

## **PLANNING COMMITTEE**

Monday 23 May 2016

### **Present:**

Councillor Sutton (Chair)  
Councillors Bialyk, Spackman, Denham, Edwards, Lyons, Newby, Prowse, Gottschalk,  
Harvey, Morse and Foale

### **Apologies:**

Councillor Mrs Henson

### **Also Present:**

Chief Executive & Growth Director, Assistant Director City Development, Area Planner (PJ),  
Project Manager (Planning) (KW) and Democratic Services Officer (Committees) (HB)

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### **MINUTES**

The minutes of the meetings held on 14 March and 11 April 2016 were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

Councillor Newby declared an interest in Minute No. 35 as he was a Trustee of the Dorothy Holman Centre and an Executive Member of the Scout Association in Exeter.

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### **PLANNING APPLICATION NO. 16/0114/03 - LAND NORTH OF WESSEX CLOSE, TOPSHAM, EXETER**

The Project Manager (Planning) (KW) presented the application for 22 dwellings (houses and flats), associated access through Phase 1 landscaping and infrastructure provision.

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

- a development by Heritage Homes on Phase I next to Exeter Road had been deferred in 2015 for further consultation and discussions in respect of play area provision, an application for 28 dwellings being subsequently approved. The proposal for 22 dwellings on Phase II will bring the total units to 50 which is considered to be over development;
- residents and local Members have not been consulted on the Phase II proposals where land has already been levelled and trees removed in spite of a Tree Preservation Order;
- as there are likely to be a number of young families with children a play area with play equipment should be provided in this location and the financial contribution to be used at Seabrook Orchards instead of Ferry Road;
- construction traffic has been using Retreat Drive even though this is a private road;
- accept that there is pressure for extra houses in Exeter but Topsham itself is experiencing a massive expansion in housing; and
- higher density development is out of keeping with neighbouring residential areas; and request reduction in number of units to reduce density.

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

- site has a semi rural character and is bounded by established landscape/trees, leading to the low density housing and the listed Retreat;
- the 2013 Exeter Strategic Housing Land Availability Assessment (SHLAA), identified this site as having a maximum yield of eight units. Outline approval was granted for up to nine units and showed low density detached two storey dwellings contained by the existing landscape. By contract, the proposal is for 22 dwellings, nearly 3 times the SHLAA yield. This combined with approval of the neighbouring site for 28 units will result in a total of 50 units on an area previously identified for 24. This constitutes gross overdevelopment and an excessive urbanisation of this small town fringe site;
- the proposals will result in the removal of the majority of mature landscape on the site, much already undertaken, in advance of consideration by Members;
- the stated justification of scale of buildings relative to the M5 embankment, is factious and will result in a canyon effect along Retreat Drive. The proposed buildings are close to site boundaries and leave no opportunity for meaningful landscape buffering. Multiple pedestrian accesses are proposed to Wessex Close/Retreat Drive which have no planning justification;
- the development exacerbates the intensification of traffic and safety at the junction of Exeter Road and Retreat Drive;
- despite the assurances given by the applicant at the time of the outer field approval, no proper on-site play space is provided;
- whilst it is understood that the City Council is under housing number pressure, approval of these applications breach the duty to balance the need for housing and the rights of existing residents; and
- urge Members to carefully consider these points and require this application to be significantly reduced in scope/scale to something befitting this location.

Responding to a Member, he stated that, although there were significant concerns generally regarding the loss of the Topsham Gap, a moderate density of nine detached and semi-detached dwellings within Phase II would have been generally acceptable.

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

- the scheme provides part two of a comprehensive single development. The density is well below the requirements of Exeter City Council Policy and this part of the development is proposed to be less dense than Phase I, particularly so adjacent to the existing houses in Wessex Close. The previous application was only restricted by the previous applicant to nine units to avoid the affordable housing threshold;
- the layout provides permeability through the development which will allow existing residents of Wessex Close a shorter route to walk to the centre of Topsham or to the bus stop and it provides more than 10% open space on site in a location which is away from the main road and safe for young children to play;
- the first part of Retreat Drive is a Public Highway, not a private road and both this site and the houses proposed to be built on it would have all the same legal pedestrian and vehicular rights to use Wessex Close to the same extent as the existing residents;
- the 47 car parking spaces are for just the 22 units not the whole site. Nevertheless, the scheme has been designed so that no vehicular access for any of the dwellings uses either Retreat Drive or Wessex Close; and

- Topsham is not a separate town and has not been so for many years. It is part of the City of Exeter. The proposal, together with Phase I, provide a comprehensive scheme, which makes proper and efficient use of scarce development land within the city boundary.

He responded as follows to a Member query:-

- the County Council Highways Engineer had specifically requested a pedestrian access from Wessex Close through both Phases I and II to access Exeter Road and the bus stop as well as a restriction to the access road on Phase I to 3.5m with passing spaces to slow vehicles down.

Members noted that a previous application for only nine dwellings on this site had been put forward to avoid the provision of affordable housing but that such provision as part of this application was welcome. In respect of the commuted sum of £42,000 for play area provision, it was considered that the majority of this sum should be allocated for the provision of a play area and equipment in the vicinity of this development rather than wholly for the Ferry Road Play area.

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

**RESOLVED** that, subject to the successful completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the affordable housing provision, the precise terms to be delegated to the Assistant Director City Development in consultation with the Chair of this Committee, the Assistant Director and Chair/Portfolio Holder to also to be delegated to agree, in consultation with local Members and residents, the use of the commuted sum of £42,000 towards the provision of play equipment to enhance the facilities for the residents of this site, enhanced provision to be made no further than Ferry Road play area, planning permission for 22 dwellings (houses and flats), associated access through Phase I landscaping and infrastructure provision be **APPROVED**, 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 25th January 2016 (*Dwg. No(s). Planning, Design and Access Statement; House/Garden & Amenity Space Schedule; EXRD-020-LOC PLAN; EXRD-010-SITE PLAN; EXRD-012-SITE PLAN; EXRD-014-OPEN SPACE; EXRD-PL29-34; EXRD-PL35&36; EXRD-PL37-40; EXRD-PL41&42; EXRD-PL43&44; EXRD-PL45; EXRD-PL46; EXRD-46G; EXRD-PL47; EXRD-47G; EXRD-PL48; EXRD-48G; EXRD-PL49; EXRD-PL50*) and 3rd March 2016 (*Dwg. No. 380 - Landscape Proposals*), 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 brought into its intended use until the vehicular access to Exeter Road approved under application 15/0909/02 has been provided and is open for public use.  
**Reason:** To provide a safe and suitable vehicular access to the site.
- 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 estate road and The Retreat Drive, as indicated on the Proposed Hard Landscaping Plan (Dwg. No. EXRD-012-Site Plan Rev32) 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) C57 - Archaeological Recording
- 8) 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.
- 9) 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.
- 10) 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.
- 11) C70 - Contaminated Land

- 12) 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.
- 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) 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
- 16) 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.
- 17) 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.

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.

- 18) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage 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.

- 19) 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.

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**PLANNING APPLICATION NO. 16/0017/03 - SCOUT HUT, FERRY ROAD, TOPSHAM**

Councillor Newby declared an interest and left the meeting during consideration of this item as he was a Trustee of the Dorothy Holman Centre and an Executive Member of the Scout Association in Exeter.

The Assistant Director City Development presented the application for the demolition of existing Scout Hut and erection of new building, including storage, hall, changing facilities and meeting room. He covered the following areas in his presentation:-

- Design - the new building would be about 10.8 metres at its highest point with its overall size and massing increased, partly by the greater height but also by additional width and length. The Local Plan encouraged contemporary design approaches;
- Flooding - the proposed development should help to improve the current situation and ensure that a building on this site is not easily flooded in the foreseeable future.
- Heritage - the impact of the building would not have a harmful impact on the setting of the nearby listed building - the contrast between a striking and distinctive modern building and a traditional historic cottage should provide a more vibrant relationship than that which exists between the listed building and Halyards;
- Residential amenity - hours of operation were unlikely to be very different to previous operations with most activities ceased by 10pm with occasional Friday/Saturday events continuing until 11.30pm. If there were significant levels of disturbance the Council would be able to address these using enforcement powers;
- Traffic and intensification of use - and concerns about the impact of the development on traffic attracted to the site and on parking in Ferry Road. Devon County Council was currently reviewing parking arrangements in this road. Given the lack of availability of parking in the area it was felt that the majority of users of the building would walk to the site. The project represents a joint venture between three groups, all of which encouraged local children to develop skills through a wide range of activities. The Council would not seek to intervene to prevent the building from being hired out to other parties.

He confirmed that careful regard had been had to both Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area and in considering the effect on the setting of the listed building.

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

- do not object in principle to the upgrade of the Scout Hut as the current structure is in a dilapidated state and the new building will be put to good use by the Sea Scouts and the two local charities;
- concerns regarding the size, density and setting in the Topsham Conservation Area, the proposed materials and traffic issues in Ferry Road;
- the previous Conservation Officer had expressed the view that any increase in size, height and general style for a new Scout Hut should not result in harm to the Conservation Area and that "if there are proposals to alter it care should be taken that this simple form is respected, in particular in terms of scale and the materials used";
- the proposed cladding would be rusty in appearance and is unsuitable for a Conservation and residential area;
- pleased that South West Water will make land available for the parking of minibuses but feel that insufficient regard has been given to potential traffic problems along Ferry Road;
- object to the extra height proposed to reduce flood risk and for boat storage. The Sea Scouts are seeking to place the building "on stilts", yet the adjacent Dorothy Holman Centre has successfully installed flood doors to reduce the risk of flooding;
- appearance is inappropriate for a Conservation Area; and
- request deferral of the application for further consideration to be given to materials and the impact on the setting of the Conservation Area.

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

- local residents are strong supporters of the need for a new scout hut;
- object to three elements of this proposed building - first the inappropriate size and design in a Conservation Area, second the potential usage and third the considerable extra traffic and parking problems which could arise and may be dangerous;
- On the inappropriate size and design - the previous Conservation Officer stated in respect of an earlier Scout hut planning application - "This building (the existing Scout Hut) is a delightful example of a functional Scout building which is not grandiose or pretentious in its materials or form. If there are proposals to alter it, care should be taken that this form is respected, particularly in terms of scale and materials used";
- the case officer states that the proposal would have a neutral impact on this area. We strongly disagree, as would any Conservation officer, we suspect, since it would overwhelm a Grade II listed building only 10 metres from it;
- the Council has a statutory obligation under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 which says "special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a Conservation Area" and your own policy C1 reinforces this;
- approving the application would be to completely disregard not only these policies but also C2 and DG1;

- a site visit by the Committee might be useful.
- on the second point, usage, we are concerned about the hiring out intentions. A submitted document mentions functions ending at 11.30 pm on Friday and Saturday nights – a very different idea to that included in the case officer's selective quote about small groups for limited periods. Halyard residents abide by a noise covenant of 10.00 p.m. Any development should be limited to the same;
- the third point concerns traffic and parking problems. There is rarely any available parking near the site and no provision is made in the application for any additional parking other than for 2 minibuses. How can Highways and the Council reach an informed estimate on future traffic flows without a forecast of the intensity, numbers and frequency of usage – none of which are specified for extra hiring? Any additional vehicles other than the minibuses will compound the existing problems, and a decision to permit extra functions of any kind will appear not only to condone but to actively encourage illegal parking and dangerous traffic movements;
- the admirable aims of all three charities will not be damaged in any way by having a more acceptable building, for their own use, and with strict controls on any other hiring; and
- the applicants have not come up with a more desirable proposal.

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

- speaking on behalf of members of 1<sup>st</sup> Topsham Sea Scout group's Executive Committee;
- the plans for the building represent the culmination of many years of fund-raising, and over two years of careful deliberation, design and consultation since the existing scout 'hut' become unusable due to flooding in February 2014;
- have worked with an established local architect and project management company;
- the building design is based closely on detailed consultation with Beaver Scouts, Cub Scouts and Sea Scouts and their leaders, in order to meet their needs and close consultation with the two main partner organisations who will share use of the building - Community Action South West (CASW) and CEDA - a local charity which works with disabled adults and children;
- the design process has closely involved the current users and involved meetings with both neighbours and Trustees of the Dorothy Holman Centre to share the designs and try to address any of the concerns;
- none of the design features raises any substantive issues of noise, loss of privacy/light or increased traffic. Also, as part of the project, the entrance to the park will be significantly redesigned to improve accessibility;
- support from Joy Lovett a former First Scout Group Leader who states that a safe and secure environment would be vital for youngsters to realise their potential, the meeting space to inspire young people to be both physically active and involved in their local community. It will provide exciting opportunities and activities for young people of all backgrounds and abilities living in Topsham and the Exeter area.

He responded as follows to Members' queries:-

- while the building is slightly larger in footprint and height than the current dilapidated structure this is due to the need for the first floor of building to be above flood-level; the need for a main hall high enough for scouting games and other physical activities, and the need for modern essentials for outdoor activities such as segregated male and female toilets and changing rooms;



- the only increase in use will be modest and during the daytime (for CASW and CEDA users).
- As well as agreeing 'overflow' parking at Topsham Rugby Football Club, South West Water had agreed to make land adjacent to their access road available for up to 6 parking spaces for the users of the building;
- An appropriate curfew would be acceptable for closing times; and
- The provision of cycle ranks will be included as a condition.

The Assistant Director City Development confirmed that the submission of a Heritage Statement had not been a statutory requirement. He also advised that the distance between the facades of the Grade II Listed Buildings and the Scout Hut was 17.5 metres.

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

**RESOLVED** that authority be delegated to the Assistant Director City Development, in consultation with the Chair/Portfolio Holder, to determine the application after further consideration of the local planning authority's duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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**PLANNING APPLICATION NO. 15/0870/03 - CIVIL SERVICE CLUB AND  
PLAYING FIELDS, EXWICK ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for the creation of a new external sports pitch (3G artificial grass pitch) with perimeter fencing, floodlights, and storage container for maintenance equipment.

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

Members were supportive of upgraded sporting provision in this area noting the high quality and well managed provision proposed. They did not envisage difficulties in respect of passing members of the public along footpaths adjacent to the flood relief channel as the playing of a cricket game would be evident. They noted that Sport England had objected to the lack of provisions to ensure a satisfactory replacement of the cricket pitch but it was understood from Exeter College that confirmation of the English Cricket Board support was imminent in respect of the new cricket facility. Members requested that Exeter College be asked to ensure that those sporting bodies supporting the facility would not be seeking restrictive covenants to prevent use for other sports.

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

**RESOLVED** that, subject to the applicant:-

- addressing the requirements of the English Cricket Board and Sport England including details of the cricket pitch construction specification, implementation and maintenance;
- undertaking a risk assessment including appropriate mitigation measures and an appropriately sited cricket changing facilities; and
- completing a Section 106 Agreement under the Town and Country Planning Act 1990 covering the replacement cricket pitch and associated management measures to ensure the new pitches are available prior to use of the new artificial pitch.

the Assistant Director City Development, in consultation with the Chair, be authorised to **APPROVE** the application for the creation of a new external sports pitch (3G artificial grass pitch) with perimeter fencing, floodlights, and storage container for maintenance equipment 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 6 August 2015 (dwg nos. SS1832 03 02; SS1832 04 02; SS1832 05 02; SS1832 06 01; SS1832 07 02; SS1832 08 00 & SS1832 09 02) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The use hereby approved shall not be carried on other than between the hours of 0900 to 2200.  
**Reason:** So as not to detract from the amenities of occupants living in near-by residential property.
- 4) 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:** So as not to detract from the amenities of occupants living in nearby residential properties.

Given the objection raised by Sport England, the application be referred to the Secretary of State, via the National Planning Casework Unit in accordance with the Town and County Planning (Consultation) (England) Direction 2009 to determine whether the application should be called in.

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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#### **SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Corporate Manager Democratic and Civic Support was submitted.

**RESOLVED** that the circulated rota of site inspections be approved subject to any changes during the course of the year.

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 14 June 2016 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Prowse.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair