

## PLANNING

Date: Monday 19 February 2024

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486.

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Knott (Chair), Asvachin (Deputy Chair), Bennett, Jobson, Ketchin, Miller, Mitchell, M, Patrick, Sheridan, Vizard, Wardle, Warwick, Williams, M and Begley

## Agenda

### Part I: Items suggested for discussion with the press and public present

8 **Update Sheet**

(Pages 3 -  
8)

### Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 25 March 2024** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

### Follow us:

[Twitter](#)

[Facebook](#)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

This page is intentionally left blank

## PLANNING COMMITTEE

19<sup>th</sup> FEBRUARY 2024

### ADDITIONAL INFORMATION

#### Correspondence received and matters arising following preparation of the Agenda

**Item 5:** Planning Application No. 23/1174/RES Land Off Spruce Close and Celia Crescent

#### Additions to the committee report

#### **Section 1.0 Application information**

1. Applicant Name changed to: Edenstone Homes Ltd

#### **Section 2.0 Summary of recommendation**

GRANT permission subject to conditions as set out in the report and to the removal of the current objection from the LLFA (Lead Local Flood Authority).

Drainage is subject to Outline Condition 7, which is pending consideration under separate application ref. 23/1175/DIS.

As such, drainage matters only pertain to the current application in terms of the proposed site layout.

The proposed site layout includes attenuation basins and hybrid tanks to deal with the surface water runoff from the site.

The LLFA has requested soakaway testing to be carried out to identify whether infiltration is suitable to manage the surface water runoff from the site before an attenuation option can be considered.

The applicants submitted the requested information on 06/02/24 under application ref. 23/1175/DIS in response to the request received from LLFA on the same date.

The LLFA Officer is currently on leave until 20/02/24. As such, it is not possible to obtain updated comments from LLFA prior to the Planning Committee on 19/02/24.

For the above reasons, the reserved matters are considered acceptable in terms of drainage matters and it is recommended that the current application be **APPROVED** following removal of LLFA holding objection.

#### **Section 10.0 Consultations**

1. Comments received from South West Water on 09/02/24: Original objections withdrawn following receipt of additional information

2. Comments received from DCC Waste Planning Authority on 09/02/24: No objections subject to Waste Audit Statement condition  
*[Officer Note: This condition was applied to the Outline consent under Condition 8. h) and is not, therefore, required to be repeated at this stage. This element will be assessed under a separate discharge of condition application. As such, this reserved matters application is considered acceptable in this regard.]*
3. Comments received from Living Options Devon on 08/02/24:
  - Concerns that plot nos. 70 and 75 are not wheelchair accessible, would have no direct access into their private gardens and their associated parking spaces would not be wheelchair accessible or marked out as such.
  - *[Officer Note:*
    - *An email received from the applicants dated 12/02/24 confirms that the wheelchair accessible units proposed were renumbered during the last set of amendments to nos. 69 and 74;*
    - *Plot nos. 69 and 74 would have fully compliant and clearly marked out wheelchair accessible parking spaces;*
    - *Amended plans and elevations have been received, 12/02/24 (160\_B - Tamar - Floor Plans and 162\_B - Tamar - Elevation Page 2), showing the patio doors to the rear of plot nos. 69 and 74 with direct access to their respective gardens.*
    - *As such, the proposed reserved matters scheme is considered acceptable in this regard.]*

## Section 11.0 Representations

At the time of writing, (17:00 on 15/02/24), 35no. representations have been received, of which, 34no. are objections and 1no. is neutral.

The additional objections received since the time the committee report was published do not raise any new issues. As such, the issues raised in the latest representations have already been addressed in the Officer's assessment.

