was considered that the site and area were suitable for a student block.

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, requiring an obligation relating to a Student Management Plan together with a financial contribution towards a Traffic Regulation Order to introduce a contraflow in West Street for cyclists and for the relocation of a streetlight on the pedestrian footway, planning permission for the demolition of the existing building and erection of a new building for student accommodation comprising 98 units (Use Class C2), cycle parking, works of hard and soft landscaping and other works incidental to the proposals be **APPROVED**, subject also to the following conditions:-

- 1) UN6 - Unique Condition 6
- 2) C05 - Time Limit - Commencement
- 3) C15 - Compliance with Drawings
- 4) C12 - Drainage Details
- 5) C17 - Submission of Materials
- 6) C35 - Landscape Scheme
- 7) C58E - Contract Prior to Demolition
- 8) C57 - Archaeological Recording
- 9) C70 - Contaminated Land
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of specified dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details
Reason: In the interests of the visual amenities of the area and the residential amenities of future occupants and existing neighbouring occupant.

- 11) 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, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs 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 works, in order to discuss forthcoming work and its environmental impact.
Reason: In the interest of the environment of the site and surrounding areas.
- 12) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 13) 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.
- 14) Prior to occupation of the building hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it 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 and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 15) No development shall take place until details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope have been submitted to and approved in writing by the Local planning Authority. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development;
- 16) No development shall take place until an Air Quality Assessment has been submitted to and approved by the Local Planning Authority. Any mitigation measures identified as necessary within the assessment shall be installed and operational prior to the occupation of the development

The Principal Project Manager (Development) (PJ) presented the application for the demolition of the existing eastern and western podiums and construction of two new buildings for student accommodation comprising 387 units, cycle parking, hard and soft landscaping and associated facilities.

The areas of concern were the design of the building and impact on historic assets. Heritage England had objected because of the proximity of historic buildings. A cross section of the area from Exe Bridges up to the City Centre showed a stepped progression up to the Cathedral.

Councillor Packham attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- scale, massing, height, design and siting are entirely inappropriate;
- Renslade House is already considered by many to be an inappropriate landmark and this will be increased three fold with two large constructions on either side;
- represents over-development of the site;
- scale of the development is inappropriate in comparison with neighbouring listed buildings;
- it will impact adversely on views out from the historic core of the City on to surrounding rural areas as well as views from the other direction up into the City;
- national planning policy framework accords great weight to protecting heritage sites;
- one of the highway solutions put forward for crossing Frog Street is more likely to increase the dangerous nature of this road; and
- adverse impact on adjoining residential properties.

Councillor Mrs Brock attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- support statement of previous speaker;
- the Council works closely with the University to provide quality student accommodation, but the scale of the development is out of character with the area and will dominate the near-by Conservation Area, Bartholomew Terrace and surrounding area;
- will provide an adverse view from all roads approaching the City Centre from the west; and
- change is needed as Renslade House is not a good example of British architecture but the right quality design is required. The current proposal will result in three blots on the landscape.

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

- resident of Exeter for five years and concur with the above statements by Councillors;
- light pollution will be a significant problem. At present, office workers leave in the early evening, but a 379 student presence will result in the building being heavily illuminated for much of the year. The existing problems associated with a spotlight to the rear of the building have failed to be rectified by the owners;
- the University needs to provide accommodation for its students but a development of nearly 400 students in one place will have a considerable detrimental impact on the quality of life of existing residents and on the character of this part of the City. The area will become saturated with students with attendant problems of noise etc.;
- very familiar with many parts of the City and believe that views from many areas will be significantly changed by this development;

- the applicant's architects visited his property and were clearly cognisant with the impact the development would have on amenity but advised that a reduction in volume was not financially viable; and
- concerns also about massing, access and parking

Mr Hodder spoke in support of the application. He made the following points:-

- Exeter based architect with experience in the provision of student accommodation including Rowancroft and on land next to the Imperial Hotel;
- undertook early dialogue with the Council and stakeholders on the project for this low level topographic site which is the only site in the immediate area capable of accommodating this project;
- presented proposal to the City Council Planning Member Working Group and the Devon and Somerset Design Panel, the latter expressing admiration at the ambition of the project which would have a lasting impression;
- the additional wings would complement the existing 10 storey tower and provide a viable gateway feature and suitable statement for this approach to the City;
- consultation with stakeholders will continue;
- high quality architectural design proposed to provide attractive student accommodation which will help reinforce the international reputation of the University of Exeter;
- zinc cladding will be used to create a separate identity;
- respectful of local heritage and will protect views of the Cathedral; and
- believe that Renslade House will not be that visible from other parts of the City as it is set down at river level.

The Highways Development Management Officer referred to the desire line for movements to New Bridge Street involving crossing Frog Street, a busy urban dual carriageway. Given the speed, volume and behaviour of traffic on Frog Street, the ad-hoc crossing was not considered safe and suitable and the proposed development would significantly increase the demand for this movement. Providing steps to New Bridge Street from the north of Frog Street would negate the need to cross Frog Street and was considered a better option than a signalised crossing of Frog Street, providing a route to steps on the south of Frog Street. Given the proximity of the site to Exe Bridges there would be limited time for pedestrians to cross with pedestrians crossing without a green man in an inappropriate location.

Members felt that the existing building was already inappropriate for Exeter and that this incongruity would be exacerbated by the addition of the two wings.

The recommendation was for refusal for the reasons set out.

RESOLVED that planning permission for the demolition of the existing eastern and western podiums and construction of two new buildings for student accommodation comprising 387 units, cycle parking, hard and soft landscaping and associated facilities be refused for the following reasons:-

- 1) The height, scale, design and external treatment of the proposed development would result in a dominant and incongruous form of development which would conflict with the existing townscape in this location creating a discordant series of buildings which would detrimentally affect the character and appearance of the area and thereby be contrary to National Planning Policy Framework paragraphs 60, 61 & 64, Policy CP17 Design and Local Distinctiveness of the Exeter Core Strategy and Policy DG1 of the Exeter Local Plan First Review 1995-2011; and

- 2) The siting, height, scale and massing of the proposed development would adversely affect the setting of designated historic assets. Specifically, the development would impact of the City Wall, (Scheduled Monument), Church of St Michaels and All Angels, Mount Dinham (Grade 1 listed building), Bartholomew Terrace (Grade II) and the Central Conservation Area and Riverside Conservation which form the main southern approach to Exeter with the historic townscape beyond. The proposal is therefore contrary to Paragraphs 58, 130-133 of the National Planning Policy Framework; Policy CP17 – Design and Distinctiveness of the Exeter City Council Core Strategy and saved Policy C1 and C2 of the Exeter Local Plan First Review 1995-2011.

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PLANNING APPLICATION NO. 15/1310/03 - LANE EAST OF DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER

The Principal Project Manager (Development) (PJ) presented the application for the erection of a seven storey building including roof terrace for hotel use comprising of 106 bedrooms to replace the previously approved office accommodation (Phase II of the mixed use development planning ref 11/1816/03).

Members were circulated with an update sheet - attached to minutes. The comments of Nuala O'Farrell were tabled as she had submitted her request to speak objecting to the application after that of Mr Dent, only one speaker for and one against being permitted to speak in respect of planning applications, the custom being to accept speakers on a "first come, first served" basis. Also tabled were the comments of Mr Irvin, Chairman of the Dean Clarke House Residents Association

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

- the Ministry of Justice have sent their planning consultant to the meeting because they are seriously concerned that a change from an office to hotel use creates security issues for the courts;
- compared to the scheme approved in 2012, this proposal is taller and wider, has 24 windows facing the Quaker Meeting House and has a use that will be busy on Sunday mornings;
- in the original approval in 2012, a landscaped courtyard, brick cladding and no working on a Sunday were proposed;
- instead, the hotel had opened with no sign of planting, there is a four metre concrete wall facing the Quaker House and there has been noise on Sunday mornings.
- the site is an employment site in the Local Plan and there is a future demand for city office space;
- a budget hotel will create very few jobs whereas an office of this size could provide over 150 high quality jobs using modern technology;
- the development is overbearing in the Conservation Area and has security issues for the courts and is the wrong use for this location; and
- urge rejection of the application.

