

PLANNING COMMITTEE

Monday 15 April 2013

Present:

Councillor Bialyk (Chair)
Councillors Lyons, Denham, Donovan, Mrs Henson, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom

Apologies:

Councillor Edwards

Also Present:

Assistant Director City Development, Planning Solicitor, Area Planner (MH) and Member Services Officer (SJS)

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DECLARATIONS OF INTEREST

A Member declared the following disclosable pecuniary interest and withdrew from the meeting during consideration of the item:-

COUNCILLOR	MINUTE
Councillor Denham	36 (employee of the Academy for Deaf Education)

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PLANNING APPLICATION NO: 13/0203/16 - THE HAVEN, ALPHINGTON STREET, EXETER. EX2 8AU

The Assistant Director City Development presented the application for change of use to a hostel at The Haven, Alphington Street, Exeter. The property had been empty for several years and was last used by a Housing Association as a house in multiple occupation and prior to that was used as a guest house. The proposal sought to establish a hostel in connection with the City Council's No Second Night Out Initiative to prevent homelessness and rough sleeping in the City. The premises would house a maximum of nine residents within three double rooms and three single rooms. The building was located within the Alphington Road/Princes Square Conservation Area.

Members were circulated with an update sheet advising of a petition from Homeclyst House withdrawing their objection and a consultation response from the Police Architectural Liaison Officer - attached to minutes.

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

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

- had read the original objections and the decision to withdraw them
- supported the application as it stood and welcomed the condition regarding a one year trial
- would the time of weekday twice daily visits vary? – had concern regarding residents modifying their behaviour

- clarity regarding not being able to cut extra keys and the position regarding two dogs – was that per person or in total?

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

- is a Local Councillor and the Portfolio Holder for Housing and Community Involvement
- officers had talked to the residents of Homeclyst House who had now withdrawn their objections
- consent would be temporary for a year
- the twice daily spot checks would be at varying times
- the restriction for two dogs was for the property not per person
- the management of the property would cover security issues
- the near-by 'Ashdown Lodge' was not a City Council run property; was involved with the Police and Environmental Health in how to deal with issues arising from the property
- this property had been empty and had been occupied by squatters
- the proposal was to establish a hostel in connection with the City Council's No Second Night Out Initiative
- this accommodation would be used for ordinary people who have found themselves homeless and needed assistance to get themselves back on track
- asked the Committee to support the application.

Ms G Littely (Temporary Accommodation Co-ordinator - representing Exeter City Council) spoke in support of the application. She raised the following points:-

- this application was for the change of use to a hostel
- had previously been used by a Housing Association for rehabilitation; this had ceased due to the reduction in the supporting people budget
- the property had been empty for some years
- this proposal would provide much needed accommodation
- the Council had 70 fully managed similar units across the city
- the change of use had raised issues of fear and anxiety by local residents in particular Homeclyst House; after explaining to local residents how the property would be used a petition withdrawing their objections had been received
- asked the Committee to support the use of this much needed accommodation so that there was sufficient accommodation for rough sleepers.

In response to Members' questions, Ms Littely clarified that the Council has experience of accommodating dogs and a full risk assessment is undertaken, dogs have to be kept on a leash in all the communal areas; curtains are not allowed to be tied up or clothes hung out of windows; the locks are suite locks which need a code to obtain replacement keys, staff will have a master key that opens all doors; the residents of Homeclyst would have direct contact with the local community officer; at weekends any issues would be reported to the Council's Control Centre who will contact the on-duty call officer (24 hours).

RESOLVED that planning permission for change of use from dwelling to hostel be approved subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning

Authority on 8 March 2013 (dwg. nos 12-01-01a) as modified by other conditions of this consent.

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

- 3) The use hereby approved shall cease on or before one year following the first occupation of the building. The Local Planning Authority shall be informed of the date of the first occupation to enable the time period to be monitored.

Reason: A 'trial run' is necessary to assess whether the use is suitable on a permanent basis in this locality.

- 4) The development hereby permitted shall be carried out in accordance with requirement as stated in the Hostel Management Plan submitted with the application at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing residential amenity standards of neighbouring properties.

(Report circulated)

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PLANNING APPLICATION NO: 12/2530/03 - HOLLAND PARK, OLD RYDON LANE, EXETER, EX2 7JU

The Area Planner (MH) presented the application for 40 new dwellings and highway access at Holland Park, Old Rydon Lane, Exeter.

Members were advised that there were two parcels of land. The smallest parcel (12 houses) would be served by the existing access road to Newcourt House, while the larger part (28 houses) would be served by two access points from Old Rydon Lane. The scheme maintained the existing hedgerow running along Old Rydon Lane and incorporated two main areas of open space and additional landscaping/green areas contributing to Green Infrastructure in the locality.

Members were circulated with an update sheet advising of a further letter from the Golf Club; the developer's objections to condition nine and officers response; confirmation that agreement had been reached on the proposed affordable housing provision; clarification of the Transport contribution on the Section 106 agreement and amendments to condition two and 17 - attached to minutes.

Members were advised that a further email had been received on behalf of St Bridget Nurseries raising objections and asking for a deferral of the application.

The recommendation was for approval subject to a Section 106 Agreement and the conditions as set out in the report with amendments as set out in the update sheet and also an amendment to the wording of condition three.

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

- RSPB objections had not been mitigated
- South West Water concerns had only partially been addressed; the storm water issue had not been resolved
- the Section 106 requirements for the rest of Newcourt had not been applied to this proposal
- there were two separate sites that were not linked
- Newcourt Drive was privately owed

- the affordable housing was not integrated; it was effectively an off-site contribution; these houses did not have access to buses routes, open space or play areas
- should re-think the layout to re-site the affordable housing on the main site.

In response to Members' questions, Mr Pratt clarified that his mother lived in Newcourt Lodge; he had sold land to Barratt Homes; this proposal created an enclave of executive homes; was not consistent or integrated with the rest of the Newcourt development.

The Area Planner clarified that the private road would be resurfaced; the proposal was part of the larger development of Newcourt; and discussion had taken place regarding the possibility of a footpath link between the two parcels of land.

RESOLVED that planning permission for 40 new dwellings and highway access be approved subject a Section 106 Agreement covering the items referred to in the report and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of two 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 26th September 2012, and 7th and 20th March 2013 (*dwg. nos. ORL-LOC PLAN, ORL-SITE01 Rev 3.3C, ORL-P1 Rev 3.3A, ORL-P2 Rev 3.3A, ORL-P3 Rev 3.3, ORL-P4&5 Rev 3.3A, ORL-P6&7 Rev 3.3A, ORL-P8 Rev 3.3, ORL-P9 Rev 3.3, ORL-P10&11 Rev 3.3A, ORL-P12 Rev 3.3, ORL-P13 Rev 3.3, ORL-P14 Rev 3.3, ORL-P15 Rev 3.3, ORL-P16 Rev 3.3, ORL-P17 Rev 3.3, ORL-P18, ORL-P19 Rev 3.3, ORL-P20 Rev 3.3, ORL-P21 Rev 3.3, ORL-P22 Rev 3.3, ORL-P23 Rev 3.3, ORL-P24 Rev 3.3, ORL-P25&26 Rev 3.3 A, ORL-P27&28 Rev 3.3A, ORL-P29-31 Rev 3.3B, ORL-P32-34 Rev 3.3, ORL-P35 Rev 3.3, ORL-P36&37 Rev 3.3, ORL-P38-40 Rev 3.3A, ORL-G3,17,22 Rev 3.3, and ORL-G12-15 Rev 3.3*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) The development shall not begin until full details of all drainage works associated with the development based on a scheme utilising attenuation rather than rainwater harvesting, have been submitted to and approved by the Local Planning Authority in writing. These details should demonstrate how the scheme has followed and implemented the strategy set out in the Flood Risk Assessment dated 28th November 2012 submitted in support of this application.
Reason: To ensure the satisfactory drainage of the development.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials, and proposed boundary treatments to prevent vehicular encroachment onto areas of public open space and highway verges, shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme in writing; 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.

- 5) The hedgerow/bank running along the northern boundary of the site with Old Rydon Lane shall be retained and reinforced in accordance with details which shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter this feature shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and biodiversity.
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) C57 - Archaeological Recording
- 9) Any individual dwelling hereby approved shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a Code Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for certification has been made confirming that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority evidence of the certification to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.
Reason: In the interests of sustainable development.
- 10) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2016, within 10 working days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 11) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the construction and demolition phases and highway safety, including but not limited to details of access arrangements and timings and management of arrivals and departures of vehicles, site traffic vehicle routes, emissions of noise and dust, the phasing and timing of work and site compound details. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.
Reason: In the interests of local amenity.
- 12) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of local amenity.

- 13) No part of the development hereby approved shall be brought into its intended use until the site access's, visibility splays, on site car and cycle parking facilities, turning areas, estate road layout and site highway drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority before their construction begins. Thereafter the said facilities shall be retained for the intended purpose at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 14) Prior to the occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.

Reason: To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 15) 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.

- 16) 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.

- 17) No dwelling hereby permitted shall be occupied 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. The Wildlife Plan shall translate the potential mitigation and enhancement measures set out in the Wildlife Management Plan by Peter Beale dated 26th March 2013 into a suite of specific measures to implemented as part of the development, and shall include the provision of appropriate bird boxes. 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.

- 18) Prior to the first occupation of any dwelling hereby permitted the boundary treatments to that dwelling shall be completed in accordance with the details specified on drawing no. ORL-SITE 01 Rev 3.3B. Thereafter the said boundary treatments shall be retained in situ at all times unless otherwise agreed in writing by the Local Planning Authority.

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

In the event that the section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Assistant Director City Development 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)

35 **PLANNING APPLICATION NO: 13/0150/03 - LAND ADJOINING BARLEY HOUSE, ISLEWORTH ROAD, EXETER, EX4 1AN**

The report of the Assistant Director City Development was submitted. Members noted that the application had been **withdrawn**.

(Report circulated)

36 **PLANNING APPLICATION NO. 13/0105/02 - FORMER ST LUKES HIGH SCHOOL, RINGSWELL AVENUE, EXETER, EX1 3EG**

Councillor Denham declared a disclosable pecuniary interest as an employee of the Academy for Deaf Education and withdrew from the meeting during consideration of the item.

The Assistant Director City Development presented the application for the erection of an Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping at former St Lukes High School, Ringswell Avenue, Exeter.

The site was part of the land formerly occupied by St Luke's School and outline planning permission for the demolition of former school buildings, erection of Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping was conditionally approved in July 2012. Consent was now sought for the reserved matters details.

Members were circulated with an update sheet advising that the applicant had agreed to incorporate bird and bat nesting/roosting places and demonstrated that the cycle parking was adequate; and additional conditions required by the Assistant Director Environmental Health - attached to minutes. Plans had now been received detailing the location of the bird boxes.

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

Mr Farnhill (The Royal Academy for the Deaf) spoke in support of the application. He raised the following points:-

- had consulted further since the outline permission was given with positive response from the local community

- this facility would enable all agencies to be accommodated in one facility
- the proposal would include a 'High Street' with a café and hair dressers; this would encourage the local residents to be involved in the school and enable the children to mix with the wider community
- the design of the building was to enable the acoustics and lighting to help sign language users and improve the quality of light
- the RSBP objections had been addressed.

Mr Farnhill clarified that there would be allotments, an orchard and chicken sheds on site.

RESOLVED that planning permission for erection of a Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping (approval of reserved matters on Ref. No. 12/0584/01 granted 10-07-12) for appearance, landscaping, layout and scale be approved, subject to the following conditions:-

- 1) All conditions imposed on notice of outline approval (ref no. 12/0854/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 29 January 2013 (dwg. nos. as set out in the covering letter from Turley Associates dated 28 January 29013), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the kitchens shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be operated and maintained in as agreed thereafter.
Reason: In the interests of the amenity of the occupants and neighbours.
- 4) Prior to the commencement of the development an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: In the interests of the amenity of neighbours.

(Report circulated)

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PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

(Report circulated)

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 7 May 2013 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Lyons.

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ADDITIONAL INFORMATION SHEET

Attached

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair