

PLANNING COMMITTEE

Monday 30 September 2019

Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse and Sheldon

Apologies

Councillors Foale and Sutton

Also Present

Service Lead City Development, Principal Project Manager (Development) (MD), Project Officer (KF) and Democratic Services Officer

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MINUTES

Subject to the amendment of the first paragraph of the resolution to refuse in Min. No.56 to read "the proposal is contrary to Core Planning Policy Section 4, 11, 12 and 16 of the National Planning Policy Framework, Objective 9 and Policy CP4 and Cp17 of the Exeter Local Development Framework Core Strategy and Policies H5(a) and (b), C1, C2, C3, T3, DG1 (b) (c) (d) (f) (g) and (h) of the Exeter Local Plan First Review 1995-2011" the minutes of the meeting held on 2 September 2019 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made by Members.

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PLANNING APPLICATION NO. 19/0255/RES - HOME FARM, PHASE 2

The Principal Project Manager (Development) (MD) presented the application for 'reserved matters' approval for the layout, scale, appearance and landscaping for the remainder of the Home Farm site (Phase 2) comprising 90 dwellings (14 x 2bed, 30 x 3bed, 24 x 4bed and 22 x 5 bed). He reported that the house types comprised a mix of detached, semi-detached and terraced dwellings with on-plot parking. The layout of the site was consistent in broad terms with the 'illustrative masterplan' submitted at outline stage. The new road into the site led to a number of cul-de-sacs branching off it on the northern part of the site, and then extending into the southern part of the site with dwellings on one side facing some of the open space before changing to have houses on both sides on the lower half of the site.

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

- general concern regarding developments in Pinhoe and impact on transport network;
- question the density proposed in view of the challenging nature of the topography and do not feel that the relationship with the existing buildings and landscape is appropriate. There is an adverse impact on Home Farm and other listed buildings which are part of the local distinctiveness in Pinhoe and should be protected;

- this further development is likely to exacerbate flooding problems experienced in the area and there is concern that discussions are still on-going regarding mitigation measures to prevent flooding;
- the north west corner of the site allocated for public open space also incorporates a water management scheme which should be fenced off for safety reasons.

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

- not opposed to further provision of homes but believe the scale proposed is excessive and the cumulative impact of this and other developments is detrimental to Pinhoe as a whole;
- original linear park landscape has been changed and the revised location of the play area is questioned as it is too far from houses in this development and can not be easily accessed from neighbouring developments;
- Home Farm is a valued part of the Pinhoe heritage and this development will have an adverse impact on its setting. There is also an adverse impact on the general contours of the area and the application should be deferred for further discussions with local residents;
- request a site visit to examine the concerns around flooding and the suggestion for improvements to gullies; and
- concerned that, as with other developments, non-compliance with conditions will occur.

Anthony Farnsworth spoke against the application. He raised the following points:-

- accept that the principle of development on this site has been settled. The developer has been contacted over questions of site layout, levels and treatment of boundaries as they impact upon Home Farm;
- the Planning Inspector's assurances on the impact of the development on the setting of the listed building were given before the detail of the actual layout and levels were known. The Inspector's findings refer to a different and more sympathetic layout. The current proposal does not attempt to assess the impact upon the listed building and its setting;
- in view of the scale, prominence, proximity and loss of visual permeability caused by aspects of the proposed development it is apparent that a significant detriment to the setting of the heritage asset will occur. In particular, the proximity and height of the proposed new buildings along the northern and eastern boundaries will overwhelm the architectural context of Home Farm;
- the requirement to assess the impact upon the setting of a heritage asset has not been covered;
- the proposal comprehensively severs the link between the asset and its setting and changes the character of the setting. The proposals are driven by the topography of the site and fail to be balanced by adequate consideration of setting. The developer's attempt to achieve compliance with highways requirements is at the expense of the setting of the heritage asset; and
- request deferral of the application to allow the development of a more sensitive proposal. The listed building has been here 400 years and the hill has not changed its contours. Adjustments to the proposal could achieve a more sensitive treatment of the setting of a heritage asset.

David Seaton spoke in support of the application. He raised the following points:-

- Burrington Estates, purchased the site after the appeal decision was issued

and are a regional housebuilder, not a plc, with a reputation for delivering high quality development. The site lies in two parts with the south western parcel in the process of being built out;

- the reserved matters submission was made on 19 February and since then changes made to minimise disruption to the community and proposals revised in response to comments including amended house types and ground levels to minimise unneighbourly impacts;
- the matter of impact upon Listed Buildings has been dealt with by the Inspector, and that decision must be respected.
- unfortunate that there remain some issues but every step taken in response to concerns but the objectors are seeking, to a great extent, to re-run matters that were resolved by the former appeal decision and that shouldn't be re-visited.;
- all reasonable changes that can be made to this application have already been made and, in order to minimise disruption to the local community, don't stop this development in its' tracks.

outline permission, impact on listed building; surface drainage issues and access established and agreed at appeal. Heritage Officer supportive of the proposal; and

He responded as follows to Members' queries.