Mr Trathen spoke in support of the application. He made the following points:-

- previous permission had been obtained for office and mixed use which could include financial consultants, barristers, small businesses, gym, restaurant, coffee shop but even using three estate agents an occupier could not be found;
- will ensure that a number of windows are frosted/glazed to limit overlooking of the Quaker Meeting House;
- 18-20 full time jobs will be created;

- a hub hotel is the latest innovation and rooms will be 10x13 feet with wardrobe under the bed, bathroom and TV. Premier Inn are looking to provide 75,000 bedroom spaces nationally in this style; and
- will work with Courts regarding movement and timing of construction vehicles and transport and building plans will be issued.

It was noted that the office element had received little interest from prospective developers since its approval in 2012 and, consequently, the applicant had submitted a scheme for a hotel. City centre office demand was low and therefore, where there was no reasonable prospect of such provision, consideration of alternative suitable uses was appropriate.

The building would be located marginally closer to the rear boundary with the Quaker Meeting House, which was not considered to be significant and would not have an adverse impact in terms of loss of amenity or townscape value. The main change is the introduction of tower element within the south eastern corner of the building which is located closer to existing residential properties in Pavilion Place.

Members noted the difficulty in filling office space but felt that further opportunities should be given for occupation by offices as significant office space had already been lost in Southernhay following relaxation of rules by the Government.

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

RESOLVED that planning permission for the erection of a seven storey building including roof terrace for hotel use comprising of 106 bedrooms to replace the previously approved office accommodation (Phase II of the mixed use development planning ref 11/1816/03) be **REFUSED** for the following reasons:-

- 1) the proposed development would harm business and employment opportunities in the city through the loss of an existing employment site located within the established Southernhay employment area. The proposal would therefore be contrary to Exeter Core Strategy Policy CP2 and the Exeter Local Plan First Review Policy E3;
- 2) The siting, height, scale and massing of the proposed development would adversely affect the setting of designated historic assets. Specifically, the development would impact on buildings within the Southernhay Conservation Area and in particular affect the setting of Dean Clarke House a Grade II* building when viewed from Western Way and the existing properties in Pavilion Place which have a positive impact on the character and appearance of the Southernhay Conservation Area. it is therefore contrary to Paragraphs 58, 130-133 of the National Planning Policy Framework; Policy CP17 – Design and Distinctiveness of the Exeter City Council Core Strategy and Policy C1, C2 and DG1 of the Exeter Local Plan First Review 1995-2011; and
- 3) the proposal would result in the overlooking of the adjacent Quaker Meeting House garden area by reason of the number and proximity of windows within the southern elevation of the proposed hotel use and would therefore be contrary to Policy DG1 of the Exeter Local Plan First Review.

**PLANNING APPLICATION NO. 15/0829/01 - LAND TO THE NORTH OF
BELMOOR LODGE, PILTON LANE, EXETER**

The City Development Manger presented the application for outline consent for up to eight dwellings served from Pilton Lane (all detailed matters i.e. access, appearance, landscaping, layout and scale reserved for future consideration).

He referred to issues raised regarding access as there were concerns at the difficulty of a right turn onto the main road and to concerns in respect of drainage. The Highways Development Management Officer stated that he was comfortable with the highways design for the site and officers were satisfied that drainage would not be a problem.

