

PLANNING COMMITTEE

Monday 29 September 2014

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Choules, Denham, Edwards, Lyons, Newby, Raybould, Sutton,
Williams and Winterbottom

Apologies:

Councillor Mitchell

Also Present:

City Development Manager, Area Planner (PJ) and Democratic Services Officer
(Committees) (HB)

89

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

90

PLANNING APPLICATION NO. 14/1608/03 - FORMER ST. MARGARET'S SCHOOL, 147 MAGDALEN ROAD, EXETER

The Principal Project Manager (Development) presented the application for the conversion of former school to create 41 residential units including demolition, conversion and new buildings.

Members were circulated with an update sheet - attached to minutes.

The Principal Project Manager (Development) reported that a 16 signature petition had been included in one of the letters of objection. Concerns had been expressed regarding bin storage, in addition to the objections already stated in the report. This has been subsequently addressed by the applicant's intention to re-locate the original storage area elsewhere in the site.

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

- in light of two recent traffic accidents, the residents of Baring Crescent have requested a red flashing 20mph sign and a hatched "keep clear" box near to the junction with Magdalen Road;
- concerns expressed that the 55 parking spaces will be insufficient for the proposed number of properties and, with no residents' parking permits to be provided, problems of traffic congestion and pollution on Magdalen and Heavitree roads may result; and
- the insufficient number of parking places could be alleviated by a reduction in the number of properties by reducing the height of Block 1.

Mr Potter spoke against the application. He circulated a photomontage of the prospective Heavitree Road frontage. He raised the following points:-

- the expected number of occupants of these luxury flats will be 80+, some of whom may have two or more cars for which the proposed number of parking

spaces will be insufficient. As parking permits will not be issued, the only solution is to reduce the number of units;

- the design of Block 1 is not in keeping with the adjacent detached Georgian residential properties on Heavitree Road. This block is more akin to a tower block with the four stories higher than the three stories of the Georgian properties. This was compounded by the loss of three oak trees; and
- the location of Block 2 which will result in loss of amenity to neighbouring residents given its proximity to the boundary. This issue was not expanded on due to lack of time within the allocated three minutes..

Mr John spoke in support of the application

- scheme details have been discussed at length with planning and conservation officers, the intention always being to provide high quality residential units and not to maximise the number of units;
- the County Council are satisfied with the highway and parking issues and traffic flow will be less than for when the school was operational;
- conversion costs of the listed buildings are high and mitigated against the provision of affordable homes. Have sought to retain sizable properties as greater sub division would impact on the listed building features. A £1million contribution to off-site affordable housing will be made; and
- the three trees to be removed are of poor quality and replacement planting will take place.

He responded as follows to Members queries:-

- the proposed pedestrian/cycle path would be publicly accessible and this requirement would be addressed by planning conditions;
- Block I will be part brick and part render with zinc bays on the front. The representation of this Block, tabled by the objector, is inaccurate; and
- the applicant had agreed to a viability assessment of build, risk and contingency costs with regard to acquisition and sale costs which had been agreed with the Council and recognised the importance of affordable housing provision, agreeing to contribute £1million; and
- agreement reached with officers to provide larger apartments to respect architectural features.

Members were advised that the £1million contribution had been agreed following on from a financial assessment of the scheme. It was noted that the application was CIL exempt following changes in the relevant regulations. This was on the basis that the building had been in use within the last three years. In response to the concerns regarding the loss of trees it was felt than a condition should be added to secure the provision of semi mature trees, as an alternative to general landscaping. An informative would be added to advise prospective purchasers that residents' parking permits were not available.

The recommendation was for approval.

RESOLVED that:-

- (1) the Assistant Director City Development be authorised, in consultation with the Chair of the Planning Committee, to **APPROVE** planning permission for the conversion of former school to create 41 residential units including demolition, conversion and new dwellings, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a financial contribution of £6,000 towards the cost of removing the

road markings and infrastructure within the vicinity of the site and a contribution of £1 million towards affordable housing offsite, subject also 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 1 July 2014 (dwg nos. location plan 001 rev F; floor plans 250 rev A; 260 rev D; 265 rev A; 275; 291 & 295 and elevation plans 255 rev A; 261 rev G; 266 rev A; 275; 281; 292 & 296), 22 July 2014 (dwg. nos. site plan 100 rev F; floors plans 280; 285 & 290 and elevation plan 286) and 2 September 2014 (dwg nos. 105 rev A & 106) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs, particular the use of semi mature trees on the Heavitree Road frontage, use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme, such scheme shall specify material species, tree and plant sizes, numbers and planting densities and any earthwork 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 the respects and in the interests of amenity.
- 6) C70 - Contaminated Land
- 7) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Statement should include details of :-
 - i) access arrangements and timings and management of arrivals and departures of vehicles;
 - ii) adequate areas shall be made available within the site to accommodate operative' vehicles, construction plant and materials;
 - ii) confirmation that there shall be no burning on site during demolition, construction or site preparation works;
 - iii) unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of following hour: 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturday and not at on Sundays and Public Holidays;
 - iv) dust suppression measures shall be employed as required during the construction in order to prevent off-site dust nuisance.The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.
- 8) No development shall commence until a noise assessment to protect future residents from internal and external noise based on the standards specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Local Planning Authority. The recommendations of this report shall be implemented and maintained at all times.
Reason: In the interests of residential amenity.

- 9) C57 - Archaeological Recording
- 10) No part of the development hereby approved shall be brought into its intended use until the accesses, parking facilities/allocation, turning areas and access 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 and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 11) No part of the development hereby approved shall be occupied until the pedestrian/cycle connection within the development from the northern boundary of the site with Heavitree Road to the southern boundary with Magdalen Road, as indicated on dwg 105 rev A, has been provided and maintained for this purpose at all times.
Reason: To promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 12) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development and retained for that purpose at all times.
Reason: To ensure that adequate cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 13) No other part of the Willowdene block of the development shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure a safe and suitable access for the traffic attracted to the site

Informative : Prior to occupation, residents of the development shall be advised that they will not qualify for additional on-street parking permits.

- (2) the Assistant Director City Development be authorised, in consultation with the Chair of the Planning Committee, to **APPROVE** listed building consent for the conversion of former school to create 41 residential units including demolition, conversion and new dwellings, subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 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 1 July 2014 (dwg nos. location plan 001 rev F; floor plans 250 rev A; 260 rev D; 265 rev A; 275; 291 & 295 and elevation plans 255 rev A; 261 rev G; 266 rev A; 275; 281; 292 & 296), 22 July 2014 (dwg. nos. site plan 100 rev F; floors plans 280; 285 & 290 and elevation plan 286) and 2 September 2014 (dwg nos. 105 rev A & 106) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials

**PLANNING APPLICATION NO. 14/1605/01 - LAND OFF EXETER ROAD,
TOPSHAM ROAD, EXETER**

The City Development Manager presented the application for the development of up to 23 dwellings, access and associated services.

Members were circulated with an update sheet - attached to minutes.

The City Development Manager reported that eight further letters of objection had been received and that he had been handed a further letter of objections prior to the meeting. Of the nine letters, seven of the authors had previously written. He clarified condition 14 which would refer to an Environmental Management Plan and proposed the addition of conditions relating to noise insulation and land contamination.

Councillor Leadbetter, having given notice under Standing Order No. 44, spoke on the item. He read out the following statement provided by the Topsham Society:-

- the Society is not opposed to the provision of new housing, especially that which is at affordable prices for people brought up in and around Topsham, but believes approval of the current application is inappropriate and premature;
- the preservation of separation between Exeter and Topsham has been a part of the City Council's Local Plan Policy and Spatial Strategy for many years and is still incorporated in the current Core Strategy;
- whilst the City Council have consulted on the possible allocation of this site in its draft DPD, this process is still in its early stages and is yet to be subject to examination at a Public Inquiry. To grant approval before this key part of the statutory process is complete, denies the public their right to consultation and proper consideration of their representations. The Society are advised that such action would be Ultra Vires and place the Council at threat of a Judicial Review. It would clearly be fundamentally wrong for the Council to place itself in this position and expose Council Tax payers to risk of considerable costs;
- there are now numerous proposals for the Gap being bought forward. This application if approved, would inevitably lead to the piecemeal erosion of this important policy. We believe that a Council acting in a considered manner would wish to assess these holistically. The Society will be undertaking a Housing Forum later this year and believes strongly that local people should have their say. Isn't this what "Localism" is supposed to be about? The Society is prepared to work with the City Council to collectively find a solution to the housing needs of Topsham that maintains the integrity of the town;
- the applicant's promise of local affordable housing for the people of Topsham is misleading and cannot be delivered. It is a bribe to enhance its online consultation; and
- the City Council are not under immediate pressure to grant approval and it has significant and defensible justification not to. The Society would urge the City Council to, at the least, defer this application until after the DPD Public Inquiry and give the community the opportunity to influence what happens to its town as part of the wider city of Exeter.

Councillor Leadbetter also stated that the proposal will result in the loss of the "Topsham Gap"/Green wedge between Exeter and Topsham.

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

- the proposal will result in the loss of the Topsham Gap;
- considerable development pressure in the area including 800 new homes on the RNSD site, the Aldi proposal including 100 parking spaces, Wessex Close and 50 new homes next to Topsham Rugby Club;
- a petition, currently with 600 signatories, was being prepared in respect of protecting the Topsham Gap from development;
- greater traffic pressure on Exeter Road and Topsham Road - two fatal accidents in recent months;
- Topsham infrastructure will be adversely affected including its shops and surgery;
- should await outcome of Home Farm, Pinhoe Inquiry;
- all development should be put on hold until the Core Strategy is reviewed in 2026.

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

- provision of any new homes in Topsham had been virtually non-existent for years and this scarcity of homes has meant that normal working families can not afford to buy or rent in Topsham. Young working families whose family have lived in Topsham for generations are being driven out by the scarcity of available homes and high prices;
- response to public consultation from 46 local families supporting additional housing showing strong support in Topsham for this development;
- the development will provide eight affordable homes, representing 35% of the development;
- development will not harm or change the character of Topsham which is in-built into the heart of the town with old buildings and small streets;
- scheme will provide high quality Zero Carbon sustainable homes with extensive tree planting and green landscaping along the frontage with Exeter Road. It will be the second only zero carbon development in the area;
- it will provide eight affordable energy efficient homes and 15 urgently required open market family homes and is a sustainable development;
- the NPPF states that this application should be considered in the context of a presumption in favour of sustainable development; and
- site identified for housing by the City Council's Development Management Policy statement. Accepted for housing in the 2013 SHLAA which states that it will not significantly harm the landscape setting of Topsham. As a result it had been included in the draft Development Delivery DPD;

A motion to defer the application was seconded, put to the vote and lost.

The application was for approval.

RESOLVED that the Assistant Director City Development be authorised to **APPROVE** planning permission for the development of up to 23 dwellings, access and associated services, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 requiring:-

- the provision of affordable housing to an acceptable standard;
- the provision of open space with the long term management secured; and
- improvements to the pedestrian route between the boundary of the site with Retreat Drive and existing inbound bus stop on Exeter Road including the provision of tactile paving at the crossing of Retreat Drive to be secured by Agreement.

and subject also to the following conditions:

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including as to access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.
Reason: To encourage travel by sustainable modes.
- 4) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 5) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.
- 6) No more than 50% of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width from the development to its north east boundary with Exeter Road, as indicated on Drawing EXRD0001- SITE PLAN, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 7) A visibility splay shall be provided, laid out and maintained for that purpose at the site access to Exeter Road where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions.
Reason: To provide adequate visibility from and of emerging vehicles, in the interest of public safety.
- 8) No part of the development hereby approved shall be brought into its intended use until the access, visibility splay as specified in condition 7, on-site vehicular parking facilities and turning areas have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 9) No more than 50% of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width from the development to the south west boundary of the site, as indicated on Drawing EXRD0001- SITE PLAN, has been provided and maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 10) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010, the addendum thereto dated May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: to promote best practice in sustainable development.
- 11) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage CSH assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification 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 a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.
Reason: to promote best practice in sustainable construction.
- 12) C57 - Archaeological Recording
- 13) Prior to the commencement of the development hereby approved a wildlife plan, indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to and be approved in writing by the Local Planning Authority.
Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.
- 14) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
a) There shall be no burning on site during demolition, construction or site preparation works;
b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The approved CEMP shall be adhered to throughout the construction period.
Reason: to protect neighbouring residential amenity.
- 15) the developer shall prior to commencement of the development submit for approval in writing, a scheme for protecting the proposed development from noise. All works that form part of the approved scheme shall be completed before any of the permitted development is occupied

The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.

Reason: to protect future residential amenity

- 16) no development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: to protect future residential amenity

92 **APPLICATION NO. 14/1918/03 - 5 ST. JOHNS VILLAS, SIVELL PLACE, EXETER**

The Assistant Director City Development presented the application for the extension to the front of the dwelling including a dormer window.

RESOLVED that planning permission for the extension to the front of the dwelling including dormer window 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 13th August 2014, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings;
- 3) C17A - Matching materials; and
- 4) 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: To protect the amenity of neighbouring residents during the construction of the extension.

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

94 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 14 October 2014 at 9.30 a.m. The Councillors attending will be Lyons, Williams and Winterbottom.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.15 pm)

Chair