

PLANNING COMMITTEE

Monday 12 October 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, D Baldwin, P J Brock, Edwards, Martin, Mitchell, Newby, Prowse, Taghdissian and Wadham

Also Present

Director Economy and Development, Head of Planning and Building Control, Head of Legal Services, Senior Area Planner, Planning Technician (ID) and Member Services Officer (SJS)

132

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

133

PLANNING APPLICATION NO.09/1237/03 & CONSERVATION AREA CONSENT NO. 09/1238/14 - 13 LYNDHURST ROAD, EXETER, EX2 4PA

The Senior Area Planning Officer presented the planning application for the redevelopment to provide 6 dwellings, parking, alterations to access and associated works and the conservation area consent for the demolition of a dwelling at 13 Lyndhurst Road, Exeter.

At the 30 June 2009 Planning Committee, Members refused an application for one detached and 6 terraced dwellings. Following this refusal this application had been revised to incorporate one less dwelling and to amend the previous terrace to two pairs of semi-detached dwellings. Some of the more important trees would be retained and a total of 14 parking spaces were proposed including garages.

An update sheet was circulated to Members stating that the observations of the Archaeology Officer had been received and that he recommended an additional condition regarding archaeological recording.

The recommendations for the planning application and conservation area consent were for approval subject to conditions as per the report and the additional archaeological recording condition.

Mr Challans spoke in opposition to this item. He raised the following points:-

- the applicant had not consulted local residents on this application
- this proposal would cause a family to be evicted and a family dwelling to be demolished
- the objections had increased on this application to 78 from 58 on the previous refused scheme
- the development was unacceptable by way of its height, design and roof terraces which would cause loss of privacy to neighbouring properties
- the applicants had made minimum alterations to this revised application
- the Council's guidelines stated that there should be 22 metres between habitable windows; there was only 17 metres to his kitchen window and 13 metres to 13a Lyndhurst Road
- the reasons for the refusal on the previous scheme still applied to this proposal

- accepted that there would be development on this site; but it should be of a better quality than the submitted application.

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

- the reasons for the refusal on the 30 June 2009 still applied to this application
- there had been no significant change to this application from the refused scheme
- the applicants had not consulted local residents and Ward Councillors
- the density was too high and the distances to neighbouring properties too close
- asked the Committee to refuse the application for the same reasons as the previous application.

In response to a Member, Councillor Shiel clarified that local residents accepted that there would be development on this site although this proposal was too high a density and too close to neighbouring properties.

Whilst some Members felt that the reasons for the previous refusal had been addressed by this revised application, other Members were of the opinion that the proposal was unacceptable because of its height, density and overlooking, caused by the distance between windows in the development and neighbouring properties and the roof terraces.

In answer to a Member's questions, the Senior Planning Officer stated that the distance between the windows was acceptable as the relationship would be oblique and the 22 metre guideline applied to windows in a straight line.

Members were of the opinion that the planning application should be refused for reasons of the unacceptable massing, over development, negative impact on the neighbouring properties due to loss of privacy and overlooking and the development was out of character with the conservation area. The conservation area consent should be refused for the reason that there was no approved scheme for the site.

RESOLVED that planning permission for redevelopment to provide 6 dwellings, parking, alterations to access and associated works be **refused** for the following reason:-

- (1) The proposal relates to a site located within the St Leonard's Conservation Area. The proposal is contrary to Policies ST1, CO7 and CO6 of the Devon Structure Plan 2001 to 2016 and Policies C1, DG1, DG4 and H2 of the Exeter Local Plan First Review 1995 to 2011 because:
 - (i) the proposal constitutes an overdevelopment of a constrained site, presenting a cramped form of development, unsympathetic with and detrimental to the character of the area.
 - (ii) the siting, number, scale and height of the building would be overbearing and dominant and therefore detrimental to visual amenities of the occupiers of adjacent properties;
 - (iii) the proposed design, by reason of its inclusion of balconies would cause a loss of privacy to neighbouring residents; and
 - (iv) the proposal would neither preserve nor enhance the character and appearance of the Conservation Area.

RESOLVED that conservation area consent for the demolition of a dwelling be **refused** for the following reason:-

- (1) The proposal is contrary to Policy CO7 of the Devon Structure Plan 2001 to 2016 and Policy C1 of the Exeter Local Plan First Review because no detailed planning permission exists for the replacement of the building proposed to be demolished. The proposed demolition would therefore neither preserve nor enhance the character and appearance of the St. Leonard's Conservation Area within which the site is located.

(Report circulated)

134

**PLANNING APPLICATION NO.09/832/01 - ST LOYES FOUNDATION,
TOPSHAM ROAD, EXETER, EX2 6EP**

The Head of Planning and Building Control presented the planning application for the redevelopment to form a retirement village at the former St Loyes Foundation site on Topsham Road, Exeter.

The application would comprise the retention of Fairfield Lodge for use as a heritage centre, refurbishment and conversion of Fairfield House to provide two retirement apartments and an Estate Manager's unit, partial demolition, conversion and extension of Springbok Hall to provide a Central Facilities Building and two retirement units, demolition of remaining existing buildings, construction of a further 202 retirement homes, 50 Extra Care housing units, 50 bed residential care home and associated roads, footpaths, cycle and car parking spaces, open space, balancing pond and associated landscaping works.

The Head of Planning and Building Control stated that this application had been deferred from the Planning Committee on the 27 July 2009 to allow for further discussion regarding the affordable housing contribution. The Head of Housing Services now had no objections to the revised offer.

Members were informed that Sport England commented that the £250,000 contribution for the loss of sports pitches may not cover the proposed mitigation package of facilities at Wonford Playing Fields. The Head of Planning and Building Control stated that the sum proposed was reasonable and that the applicants had agreed that the funds did not need to be ring fenced and could be used elsewhere in the city should they not be able to be spent at Wonford Playing Field.

An update sheet was circulated to Members giving details of the observations of the Devon County Council Strategic Commissioning Manager for Extra Care Schemes, the applicant's offer of affordable housing contribution, comments from the Head of Housing Services and the changes proposed to the Section 106 agreement.

The recommendation was for approval subject to a Section 106 agreement specifying age restrictions on occupiers of the site; appropriate mitigation for the loss of sports pitches (total £250,000); affordable housing (50 on-site extra care units and £1.85 million off-site contribution); and provision for the long term storage of archaeological finds and the public display of the special ones (£35,000) and conditions as per the report.

Mr Flintoff spoke in support of the item. He raised the following points:-

- had worked closely with City Council officers on this development
- the Grade II listed Fairfield Lodge would be retained
- Springbok Hall would provide a focal building within the development
- would enhance the landscape of the area and be contributing towards improvements to Wonford Playing Field
- would be providing the required 25% affordable housing
- the site was in a sustainable location on main bus routes

- the existing right of way would be improved and a new public right of way was proposed on the southern boundary of the site.

In response to a Member, Mr Flintoff stated that there would be a limited number of maintenance staff on site although contractors would be used to undertake the heavier maintenance work.

Members welcomed this proposal and were pleased with the outcome of the affordable housing contribution.

In response to a Member, the Head of Planning and Building Control stated that a Construction Environment Management Plan was a requirement of condition 22 and times of construction traffic could be considered to address the need to avoid adding to congestion at peak commuter times on Topsham Road.

RESOLVED that planning permission for redevelopment to form a retirement village comprising the retention of Fairfield Lodge for use as a heritage centre, refurbishment and conversion of Fairfield House to provide two retirement apartments and an Estate Manager's unit, partial demolition, conversion and extension of Springbok Hall to provide a Central Facilities Building and two retirement units, demolition of remaining existing buildings, construction of a further 202 retirement homes, 50 Extra Care housing units, 50 bed residential care home and associated roads, footpaths, cycle and car parking spaces, open space, balancing pond and associated landscaping works and ancillary works and structures be **approved** subject to a Section 106 Agreement specifying age restrictions on occupiers of the site; appropriate mitigation for the loss of sports pitches (total £250,000); affordable housing (50 on-site extra care units and £1.85 million off-site contribution); and provision for the long term storage of archaeological finds and the public display of the special ones (£35,000) and the following conditions:-

- 1) C01 - Standard Outline
- 2) C07 - Time Limit - Outline
- 3) C15 - Compliance with Drawings
- 4) C12 - Drainage Details
- 5) Prior to the commencement of the development, a detailed Sustainable Urban Drainage Scheme (SUDs) for the disposal of surface water associated with the development, which conforms with the strategic approach set out in the submitted Flood Risk Assessment dated May 2009, shall be submitted to and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.
Reason: To ensure that the arrangements for disposal of surface water associated with the development are satisfactory and to minimise the potential for flooding arising from the development of the site.
- 6) C17 - Submission of Materials
- 7) C38 - Trees - Temporary Fencing
- 8) Prior to the commencement of the development hereby approved detailed plans of the design, layout and lighting of the public footpath crossing the centre of the site, and the phasing of its construction, shall be submitted to,

and be approved in writing by, the Local Planning Authority. Thereafter the footpath shall be provided and maintained strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the public footpath crossing the site is satisfactorily incorporated into the overall layout of the development in the interests of its continued use and the amenity of the area.

- 9) Prior to the commencement of the development a detailed phasing plan for the construction of the development, and laying out of the open space, shall be submitted to and be approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is implemented in a logical and appropriate manner in the interests of the amenity of the area.
- 10) None of the dwellings/buildings contained within any individual phase identified pursuant to Condition 10 of this consent shall be brought into their intended use until the visibility splays, on-site parking, turning, loading and unloading facilities to serve that phase have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be permanently retained solely for those purposes at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate facilities are available to cater for the traffic attracted to the site.
- 11) Prior to the commencement of the development hereby approved details of the proposed refuse storage scheme to serve the development, including the size and design of any communal refuse storage areas, and details of the proposed collection arrangements, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, and the approved arrangements maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate facilities to deal with refuse associated with the development are provided in the interests of the amenity of the locality.
- 12) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.
Reason: In the interests of the amenities of the area.
- 13) The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to, and approved in writing by, the Local Planning Authority, showing the datum levels at which the development is to be constructed in relation to an agreed fixed point or O.S datum.
Reason: To ensure that the development is constructed at levels appropriate to the surroundings in terms of visual impact and relationship to adjoining properties.
- 14) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All

works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure:

a) the recording of historic fabric and features revealed before and during the demolition and/or alteration of the older buildings on the site, principally Millbrook House and Fairfield House (original core and older extensions in both cases); and

b) the excavation, recording and publication of those buried archaeological remains that are affected by the development - principally the Roman fort but also other remains elsewhere within the site.

- 15) No development or construction activity shall be undertaken within the area(s) outlined in green on the attached plan, drawing No. Arch1, until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure:

a) the fencing off of any sensitive areas during development works, if necessary; and

b) suitable protection of any remains that are left to be unexcavated, where these lie at or immediately below construction levels for example.

- 16) Appropriate arrangements for public access to the archaeological work on site should be agreed with the Local Planning Authority prior to the commencement of the programme of archaeological works.

Reason: To ensure that important discoveries are made accessible to the public in a safe and controlled manner.

- 17) C23 - Permitted Development Restriction

- 18) C34 - Landscape Scheme - Outline

- 19) Prior to the commencement of the development hereby approved a timeframe for the implementation of the landscaping scheme approved as a subsequent reserved matter shall be submitted to, and be approved in writing by, the Local Planning Authority.

Reason: To ensure that the landscaping of the site is carried out within an appropriate timeframe in the interests of the character and visual amenity of the area.

- 20) Unless otherwise agreed in writing by the local planning authority, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until Points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the contamination to the extent specified in writing by the local planning authority until Point 4 has been complied with.

1. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

2. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than development required to carry out remediation) unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of

Point 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Point 3.

5. A monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 21) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 22) No construction works shall take place and no deliveries taken at the site outside the following times: - 8am – 6pm Monday to Friday, 8am – 1pm Saturday nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 23) The development hereby approved shall be carried out strictly in accordance with the findings and recommendations set out in the submitted Air Quality Statement and Noise Assessment prepared by WSP. The recommended mitigation measures shall be fully implemented and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the residential amenity of future occupants of the site.
- 24) Prior to the commencement of the development detailed plans and specifications for the proposed new bat house, including the timeframe for its delivery and on-going maintenance arrangements, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure that appropriate arrangements are put in place to provide an alternative and viable habitat for bats displaced as a result of the overall redevelopment of this site.
- 25) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority.

Thereafter the development shall be carried out entirely in accordance with the approved plan.

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

- 26) Prior to commencement of any individual phase of the development identified pursuant to Condition 10 a scheme for generating a minimum of 10% of the predicted energy requirement of that phase of the development from on-site renewable sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before any of the dwellings in that phase are first occupied and shall thereafter be maintained so that it provides the required level of generation.

Reason: To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

- 27) Prior to the first occupation of any individual unit of residential accommodation comprised in the development a Green Travel Plan (including recommendations and monitoring/review arrangements) shall be submitted to, and be approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented and monitored in accordance with the approved document.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on the private motor car in the interests of sustainability.

- 28) Prior to the commencement of the development hereby approved details of any plant, machinery and mechanical extract ventilation equipment, associated with the communal facilities building, apartment blocks and care home, shall be submitted to and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity and the residential amenity of future occupants of the development

- 29) Prior to the commencement of the development hereby approved detailed plans of the design and layout of the cycle/footpath running east/west along the southern boundary of the site with the mill race (as depicted on drawing no. 16251 2.00), and details of the phasing of its delivery, shall be submitted to and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that the details of the path, and arrangements for its delivery, are acceptable.

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

**PLANNING APPLICATION NO.09/1371/03 - LAND SOUTH OF YEOFORD WAY,
MARSH BARTON TRADING ESTATE, EXETER.**

The Head of Planning and Building Control presented the planning application for the enlargement and improvement of existing drainage channels at land south of Yeoford Way, Marsh Barton Trading Estate, Exeter.

The works would involve the excavation of one side of the bank on both the Mutton Brook and Matford Brook. The works comprised a flood flow channel five metres wide and one metre deep being excavated along the south bank of the Mutton Brook and a flood flow channel between seven metres and fifteen metres wide and 0.5 metres in depth being excavated alongside the north bank of the Matford Brook. In addition, an interceptor drain would collect floodwater that spilled from the Matford Brook across the field in the southwest corner of the site.

An update sheet was circulated to Members giving details of comments from the Devon Wildlife Trust and the Head of Leisure and Museums.

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

RESOLVED that planning permission for the enlargement and improvement of existing drainage channels be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C35 - Landscape Scheme
- 4) C37 - Replacement Planting
- 5) C57 - Archaeological Recording

(Report circulated)

(The meeting commenced at 6.05 pm and closed at 7.30 pm)

Chair