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

- objections by residents of Belmoor Lodge and Stable Cottage, both of which lie to the south of the application site
- eight houses are considered to be too many for this site with the plan appearing to show a density even greater than that approved for the neighbouring Strongvox development. Desirable that the layout should be at least in keeping with the neighbouring development if not with existing properties on Pilton Lane. Not more than five or six houses from Strongvox development could be built on this site
- excessive, destruction of hedgerow which will destroy the rural nature of Pilton Lane.
- there would be an adverse impact on parking, traffic and road safety especially as Pilton Lane and Harts Lane are a network of lanes principally to be developed as routes for pedestrians and cyclists. The Strongvox development recognises the nature of Pilton Lane and proposes only pedestrian and cycle access onto it - the increased pedestrian and cycle traffic generated by the Strongvox development together with the vehicle movements in and out of Brookhayes, the traffic generated by St Luke's College and the use of Harts Lane and Pilton Lane by many St Lukes pupils provides a strong argument against any further development;
- the Transport Statement attempts to show that increased traffic would not be significant, but ignores "the convoluted route" vehicles have to take to get to Hill Barton and Pinhoe Roads. An additional eight dwellings with vehicular access onto Pilton Lane will have a detrimental effect on safety; and
- request refusal of the application

It was noted that the development would be Community Infrastructure Levy liable. Given that all matters were reserved for subsequent approval, it was not possible to calculate the final CIL liability at this stage. Although the Education Authority had referred to funding of additional school places through CIL contributions derived from this proposal, it was noted that no decision had been made on the allocation of CIL contributions associated with this application and therefore there could be no assumptions made in this respect.

The Chair reassured those who had concerns about the development that the application was outline and that, before final approval, a site visit by Members as well as a separate working group would consider the proposed details and that the application for reserved matters would then be submitted to this Planning Committee. As such, the concerns expressed regarding the site being too small to cater for the number of houses proposed and any other matters of detail would be assessed in detail.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, requiring the following:-

- affordable housing;
- commitment to district heating; and
- a financial contribution of £500/dwelling towards a Traffic Plan and Traffic Order contribution.

planning permission for outline application for up to eight dwellings served from Pilton Lane (all detailed matters i.e. access, appearance, landscaping, layout and scale reserved for future consideration) be **APPROVED** subject also to the following conditions:-

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the layout, scale, appearance of the buildings, the means of access thereto 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) 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.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) 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.

- 6) 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. This information is required before development commences to ensure that adequate arrangements are put in place to deal with surface water drainage associated with the proposal.
- 7) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 12 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.
- 8) 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. This information is required before development commences to ensure that the site will be fit for residential occupation.
- 9) 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. This information is required before development commences to ensure that historic remains are not damaged during the construction process."
- 10) No development related works shall take place within the site until a Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs 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 works, in order to discuss forthcoming work and its environmental impact. Thereafter the CEMP shall be adhered to during the construction period unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.

- 11) 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 those purposes during the construction period.
Reason: To ensure that adequate facilities are available for the construction traffic attracted to the site, in the interest of public safety.
- 12) 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.
- 13) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it 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 and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 14) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 15) Unless otherwise agreed in writing the development hereby approved shall be carried out strictly in accordance with the provisions and recommendations contained in the submitted Reptile Survey and Mitigation Strategy by PLANeco.
Reason: To ensure that adequate mitigation measures are implemented to protect and preserve the identified slow worm population present on the site.
- 16) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 17) No individual dwelling hereby approved shall 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.

In the event that the Section 106 Agreement under the Town and Country Planning Act 1990 is not completed within six months of the date of this Committee meeting, authority be delegated to the Assistant Director City Development to **REFUSE** permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the Section 106 Agreement.