### Conditions:

#### 5. PLANS

- Ashford – Floor Plans & Elevations, ref.151, Rev.B
- Monmouth – Floor Plans & Elevations, ref.157, Rev.B
- Tamar - Floor Plans, ref.160, Rev.B
- Tamar - Elevations Page 2, ref.162, Rev.B

## Item 7: Appeals Report

### Appeals Decided

**21/1770/FUL 18 Friars Walk** *First floor extension to existing bungalow and new external material finishes.* **Planning Inspectorate decision issued: 26<sup>th</sup> July, 2022**

### Appeal Dismissed with Costs refused

**Decision:** This appeal sought planning permission for a first floor extension to a 1960s end of terrace two bed bungalow: 18 Friars Walk. The site occupies a highly visible position in the Southernhay and The Friars Conservation Area and lies opposite listed buildings in Friars Walk. The Inspector dismissed this appeal, finding that while there was scope to improve the appearance of the building and provide additional accommodation, the proposed contemporary design and diverging materials would appear incongruous and fail to preserve or enhance the Conservation Area or the setting of nearby listed buildings. The harm caused to said heritage assets was identified as 'less than substantial' in this case due to the relatively small scale of the development proposed but the scheme would essentially provide only private benefits to the appellants in the form of additional accommodation and energy efficiency improvements, and so public benefits would not outweigh the harm identified (refer to Paragraph 208 of the latest NPPF).

### **Costs:**

Alongside the above appeal, the appellant sought an award of costs against the Council. The appellant claimed that the Council behaved unreasonably in its provision of pre-app/ peer review advice and due to the timeframe it took to determine the application. Notably, Planning Practice Guidance advises costs cannot be awarded in respect of the latter. The inspector refused to award costs, finding no evidence that the Council behaved unreasonably in relation to the appeal itself. The appellant's claim related to the application determination period rather than appeal proceedings.

**[Reference: APP/Y1110/D/22/3296801 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

**[22/1243/FUL](#) 18 Friars Walk. Dormer roof extension (resubmission of refused application ref. 21/1770/FUL). **Planning Inspectorate decision issued:** 21<sup>st</sup> June, 2023**

### **Appeal Dismissed**

A subsequent application and appeal also sought planning permission to expand accommodation at first floor level but by means of a dormer roof extension instead. The dormer was proposed to exceed the parapet and ridge lines of the existing (and neighbouring) property, hence householder planning permission was required. The main issue was still deemed to be the effect of the proposal on the character and appearance of the building, Southernhay and The Friars Conservation Area and setting of listed buildings. The appellant made reference to other existing dormers in the vicinity but it was explained that these are traditional, much smaller in size and centred in respective roof plane. The assertion that the proposal would enhance the character of the area or result in a neutral impact was therefore not accepted. The proposal did not respect the character of heritage assets and the harm caused would again be 'less than substantial'. Accordingly, the Inspector dismissed the appeal, finding that the proposed dormer window would be overly visually prominent and fail to preserve the character and appearance of the Conservation Area or the setting of nearby listed buildings.

**[Reference: APP/Y1110/D/23/3318650 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

**22/1177/FUL Land Adjacent to Gras Lawn and Fleming Way, St Leonards.**

*Construction of two 1-bedroom 2-person dwellings with external space, landscaping and associated works. Planning Inspectorate decision issued: 16<sup>th</sup> November, 2023*

**Appeal Allowed with Conditions & Costs refused**

The appeal site is a small (208 sqm), narrow and unused patch of private land lying between two modern housing developments: Fleming Way to the north and Gras Lawn to the south, which were constructed circa 2000-2002. The site lies alongside a shared cycle path and footway roughly halfway between Devon County Hall 250m to the west and Barrack Road 200m east. The site is partly hard-paved (so classed as brownfield land) and bordered by split rail fencing, an access gate and hedging. It was historically used as part of the driveway connecting Barrack Road to the Veitch Gras Lawn residence, which is now a Grade II listed building lying N-E of the site.

The development scheme is a bespoke car-free design comprising a two storey pair of semi-detached dwellings in a simple contemporary style with vertical timber clad walls, flat roof with pitched PV solar panels and modest fenestration to the front and rear. The main orientations and outlooks are at each side facing east and west and overlooking allotted garden spaces; front and rear elevations feature smaller windows to provide outlook and natural light source but to minimise mutual visibility with neighbouring properties.

A total of 45 public objections were received and 7 responses from consultees. The officer report recommended approval - this was overturned at Planning Committee but before the decision was formally issued an appeal was submitted on grounds of non-determination within an agreed timeframe.

The inspector considers the main issue to be the effect of the proposed development on the character and appearance of the surrounding area. The housing estates give the locale a residential character and sense of place but the locality is also defined by mature trees, soft landscaping and greenery – according to the appeal analysis the existing site ‘neither positively contributes to its residential setting nor forms an important part of the area’s verdant elements, including the tree lined avenue’.

The proposed scheme was considered distinctive in this context presenting a clear departure from the characteristics of the two estates in numerous ways; it is not an attempt to imitate their appearances and is instead a bespoke custom-made response to the constraints and setting of the site. The proposal contrasts against the ordered traditional brick and render dwellings but would be a compatible addition with architectural merit, and its unique style would add visual interest from various public vantage points in the vicinity. Due to a lower height than surrounding dwellings and by taking up a portion of the plot the proposed scale, mass and position are deemed appropriate and the design would not engender a dominating shoe-horned feature or overdevelopment. The open garden spaces each side allow for additional tree and

hedge planting which would maintain and enhance the area's green character. Accordingly, the inspector concluded that the proposed development would not harm the character or appearance of the area and that it accords with key Policies CP4, CP17 and Objective 9 of the Core Strategy and Policy DG1 of the Exeter Local Plan First Review.

In terms of the potential impact on amenity in neighbouring properties, it was concluded that no significant impact would result in this regard due to the degree of spacing between buildings, existing boundary treatments, and the limited size and number of smaller first floor openings in north and south elevations that are either secondary or serve non-habitable rooms. Similarly due to its position, limited height/ massing and separation from existing dwellings the proposed scheme would not cause undue or unacceptable additional overshadowing effects. For these reasons and others, the inspector concludes that "the proposed development would not harm the living conditions of adjoining occupiers" or cause harmful overbearing effects.

With respect to ecological impact or loss the existing hedge would be retained and the proposed scheme includes new hedging, trees, wildlife access points and bird boxes – subject to these all being secured and implemented by condition the inspector was satisfied that the proposal "would not harm wildlife (including birds, bats and other species) and would provide sufficient replacement and opportunities for local wildlife to transit through and beside the site as part of the wildlife corridor".

The inspector continues to clarify all other matters raised by interested parties during the planning/ appeal process; these were all taken into account but it is stated that no compelling evidence was provided to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of the matters raised. The proposal therefore accords with the development plan and is allowed subject to 13 conditions.

\*Notably some of the Council's standard conditions were reworded to ensure consistency with the 6 tests for planning conditions and Planning Practice Guidance.

**[Reference: APP/Y1110/W/23/3320777 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

**[23/0533/FUL](#) **Stoneycombe, Matford Road, Alphington.** *Removal of existing rusted metal fence and sparse laurel hedge, replacement with facing brick wall and pillars with timber fencing between.* **Planning Inspectorate decision issued:** 15<sup>th</sup> February, 2024**

< *Planning Officer's summary to follow* >

**[Reference: APP/Y1110/D/23/3334372 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

## **New Appeals**

**23/0223/FUL** 9 Chudleigh Road, Alphington. *Replace timber windows with uPVC windows.* **Planning Inspectorate 'Start Date':** 13<sup>th</sup> February, 2024

**Reference: APP/Y1110/D/23/3335994 (planninginspectorate.gov.uk)**

**23/0461/OUT** 26 Elm Grove Road, Topsham. 1 no. new dwelling (outline permission with all matters reserved except access). **Planning Inspectorate 'Start Date':** 15<sup>th</sup> February, 2024

**Reference: APP/Y1110/W/23/3331705 (planninginspectorate.gov.uk)**

**21/0601/FUL** School House, Dunsford Road, St Thomas. *Creation of access onto Buddle Lane.* **Planning Inspectorate 'Start Date':** 7<sup>th</sup> February, 2024

**Reference: APP/Y1110/D/24/3336465 (planninginspectorate.gov.uk)**