

PLANNING COMMITTEE

Monday 26 April 2010

Present:-

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

Also Present

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

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Martin	46 (applicant known to him through his previous employment)
Councillor Shepherd	46 (applicant known to him through his work as a City Councillor)

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PLANNING APPLICATION NO.10/0200/01 - LAND SOUTH OF, YEOFORD WAY, MARSH BARTON TRADING ESTATE, EXETER

The Head of Planning and Building Control presented the application for a development to provide mixed employment uses at land south of Yeoford Way, Marsh Barton Trading Estate, Exeter. This was an outline application with all matters reserved for future consideration.

The application proposed to develop the area for a mixed employment use for Use Classes B1, B2 and B8. An application for improved flood drainage of the site had been approved in October 2009.

The Head of Planning and Building Control stated that although the site was not in the Exeter Local Plan as being identified for employment use it had been identified in the emerging Exeter LDF Core Strategy as suitable to meet future employment needs. He updated Members on the ecological, energy, transport and flooding issues with regards to the proposal. Members were advised that the wording of conditions 14 and 17 would be amended to reflect the wording received by the Highways Agency.

Members were circulated with an update sheet giving details of Natural England comments.

The recommendation was for approval subject to the completion of a Section 106 Agreement which required a financial contribution towards public transport improvements and public art, landscape and cycleway phasing, implementation of Wildlife Area, installation of new culvert under Bad Homburg Way and compliance with the Energy Strategy and the conditions as per the report with amendments to the wording of conditions 14 and 17. The application would be referred to the Government Office for the South West as a departure from the Local Plan.

During discussion Members raised concerns regarding comments received from Devon Wildlife Trust and the Royal Society for the Protection of Birds, in particular the on- going management of the wild life area to the east of the development.

The Head of Planning and Building Control confirmed that a 45 metre wild life corridor to the south of the site was proposed. In answer to Members' questions, he confirmed that the management of construction traffic was covered by condition 14 and lighting on the site covered by condition 13.

The Planning Solicitor stated that the Section 106 Agreement could include the implementation of a wild life plan and that highway improvements should also be part of the Section 106 Agreement as well as public transport.

RESOLVED that, subject to referral to the Government Office for the South West as a departure from the Local Plan, planning permission for a development to provide mixed employment uses be approved, subject to the completion of a Section 106 Agreement which requires a financial contribution towards highway and public transport improvements and public art, landscape and cycleway phasing, implementation of a Wildlife Area and an agreed Management Plan, installation of new culvert under Bad Homburg Way and compliance with the Energy Strategy, and the following conditions:

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) This consent does not imply the approval of the details of siting, layout or design shown on the submitted plan, which must be the subject of a further application for approval of reserved matters.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) No building(s) shall be occupied until the drainage details have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory drainage of the development.
- 5) The proposed estate roads, 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.

- 6) No development shall take place on site until a full survey of the site has taken place to determine the extent of 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 the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 7) If, during development, contamination not previously identified is found to be present at site then no further development, unless otherwise agreed in writing with the Local Planning Authority shall be carried until the developer has submitted and obtained written approval from the Local Plan Authority for an amendment to the remediation strategy detailing how this contamination shall be dealt with.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 8) Applications for reserved matters shall include a Design Statement, scope of which must be agreed with the Local Planning Authority prior to preparation, which demonstrates compliance with the Archial Design Guide, submitted with the planning application, dated January 2010.
Reason: To ensure that the design and layout of the development is approached comprehensively.
- 9) No development shall take place until an Outline Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate
a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation, and
b) how the proposed development and associated works will enhance wildlife in the area;
and shall be submitted to the Local Planning Authority for review on an annual basis unless otherwise agreed in writing.
Reason: In the interests of nature conservation.
- 10) 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 the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 11) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 12) The cycleways and walkways within the application site, and connections to and from routes outside the site boundaries, shall be provided in

accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of these facilities, pursuant to Local Plan Policy T3.

- 13) Prior to the commencement of any individual building, 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: To reduce light pollution in the area and protect the amenity of nearby residents.
- 14) The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with and Highways Agency acting on behalf of the Secretary of State for Transport and the Local Highway Authority) a Construction Management Plan. The plan shall include consideration of construction vehicle movements, construction operation hours, construction vehicle routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.
Reason: In the interests of highway safety, the efficient operation of the local and trunk road networks and to safeguard the amenity of neighbouring residents.
- 15) Construction 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 unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenities nearby residential occupiers.
- 16) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.
Reason: To reduce noise pollution and protect the amenity of nearby residential occupiers.
- 17) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:
The identification of targets for trip reduction and modal shift;
The methods to be employed to meet these targets;
The mechanisms for monitoring and review;
The mechanisms for reporting;

The penalties to be applied in the event that targets are not met;
The mechanisms for mitigation;
Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;
Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

A review of the targets shall be undertaken and submitted to the Local Planning Authority within 3 months of the occupation of the development and on an annual basis thereafter. The Travel Plan as shall be adhered to throughout the lifetime of the development.