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**PLANNING APPLICATION NO. 16/0063/16 - LAND AT MILLBROOK LANE
(FORMERLY MILLBROOK HOUSE), EXETER**

The Project Manager (Planning) (GM) presented the application for a four/five storey, age restricted Extra Care scheme consisting of 53 flats including a combination of one and two bed units with associated communal areas to include dining and lounge areas, day spa/treatment room and landscaped gardens

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

- accept principle of development, as do the residents of City Glades, but consider the development to be too high and a petition of 58 signatures has been submitted;
- the height in relation to my property, which is less than four metres from the development, will be overbearing and an oppressive presence and will result in the loss of light;
- a three storey structure is considered excessive;
- traffic problems will occur on Millbrook Lane as a result of this development as well as that of the retirement village as a whole'
- the crossover junction near Old School House and entrance to the retirement village will be particularly problematic. Mill Lane is the main entry into the developments and is inadequate to cope with two way traffic;
- traffic safety will be compromised, particularly for young people, the elderly and those with wheelchairs; and
- cyclists will also be at risk.

Responding to a Member's question, he stated that he had not received early notification of this development proposal.

Ms Osmundsen spoke in support of the application. She made the following points:-

- the projected population growth in Exeter shows there will be an increase of 7,000 older people by 2030, with a 35% increase within the 85+ age group. In 2008, the Devon Commissioning Strategy for Extra Care Housing identified a need for 150 units in Exeter. There are currently no extra care housing schemes in Exeter and this need will have grown in the last seven years;
- St Loyes will be the first extra care for the City and set the standard for exemplar building design;
- this scheme will deliver a low energy Passivhaus design, healthy building design and a climate ready design based on weather predictions up to 2080, for the benefit and comfort of the residents;
- the design has been informed from over 20 site visits to extra care facilities around the UK;
- a consultation event was organised in December 2015 and over 50 local residents attended;
- traffic and access - the traffic and access for this scheme was considered as part of the outline application and the Highways Authority stated that Millbrook Lane is adequate for this development;

- car parking - a total of 18 parking spaces will be provided for residents, visitors and staff of the scheme a number considered appropriate by County Council highways, taking into account the operational use of similar developments across Devon;
- concerns were raised regarding the proposed parking spaces located in front of two homes within the City Glade development. In order to mitigate this concern, the number of spaces in this location were reduced, with six spaces relocated to the northern part of the site to lessen the impact;
- Overlooking - Concerns with regard to overlooking have been addressed by ensuring the windows in the north and south elevations either contain obscured glass or are located at a high level;
- massing/size of the building - it was appreciated that, given the limited size of the site and the accommodation required, this was a dense development. This had been mitigated within the design by stepping down the north and south elevations closest to neighbours and introducing a palette of textures and finishes to the elevations along with external planting; and
- the development is designed to strike a balance between creating the best opportunity for extra care residents, by making the most of the land, while also being sensitive to existing residents and the surrounding environment.

RESOLVED that planning permission for a four/five storey age restricted Extra Care scheme consisting of 53 flats including a combination of one and two bed units with associated communal areas to include dining and lounge areas, day spa / treatment room and landscaped gardens be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 3) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, 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.
 - d) Site hoarding shall be kept clear of graffiti and fly-posting.
 The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the occupants of nearby buildings.
- 4) No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site (if not otherwise agreed in writing by the Local Planning Authority) 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: To minimise obstruction of and damage to the adjacent highway, in the interest of public safety.

- 5) If not otherwise agreed with Local Planning Authority in writing samples of the materials that are intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 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 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 hereby approved.
- 7) 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 14/01/16 (*dwg. no(s). 8510 PL002, 8510 PL100, 8510 PL101, 8510 PL101, 8510 PL103, 8510 PL104, 8510 PL105, 8510 PL600, 8510 PL601, 8510 PL602, 8510 PL600, 8510 PL600, 8510 PL600, 8510 PL600, 8510 PL600, 8510 PL600, 8510 PL603, 8510 PL604, 8510 PL605, 8510 PL607, 8510 PL802, 8510 PL901, 8510 PL902, 8510 PL903, 8510 PL910, Landscape Plan, Landscape Statement, Tree Constraints Plan, Tree Survey, Tree Protection Plan, Ecological Report, Current Site Topographical Plan, Commercial Kitchen Information, External Lighting Strategy, Noise Assessment – External Plant Report, 24432-600 ver 2, 24432-601 ver 2, Ground Contamination Statement, Drainage and SUDS Strategy Report, Planning, Design and Access Statement with Appendices.*
Reason: In order to ensure compliance with the approved drawings.
- 8) 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 and overlooking.
- 9) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme shall not start until the Local Planning Authority have approved a scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with 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 part of the development hereby approved shall be occupied until the on-site cycle and vehicular parking facilities (as indicated in the proposed site block plan) have been provided surfaced and marked out in accordance with details that shall be 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) Unless otherwise agreed, 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 the occupants of nearby buildings.
- 12) 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.
- 13) Prior to commencement of development the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 12 above will be met. The measures set out in that assessment shall subsequently be implemented prior to the occupation of development.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

21

PLANNING APPLICATION NO. 16/0010/03 - THE LODGE, 22 SPICER ROAD, EXETER

Councillor Spackman expressed an interest in this matter and abstained from voting as he lived in College Road.

The City Development Manager presented the application for a three storey extension on the South East elevation to form an additional 14 bedrooms; two no two person suites and storage areas; single storey extension to form new function room on North East elevation

Councillor Branston attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- the Lodge offers quality accommodation but object to the application;
- the proposal will have a significant impact on the quality of life of both residents and immediate neighbours;
- removal of tree is contrary to Conservation Area Draft Appraisal and to Government revised recommendations in April 2013 which states that “tree care should be at the heart of the decision making process”
- the Lodge is an elegant Edwardian house in a pleasant one acre landscaped garden and some of this amenity space will be lost with the development. Dispute description of “minor excavation” of garden;
- the additional building will impact on the residential amenity of the residents themselves;
- security lighting is currently a feature of the Lodge at night-time and this light pollution will be exacerbated by further development;

- College Road witnessed an over-development as part of the expansion of the St Lukes Campus and this proposal will add to the increased development in the road. It would also represent a further loss of open space in the area;
- the suggestion of the use of net curtains to reduce night pollution is indicative of the concerns regarding such pollution; and
- request refusal on grounds of the application being contrary to Government guidelines and Local Plan Conservation policy, loss of privacy, substantial over development in the neighbourhood and loss of open space for actual residents of the Lodge itself.

Professor Carr spoke against the application. She made the following points:-

- speaking on behalf of the residents of College Road against the proposed extension of The Lodge. This extension will mostly affect those living towards the Magdalen Road end of College Road;
- the proposed extension will occupy The Lodge garden, directly opposite No 15 and overlooking the neighbours' houses. This large, long, monolithic building will reach the height of the current adjacent new extension. As the road slopes downwards this building will appear even larger;
- concerned that the building would eclipse the day light in houses and gardens remaining in the shadow for half of the day;
- nightlighting will pollute the dark hours - the proposed corridor lighting and outside security lights will shine throughout each night. This will exacerbate the problem caused by eight existing night lights;
- privacy will be compromised hugely. The line of sight will be directly into the large windows of the extension and each of the three upper floors of No 15 will look directly into the extension bedrooms or be overlooked by their proposed terraces;
- the building will occupy the very amenity that the Lodge describes in all of its publicity brochures - the garden. The remaining garden area will be very small;
- the development is too large and too intrusive. Should permission be granted it is requested that the building is re-designed to be more modest and more akin to the two story extension facing the Maynard School; and
- the proposed extension will severely affect quality of lives.

Mr Sudnik spoke in support of the application. He made the following points:-

- there is a demand for this facility as there is a shortage of care homes in Exeter and there is an increasing number of requests received by the Lodge from Social Services and the NHS;
- will produce a number of full and part time jobs;
- by providing 14 units of accommodation, will release houses onto the open market;
- the Lodge is owned by a non-profit making organisation;
- the design is of a high quality including two pitch and hipped roofs lower than the existing Rainbow Wing extension and the additional build will tie in with the existing Rainbow extension;
- lower ground level obscured from College Road by a hedge/fence;
- additional land to the north to be purchased, including 22 College Road, the garden of which the applicant is looking to include in the existing open space;
- any loss of trees will be compensated by re-planting elsewhere on the site; and
- high quality building of which residents can be proud.

He responded as follows to Members' question:-

- light pollution will be minimal as the buildings are 22 metres from existing residential properties and loss of light will be negligible as the design meets the 25 degree rule of thumb;
- the new extension will feature bay windows and juliet balconies which with obscure and opaque glazing will help reduce inter-visibility;
- the extension will not be detrimental to the existing tenants as significant amenity space will remain with client to explore utilising the additional land purchased to the north as open space.

Members requested that the condition relating to lighting be circulated to Members for information.

Members felt that the proposal would provide a natural extension of the built-up side of College Road and that the proposal fitted with a City Centre location.

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.

RESOLVED that planning permission for a three storey extension a three storey extension on South East elevation to form an additional 14 bedrooms; two no two person suites and storage areas; single storey extension to form new function room on North East elevation 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 18 December 2015 (*dwg. no(s). 6777-BDP-XX-XX-PL-90004; -Z1-00-GA-0001; -Z1-01-GA-0002; -Z1-02-GA-0003; -Z1-03-GA-0004; -Z1-XX-EL-0002; and Z2-XX-EL-0010*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved by the Local Planning Authority in writing. The statement should include details of access arrangements, heavy vehicle routing, timings and management of arrivals and departures of vehicles and any proposed restrictions to pedestrian movement in the vicinity of the site. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity (Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Highway Authority to establish a safe means of progress).

- 6) Before the commencement of the development hereby approved details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the Local Planning Authority, and shall be demonstrated by measurement prior to the occupation of the development.

Reason: To protect the residential amenities of adjacent residential occupiers.

- 7) No part of the three storey extension hereby approved shall be brought into its intended use until;
(a) the existing car parking areas have been replanned and lined in accordance with a revised layout that shall have previously been submitted to and approved by the Local Planning Authority and shall thereafter retained for parking purposes in connection with the use of the property; and (b) a staff travel plan, to encourage and raise awareness of the alternative transport options available when travelling to work, has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site and staff are encouraged to use alternative modes of transport to the private car on journeys to and from work.

- 8) A detailed scheme for landscaping, including the planting of trees and/or shrubs and the use of surface materials in accordance with an agreed programme, shall be submitted to and approved by the Local Planning Authority before the occupation of the three storey extension to the property. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: In the interests of amenity.

- 9) Before the occupation of any part of the three storey extension hereby approved, a scheme for lighting the inside and outside of the public areas to the building and its perimeter, including the installation of presence detectors and timers, shall be installed in accordance with details which shall have previously been submitted to and approved by the Local Planning Authority in writing. These shall be permanently retained thereafter unless otherwise approved by the Local Planning Authority in writing.

Reason: To protect the residential amenities of adjacent occupiers.

PLANNING APPLICATION NO. 16/0141/16 - 39 MERRIVALE ROAD, EXETER

The City Development Manager presented the application to reconstruct dwelling along with two storey rear extension and front porch.

Councillor Packham attended the meeting and spoke on this item under Standing Order No. 44. She sought re-assurance on behalf of the neighbours that the works would not be detrimental to their property and quality of life and that there would be no impact on their amenity. Further, the light to their property would not be affected.

Members were advised that it was more cost effective to demolish and rebuild the whole of the property. They were re-assured that suitable precautions would be taken to maintain the integrity of the attached property with a party wall agreement to be concluded.

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

RESOLVED that planning permission to re-construct a dwelling with two storey rear extension and front porch 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 01 February 2016 (*dwg. no. 150624 AP(0)06*), as modified by other conditions of this consent.

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

- 3) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

24 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

25 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 29 March 2016 at 9.30 a.m. The Councillors attending will be Lyons, Raybould, Mottram and Prowse.

(The meeting commenced at 5.30 pm and closed at 8.30 pm)

Chair