

**PLANNING COMMITTEE**  
**(HELD AS A VIRTUAL MEETING)**

Monday 4 May 2020

**Present:-**

Councillor Lyons (Chair)

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

**Also Present**

Director (BA), Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MD), Principal Project Manager (Development) (PJ), Project Manager (Planning), Project Officer (KF) Democratic Services Officer (MD), Democratic Services Officer (HB)

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**DECLARATIONS OF INTEREST**

Councillor Morse declared an interest and did not participate in the meeting during consideration of Min. No. 37 below.

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**PLANNING APPLICATION NO. 20/0194/ECC - THE NIGHT SHELTER,  
MAGDALEN STREET, EXETER**

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and did not participate in the meeting during consideration of this item.

The Chair reported that it had not been possible to determine the application for the amendment to reference 18/1031/ECC to include all year round Night Shelter and Community Facility (Sui Generis) for homeless people at the meeting of this Committee on 27 April 2020 due to its adjournment as a result of a nationwide outage of Virgin Media broadband which had interrupted the live streamed coverage of the meeting via Facebook. Because of this, it was necessary to re-affirm the decision taken on this application considered at that meeting.

The recommendation to re-affirm the decision of this Committee made on 27 April to approve the application was moved, seconded and carried unanimously.

**RESOLVED** that planning permission for the amendment to reference 18/1031/ECC to include all year round Night Shelter and Community Facility (Sui Generis) for homeless people 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 and use hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 February 2020 as modified by other conditions of this consent.

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

- 3) Occupation shall be managed in accordance with the hereby approved Management Plan (16-04-2020\_Annex\_D) submitted with the application and not commence until the agreed measures have been put in place. Any future amendments of this Management Plan shall be approved in writing by Local Planning Authority and include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time.

Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

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**PLANNING APPLICATION NO. 19/0962/FUL - LAND OFF PULLING ROAD, PINHOE**

The Principal Project Manager (Development) (PJ) presented the application for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure.

The Principal Project Manager (Development) advised that the application had been deferred at the February meeting of this Committee for the applicant to consider changes sought by Members. He reported the following:-

- an increase in affordable housing provision from 6 to 10 out of 40 units, that is, from 15% to 25%, including six socially rented units;
- parking spaces reduced by four to 82 spaces in respect of two of the larger units and the number of visitor spaces increased to allow for greater flexibility;
- Verto Homes did not wish to pursue a car free development; and
- additional electric vehicle charging points were not considered necessary as, where there were two or more cars at a particular property, a requirement for two charging points was unlikely.

The Principal Project Manager (Development) also reported three additional letters of objection reiterating previously reported concerns. He further reported proposed amended conditions relating to landscaping on the southern boundary (condition 6) as requested by a neighbour and more specific use defined for the north east emergency access (condition 17). In respect of the latter, concern had been expressed about its suitability, but the Highway Authority had not objected, subject to its minimal use. Verto Homes, who had the right of access, were consulting land owners on this matter.

The Principal Project Manager (Development) responded to Members' queries:-

- the sole access to the site was in the south west corner and the removal of the suggested access for emergency vehicles in the northeast corner of the site could be achieved; and
- the Pinhoe Area Access Strategy was a Devon County Council Highways document.

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

- would welcome a zero carbon development if it was not in Pinhoe;
- Pinhoe suffers from increasing traffic congestion and decreasing air quality, both will be exacerbated by developments currently being built including Pinhoe Quarry which has planning permission for 340 houses. Vehicle access for The Quarry is off Harrington Lane. All traffic for Verto Homes will also need to go along Harrington Lane, to reach the vehicle access off Bourne Rise. The need to encourage sustainable travel options is vital in this location;
- the resubmitted plans have reduced the overall number of parking spaces by 4, which still leaves 29 of the 40 houses with two parking spaces. Pinhoe has co cars available, which reduces the need for households to own a second car. Suggest that 20 of the 40 houses need to be limited to one parking space, to reduce the negative impact of the development on Pinhoe's environment; and
- the Coronavirus Lockdown has emphasised the need for additional affordable housing and, as such, the affordable housing provision should be increased to 30%.

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

- would support development if in an appropriate location but cannot support a further development in Pinhoe in this location;
- this area of Pinhoe has a limited road infrastructure and a further development on the same side of Harrington Lane as the Church Hill and Pinhoe Quarry developments will lead to increased traffic problems and congestion;
- the traffic problems from the 340 new houses at the Quarry could have been alleviated by the provision of an Exhibition Way Link Road but this is not going ahead and additional traffic will have to be absorbed by the existing, overworked traffic network;
- individual developments across Pinhoe have been assessed as not having an impact on traffic but, taken together, the impact will be aggregated and the effect severe. Traffic now exceeds capacity;
- the location and design of the site is poor;
- developments are to be mitigated by contributions to a Pinhoe Area Access Strategy but the status and consultation process on this strategy is unclear and further information is necessary to understand how mitigation measures can reduce the impact on Harrington Road; and
- uncertainty over the need for an emergency access requires clarification.

Mrs Radford spoke against the application. She raised the following points:-

- further information and objections have come forward since the Planning Committee meeting on 10 February 2020;
- the loss of the Exhibition Way Link Road has increased pressure on the road network and the volume of traffic on Harrington Lane which will be compounded by some 380 dwellings at the Pinhoe Quarry site;
- Pinhoe suffers from severe traffic congestion and the Primary school has parking and traffic issues which the new development will compound;
- access is convoluted and will be exacerbated by a one way passing point so emergency access is needed to the north east of the site along a third party private driveway to Church Hill. However, there is no guarantee that this access will be maintained as it is beyond the control of the developer;
- traffic on Harrington Lane will be compounded by the Pulling Road and Quarry developments and is not addressed by the County Council's proposed Pinhoe Area Access Strategy;
- reduced air quality even though the public are encouraged to use

- sustainable transport;
- developer must adhere to the correct number of affordable houses;
- further investigation required on drainage arrangements from the Quarry site; and
- the green belt around Exeter and the ecosystem must be protected.

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

- Verto is adapting to a very different set of circumstances and wishes to continue to make a significant contribution to the economy;
- affordable housing increased to 25% as a reduced profit margin has been accepted. The Council's consultant has agreed that there is a clear case for reduced levels of provision. Any premium achieved for these homes will effectively be eroded by the additional building costs which are significant and which are recognised by the consultants;
- the development reflects Verto's desire to deliver zero carbon homes in Exeter;
- the inclusion of additional EV charging points has been explored and the number of parking spaces reduced;
- confirm that the rights of access for adjoining landowners will not be impeded. The applicant was not able to reach an agreement with the landowner for the Bourne Rise access;
- the applicant has made a number of significant concessions and the proposal now strikes a much better balance;
- much needed market and affordable homes will be provided; and
- the development reflects the City Council goal of becoming carbon neutral by 2030.

He responded as follows to Members' queries:-

- contributions by the developer include £700,000 towards abnormal ground works, £215,000 towards infrastructure and access, £408,000 for cut and fill, £158,000 towards other abnormal costs, £208,000 towards education provision and costs for split level housing and engineering; and
- discount market sale housing and general mix reflects advice received from the Council's consultant in line with the 2019 National Planning Policy Framework guidelines, the detail of delivery to be agreed through the Section 106 Agreement.

Members expressed the following views:-

- disappointment that affordable housing provision was less than the City Council policy compliant level of 35% and 30% could be a better compromise as well as concern regarding the high specification which mitigates against additional housing provision;
- concerns regarding access arrangements including the one way system and with only one access for 40 properties as well as additional traffic on Harrington Lane;
- question requirement for the emergency access which will only be used by pedestrian and cyclists to cut through the estate onto Church Hill which will create dangerous traffic conditions;
- Pinhoe Area Access Strategy is flawed and has not been properly considered by the County Council, particularly in respect of future bus service provision;
- welcome 40 new zero carbon homes in a difficult location which represents

approximately 6% of total house provision at the Pinhoe Quarry, Home Farm and Brickwork sites; and

- high quality zero carbon accommodation suitable for edge of city development and provision of further homes is welcomed.

The Principal Project Manager (Development) (MD) advised that the number of discounted market sales housing was policy compliant and reminded members that the independent valuer appointed by the Council had concluded that 15% affordable housing was acceptable, whereas the developer was offering 25%. Further, should the application be refused due to insufficient affordable housing, this may result in a lower proportion of affordable housing being achieved should it go to appeal. The Principal Project Manager (Development) (MD) also advised that Devon County Council as Local Highway Authority had not objected to the application and read out paragraph 109 of the National Planning Policy Framework (2019) advising when local planning authorities should refuse applications on highways grounds. He advised that members should clarify which parts of the local highway network they had specific concerns about if they refused it on this basis.

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

A proposal to remove the emergency access from the development, as covered by condition 17, was moved, seconded and carried on the casting vote of the Chair.

The recommendation, as amended, was moved, seconded and carried by majority.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 in respect of affordable housings, a financial contribution towards highway (£130,000), educational contribution (£178,995) and open space/children play facilities in the area to be agreed, planning permission for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure be **APPROVED**, 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 91-92 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 15 January 2020 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. 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) 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 control the emission of dust and dirt during construction.
- h) no burning on site during construction or site preparation works.
- i) measures to minimise noise nuisance to neighbours from plant and machinery.
- j) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) no driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason:- In the interests of the occupants of nearby buildings.

- 5) 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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- 6) A detailed scheme for landscaping, including the planting of trees and/or shrubs (in particular in respect of the southern boundary), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit shall be occupied 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.

- 7) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of 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.

- 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.
- 9) 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.
- 10) Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.  
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 11) Prior to the construction of any culvert supporting a new highway, a detailed Approval In Principle for the footbridge shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).  
Reason: To ensure the integrity of adjacent structures and land
- 12) No part of the development hereby approved shall be brought into its intended use until the priority access on Pulling Road, including localised widening of Pulling Road and associated footways, as indicated on *Drawing No. 100 Rev E* have been provided to the site boundary in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority  
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.
- 13) No part of the development hereby approved shall be brought into its intended use until the footpath linking the site to Pinhoe Quarry have been

provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.

- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

- 15) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To ensure that adequate facilities are made available for cycle provision.

- 16) Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority.

Reason - To ensure that all occupants of the development are aware of the available sustainable travel options.

- 17) Pre-Commencement Condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a technical report in the form of a predicated Energy Performance Certificate (EPC) and Predicated Energy Assessment (SAP) in line with Standard Assessment Procedure (SAP) 2012 which demonstrates a net zero carbon emissions. The measures necessary to achieve this 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: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 18) Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the



development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- 19) 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, in consultation with Devon County Council as the Lead Local Flood 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: 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.

### **Informatives**

1. In accordance with paragraphs 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

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](http://www.exeter.gov.uk/cil).

### **PLANNING APPLICATION NO. 19/1767/FUL - QUAY GARDENS, MONMOUTH AVENUE, TOPSHAM**

The Principal Project Manager (Planning) (PJ) presented the application for the construction of a detached two bedroom house with an integral garage.

The Principal Project Manager (Planning) reported a late letter of objection that the access was of insufficient width to accommodate additional traffic. He reported changes made to the proposal since a previous refusal including the retention of trees adjoining Holman Way, provision of a boundary hedge and the removal of a first floor section of the build over the garage, which had reduced the massing allowing Quay Gardens to remain the dominant feature.

Mr Harwood spoke against the application. He raised the following points:-

- welcome the retention of two mature trees but believe previous reasons for refusal still apply;
- development still has an overbearing impact on Quay Gardens House;
- effect of the proposed planting is cosmetic;
- the relocation of a large summerhouse, now used as a studio, is similar in height and footprint to the proposed double garage, and will also adversely affect the setting;
- the proposed development will tower over the junction of Holman Way and Fore Street and will impact adversely on the wider Topsham Conservation Area and have an overbearing impact on the cluster of historic buildings around the Quay and on neighbouring properties and gardens;
- the site lies at the end of a long and narrow private drive whose junction with Monmouth Avenue has poor visibility with the drive serving at least six properties and the final 30 metre section does not meet Devon County Council's Highways advice for private drives longer than 25 metre and serving up to three dwellings. It is less than three metres wide for its entire length and there are no inter-visible parking bays;
- potential damage to the boundary walls and fences of other properties during construction; and
- the only public benefit is the addition of one unit to the housing stock. The potential cost is a significant negative impact on the character and appearance of a treasured part of the Topsham Conservation Area, and the setting of some of its oldest buildings.

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

- confirmation that the new building in the garden fits with the Local Plan;
- the current design meets all relevant requirements of traffic, conservation area, listed buildings, trees, habitat, design and residential amenity;
- the Quay Gardens site has 14 properties on its boundaries with many requests from neighbours to alter the garden which have been accommodated as far as possible including the planting scheme;
- have worked with various professionals to address objections in respect of trees, hedges and impact on conservation area and listed buildings;
- the trees, mentioned in most objections, will be retained as well as the hedge;
- in respect of the impact on the conservation area and listed buildings, changes have been made which reduce the scale and massing and vertical planting provided for the redesign of the south east wall;
- of the 14 neighbours adjoining, one is supportive, one objecting which has been addressed with the retention of the hedge and one neutral; and
- the proposal does not try to replicate a pastiche of designs that have evolved in Topsham but is contemporary and fits in with narrative of changing designs over time.

Members felt that a contemporary building would not impact adversely on the Conservation Area.

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

The recommendation was moved and seconded and carried by majority.

**RESOLVED** that, subject to the planning permission for the construction of a detached two bedroom house with an integral garage 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 17 December 2019 (including dwg. nos. 19/003/31 Rev A; 19/003/32 Rev A; 19/003/33 Rev A; 19/003/35 Rev A; 19/003/36 Rev A received on 05 March 2020; 19/003/34 Rev B Received on 01 April 2020; 19/003/30 Rev B Received on 08 April 2020) as modified by other conditions of this consent.  
Reason: In order to ensure compliance with the approved drawings.
- 3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.
- 4) Samples of the materials it is intended to use externally in the construction of the development (including the natural stone cladding; cedar cladding; bricks and roof membrane) 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.
- 5) 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 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 5837:2012 - Trees in Relation to Design, demolition and 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 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.
- 6) A detailed scheme for landscaping, including the planting of trees and or shrubs, the planting to the southeast elevation, the use of surface materials

and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied 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. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 7) Pre commencement condition: 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 for pre commencement condition: 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.

### **Informatives**

1. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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).

3. Advice on controlling the emissions from and health impacts of wood burning is available from [https://uk.air.defra.gov.uk/assets/documents/reports/cat09/1901291307\\_Ready\\_to\\_Burn\\_Web.pdf](https://uk.air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Ready_to_Burn_Web.pdf). It is recommended that all new stoves meet the EcoDesign Ready standard.  
In addition, careful design of the flue may be required in order to prevent the appliance causing a nuisance by fume or odours.  
For further advice, please contact the Environmental Protection Unit on 01392 265148.
4. 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](http://www.exeter.gov.uk/cil)

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#### **PLANNING APPLICATION NO. 20/0013/FUL - 37 ARGYLL ROAD, EXETER**

The Project Officer (KF) presented the application for the change of use from six person HMO (C4) to seven person HMO (Sui Generis) and single storey rear extension.

Members expressed the following views:-

- evidence of an increase in anti-social behaviour with increased size of Houses in Multiple Occupation;
- unacceptable scale and impact on the site itself and neighbouring properties;
- increased parking and associated congestion;
- less chance of such properties being used as a family home; and
- the addition of one person is unlikely to lead to anti-social behaviour.

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

The recommendation was moved, seconded and carried by majority.

**RESOLVED** that planning permission for the change of use from six person HMO (C4) to seven person HMO (Sui Generis) and single storey rear extension 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 approved details received by the Local Planning Authority on 14 April 2020 (including dwgs. *REVISED Block Plan, REVISED Ground Floor Layout and REVISED First Floor Layout*) and 15 April 2020 (*Management Statement*).  
Reason: In order to ensure compliance with the approved drawings and in adherence with policies CP4, CP5, DG1, DG4 and H5.
- 3) Prior to occupation of the House in Multiple Occupation hereby approved, the extension shall be constructed and completed in accordance with the approved details.  
Reason: To ensure the future occupiers have an appropriately sized living space and a good quality of residential amenity in compliance with policies with CP4, H5 and DG4.
- 4) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

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

The report of the Director (BA) 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 7.09 pm)

Chair