

PLANNING COMMITTEE
(HELD AS A VIRTUAL MEETING)

Thursday 17 September 2020

Present:-

Councillors Bialyk, Branston, Foale, Harvey, Mrs Henson, Mitchell, M, Morse, Sparkes and Wright

Apologies

Councillors Williams, Ghusain, Hannaford and Sutton

Also Present

Director City Development, Housing & Supporting People, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

67 **APPOINTMENT OF CHAIR FOR THE MEETING**

In the absence of Councillor Williams, the Deputy Chair, Councillor Morse was appointed Chair for this meeting.

68 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

69 **PLANNING APPLICATION NO. 20/0293/FUL - 89 MOUNT PLEASANT ROAD, EXETER**

The Assistant Service Lead City Development (RC) presented the application for the change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4).

The proposal related to a two storey three-bedroom mid-terrace dwelling located within a zone where the Council had applied an Article 4 Direction in 2011 to restrict changes of use from Class C3 (dwelling) to Class C4 (House in Multiple Occupation, or HMO). The objective had been to ensure the maintenance of balanced communities and to prevent streets being dominated by short stay student residents, which leaves properties vacant for significant periods outside of the academic terms.

This property was in student HMO use prior to 2013 when the applicant bought the property and, through Permitted Development, converted it back to a Class C3 dwelling. After a period of six years, the applicant has concluded that the dwelling was not suitable for normal family life and therefore wished to move. He sought planning permission for a change of use back to a Class C4 HMO.

Mrs Partridge spoke in support of the application.

- the house has been on the market for over a year. Since June, there had been a lot of interest, but no offers received;
- although consideration had been given to further reducing the price, two estate agents had suggested that the property should be listed at a higher price so the asking price had not been reduced;

- lockdown has been particularly difficult with increased time in close proximity to neighbours in the Salvation Army house with more anti-social behaviour issues such as loud music. The Salvation Army management had been supportive, trying to remedy the situation, but the issue remains;
- the exceptional circumstances in the planning policy is as if it had been written about the house. C4 restrictions in part recognise how difficult it is for home owners to be surrounded by HMO's and are designed to protect them. In this situation it is too late for the policy to make a difference to the immediate area; and
- the feedback is the same - people do not want to buy a house which is surrounded by HMO's. It is not felt that the home is safe for the children to play in the garden and where there is little opportunity for long term relationships to be built with neighbours.

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

The recommendation was moved and seconded.

RESOLVED that planning permission for the change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4) 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 28 February 2020 as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.

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**PLANNING APPLICATION NO. 20/0437/FUL - LAND TO THE NORTH EAST OF
NEWCOURT ROAD, TOPSHAM, EXETER**

The Principal Project Manager (Development) (MH) presented the application for residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works.

The Principal Project Manager (Development) referred to the key issues of design and layout, sustainable construction, economic benefits, flood risk and impact on local highways, heritage assets and trees and biodiversity and highlighted:-

- absence of a five year land supply;
- same access off Newcourt Road as agreed in the earlier planning approval;
- the location was considered to be sustainable and the proposal was acceptable in its design and general visual impact;
- the proposal was not considered to be of any significant harm to neighbouring residential amenity; and
- provision of both affordable and open market homes.

The Principal Project Manager (Development) responded as follows to Members'

queries:-

- materials for the highways were of the necessary standards to cope with refuse vehicles
- play equipment was not proposed for the area of open space as this was not merited because of the size of the development;
- the developer would be encouraged to provide hedgerows early in the development;
- no access was proposed through Yeomans Gardens where the developer did not own the necessary land.
- the developer had brought forward another development in Exeter.

Stella McLarin spoke against the application. She raised the following points:-

- speaking on behalf of many neighbours;
- the development, plus the adjacent one of seven houses; will increase the population of Newcourt Road by about 50%, spoil its country feel and set a precedent for other developments;
- a 19% reduction in CO2 emissions is inadequate;
- there has been a material change in the use of Newcourt Road as a result of Covid-19 with significantly higher cycle and pedestrian use, so the traffic surveys of 2018 and 2019 are out of date. Traffic will increase by 40% as a result of this development;
- the increased number of houses incorporates overt provision for an access to be put through to Yeomans Gardens which will leave dormice colonies potentially isolated and a new biodiversity report is required;
- no account of the requirement to erect an acoustic fence along the boundary with the railway line which is an increasingly important wildlife corridor;
- all objections were referred to in GESP publications;
- hedges may not be retained in the future;
- lorry deliveries should all be outside peak hours as schoolchildren cycle along the road and people walk on the road, not the pavement;
- lack of clarity as to where the two metre wide footpath will be provided;
- covenants are required on the houses to maintain hedgerows in the future;
- clarification required on the provision of a new sewer along most of Newcourt Road as many properties are on septic tanks; and
- the four areas of objection are Traffic, Wildlife/Environment, Sustainability and Infrastructure and the development constitutes significant harm to neighbouring amenities.

Catherine Knee spoke in support of the application. She raised the following points:-

- Strongvox Homes is an award-winning private housing developer building and selling on a number of developments in the south west offering a range of family homes, including affordable properties. All sites are designed to be sympathetic to their surroundings, with homes displaying character and individuality;
- the principle of developing the application site for housing was established in December of last year when outline permission was approved;
- a high-quality design and layout that deliver 27 dwellings on the application site, comprising of a suitable mix of 1, 2, 3, 4 and 5 bedroom homes;
- the proposal includes a footpath along the site's frontage which will be of benefit to highway safety and all existing pedestrians using this section of the road. A replacement hedgerow will be provided within the site, setback behind

the new footpath. All other boundary hedgerows will be retained. A central open space will form the focal point of the development. The proposed space standards and garden sizes for all dwellings accord with policy;

- no outstanding objections from statutory consultees, including Devon County Highways and the Local Flood Authority;
- will deliver a policy compliant 35% level of affordable housing and a contribution of £11,322 will be made towards enhancing GP facilities in Topsham; and
- the application accords with City Council policies and contributes towards the Council's five year housing land supply.

One Member was opposed to the development as it would bring additional traffic along Newcourt Road which would exacerbate highway conditions and the safety of pedestrians and cyclists.

The recommendations were for approval, subject to the conditions as set out in the report.

The recommendation was moved and seconded.

RESOLVED that:-

- (1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

- affordable housing, including financial contribution in lieu of part unit;
- open space provision, maintenance and public access in perpetuity;
- contribution of £11,322 towards enhanced GP facilities/provision in the locality;
- £250 per dwelling towards sustainable travel measures in the area;
- £3,000 Traffic Regulation Order to extend 20mph zone into the development; and
- all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works, subject also 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 1st April, 16th June and 10th July 2020 (including dwg. nos. 0702-101, 0702-102 Rev A, 0702-103 Rev A, 0702-104 Rev A, 0701-105 Rev A, 0702-106 Rev A, 0702-107 Rev A, 0702-108 Rev A, 0702-109 Rev A, 0702-110 Rev A, 0702-111, 0702-112, Rev A, 0702-113, Topsham-C-100_002-A- Proposed Site Sections Rev A, 3274_L_LMP_0_01 Rev H, 3274_L_LMP_3_01 Rev B, 3274_L_LMP_3_02 Rev B, Planting Schedule Rev A, 12952/P05, Garden Areas Schedule,

Parking Matrix, 0702-300, 0702-301, 0702-302, 0702-303, 0702-304, 0702-305, 0702-306, 0702-307, 0702-308, 0702-309, 0702-310, 0702-311, 0702-312, 0702-313, 0702-314, 0702-315, 0702-316, 0702-317, 0702-318, 0702-319, 0702-320, and 0702-321) as modified by other conditions of this consent.

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

3) Pre-commencement condition: 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 the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. 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 for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

4) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage. The approved Statement shall be strictly adhered to throughout the construction period of the development.

5) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP

calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

6) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

7) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area and a plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

8) The development hereby approved shall be implemented and maintained strictly in accordance with the submitted Flood Risk Assessment & Drainage Strategy Report dated July 2020 Rev A prepared by Spring Design.

Reason: To ensure that the scheme is implemented in accordance with an agreed framework and drainage strategy in the interests of ensuring that the drainage impacts of the proposal are acceptable and sustainable.

9) 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.

10) The development hereby approved shall be implemented in accordance with the provisions and mitigation measures contained within the submitted Ecological Assessment Report Ref 12952_R01_RR-MM and the Biodiversity Management and Enhancement Plan Report Ref 12952_R02c_JP_HM dated 24th March 2020 prepared by Tyler Grange (as updated by the Bat and Bird Box location plan drawing no. 12952/P05 dated July 2020). Thereafter the mitigation measures specified shall be maintained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the scheme is implemented to protect the existing ecological interest of the site through appropriate mitigation and to enhance the ecological value of the site.

11) The development hereby approved shall be implemented in accordance with the submitted 'Method Statement for a programme of Archaeological Work' prepared by AC archaeology report ref no: ACD2231/1/1 dated March 2020.

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

12) All external lighting comprised in the development shall be installed and maintained in accordance with the specifications set out and specified with the Lighting Impact Assessment prepared by Designs for Lighting report ref no: 1409-DFL-LIA-001 Rev D dated 08.07.2020.

Reason - To minimise the potential for light pollution and create an acceptable residential environment for future occupants of the dwellings.

13) None of dwellings comprising plots 9 to 20 shall be occupied until the mitigation measures outlined in Clarke Saunders's Acoustic Design Statement (report ref: AS11066.200326.R2.3, dated 26.0.20), including the specific boundary treatments referred to in paragraphs 4.8.7 and 4.8.8, have been implemented in full and evidence that the mitigation measures have been implemented has been provided to the Local Planning Authority. Mitigation measures shall be maintained thereafter.

Reason - To ensure that a satisfactory environment in terms of residential amenity and protection from noise is created for potential occupants of the properties.

14) In the event of failure of any trees or shrubs, planted in accordance with the landscaping scheme hereby 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.

15) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

16) The dwellings hereby approved on plots 11, 21, 22 and 27 shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

17) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling, as indicate on drawings no's 0702-102 Rev A and 0702-109 Rev A, has been provided and made available for use by the occupant. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

18) No part of the development hereby approved shall be brought into its intended use until the 2.0m footway fronting Newcourt Road, visibility splays, carriageway widening and the vehicular access point as shown on drawing ref. Topsham-C-1300_001-A - S278 General Arrangement Plan have been provided and maintained in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy CP9 of the Core Strategy (February 2012).

19) No part of the development shall be occupied until a travel plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

Informatives

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will

be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

5) The applicant's attention is drawn to the requirements of Network Rail set out in their emailed communication dated 29th May 2020.

(2) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 7 March 2021 or such extended time as agreed by the Service Lead City Development

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development, Housing and Supporting People 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.

(The meeting commenced at 5.30 pm and closed at 6.18 pm)

Chair

DRAFT