Reason: To encourage the use of mode of transport other than the private car.

- 18) Before works commence on any individual building(s) a Sustainability Statement detailing the measures to reduce the impact of the building on the environment during both construction and operational phases shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried in accordance with that statement unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development.
- 19) No development shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved mitigation measures have been implemented.
Reason: In the interests of ensuring adequate air quality.
- 20) The development hereby permitted shall be limited to a total floor space of 46,500 sq metres.
Reason: To comply with the criteria of the submitted Environment Statement.
- 21) No more than 23,250 sq metres of the floor space shall be used for B1(a) (Office) Use.
Reason: To ensure that a range of employment opportunities are provided in accordance with Local Plan Objectives.
- 22) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum shall have been submitted to, and approved in writing by the Local Planning Authority.
Reason: In the interest of visual amenity and the appropriate development of the site.
- 23) No development work to raise the ground levels of the site shall commence until finished ground floor levels and sectional plans indicating the profile with the original levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the agreed plans.
Reason: In the interests of visual amenity.

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 within the Section 106 Agreement.

(Report circulated)

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PLANNING APPLICATION NO.10/0375/03 - COUNTY GROUND, CHURCH ROAD, ST. THOMAS, EXETER, EX2 9BQ

The Development Manager presented the planning application for a redevelopment to provide 20 dwellings, parking, access to the highway, landscaping and associated works at the County Ground, Church Road, St. Thomas, Exeter.

The site had a planning approval for 100 residential units and this application was for the northern end of the site predominantly adjacent to Tin Lane. The fundamental change from the approved application was the removal of the three storey flats. The revised layout would provide a total of 20 residential units incorporating a one bedroom adapted flat with a carer's bedroom.

The proposal would reduce the total number of residential units from 100 to 84 and would enable the widening of Tin Lane and the resiting of the internal access circulation Road adjacent to Tin Lane.

Members were circulated with an update sheet giving details of amended plans regarding changes to the disabled unit Plot 48.

The recommendation was for approval subject to a Section 106 Agreement which required affordable housing on site and a financial contribution towards the provision of community facilities, an education contribution, public transport improvements and traffic calming measures in the area and the conditions as set out in the report.

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

- this application would reduce the residential units on the site from 100 to 84
- would open up Tin Lane and improve amenity for potential residents
- had the support of the Highway Authority and planning officers
- there would be a purpose built ground floor flat for a disabled occupant and a carer
- No statutory consultee had objected
- the issues raised by the two letters of objection did not apply as this application was lower than the previous approval and would improve vehicle movement
- this proposal was a significant improvement on the previously approved scheme as there were fewer dwellings and better amenity space.

In answer to Members' questions, Mr Harris clarified that the purpose built disabled unit would be slightly larger in size and would have a bedroom for a carer, the development would be designed with the home zone approach. He confirmed that the percentage of affordable housing had been agreed although the positioning within the development was still to be decided.

RESOLVED that planning permission for a redevelopment to provide 20 dwellings, parking, access to highway, landscaping and associated works be approved, subject to the completion of a Section 106 Agreement which requires affordable housing on site and a financial contribution towards the provision of community facilities, an education contribution, public transport improvements and traffic calming measures in the area and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) C57 - Archaeological Recording
- 8) C72 - Highway - Estate Roads etc
- 9) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access shall have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) 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 those purposes during the construction period.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site during construction period.
- 11) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - a) windows to include materials, means of opening, reveals, cills and headers;
 - b) external doors;
 - c) rainwater goods;
 - d) lighting;
 - e) treatment of all boundaries;
 - f) parking area surfacing;
 - g) refuse storage;
 - h) location of site compound;**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 12) No development shall take place unless and until a detailed scheme of surface water drainage has been submitted to and approved by the Local Planning Authority. The scheme, which shall be designed in accordance with the principles of the "Framework for Sustainable Drainage Systems (SuDs) in England and Wales" published by the National SuDs Working Group in May 2003, shall subsequently be implemented in accordance with the approved details prior to the development being brought into use.

Reason: To ensure that the development is satisfactorily drained in sustainable manner.

- 13) Construction 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 interest of residential amenity.

- 14) C70 - Contaminated Land

- 15) The flood mitigation measure as set out within the submitted Flood Risk Assessment as contained within the submitted Addendum to the Flood Risk Report dated 12 October 2009 and the earlier Flood Risk Addendum document dated December 2006 shall be complied with at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate against the risk of flooding.

In the event that a Section 106 Agreement is not completed within six 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 under the Section 106 Agreement.

(Report circulated)

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**PLANNING APPLICATION NO.10/0295/03 - 12 LITTLE JOHNS CROSS HILL,
EXETER, EX2 9PJ**

Councillor Martin declared a personal interest as the applicant was known to him though his previous employment.

Councillor Shepherd declared a personal interest as the applicant was known to him though his work as a City Councillor.

The Head of Planning and Building Control presented the planning application for an extension to the front of the existing house and the raising of existing roof to provide habitable accommodation within roof space at 12 Little Johns Cross Hill, Exeter. The site was in the Alphin Brook Conservation Area.

This application sought to bring forward the building line to be nearly in line with the front building line of the garage and a proposed bay window would sit in line with the garage. The proposal would also create a first floor level of accommodation. To achieve this, the roof height would be raised by about 1.3 metres and there would be a 1.3 metre high render band around the property, which would be disguised by extending the eaves on the front elevation. Roof lights would light the proposed first floor level accommodation.

Members were circulated with an update sheet giving details of two additional letters of objection.

Members were informed that the principle of accommodation in the roofspace was acceptable although the submitted proposal was of poor architectural design. The recommendation was for refusal for the reason as set out in the report.

Ms Lenton (applicant) spoke in support of the application. She raised the following points:-

- this was 1950 bungalow and this application was to create a family home and improve the bungalow
- the proposal would enhance and improve the conservation area
- had been in talks with planning officers for a year
- the position of the garage does not allow for a front door
- officers had accepted the principle of conversion to two storey dwelling
- there was render on neighbouring dwellings
- would revisit the bay window if officers requested
- this proposal would improve the property

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

- the applicant had been talking to planning officers for a over a year to find an acceptable proposal
- the applicant had received some ambiguous advice
- considered that a refusal could not be robustly defended at appeal
- garages were a feature of all the bungalows on Little John's Cross
- although the garage did not meet the requirements of the Highways Authority they had not objected to the application
- the report stated that the proposal would be a discordant building in the street scene; there was already discord in the street scene
- overall the proposal would enhance the street scene and would not have a negative impact on the conservation area
- would be unreasonable to refuse this application.

Members acknowledged that the principle of conversion from a bungalow to provide accommodation in the roofspace was acceptable.

Whilst some Members felt that the design of the proposal was acceptable, other Members considered the design to be unsatisfactory and that the proposal would have a negative impact on the conservation area and be detrimental to the street scene.

RESOLVED that planning permission for an extension to front of existing house and raising of existing roof to provide habitable accommodation within roof space, be refused for the following reason:

- 1) The proposed development is located within the Alphin Brook Conservation Area. The proposal is contrary to Planning Policy Statement 5, Policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, Policies C1 and DG1 (f), (g) and (h) of the Exeter Local Plan First Review 1995 to 2011 and to the Council's adopted Supplementary Planning Document 'Householder's Guide to Extension Design' because the proposed development would:
 - (i) by reason of its size and design from unsympathetic additions, which would be to the detriment of the character and appearance of the existing building;
 - (ii) by reason of its size and design result in a discordant building which would have a detrimental impact on the character of the wider streetscene and the wider visual amenity; and
 - (iii) neither preserve nor enhance the character and appearance of the Conservation Area.

(Report circulated)

**PLANNING APPLICATION NO.10/0298/03 - 31 CORNMILL CRESCENT,
EXETER, EX2 8TL**

The Development Manager presented the application for planning permission for a two storey extension on the west elevation and single storey extension on south elevation at 31 Cornmill Crescent, Exeter.

Members were circulated with an update sheet giving details of the amended plans received which showed a set back from the front building line of 900mm.

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

RESOLVED that planning permission for a two storey extension on west elevation and single storey extension on south elevation 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 1 March 2010 together with the site location plan, one un-numbered plan received 1 March 2010 and two drawings numbered SC/3 and SC/4, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) 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 levels currently enjoyed by the neighbouring residents.
- 4) The walls and roof of the extensions hereby approved shall have an external finish to match the existing building unless otherwise agreed and approved in writing by the Local Planning Authority.
Reason: To protect the character and appearance of the existing building.

(Report circulated)

**TREE PRESERVATION ORDER NO. 612 (ST. PETROCKS CLOSE, EXETER)
2010**

The Head of Planning and Building Control presented the report giving details of an objection that has been received by the Council to Exeter City Council Tree Preservation Order No. 612 at St. Petrocks Close, Exeter. He outlined the objections raised and confirmed that the site inspection party had supported the Tree Preservation Order.

Anne Haw spoke against the Tree Preservation Order (she circulated photographs of her garden to Members). She raised the following points:-

- recognised that this was a lovely tree but was poorly positioned when planted over 25 years ago
- Blue Cedars were impressive trees and should be planted in parklands not in the suburbs
- could grow to 100 metres tall and 33 metres wide
- the tree should be removed as it over shadowed her south facing garden

- reduced light to her garden causing moss and preventing plants from growing
- was causing damage to a cob wall causing an on-going cost of repairs
- this tree was not in the correct environment and should be removed.

The Head of Planning and Building Control confirmed that the owner of the tree could submit an application to undertake works to the tree such as pruning.

RESOLVED that the order be confirmed without modification.

(Report circulated)

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

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

50 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

51 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

52 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 11 May 2010 at 9.30 a.m. The Councillors attending will be D Baldwin, Edwards and Prowse.

(The meeting commenced at 5.30 pm and closed at 7.08 pm)

Chair