- the open space area will be in a large, flat and rectangular area suitable for play activities, The alternative linear area through the middle of the site was not appropriate because of the levels. The play area is overlooked from the first floor of nearby houses; and
- house types are of a broadly similar mix to those in Phase I

The Service Lead City Development advised that a condition in respect of flood prevention measures had been agreed at outline approval and that details were subject to fine tuning by the County Council. He also stated that Historic England was not a statutory consultee on this type of application. He further advised, in general terms, on the monitoring and enforcement of conditions.

Because of the concerns expressed in respect of the impact on listed buildings and noting that Historic England was not a consultee, a Member moved deferral of the application to obtain an independent opinion from a heritage expert on the impact on listed buildings. The motion was seconded, put to the vote and lost.

The recommendation was for approval, subject to the conditions as set out in the report with the proposal that condition 5 be amended for photographic evidence to be provided of the condition of hedgerows prior to development and for these hedgerows to be protected during construction.

The recommendation was moved and seconded.

RESOLVED that planning permission for 'reserved matters' approval for the layout, scale, appearance and landscaping for the remainder of the Home Farm site (Phase 2) comprising 90 dwellings is now sought for 90 dwellings (14 x 2bed, 30 x 3bed, 24 x 4bed and 22 x 5 bed) be **APPROVED**, subject to the following conditions:-

- 1) All conditions imposed on application number 16/1576/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 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 datedwg. nos. as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) No individual dwelling comprised in the development hereby approved shall be occupied until secure cycle storage in the form of a shed within the garden as indicated on drawing no. BSL.01 Rev C has been provided and made available to serve that dwelling.
Reason - To ensure that facilities are provided for cycle storage to serve each property in the interests of encouraging the use of sustainable modes of transport.
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any dwelling within the development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house
Part 1 Class F hard surfaces
Reason: In order to protect residential and visual amenity and to prevent overdevelopment.
- 5) Notwithstanding the details shown on drawing no. ML.01 Rev D all the existing hedgerows on site shall be maintained and managed both throughout the course of construction and the subsequent occupation of the dwellings in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The submitted details will be expected to include photographic evidence of the hedgerows prior to the commencement of the development and demonstrate how the hedgerows will be managed to secure their long term retention and health, and how any additional boundary treatments alongside them will be erected so as not to compromise them in the future.
Reason: In the interests of the privacy of the occupants of both existing properties adjoining the site and the proposed properties, the visual amenities of the area and the ecological interest of the site.
- 6) No more than 50% of the dwellings hereby approved shall be occupied until the pedestrian/cycle connection to Broadparks Avenue has been approved in accordance with detailed plans which shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the said pedestrian/cycle connection shall be retained for that purpose at all times.
Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.
- 7) No part of the development hereby approved shall be brought into its intended use until the steps adjacent to plots 103/105 have been provided in accordance with details that shall previously have been submitted to and

approved in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.

- 8) Notwithstanding the details indicated on the plans hereby approved a footway adjacent to plot 63 shall be constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of plots 56 to 63.

Reason: To provide a safe and suitable access for pedestrians in accordance with Paragraph 108 of the NPPF.

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PLANNING APPLICATION NO. 19/0921/FUL - LAND AT MONMOUTH STREET, TOPSHAM

The Project Officer (KF) presented the application for the use of agricultural land for keeping of horses and construction of two stables. He confirmed that the stables would be within one stable block

Margaret Seaton spoke against the application. She raised the following points:-

- speaking on behalf of some 55 people objecting to the proposed development as concerned that this is the first stage to housing, as happened with the recent boathouse to house in Topsham
- objecting also to disturbance to a wildlife haven and destroying an undeveloped natural landscape;
- will lead to an increase in vermin, flies and smell in a location adjacent to housing;
- the land was historically used as a market garden and not for livestock;
- the land contains a registered priority habitat, is within the lapwing and redshank consultation zones and is in close proximity to the Exe Estuary Ramsar Site Site of Special Scientific Interest and Special Protection Area. It is also a wetland site of international importance;
- there is a risk that any stables erected are subsequently converted into dwelling houses via a change of use or used to facilitate the grant of permission for dwelling houses in the future;
- there would be a number of overriding objections to the grant of planning permission for the construction of dwelling houses on the application site following from the landscape setting policy and Local Plan for Exeter;
- object to the application for permission to construct stables; and
- if granted, it should be subject to a condition that the application site is not further developed into or used for the construction of dwelling houses.

In response to queries, Members were advised that the highway authority was satisfied with the access and that it was not appropriate to seek to limit the number of horses or condition the arrangements in respect of water supply. Given the main concern of objectors that the proposal could be a precursor for future housing, Members acknowledged that any such proposal was subject to the consideration of applications by this Committee and that this site in any case was not considered appropriate for housing.

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

The recommendation was moved and seconded.

RESOLVED that the use of agricultural land for keeping of horses and construction of two stables be **APPROVED**, subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- 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 08 July 2019 (including dwgs. LOCATION PLAN 19-013 1-0001 REVISION C and PROPOSED 19-013 0-0001 REVISION A) and 10 September 2019 as modified by other conditions of this consent.

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

- 3) The development hereby approved shall be carried out and managed strictly in accordance with the approved measures and provisions of the Ecological Report

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area in compliance with Policy LS4.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Service Lead 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 INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 15 October 2019 at 9.30 a.m. The Councillors attending will be Ghusain, Harvey and Mrs Henson.

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UPDATE SHEET

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair