

## **PLANNING COMMITTEE**

Tuesday 30 June 2009

### **Present:-**

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

### **Also Present**

Director Economy and Development, Head of Planning and Building Control, Head of Legal Services, Development Manager, Planning Solicitor, Planning Technician (ID) and Member Services Officer (SJS)

64

### **DECLARATIONS OF INTEREST**

Members declared the following personal (\*prejudicial) interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	67*( member of the University Council and his wife, sister-in-law and himself are employees of the University)
Councillor Prowse	67 (Student landlord)

65

### **PLANNING SOLICITOR**

The Chair advised the Committee that this was the Planning Solicitor's last meeting and he was due to take up a new post shortly. The Chair and Committee thanked Ross Hussey for his valued advice and support over the past few years.

66

### **PLANNING APPLICATION AND CONSERVATION AREA CONSENT NOS.09/0549/03 & 09/0550/14 - 13 LYNDHURST ROAD, EXETER, EX2 4PA**

The Development Manager presented the application for conservation area consent for the demolition of a dwelling and the planning application for redevelopment to provide one detached dwelling and six terraced dwellings, parking, alterations to access and associated works at 13 Lyndhurst Road, Exeter.

The proposal would be of a contemporary design, two and half storeys high and would provide two parking spaces per dwelling comprising a garage with parking space in front. Part of the development would be on the former play ground of the school at 13a Lyndhurst Road. 13a Lyndhurst Road was a listed building.

The Development Manager outlined the main issues which included layout, scale and massing, design and the impact on the neighbouring properties.

Members were circulated with an update sheet giving details of further letters of objection and support; comments from the County Director of Environment, Economy and Culture with additional recommended conditions regarding visibility splays, on-site parking and turning facilities, design, layout, levels and gradients, materials to be approved before construction begins; and no occupation until treatment of visibility splays had been approved; comments from the Council's Tree and Landscape officer with a recommendation for an additional condition regarding

the Tree Protection Document; and comments from the Head of Leisure and Museums with a recommendation for an additional condition regarding a Wildlife Plan.

The recommendation for the planning application and conservation area consent was for approval subject to conditions as per the circulated report and the update sheet.

Mr Challans (representing local residents) spoke against the applications. He raised the following points:-

- there was strong local feeling against these applications, 58 objections had been received
- the dwelling proposed to be demolished was an adequate family home
- the majority of people in the vicinity had lived in their properties for over 10 years; this was a settled community
- a soil and drainage survey had not been done
- one application had been refused and two had been withdrawn
- this was a leafy suburb which had been designated a conservation area in 1968
- the height was out of keeping with the area
- would affect the outlook and privacy of the surrounding properties and would cause overlooking
- the distance between some of the proposed dwellings and the existing properties were below the minimum 22 metres as per the guidelines in the local plan.

In answer to a Member's questions, Mr Challans clarified that the previous owners of his property (no.14 Lyndhurst Road) had been refused access on to Lyndhurst Road some 40 years previously because of highway safety issues and that his access was on to Penleonard Road. Lyndhurst Road was very busy in the early part of the morning and mid afternoon when children were going to and from school.

The Development Manager stated that the flats opposite the site were three storeys high and clarified that the distances set out in the local plan were twenty two metres between main elevations (with the majority of windows) and fourteen metres was acceptable between gable end elevations (without any main windows).

Mr Lees (Architect) spoke in support of the application. He raised the following points:-

- had been working on projects in the St Leonard's area for over 18 years
- understood the nature and character of the area and that this was a sensitive site
- had worked closely with planning officers, the conservation area officer and tree officer on this proposal
- had reduced the number of dwellings from nine to seven
- entrance would have a minimal impact on Lyndhurst Road
- the garden sizes had increased from the previous application
- the dwellings were two storey with a room in the roof space
- was a mews development to fit in with the rhythm of the adjacent large Victorian villa
- would enhance the St Leonard's area
- asked the Committee to approve the application.

In answer to a Member's question, Mr Lees clarified that he had an informal response from the Post Office that it was in order to move the post box and he would be seeking written confirmation.

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

- there was large scale opposition to this application
- St Leonard's was one of the first conservation area in the country being designated in 1968
- although no. 13 was not a listed building it was a good family house which the present tenants wished to purchase
- the developer had not consulted local residents
- the development was out of keeping with the area as it was surrounded by dwellings with generous gardens
- the proposal would have a catastrophic impact on Hensleigh Drive in particular 'Springfield House'
- Magdalen Gardens, which was sheltered accommodation occupied by the elderly and disabled, would be overlooked
- there would be a three storey house adjacent to a bungalow; which would result in the bungalow being overshadowed
- the development would cause over looking, was over bearing and would result in loss of privacy for neighbouring properties
- the Committee should refuse the application and ask for a development that complies with the conservation area appraisal
- the access had not been adequately addressed by County Highways
- there was local concern of the effect the development would have on drainage in the area
- the amenity space proposed for a four bedroom house was inadequate
- asked the Committee to refuse the application for reasons of excess massing; loss of amenity; design failing; negative impact on the historic nature of the area and highway safety.

In answer to a Member's question, Councillor Shiel stated that he was not aware of any consultation by the developer with local residents.

During discussion Members raised the following points:-

- highway safety concerns regarding the access point
- the development would be too close to adjoining properties and would cause unacceptable overlooking
- this was a special site and the three storey dwellings were too prominent
- the density was too high
- the roof terracing would cause overlooking of neighbouring properties and noise pollution
- any development on this site should be sympathetic to the unique area of St Leonard's.

The Development Manager confirmed that the roof terraces on the majority of the proposed dwellings would be facing inwards towards the courtyard area and that they would have a 1.8 metre high wall to shield them from neighbours.

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 the redevelopment to provide one detached dwelling and six terraced 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)

67

**PLANNING APPLICATION NOS.09/0278/03 AND 09/0279/03 - DURYARD HALLS, LOWER ARGYLL ROAD, EXETER, EX4 4RG & BIRKS HALLS, NEW NORTH ROAD, EXETER, EX4 4PQ**

Councillor Choules declared a prejudicial and personal interest as he is a member of the University Council and a personal interest as his wife, sister-in-law and himself are employees of the university. He left the meeting for the discussion.

Councillor Prowse declared a personal interest as he is a student landlord.

The Head of Planning and Building Control presented the report updating Members on the information submitted in respect of the conditions on Birks Halls, New North Road regarding the cycle routes and travel plan and Duryard Halls, Lower Argyll Road, regarding the travel plan.

The Travel Plans for Duryard and Birks had been prepared to complement the University's campus-wide Sustainable Travel Plan. This was currently undergoing revisions and it was intended that the site specific Travel Plans would be integrated into the main plan in due course. Neighbours had been informed of the receipt of the Travel Plans, and comments invited by 17 June 2009.

**Duryard Halls – Travel Plan**

The planning application for student accommodation at Duryard Halls in Lower Argyll Road was approved in May 2009 subject to a condition requiring approval of a Travel Plan, in the interests of ensuring that satisfactory arrangements were put in place for pedestrians and cyclists.

Members were circulated with an update sheet and a late information sheet giving details of an email from the Chair of the Lower Duryard Residents' Association and the Duryard Trust in respect of the Duryard Travel Plan and confirmation that the University would provide an additional minibus service from Duryard to the Streatham Campus.

The Head of Planning and Building Control outlined to Members the site specific measures relating to the Duryard site and updated Members on discussions between the University and representatives of the Duryard Trust and the Glenthorne Road Residents Association regarding the enhanced surfacing of Trust roads by the University, and signage to encourage pedestrian/cycle use of Clydesdale Road, Belvidere Road and Coplestone Drive in preference to Glenthorne Road. Members were advised that a revised version of the Travel Plan had been received.

The recommendation was that Members approve the Travel Plan for Duryard Hall.

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

- local residents still had concerns
- how and when would this plan be integrated into the main Travel Plan?
- there was a health and safety issue with students coming out on to a busy main road
- had previously advised that this would be a catered for site
- students would bring their cars
- food delivery vans from local supermarkets would add to highway safety issues
- the times that the University proposed to run the minibus were inadequate
- why was the travel plan only for five years?

In answer to a Member's question, Councillor Noble clarified that he had not seen the full Travel Plan.

The Director Economy and Development clarified that INTO students would spend full days on the campus and the minibus times had been scheduled to coincide with their programme for full days of lectures. The terms for a five year Travel Plan was the standard approach of the City and County Councils and it would be difficult to defend should Members request a longer period.

Mr Alcock (Exeter University) spoke in support of this item. He raised the following points:-

- this was the travel plan for the whole of the Duryard Site
- the overall travel plan for the University would be reviewed this summer
- INTO students had a different programme which involved them being on campus for full days
- thanked the Duryard Trust and the Glenthorne Road Residents Association for their input which had resulted in improvements to the plan
- the University was always looking at ways to improve its travel plan.

In answer to a Member's question, Mr Alcock clarified that the University would be willing to confirm its long term commitment to the travel plan in writing and that the University did everything to deter students from bring cars to the City. He confirmed that the University were in talks with the Duryard Trust regarding the repair of Grafton Road for use as a pedestrian access.

Members discussed the most appropriate way to notify prospective students of the excellent transport links within the City and how best to deter them from bringing

cars. They also raised concerns about highway safety with regards to food deliveries from supermarkets and raised reservations regarding the students engaging with sustainable travel events such as 'Love Your Bike Day'.

**RESOLVED** that the discharge of condition 14 of planning permission 09/0279/03, relating to the details of a Travel Plan at Duryard Halls, New North Road be delegated to the Head of Planning and Building Control to **approve**, subject to the receipt of written confirmation of the University's long term commitment to the Travel Plan, confirmation of how food deliveries would be dealt with and provision of the minibus service to Streatham Campus.

### **Birks Hall – Travel Plan**

The Planning application for student accommodation at Birks Halls in New North Road had been approved in April 2009 subject to conditions requiring approval of a Travel Plan, cycle parking arrangements, and approval of details of a cycle link between the site and the centre of the University campus. Members specifically requested that these conditions were considered by the Planning Committee before being discharged.

The Head of Planning and Building Control outlined to Members the site specific details of the Birks Hall Travel Plan which included the University working with the Duryard Trust to investigate the potential to upgrade Grafton Road. The proposal provided cycle parking at slightly above the agreed ratio of one per three students for all new development. This ratio had been agreed with Devon County Council.

The recommendation for the Travel Plan for Birks Hall was for delegation to the Head of Planning and Building Control to approve subject to the receipt of written confirmation of the University's long term commitment to the Travel Plan and confirmation of how food deliveries would be dealt with.

Mr Earle spoke in opposition to the Travel Plan for Birks Hall. He raised the following points:-

- local residents had higher expectations of the Travel Plan
- the highway safety issues of the junction on to New North Road had been under estimated
- there would be an increase in the volume of traffic at the beginning and end of term when students were being dropped off and picked up, these would add to the issue of highway safety in the area
- students would bring cars to the University
- there should be an extension to the residents parking.

The Director Economy and Development clarified that there would be an extension to residents parking in the vicinity of Birks Hall.

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

- the information sent to prospective students should state that there was no parking available so they were strongly advised not to bring a car
- the junction with New North Road was very dangerous with poor visibility
- food delivery vehicles would have to turn right into Birks Grange and this was hazardous
- there was no clear path to Streatham Road

In answer to a Member's question, Councillor Noble responded that the junction to New North Road should be looked at by Devon County Council Highways to see what improvements to its safety could be made.

Mr Alcock (Exeter University) spoke in support of the Travel Plan for Duryard Halls. He welcomed questions from the Committee Members.

He clarified that students were advised not to bring cars but that the University could not prevent them from doing so.

During discussion, Members raised the following points:-

- the junction to New North Road was in the view of one Member hazardous and there had been three fatalities in the past
- questioned what was new with the Travel Plan as students had previously been issued with travel packs, maps and details of modes of transport within the City
- the need to take a stronger line to discourage students from bringing their cars to the City
- the cumulative effect all the student halls would have on the infrastructure around the University particularly in the Cowley Bridge Road area; this issue should be brought to the attention of to the County Director of Environment, Economy and Culture to ensure that there was joined up thinking regarding developments of student accommodation in the vicinity
- a letter should be sent to the County Director of Environment, Economy and Culture highlighting these concerns.

The Director Economy and Development stated that he would draft a letter on behalf of the Chair of the Planning Committee to the County Director of Environment, Economy and Culture highlighting the Committee's concerns regarding the junction of Birks Grange onto New North Road and the need for a joined up approach to all the applications for student accommodation. He stated that the University did its utmost to deter students from bringing their cars to the city, there would also be an extension in residents parking controls which would be policed by the City Council on behalf of Devon County Council.

**RESOLVED** that the discharge of condition 14 of planning permission 09/0279/03, relating to the details of a Travel Plan at Birks Hall, New North Road be delegated to the Head of Planning and Building Control to **approve**, subject to the receipt of written confirmation of the University's long term commitment to the travel plan and confirmation of how food deliveries would be dealt with.

### **Birks Hall – Cycle Route**

The Head of Planning and Building Control outlined to Members the cycle route options for the Birks Hall cycle route. The applicant's consultant, the County Council's Cycle Exeter Project Officer, the local Sustrans representative and the University's Sustainability Manager preferred route 3a. The local residents however preferred route 1.

Members were circulated with an update sheet giving details of an email from the Chair of the Elmbridge Gardens and Dunvegan Close Residents in respect of Birks cycle routes; and an email from the Chair of Glenthorne Road Residents' Association in respect of Birks cycle route options.

Mr Earle spoke in opposition to the cycle route for Birks Hall. He circulated an information sheet, an aerial photograph and a plan. He raised the following points:-

- the residents' preferred route was route 1 as amended on the circulated plan
- this route was the easiest to cycle; would make use of an existing track; would have minimal impact on trees; had no security concerns; was less intrusive; and would cost less as it would make use of an existing road

- asked the Committee to defer the decision for a site visit.

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

- would welcome a site visit
- route 1 as amended by the Residents' Association would make use of an existing grasstrack
- route 3a would have a greater impact on local residents
- the Committee should take on board the local residents point of view.

**RESOLVED** that a decision on the cycle route be deferred to allow for a site inspection by the Planning Committee. The item would be brought back to the Planning Committee on the 7 July 2009.

(Report circulated)

68            **PLANNING APPLICATION NO.09/0615/03 - 12 FORE STREET, TOPSHAM, EXETER, EX3 0HF**

This item was deferred to the Planning Committee on 7 July 2009.

69            **PLANNING APPLICATION NO.09/0629/01 - J SAINSBURY PLC ALPHINGTON CROSS STORE, ALPHINGTON ROAD, EXETER, EX2 8NH**

This item was deferred to the Planning Committee on 7 July 2009.

70            **PLANNING APPLICATION NO.09/0404/03 - BRADFORDS YARD, COWLEY BRIDGE ROAD, EXETER, EX4 5AD**

This item was deferred to the Planning Committee on 7 July 2009.

71            **PLANNING APPLICATION NO.09/0548/03 - FORMER ROYAL NAVAL STORE DEPOT, TOPSHAM ROAD, EXETER, EX2 7AH**

This item was deferred to the Planning Committee on 7 July 2009.

72            **PLANNING APPLICATION NO.09/0280/03 - SITE H FORMER ELECTRICITY BUILDING, HAVEN ROAD, EXETER, EX2**

This item was deferred to the Planning Committee on 7 July 2009.

73            **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

This item was deferred to the Planning Committee on 7 July 2009.

74            **ENFORCEMENT PROGRESS REPORT**

This item was deferred to the Planning Committee on 7 July 2009.

75            **APPEALS REPORT**

This item was deferred to the Planning Committee on 7 July 2009.

**SITE INSPECTION PARTY**

This item was deferred to the Planning Committee on 7 July 2009.

(The meeting commenced at 5.30 pm and closed at 9.00 pm)

Chair