



Exeter City Council

To the Chair and Members
of the Planning Committee

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A meeting of the **PLANNING COMMITTEE** will be held in the **RENNES ROOM, CIVIC CENTRE, PARIS STREET, EXETER** at **5.30 pm** on **MONDAY 26TH APRIL 2010** to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Member Services Officer on **Exeter 265275**.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

A G E N D A

Part I: Items suggested for discussion with the press and public present

1 DECLARATIONS OF INTEREST

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

2 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 5pm on the Thursday before the meeting (full details available on request from the Member Services Officer).

- 3 **PLANNING APPLICATION NO.10/0200/01 - LAND SOUTH OF, YEOFORD WAY, MARSH BARTON TRADING ESTATE, EXETER**
- To consider the report of the Head of Planning and Building Control. 1 - 20
- (Report circulated)
- 4 **PLANNING APPLICATION NO.10/0375/03 - COUNTY GROUND, CHURCH ROAD, ST. THOMAS, EXETER, EX2 9BQ**
- To consider the report of the Head of Planning and Building Control. 21 - 26
- (Report circulated)
- 5 **PLANNING APPLICATION NO.10/0295/03 - 12 LITTLE JOHNS CROSS HILL, EXETER, EX2 9PJ**
- To consider the report of the Head of Planning and Building Control. 27 - 30
- (Report circulated)
- 6 **PLANNING APPLICATION NO.10/0298/03 - 31 CORNMILL CRESCENT, EXETER, EX2 8TL**
- To consider the report of the Head of Planning and Building Control. 31 - 34
- (Report circulated)
- 7 **TREE PRESERVATION ORDER NO. 612 (ST. PETROCKS CLOSE, EXETER) 2010**
- To consider the report of the Head of Planning and Building Control. 35 - 38
- (Report circulated)
- 8 **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**
- To consider the report of the Head of Planning and Building Control. 39 - 60
- (Report circulated)
- 9 **ENFORCEMENT PROGRESS REPORT**
- To consider the report of the Head of Planning and Building Control. 61 - 64
- (Report circulated)
- 10 **APPEALS REPORT**
- To consider the report of the Head of Planning and Building Control. 65 - 74
- (Report circulated)

SITE INSPECTION PARTY

To agreed the Councillors attending the site inspections on Tuesday 11 May 2010
at 9.30 a.m.

DATE OF NEXT MEETING

The next scheduled meeting of the Planning Committee will be held on
Monday 24 May 2010 5.30 pm. in the Civic Centre.

Membership -

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

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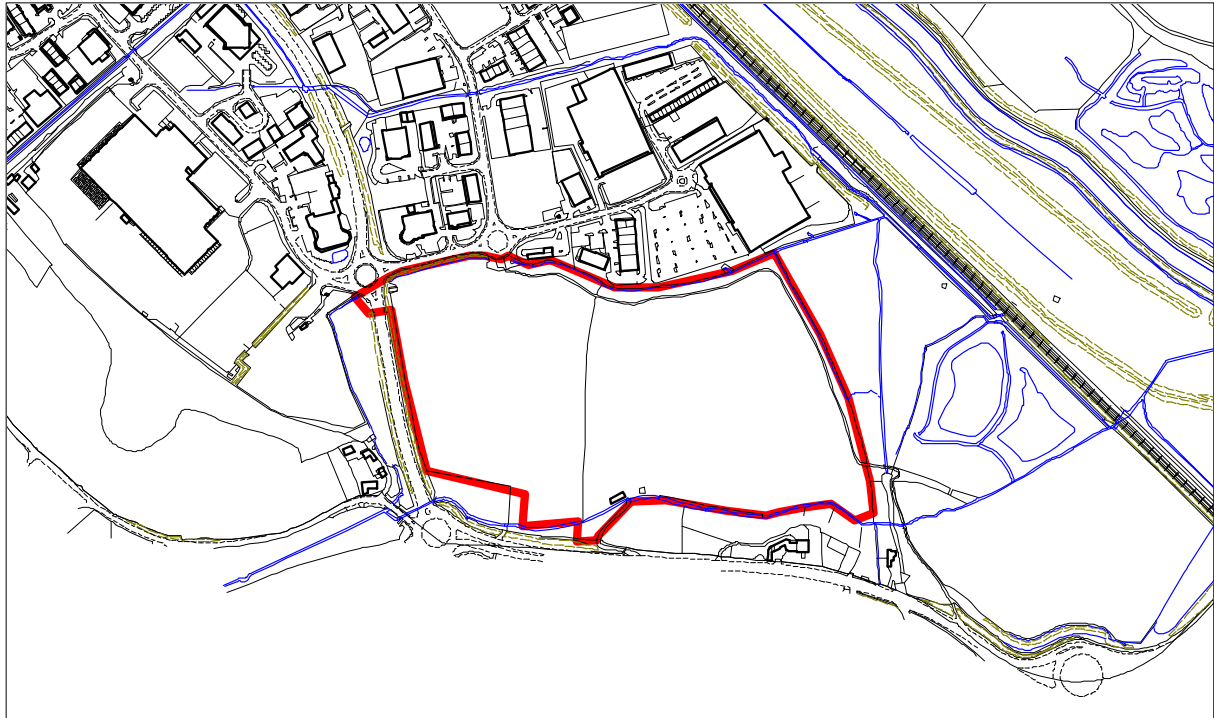
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ITEM NO. 3

COMMITTEE DATE: 26/04/2010

APPLICATION NO: 10/0200/01 **OUTLINE PLANNING PERMISSION**
APPLICANT: Prego Developments Ltd
PROPOSAL: Development to provide mixed employment uses (all matters reserved for future consideration)
LOCATION: Land south of, Yeoford Way, Marsh Barton Trading Estate, Exeter, EX
REGISTRATION DATE: 23/02/2010
EXPIRY DATE: 25/05/2010



Scale 1:10,000

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HISTORY OF SITE

A proposal to enlarge and improve the existing drainage channels to the north (Mutton Brook) and the south (Matford Brook) of the application site was approved at Planning Committee in October 2009. This application enabled an increased capacity to contain water flows and therefore prevent floodwater overtopping the banks and accumulating within the site.

DESCRIPTION OF SITE/PROPOSAL

The site (15.14 hectares) is located on the southern edge of Exeter adjoining the Matford Park trading estate with industrial and commercial land forming the northern boundary. The western boundary is formed by Bad Homburg Way (B3123) and the southern boundary by the A379, although a buffer of land lies between the application boundary and this highway. This strip of land accommodates two residential properties Cotfield House and Basil Oak, which are screened by mature mixed woodland, protected by a Tree Preservation Order.

The site comprises four level fields which are currently used for grazing sheep. A single barn lies on the southern boundary of the site. Exeter Canal, the River Exe and Riverside Valley Park lie to the east with the railway forming part of the eastern boundary. Open land lies to

the south east of the site and this links into the green space adjacent to the south of the site alongside the highway.

A Landscape Setting designation covers the site and the eastern part is also a Site of Local Interest for Nature Conservation.

The application proposes to develop the area for a mixed employment use site for a total of 46,500 square metres. It is proposed that half the site will be for B1 Use with the remainder either falling within with Use Class B2 or B8. All matters are reserved for future consideration. The application is accompanied by a Design Guide which seeks to ensure that the site is developed in a coordinated and cohesive way.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement

The Exeter Local Plan covers the period to 2011 and does not identify development land to be served beyond this period. Employment land will need to be identified to serve the City's needs beyond this period and there is currently an identified shortage of employment land to serve the City of Exeter.

Strategically Exeter is identified as one of the major economic focal points of the South West. Background work associated with the emerging Exeter LDF Core Strategy has identified land at Matford as suitable to meet some of the future employment needs of the City. Commercially Matford / Marsh Barton is a major employment area meeting the needs of a wide range of different businesses and the proposed Phase 3 development is a logical extension to the existing business community and will meet a number of directly identified needs.

Development as proposed will therefore address an existing shortfall in employment land, make a contribution towards the emerging employment land requirements for Exeter and provide capacity to meet market demand.

Consideration of the development has highlighted a wide range of issues which require further detailed consideration before development proposals could be brought forward. Whilst all have informed the proposals the most significant are flood risk, landscape and ecology and transport.

It is acknowledged that the scale and location of the site indicate that the proposals need to be assessed in respect to the likely significant impacts on the environment. A scoping exercise is described in the Environmental Statement and concludes that the only subject that is required to be subject to assessment is ecology.

In accordance with the provisions of the EIA Directive, the Environmental Statement which accompanies these proposals includes a description of the baseline environment; a description of the proposed development and its likely impacts; and an assessment of measures to avoid, mitigate and/or compensate for potential adverse impacts. The conclusion of the Environmental Statement and as set out in the various reports is that, with appropriate mitigation, the form of development as proposed in the outline planning application can be delivered on this site and that there are no major constraints to its delivery.

Mitigation, where appropriate or identified in the Environmental Statement, will be delivered via a wide range of on site measures and the development of a significant wildlife area. These and other matters will be secured via a Section 106 Agreement addressing the following matters; public transport, public art, provision of a culvert under Bad Homburg Way, Landscape and Ecology Management Plan, cycleway and energy strategy. The majority of the site is not allocated for development at the present time. However there is a range of 'material considerations' which indicate an early release of this site, subject to the departure procedure. Furthermore these proposals are fully consistent with the principles guiding development, as set out in the development plan.

Design Guide - The site offers different opportunities as shown on the opportunities overlay and Zonal Design section prescribe the landscape treatment to be provided. The proposed

zones are indicated on the plan attached as an appendix. The following design principles should be adhered to:-

Zone 1 - offers the maximum opportunity for active frontages to the overall development. Buildings should be a high quality, contemporary design with a proposed maximum height of four storey (approx 14 metres). Locations are suitable for headquarters or offices and well articulated buildings.

Zone 2 - provides an ecological corridor through the centre of the overall development. Adjacent sites may be suited to offices or larger scale employment buildings but the area of ecological interest should be screened from the less attractive elements of the building uses. Services yards should providing fencing or barriers appropriate to that location and provide planting to soften boundaries.

Zone 3 - provides the greatest opportunity to engage with the adjacent ecological marsh land areas. A small to medium scale of construction is more appropriate in this location where a 'village atmosphere' may be achieved, and similar larger scale buildings will not be encouraged. A more discreet contemporary design language is proposed in this zone with a more natural, textured palette of materials being more appropriate in this location with an increased use of timber and natural renders.

Zones 4, 5 and 6 - are all to the peripheries of the site and address ecological areas and proposed cycleways. Indigenous landscape screening of industrial and storage areas may be required. A relatively discreet outlook is offered to these locations, particularly zones 5 and 6 where careful treatment may enhance the immediate environment.

Zone 8 - is adjacent to the proposed spine roads serving the development. Plots addressing these important frontages are capable of sustaining buildings of 2 or 3 storey (approx. 8-11 metres) of contemporary design which use a palette of high quality materials as described in this document. Active frontages incorporating glazing and circulation are encouraged and boundary treatments should be of high quality.

The Design Guide indicates a range of materials including shallow pitched roof - standing seam metal or profiled sheeting colour coated light grey; flat roof - high performance polymeric single ply membrane, light grey; external walls - painted or through colour render, cedar or similar natural timber cladding, reconstituted stone facings, flat composite metal panels; brickwork walls - bricks will be wire-cut or stock with natural mortar, clay rainscreen or pre-fabrication brick panels may be used as an alternative; fenestration - powder coated aluminium or aluminium/composite windows and curtain walling, colour grey/white; glass - will preferably be natural in finish although the use of a ceramic frit or sand blasted glass may be acceptable if appropriate in overall design, highly reflective finished will be discouraged; external doors - colour will be chosen as appropriate to the overall design; external stairs - the use of external escape stairs will be discouraged in prominent locations; solar shading - external solar shading will be either natural timber or powder coated aluminium; recycling/cycling storage - external stores should be finished in natural tanalised timber enclosures to complement the design of the overall site and landscaping will be undertaken in accordance with the zonal design sections. Hard and soft landscaping will be used to complement the overall design of the site.

Flood Risk Assessment and Flood Mitigation Hydraulic Modelling Report - The Environment Agency flood maps suggest that the entire site is located within Flood Zone 3 associated with both fluvial and tidal flooding. Baseline fluvial hydraulic modelling has reflected recent engineering works associated with the improvement and enlargement of the existing drainage channels which have resulted in a revision in the flood extent and a large part of the site is no longer considered to be at risk of fluvial flooding. Tidal flood risk is the most significant source at the site, but only if the anticipated affects of climate change materialise. The FRA and Flood Mitigation Report sets out the following proposals some of which have benefit to the area.

- i) a raised development platform will protect the site from tidal and fluvial sources;
- ii) a flood alleviation culvert beneath Bad Homburg Way in order to reduce flooding within the park and ride facility and Marsh Barton industrial estate. Floodwater will be transferred to the conservation management area

iii) a small proportion of the 1 in 100 year return period fluvial event plus climate change will be displaced into the conservation management area, from the footprint of the development platform.

iv) the displacement from the development footprint of the 1 in 100 year return period event and the transferral of flooding from the park and ride facility will result in a peak fluvial water level increase of 0.17 metres in the conservation management area.

The conservation management area is not considered to be a sensitive receptor as it was designed to store floodwater. It is surrounded by more elevated features and therefore the floodwater will be contained. Displacement of tidal floodwater is considered to be negligible due to the equilibrium reached between floodwater within the site and that within the River Exe Estuary.

Infiltration testing within the site has suggested that infiltration for the management of surface water runoff may only be practical in parts of the site. Storage requirement estimated can be accommodated on the site and it is likely that storage will be constructed beneath privately owned parking areas. Some attenuation may also be offered through the use of a wetland or pond system, located to the southeast of the site.

Water Resources and Hydrology Report has not identified any significant risks

Air Quality Report - Key impacts are considered to be those arising from dust at the time of construction (low risk) and traffic. The impact of the latter is considered to be low and the implementation of an operational travel plan will further minimise potential impacts

Environmental Noise Assessment did not identify any significant impacts

Transport Assessment - The assessment concludes that the development is well located in an area designated in the planning process for employment uses. The site is adjacent to the Matford Park and Ride and so can be accessed from the City Centre and designations en route by the service which operates on a 10 minutes frequency. The Park and Rail service terminal point within the City Centre allows connections to all the city's services as they all pass through the City Centre. The development is also accessible by cycle via a number of cycle routes in the area linking it with the City Centre, Alphington, St Thomas and Countess Wear.

The level of development traffic has been assessed in relation to the existing traffic levels and although there is significant traffic in the area at peak times the development traffic is not expected to impact greatly on the conditions.

The development will contribute towards reinforcing the park and ride service, to other services and towards improved bus stop facilities. The development is therefore considered to be acceptable in transport terms.

The level of development traffic has been assessed in relation to existing traffic level.

Landscape and Visual Appraisal - Landscape character studies identify the site within a predominantly open area which has been compromised by peripheral development. A local study of the fringes of Exeter finds the western two fields of the site to be fairly enclosed and visually related to the urban area. In contrast the eastern field is found to be part of a sensitive landscape with visual links to the valley to the north.

The two western fields of the site appear as an isolated parcel of land, enclosed by the urban area to the north and west, and by busy roads and hills to the west and south. The visibility of the site is largely limited to local views from adjacent busy roads, a few locations on higher land to the south and, largely with respect to the eastern field, from the valley to the east.

The edge of Exeter adjacent to the site is a well lit, highly visible, large scale commercial area. Views of the site, where available are seen in this context.

Physical constraints within the site, such as ecological interest, utility supplies and existing vegetation, are largely restricted to the field boundaries or the eastern field. Development of the two western fields would have little impact on the rural area or its landscape character, because of their close relationship with the urban area and isolation from the wider countryside. Development would provide the opportunity to screen some views of the existing trading estate in the long term, reducing the existing visual impact of the urban edge;

it would also provide the opportunity to significantly enhance the biodiversity of the site and contribute to the Green Infrastructure of Exeter.

Outline Landscape and Ecological Management Plan - The plan covers the landscape and ecological management of the landscape infrastructure and ecological mitigation areas. Subsequent detailed planning applications for site development will draw upon the management prescription detailed in the Plan. The Plan should, therefore, be viewed as an overarching document for the delivery and management of landscape and ecological infrastructure.

Tree Survey and Tree Constraints Plan - was prepared early in the assessment of the site and has informed the evolving proposals

Archaeological Assessment - The assessment report does not identify any surface remains but does conclude that the site is likely to contain buried waterlogged deposits of interest. A watching brief is recommended during the development phase.

Geo-environmental Interpretative Report - Tested ground conditions are consistent with known geology and there is no detected soil or ground water contamination.

Site Waste Management Plan accompanies the application.

Utilities Infrastructure Report - There are no known utilities infrastructure constraints to the development of the site.

Lighting Report - Careful consideration has been given to the lighting requirement and limitations of this location. The external lighting installations will incorporate automatic control system including 24 hours time switches and lighting sensors. Lanterns and light sources will be selected so that the maximum illumination requirements identified in the national standards are not exceeded.

Environment Statement - Where there may be significant impacts on the environment as a result of these proposals it is necessary to include a full assessment of that issue in the ES. As a guide to what might constitute a significant impact, the EIA Regulations identifies sensitive areas (Regulation 12) and, at Schedule IV, lists the constituent parts of the environment. The nearest sensitive area is the Exe Estuary Special Protection Area/RAMSAR/Site of Special Scientific Interest, an important wetland habitat for birds which lies to the east. The list of environmental criteria includes biodiversity, population, human health, soil, water, air, climatic factors, material assets, cultural heritage and landscape. The applicants has given detailed consideration to all the subjects listed and these have been reported as part of the planning application. Given the context of the location of the proposed development adjacent to existing similar development and the ability of local roads to absorb additional traffic, it is considered that the only issue the EIA should assess in detail is the relationship between the development and biodiversity both on the site and on adjacent land.

Assessment has found that none of the statutory designated sites outside the site would be affected during the construction or occupation of the site. In particular, habitat removal and construction noise and movement is highly unlikely to have an effect on the integrity of the Exe Estuary SPA/SSSI. Construction would lead to the removal of improved and poor semi-improved grassland and species poor hedgerow. This includes approx. 15 metres along the central hedgerow and along the western boundary. Significant adverse effects of construction were identified with respect to habitats within the site namely the entrance of sediment-laden run-off into Matford and Mutton Brook and vehicle movement within root protection areas of retained trees.

The proposed habitat retention, enhancement and creation measures would deliver positive, certain, long term and significant biodiversity benefits at the District level. In particular the

proposals would enhance the value of the SLINC, Key Network Feature and Biodiversity Network Feature with the application boundary.

The implementation and long term success of the proposed habitat measures would be assured through the implementation of the Outline Landscape and Ecological Management Plan. This would be monitored and reviewed every five years in agreement with Exeter City Council. All retained and proposed habitats would be monitored and managed in accordance with this Plan.

Significant adverse effects of construction were identified with respect to species within the site namely disturbance of birds within Matford Marshes Reserve through the creation of scrapes and the killing and/or injury of reptiles and amphibians during site clearance and ground works.

To ensure that no reptiles were killed or injured during construction, a reptile exclusion and translocation would be undertaken. Prior to the start of construction, 30 bird boxes or various types would be installed within retained habitats. The precise location of the boxes would be specified on site by an ecologist. The majority of site clearance would be undertaken outside of the main bird breeding season.

Construction management measures would be put in place to protect foraging badgers. A security fence would be set up around the perimeter of the development area, which would minimise the entrance of badgers to the construction area. Additional measures would also be maintained throughout construction including control of the location of fire, fencing/capped pipelines and excavations overnight.

Ecological Report - A full assessment of ecology is provided as Part B to the Environment Statement. Assessment has found that none of the statutory designated sites outside the site boundary would be affected during construction or occupation of the site. In particular, habitat removal and construction noise and movement is highly unlikely to have an effect on the integrity of the Exe Estuary SPA/SSSI.

Significant adverse impacts are predicted with respect to the loss of habitats within the site. The proposed habitat retention, enhancement and creation measures would, however, deliver positive, certain, long-term and significant biodiversity benefits at the District level in the long term. In particular the proposals would enhance the value of the SLINC, Key Network Feature and Biodiversity Network Feature within the application boundary.

The implementation and long term success of the proposed habitat measures would be assured through the implementation of the Outline Landscape and Ecological Management Plan (Enderby Associates/EAD 2010). This would be monitored and reviewed every five years in agreement with Exeter City Council.

Subsequent applications to the Outline planning submission would detail public realm lighting. Ecological inputs to the lighting type and layout would mean that potential adverse effects on all retained and proposed habitat types would be minimised.

Energy Report - The developer is keen to work with the LPA to ensure that Matford Park Phase 3 land provides buildings that will meet the carbon reduction requirements as set out in the supplement to PPS1 and both emerging building regulations and policy. It is agreed that the energy from waste plant at Marsh Barton could make a significant contribution to these carbon reduction requirements.

The developer has put forward proposals which allow for the site and the buildings to be future proofed for connection into the heat network when this becomes available. The developers approach is:-

- i) in anticipation of the energy from waste plant providing an economic and renewable source of heat the developer will future proof the site to enable installation of mains pipe work infrastructure and the buildings to allow retro fit of mechanical equipment and pipe work for connection into the heat network.
- ii) the developer will also allow for pipe work infrastructure connections to be made to adjacent occupiers and proposed developments (at no extra cost to the adjacent occupiers).
- iii) should occupiers not wish to connect into the heat network (when the system is connected to the Matford Park site) then payments will be made to the Local Authority for investment into renewable energy strategies elsewhere in the city.

A **Community Engagement** exercise was undertaken by the developers which concludes that the general tone of discussion and comment by attendees was supportive with some detailed reservations concerning traffic, wildlife corridors and the impact of illumination. Comments forms provided the following comments:- sensible location to extend the existing Business Park as there is a shortage of employment land particularly for larger units; fully supportive of proposals; concern regarding the TIA which indicates no off site improvements would be required to Bad Homburg Way/Yeoford Way junction as queuing already takes place therefore consideration should be given to peak time signals or a second access directly onto Bad Homburg Way; Exeter needs a large entertainment venue that can double as a leisure/conference attraction; a good compromise of providing much needed employment land and keeping some green areas and the existing reserve; concern that the planning process will delay the scheme; a filter lane is required for those turning left at the Jaguar garage and there may need to be extra provision at the park and ride.

REPRESENTATIONS

No representations has been received in respect of this application.

CONSULTATIONS

The County Director of Environment, Economy and Culture considers that this level of development is clearly likely to be a significant traffic generator, even with the provision of good sustainable transport links (walking, cycling and public transport). The Transport Assessment (TA) indicates very significant increases in traffic at certain points on the highway network and much of the affected routes are those currently forming parts of the Principal Urban Area (PUA) scheme funding bid to the Department for Transport to secure government funding to allow the total package to go ahead. This is referred to in the TA. A significant proportion of the overall cost of the major scheme improvements also has to be met from local funding sources, including developer funding as appropriate.

The applicant has offered a financial contribution towards 'public transport and bus improvements' but it is considered that this fails to address the very significant overall impact of projected traffic generation from the proposed development on the network. It is considered inappropriate that such a significant traffic generator should not be making proportional contributions to the Major Scheme (PUA) relevant to its impact on the network. For this reason, whilst there would be no objection in principle to the development, its impact on the local highway network must be properly considered and a proportional contribution to the both the Major Scheme proposals and public transport improvements should be sought from the development through an appropriate legal agreement.

The Highways Agency have commented that whilst they now accept the further work which has been carried out in respect of the Transport Assessment, the Agency has concerns regarding the predicted impact on Junction 30, based on the level of proposed development traffic. The Agency is disappointed in the assumption that the increase in traffic impacting Junction 30 would not exceed 4% on any arms, and that this level of traffic would not affect the operation of the junction which does not assess the current or predicted capacity of the junction in future years. While it is possible that the level of traffic being proposed can be accommodated within the background growth assumptions for the junction, the Agency will need this to be quantified.

Some of the analysis demonstrate that the traffic can be accommodated at the junction, the Agency would strongly recommend that the LPA and the Local Highway Authority should consider in detail whether they are content that this proposal has been addressed in a similar manner to other applications in the area, and specifically East of Exeter applications that have been deemed to have a significant vehicular impact on J30. The Agency is concerned that not requesting funding towards works, or other forms of appropriate mitigation, could potentially set a precedent for future developers in the area, or undermine existing agreements.

At this time, the Agency is unable to accept the proposals based on the information provided. The Agency are not minded to issue an Article 14 Holding Direction at this time but, if the Council wish to determine the application before the requested information is provided and agreed with the Agency, it is requested that the Agency is re consulted.

The Environment Agency comments that providing the development proceeds in accordance with the submitted flood risk assessment (FRA) dated 2010 (Rev 02) there are no objections to this proposal in principle. However it is considered that the required flood reduction measures set out in FRA and the new culvert under Bad Homburg Way in particular are implemented in the first phase of any development. Similarly all those works to enlarge and improve drainage channels required as part of the earlier application for the site should be implemented to the satisfaction of the LPA. It is recommended that a condition is imposed to ensure that if contamination not previously identified on the site is found the developer has to submit a remediation strategy.

The applicant should ensure that the proposed development will not impact on third party water interests by carrying out water feature surveys. This should establish whether there are any abstractions (licensed or unlicensed) in the vicinity of the proposed development and assess the impact of these features. Mitigation measures may need to be considered.

From a biodiversity point of view the EA are satisfied that the Environment Impact Assessment has thoroughly considered impacts of the proposals. The recommendations made in this report on how to reduce or mitigate impacts before, during and after construction should be incorporated into the full planning application. Activities to be carried out following outline planning permission should follow the recommendations to ensure compliance with relevant legislation. The EA would like to be involved in the final detailed design of the wetland habitats to ensure that wildlife value is maximised as well as performance for flood risk.

The EA would like to ensure that the landscaping plan is appropriate to the location and setting of this site, adjacent to the land managed for wildlife by the RSPB and retains and enhances the corridors currently provided by the watercourses and hedge lines.

From a recreation point of view the retention of access along the cycle network is essential. The EA would also encourage that there is appropriate, limited public access to the wetland habitats being created as floodplain enhancements

The Head of Environmental Health Services provides the following comments. Further information in respect of noise generation other than from traffic noise alone is required. It is considered that following the recommendations made in the air quality and noise assessment reports a condition should be imposed in line with the recommendations made. A condition regarding construction hours should be imposed. Further consultation is required if the predicted flows in the Traffic Impact Assessment are changed. An operational travel plan shall be submitted to and approved in writing by the Local Planning Authority. The contamination report submitted identifies potential risks associated with imported material and any unexpected ground conditions. Accordingly a standard contamination condition should be imposed to ensure that any such risk are mitigated .

Teignbridge District Council raises no comment.

The Health and Safety Executive raise no objection on safety grounds but as the proposed development is within the consultation distance of a major hazard pipeline consider that the pipeline operator should be contacted before deciding the case. This is because the operator may have a legal interest easement, way leave etc) in the vicinity of the pipeline which may restrict certain developments within a certain proximity of the pipeline and the standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline.

The Head of Leisure and Museum Services makes a series of comments in relation to the proposed scheme namely:-

- buildings that are adjacent to the boundaries of the site, and to the central open space, should have biodiversity features designed into them bat roosting and breeding spaces, swift

nesting spaces and sparrow nesting spaces; provision should be made for green roofs and the provision of viewing 'hide' & interpretation should overlook the wildlife area.

-In addition, the wildlife/ green corridor along the southern boundary is important. If a cycle route is created, between the buildings and the green corridor, then the lighting for this could have an effect upon the use of the area by bats with any lighting for the cycle route should be of a type and design that minimised light pollution.

-Concern is expressed by several organisations about the way that this corridor is 'pinched' (by Section 5B). The development area should be pulled back to create a corridor of even width.

-On previous development at Marsh Barton a green landscape belt has been retained between the development and the road frontage e.g. on the western side of Bad Homburg Way. Over the years the occupants of those offices / showrooms in BH Way have encroached upon that landscaping belt. They have cut down the trees and hedges that were planted (so that their businesses can be seen from the road) and have even started parking demo cars etc' there. This must not be allowed to happen with this development;

-Where building can be seen from recreation / transport routes and from longer views then the colours of the builds should be carefully considered to help them blend in with landscaping etc;

-In relations to the wildlife area's design, the proposals for this area show the creation of some scrapes. There is scope for greater enhancements to this area by creating larger areas of deeper water and allowing reed beds to develop. The applicant's proposals do not go far enough in this respect. In addition, the wildlife area should be designed in conjunction with the viewing hide so that visitors enjoyment is maximised by being able to look over / into appropriate habitat types.

- It is important that the cycle routes are designed so that people using them cannot be cut-off by rising waters.

- In respect of the Outline Landscape and Ecology Management Plan it is considered that the way that the boundary corridors, and the wildlife area, are managed in the medium / long-term will be critical to how well they fulfil their biodiversity functions. Management of these areas for the enhancement of biodiversity will probably need a different approach to that of the more formal landscaping areas. Management for biodiversity is a specialist skill and the management documentation and the skill-sets of those who take on management should reflect this. The measures mitigation proposed in the application will need to compensate for the effects of the development on existing biodiversity. It is absolutely critical that the Management Plan delivers sound biodiversity gain and enhancement in the long-term. *The Head of Leisure Services overall impression of the Management Plan is that it does not adequately set out how biodiversity will be optimally managed and that further consideration should be given to this.*

- Specifications should wherever possible be performance specifications rather than process / schedules of works. The performance specification approach will be particularly important, for example, for the creation of wildflower areas.

-It is important that a 'hands-off' approach to managing the flood channels is acceptable to the Environment Agency. In order for the channels to be of good biodiversity value then the vegetation in the channels will need to be allowed to grow up at times. If this approach to managing the vegetation in the channels is not acceptable i.e. it would compromise the flood function of the channels then this needs further consideration.

Devon Wildlife Trust raise objection to the scheme stating that whilst the current proposal recognises the importance of enhancing the Matford Brook wildlife corridor, along the southern boundary of the site, it has constricted the width of this wildlife corridor by locating a car park within it. It is considered that the resulting pinch point in the wildlife corridor is detrimental to the character and function of the wildlife corridor. As such, it dilutes the intentions of the Green Infrastructure Strategy. In addition it is considered that this constriction of the wildlife corridor conflicts with the following national planning policies as it has not maximised opportunities for building-in beneficial biodiversity; not sufficiently strengthened the habitat network; and has not sufficiently had regard to the connectivity of the green infrastructure network. However it is considered that if the plans can be revised the Trust's objections will be withdrawn.

The Royal Society for the Protection of Birds consider that as a large area of green space at the edge of the City, partly within the Exe floodplain, close to the Exe Estuary SPA, Ramsar site and Special Scientific Interest, with two waterways running through it and a network of hedgerows and trees, the proposal site is currently an important component of the south of the City's Green Infrastructure (GI) resource. It is RSPB'S view important that the strategic GI functions the site performs – wildlife corridors, flood plain wetlands, pleasant off-road cycling and walking routes are maintained and enhanced through any development. As such, we welcome and fully support the proposals' plans to retain and enhance these features. In particular, the site offers good opportunity for wetland enhancement, and we welcome the ecological corridor to the south, alongside the Matford Brook, the wetland corridor along the northern site boundary, incorporating the Mutton Brook and the wetland enhancements offered in the Eastern wetland area. However the RSPB have requested several amendments or conditions to achieve an acceptable scheme. These include the moving of the proposal's southern boundary northwards at this point to enable a consistently broad wildlife corridor. In addition, it is considered that a condition is attached that requiring the eastern wetland's design and management to be agreed between the applicant, the City Council, Natural England and the RSPB, to enable a more expansive reed bed option to be explored further with the applicant, for instance by stating that it should have a minimum of 50-70% open water/reed bed (rather than the 30-50% currently proposed). In addition, it is recommended that the Council secures minimum standards for the ecological mitigation and enhancement measures; requires ongoing management of the eastern wetland to be adequately resourced and managed by a specialist wildlife contractor; require the removal of the western part of the southern cycleway from the proposal.

National Rail raise no observations.

South West Water raise no observations.

PLANNING POLICIES/POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPS22 - Renewable Energy
PPS23 - Planning and Pollution Control
PPS25 - Development and Flood Risk
PPG13 - Transport
PPG14 - Development on Unstable Land
PPS23 - Planning and Pollution Control
PPG24 - Planning and Noise

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
ST4 - Infrastructure Provision
ST10 - Exeter Principle Urban Area
CO6 - Quality of New Development
CO8 - Archaeology
CO9 - Biodiversity and Earth Science Diversity
TR1 - Devon Travel Strategy
TR2 - Coordination of Land Use/Travel Planning
TR4 - Parking Strategy, Stands and Proposals
TR5 - Hierarchy of Modes and Transport Assessment
TR7 - Walking and Cycling
TR10 - Strategic Road Network and Roadside Service Areas

AP1 - Design and Location of Development
AP2 - Sequential Approach
L4 - Provision of Playing Pitches
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T10 - Car Parking Standards
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN4 - Flood Risk
EN5 - Noise
EN6 - Renewable Energy
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG3 - Commercial Development
DG7 - Crime Prevention and Safety

OBSERVATIONS

The proposed outline planning application is for a total of approximately 15 hectares with all matters reserved for future consideration. Clarification with the applicant has confirmed that of the 46,500 square metres of proposed floor area indicated for development 50% will be for B1 (office) use and the remainder for B2 (general industrial) and B8 (storage or distribution) use. Whilst the site is located immediately to the south of the existing Matford Park employment area, the site is currently identified in the Exeter Local Plan First Review as an area of Landscape Setting in which there is a presumption against most types of development and part as a Site of Local Interest for Nature Conservation. Consequently development of the site is currently contrary to the Local Plan. However Members will be aware that the site has been identified as a Greenfield Employment Option in the Core Strategy Preferred Options in October 2006. The Core Strategy is currently at draft consultation stage. In addition, it is considered that the employment land needs report submitted with the application provides a reasonable argument in favour of the need for additional employment land to be brought forward, suggesting a strong demand for both office, industrial and warehousing in the area. Accordingly it is on the basis of identification of the site as an Employment Option and the submitted employment study that the principle of the proposal is acceptable. However given that the site is not currently covered by designation for employment use in the Local Plan, it is necessary to refer the application to Government Office for the South West as a departure from the Local Plan.

It is considered that a 50/50 split of B1 uses and B2/B8 is reasonable and indeed it is upon this basis that the conclusions of the applicant's Transport Assessment have been calculated. In addition, recent research carried out for the South West Regional for Employment Land Demand Spatial Implications identifies significant demand in all employment sectors in Exeter, including industrial and warehouses. Consequently it is considered that a planning condition which limits the amount of office use to 22,250 square metres with the remainder of the site to B2/B8 is warranted.

Future development of the built form within the site will be subject to detailed reserved matters applications. However given that the site will be developed over a number of years, it is essential that the outline application provides the necessary control and phasing of the site to ensure a coordinated approach to the area's development. This will be achieved through a combination of conditions and the requirements of the Section 106 Agreement. Given the site's prominent location and its current designation as an area of landscape setting, it is considered that matters covering the landscaping, design of buildings within the site and the creation of the wildlife area are particularly important.

The previous planning application to widen the Mutton and Matford brook were designed to address the comments raised by the Environment Agency who have previously raised objections to the principle of the site's development. Given the works that have been undertaken to these channels, the Environment Agency has raised no objection to this current proposal, subject to the early installation of a new culvert beneath Bad Homburg Way to relieve the potential for flooding in the Park and Ride car park. However as with the previous application specific conditions are required to ensure that suitable landscaping takes place along the perimeters of the site. Whilst it is accepted that existing tree and hedges are located along the boundary, additional planting and a future management regime is necessary to ensure that the development is integrated within an appropriate landscape framework and that harm to biodiversity is minimised. It is acknowledged that the overall site area identified for development will take many years to be fully occupied and consequently it is considered that a suitable phasing of the proposed landscaping is necessary. This can be achieved through the requirements of the Section 106 Agreement, with phasing based on the applicant's submitted "Outline Landscaping and Ecology Management Plan" produced by Enderby Associates.

A similar approach should be adopted for the proposed design of the buildings within this site. The applicant's have submitted a Design Guide which sets out the overall principles in respect of various zones within the site for future buildings, for example in terms of height, scale and material. Reference to this Design Code will enable greater control over future reserved matters applications and ensure that a cohesive approach to the design aspirations for this site are met. It is considered that a suitable condition could address this issue and ensure, for example, that active frontages are achieved on the road frontages both when seen from outside the site and from the internal access roads, and that buildings of a suitable scale and design front the wildlife areas to the eastern side of the site.

It is considered that the submitted Environmental Statement provides the necessary level of detail to address the site's important location in respect of landscape setting and nature conservation value. It identifies the site's importance in the biodiversity of the area given its close proximity to the Exe Estuary Special Protection Area, RAMSAR and SSSI and in particular its importance as a habitat for birds. Consequently it is considered that the creation of an additional wildlife area to the east of the development site is wholly appropriate in part mitigation for the proposed loss of habitat. The Wildlife Area located between the development site and the railway, with the Riverside Valley Park beyond, would create an expansion of the wildlife areas previously created by earlier phases of the Matford Park developments. It is acknowledged that Devon Wildlife Trust and the RSPB have made detailed comments in respect of the environmental enhancement proposed. Consequently it will be necessary to address these points within a revised Management Plan. However subject to the satisfactory conclusion of these discussions, it is considered that the introduction of this area should be phased through the provisions of the Section 106 Agreement and once created will enhance the biodiversity of the area.

The applicants have submitted a Transport Assessment which concludes that the level of traffic generated by the development will not have significant impact on the existing road system. The County Director of Environment, Economy and Culture has raised no objection in principle and are broadly happy with the documentation submitted. The applicants does acknowledge the development will require additional funding towards highway improvements in the area and a financial contribution has been offered. However the appropriateness of the level of financial contribution in respect of highway works and public transport is still be resolved. Whilst the Highways Agency initially raised concern regarding the impact of the proposed developments on Junction 30 further discussions have concluded that the information submitted is acceptable and a comment of no objection subject to conditions is anticipated from the Highway Agency.

An Energy Strategy for the site has been submitted with the application. This study has been prepared following discussions with the Local Planning Authority. Its aim is to ensure that the

future development meets the necessary carbon reduction requirements of the site. The report assessed the various options available to reduce the energy requirements of the development and has formulated a strategy which will apply to all new buildings within the site. In particular, it is proposed that the buildings should be future proofed to enable the subsequent installation of energy saving equipment and significantly, there is a commitment to connection with the 'Energy from Waste' plant which is to be constructed in Marsh Barton. The requirement of the Energy Strategy will be linked to the Section 106 Agreement to ensure compliance.

The application is supported by numerous detailed reports and studies, which are referred to within the section on "Information Supplied by the Applicant". It is considered that the recommendations formulated within many of these reports, notably the Air Quality Plan, Lighting Assessment, Noise Report and Construction Management Plan, together with the design brief and the landscape management plan previously referred to, provide a basis for future consideration of reserved matters applications. Accordingly it is considered that where these conclusions are not addressed by the Section 106 Agreement suitable planning conditions should be imposed.

WESTERN AREA WORKING PARTY

Members were advised of the nature of the application, the designation of the site in the Exeter Local Plan, design principles as identified in the submitted Design Guide, provision of additional landscape and wildlife area and location of new cycleways. Requirements for the Section 106 Agreement which include a financial contribution towards public transport and public art, the construction of a culvert under Bad Homburg Way and compliance with the submitted energy strategy were also discussed. Members were advised that the application would be reported to the Planning Committee.

RECOMMENDATION

Subject to referral to the Government Office for the South West as a departure from the Local Plan, **APPROVE** subject to the completion of a Section 106 Agreement which requires 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.

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.

APPROVE subject to 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 a Construction Management Plan submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport). The plan shall include 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 construction of the development hereby permitted shall be carried out 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(s) 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 (in consultation with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport), in advance of occupation of the development. A review of the targets contained in the travel plan shall be undertaken and submitted to the Local Planning Authority within 6 months of the occupation of the development and on an annual basis thereafter. The Travel Plan as shall be approved in writing by the Local Planning Authority and Local Highway Authority) 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 (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.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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Revised	Date	By	Checked
K	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
H	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
G	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
F	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
E	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
D	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
C	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
B	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI
A	06/10/10	LAVETT (LAVETT AS PER CLIENT AND LANDSCAPE ARCHITECTS COMMENTS)	DI

PLANNING

Project No: 000199014
 MATFORD PHASE III
 MATFORD PARK EXETER
 FOR EAGLE ONE LTD

Scale: 1:1250 @A1
 Date: 01/07/2009
 Drawn By: AK
 Checked By: K

SITE PLAN

archival

The Park House, 13 Queens Terrace, Exeter, Devon, EX4 4HR
 T: +44 (0)1392 252000 F: +44 (0)1392 489100
 www.archivalgroup.com



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Agenda Item 4

ITEM NO. 4

COMMITTEE DATE: 26/04/2010

APPLICATION NO: 10/0375/03 FULL PLANNING PERMISSION

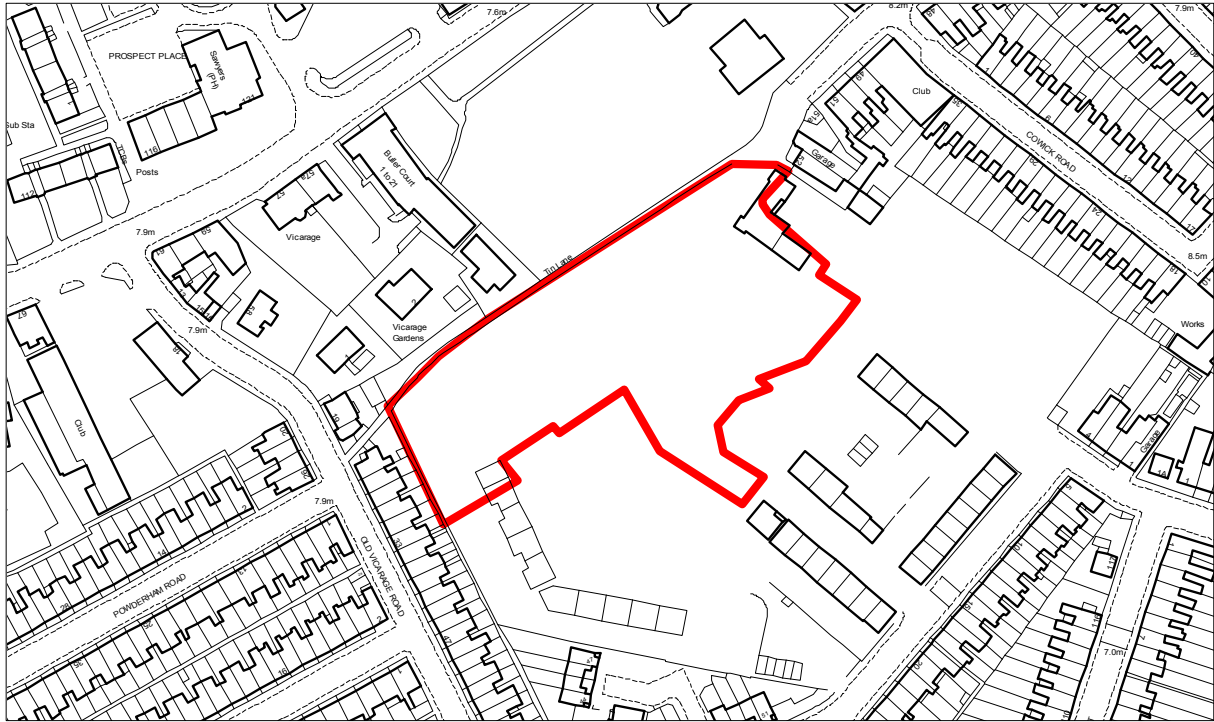
APPLICANT: Bellway Homes

PROPOSAL: Redevelopment to provide 20 dwellings, parking, access to highway, landscaping and associated works (revised scheme following reserved matters approval Ref No. 07/1761/02 granted 2 November 2007)

LOCATION: County Ground, Church Road, St. Thomas, Exeter, EX2 9BQ

REGISTRATION DATE: 11/03/2010

EXPIRY DATE: 10/06/2010



Scale 1:2500

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HISTORY OF SITE

An application for outline planning permission (planning ref no.03/1161/01) with a Section 106 Agreement was approved in August 2004 for residential development. The Section 106 Agreement 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.

In June 2006 Planning Committee granted consent for 53 residential flats as accommodation for the elderly on part of the site (planning ref no. 06/0906/02).

An application for reserved matters for a total of 121 residential units on the remainder of the site was refused at Planning Committee in March 2006 due to inadequate arrangements for refuse collection, insufficient parking spaces and an absence of contribution to sustainable transport measures in the area (planning ref no. 05/1890/02).

A revised application was submitted in 2007 (planning ref no. 06/2320/02) which proposed a total of 110 residential units. This application was refused at Planning Committee in 2007 on the grounds that the scheme represented overdevelopment of the site and did not meet the design objectives required for this site. This application was subsequently dismissed at appeal on 16 July 2007.

The application approved in November 2007 (planning ref no. 07/1761/02) created a total of 100 residential units (16 No three bedroomed terrace; 38 No. four bedroomed terrace; 1 No. three bedroomed flat; 33 No two bedroomed flats; 10 No. one bedroomed flats and 2 No two bedroomed mews). This development is served via a newly created access from Ferndale Road. The internal road layout effectively creates a 'loop' from Ferndale Road access but with no through road to Church Road. The parking for the site is achieved through a combination of garage blocks, parking courts and parking bays off the main access road.

An application to replan the northern portion of the site for a total of 36 residential units was refused at Planning Committee in January 2010 on the grounds that the scheme did not provide sufficient amenity provision, created overshadowing and loss of outlook to adjacent proposed properties and inadequate information had been submitted to demonstrate that the highway considerations had been suitably addressed.

DESCRIPTION OF SITE/PROPOSAL

The application site (0.6 hectares) is located within the northern section of the site predominantly adjacent to Tin Lane. The fundamental change from the approved application is the removal of the three storey flats which previously fronted Tin Lane. It is proposed to revise the layout in this location to provide a total of 20 residential units (3 No one bedroomed which indicates one unit incorporating a carer's bedroom; 8 No. two bedroomed apartments and 9 No. four bedroomed).

The proposed application will reduce the total number of approved residential units on the Bellway part of the site from 100 to 84.

The proposed dwellings are to be constructed of a combination of brick, render and timber cladding with eternit slate. The materials and elevational style are proposed to replicate the type of dwellings which are currently being constructed on the site.

The scheme involves the widening of Tin Lane and the resiting of the internal circulation road adjacent to Tin Lane with associated parking areas and landscaping. The scheme would still require all the residential units to be have vehicular access via Ferndale Road. A pedestrian access is still retained to Church Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Planning Statement and Design and Access statement accompany the planning application. These documents have been updated from the previous application submitted in October 2009

REPRESENTATIONS

2 letters of comment raising concern regarding the height of the proposed dwellings and how this will affect the residential amenities of occupiers of adjacent properties and the impact the additional traffic will have on the surrounding area.

CONSULTATIONS

The Director of Environment, Economy and Culture raise no objections subject to the submission of full construction details. From a highway view the revised proposals introduce a relocation of the access road 'loop' in a northerly direction to integrate the carriageway with

the footway/cycle section of Tin Lane. The overall volume of traffic movements that are likely to be generated by the revised scheme does not significantly change from the previously approved scheme and all means of access are considered adequate. It is however recommended that a limited palette of materials be used in the road construction in the interests of safety and to retain an effective slow speed layout.

The Head of Environmental Health comments on the needs for a contamination report, noise survey and air quality survey however these have previously been accepted within the approval of the residential application for a 100 units. In addition, a condition requiring a limit on hours of construction, refuse storage and the need for a travel information pack should be imposed.

The Environment Agency raise no objections providing the development proceeds in accordance with the Addendum to the Flood Risk Report dated 12 October 2009.

The Head of Housing and Social Inclusion comment that the affordable homes on the County Ground site were agreed as part of the original reserved matters planning application (07/1761/02). This new application reduces the number of units being built in this re-design area and removes the designated five affordable flats. It is requested that these five homes are replaced by one affordable home in order to achieve 25% affordable housing on the overall site which will consist of 84 units. In addition, it is also requested that this home is provided for social rent, built to wheelchair accessible homes standards agreed by Exeter City Council's Occupational Therapist and meets standards defined by the Homes and Communities Agency as appropriate for affordable housing.

The Police Architectural Liaison Officer consider that the concerns previously raised in terms inappropriate boundary treatment, unsuitable landscaping, the absence of windows within the side elevation and problems of unauthorised access have been addressed by the revised submitted planning application. Consequently no objections are raised.

PLANNING POLICIES/POLICY GUIDANCE

Devon Structure Plan 2001 to 2016

- ST1 - Sustainable Development
- CO6 - Quality of New Development

Exeter Local Plan First Review 1995-2011

- H1 - Search Sequence
- H2 - Location Priorities
- H6 - Affordable Housing
- H7 - Housing for Disabled People
- T1 - Hierarchy of Modes
- T2 - Accessibility Criteria
- T3 - Encouraging Use of Sustainable Modes
- DG1 - Objectives of Urban Design
- DG2 - Energy Conservation
- DG4 - Residential Layout and Amenity
- DG7 - Crime Prevention and Safety

OBSERVATIONS

The principle of residential development of this site has been established by the approval of an outline application in August 2004 and the approval of the reserved matters application in 2007. Accordingly the merits of this application are based on the detailed layout issues.

The removal of the previously approved residential block situated adjacent to Tin Lane in the scheme represents a significant opportunity to improve the quality of the townscape in this section of the site. This three storey block represented a dominant feature when viewed in relation to Tin Lane and from within the site. The replacement of these flats with dwellings coupled with the reorientation of the internal road alongside Tin Lane provides a significantly improved layout and importantly for the pedestrian users of Tin Lane creates a significantly wider footway.

Amended plans are awaited in respect of the proposed disabled unit which has been identified as part of the affordable allocation for the overall site. Whilst the number of units have been reduced from 100 to 84 the overall density of the site would be reduced from 53 units per hectare to 44 units per hectare for the overall site which is still considered appropriate in this location. In addition, discussions are being held between the applicant and the Council's Housing section regarding the appropriate mix of affordable homes which will cover both this site and the previously approved scheme for residential development. Accordingly it is considered that the scheme, as now, submitted is to be welcomed.

WESTERN AREA WORKING PARTY

Members were advised that significant improvements had been made to the scheme with the removal of the three storey flats and since the refusal of the previous planning application in January 2010. Members welcomed the changes and were advised that the application would be reported to Planning Committee.

RECOMMENDATION

APPROVE 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.

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.

APPROVE subject to 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.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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Agenda Item 5

ITEM NO. 5

COMMITTEE DATE: 26/04/2010

APPLICATION NO: 10/0295/03 FULL PLANNING PERMISSION

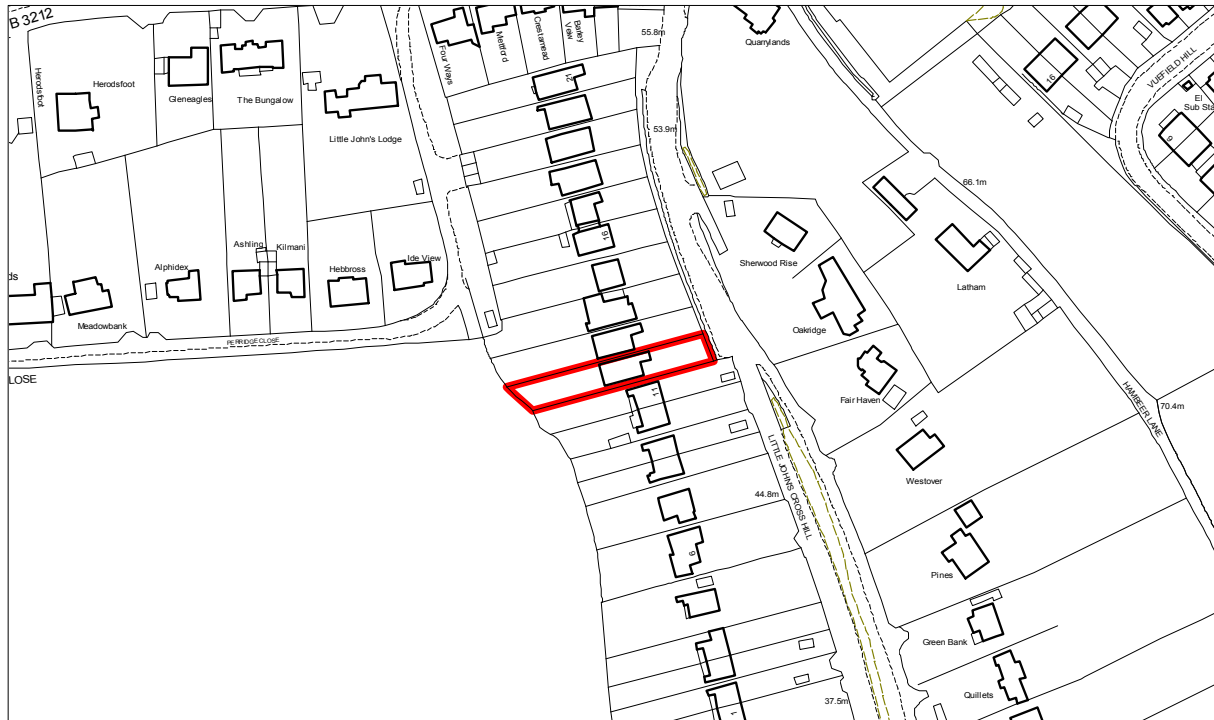
APPLICANT: Mr L Dart

PROPOSAL: Extension to front of existing house and raising of existing roof to provide habitable accommodation within roof space.

LOCATION: 12 Little Johns Cross Hill, Exeter, EX2 9PJ

REGISTRATION DATE: 01/03/2010

EXPIRY DATE: 26/04/2010



Scale 1:2500

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HISTORY OF SITE

No relevant site history

DESCRIPTION OF SITE/PROPOSAL

12 Little John's Cross Hill is located within the Alphin Brook Conservation Area. Little John's Cross Hill rises up the valley in a northerly direction through a deep cleave which opens out at the brow of the hill where the houses are succeeded by a row of bungalows which line the western side of the road. 12 Little John's Cross Hill is the first bungalow in the stretch and is adjacent to the Edwardian row of semi-detached dwellings which are highlighted in the Conservation Area Appraisal as having a neutral impact upon the character of the area. The row of bungalows are however indicated as not making a positive contribution to the Conservation Area. However, the group of bungalows are similar in design and scale and are discrete and modest in the streetscene.

Like the other bungalows, No. 12 is situated within a narrow but lengthy plot with the depth of the existing bungalow also far exceeding the width. The property is set well back from the road frontage and benefits from an integral garage with associated access point and drive off Little John's Cross Hill. There is pedestrian access either side of the property and a large

amount of enclosed private amenity space to the rear. The property has a hipped roof which fronts the road and a tile and red-brick finish. The existing garage dominates the front elevation due to the lack of a front entrance point and by reason that it is set forward of the rest of the property. The property sits above road level with the front amenity space and access drive sloping down towards road level.

This application seeks to gain permission to bring the building forward to be nearly in line with front building line of the garage. The proposed bay window would sit in line with the existing front line of the garage and the eaves of the main roof would slightly overhang this line. The main part of the proposal is to create a first floor level of accommodation and in order to achieve sufficient head height the roof will be lifted by approximately 1.4 metres. This additional height would be achieved by the insertion of a rendered band around the property which will be disguised by extended eaves on the front elevation. A small projecting gable roof will be over the garage and the up-and-over metal garage door is to be replaced. The proposed first floor level of accommodation would be lit solely by rooflights, two on the front, one on the rear, four on the southern side elevation and two on the northern side elevation.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a combined Conservation / Design Statement. This highlights that a bay window is proposed on the front elevation to raise the character of the facade as well as provide a focus. Further, new garage doors are proposed in lieu of the more functional roller shutter that currently exists. It is indicated that to minimise the change in height it is proposed to slope the front roof down to the top of the bay window as this retains the relationship of eaves line to its neighbours.

The statement details that the proposed design to the front elevation provides an overall enhancement which will benefit the street scene. The additional height is hidden within the design and the living room extension provides an opportunity to provide a focus in the form of a bay window.

REPRESENTATIONS

One letter of objection has been received which highlights concerns regarding the loss of natural light to the neighbouring property and which raises concerns that the proposal is out of character with the neighbouring bungalows and it will significantly change the structure and appearance of the street.

CONSULTATIONS

The Head of Environmental Health comments that 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.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
PPS5 - Planning for the Historic Environment

Devon County Structure Plan 2001-2016
CO6 - Quality of New Development
CO7 - Historic Settlements and Buildings

OBSERVATIONS

Although highlighted in the appraisal as not making a positive contribution to the character of the designated area, no. 12, in association with the rest of the bungalows which line the western side of the road, do have a certain character and appearance which is strengthened by a degree of similarity in regard to their scale and massing and their position within the street. Several of the properties have dormer windows of varying forms however, none set a precedent which the Authority would wish to see replicated. No. 12 is adjacent to the two-storey semi-detached properties and this factor coupled with the natural gradient of the road, does give scope to the principle of a small increase in the roof height to achieve an additional level of accommodation. During the course of pre-application discussions, it was indicated that an increase in the height could be favourable given the above. This was providing a suitable design could be achieved, which sought to enhance the appearance of the property and its contribution to the area and which allowed for the preservation of the streetscene. It was considered that the existing front elevation which has no focal point and which is dominated by the garage would need to be enhanced rather than preserved given that the proposed changes would effectively increase the prominence and scale of the front elevation.

There are two elements to the proposal, the raising of the roof and how this is presented and the treatment of the front elevation. These two elements are clearly linked. With regard to the increase in the height of the building the resulting roof form appears top heavy and awkward. The insertion of a render band draws attention to the fact that the upper level is an addition instead of blending with the existing elevations. The bulk of the roof, which is only punctuated by rooflights, brings little to the streetscene and the lowered eaves to the front gives a disjointed appearance to the roof. The side eaves are higher than the eaves of the neighbouring bungalow whilst the front eaves are lower than the eaves of the neighbouring bungalow. The lowered front eaves increase the perceived expanse of roof and given that this is only punctuated by two small rooflights, it appears very dominant and top heavy. Whilst the actual height is not considered to be discordant with the buildings either side, offering as it does, a transition from two-storey to single height, the presentation of roof results in a bulky and awkward element within the streetscene.

The treatment of the front elevation is also viewed equally as unfavourable. Bringing forward the main building line at ground floor level is considered to reduce the visual impact of the garage element, which is currently an unfortunately dominating element on the facade. It was suggested during pre-application discussions that the treatment of the front elevation would need to be improved in order to give the building a positive feature which would contribute to the appearance of the streetscene and which would give the property a distinct character. The introduction of a basic bay window which is dated in appearance does not contribute positively to this elevation and is a poor reference to the bays on the neighbouring two-storey properties which are well proportioned and link to the overall design concept. The gabled roof above the garage seeks to add visual interest however, it merely results in the introduction of a pitched roof which relates uncomfortably with the main roof. The internal dimensions of the existing garage are 2.4m x 4.5m, the Highways Engineer from Devon County Council indicated informally that such dimensions would not meet current requirements for a garage which are 3.5m x 6.0m. A proposal that deleted this element may be more appropriate.

It is not considered that the works proposed would have a significantly detrimental impact upon either of the neighbouring properties either by way of loss of light or loss of privacy. There is a small side window to No. 13 which serves a bedroom, this may be partially overshadowed however, this is not considered to be significant enough to warrant a refusal.

The position of the building and its surrounding context do allow the principle of an increase in the ridge height to be considered however, the architectural approach to achieving this is fundamental. It should ensure that any such development results in solution which offers an improvement to the front elevation of this property and achieves a positive element within the wider streetscene. The current proposal fails to achieve this and creates a building which would appear discordant and lacks a clear design concept or feature to make it a positive element within the streetscape.

It is considered that the proposal is contrary to Local Plan Policies C1 and DG1 which seek to secure developments which harmonise with the scale, massing and design of the original house and which ensure the preservation if not enhancement of the character and appearance of designated Conservation Areas.

WESTERN AREA WORKING PARTY

This application was presented to Members of the WAWP on 6 April 2010. The concerns regarding the impact upon the streetscene were raised and the presentation of the front elevation of the property were discussed. Members shared these concerns and considered that the design may be inappropriate and would result in a discordant feature in the streetscene.

RECOMMENDATION

REFUSE for the following reasons:

- 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 form 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.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 26/04/2010

APPLICATION NO: 10/0298/03 FULL PLANNING PERMISSION

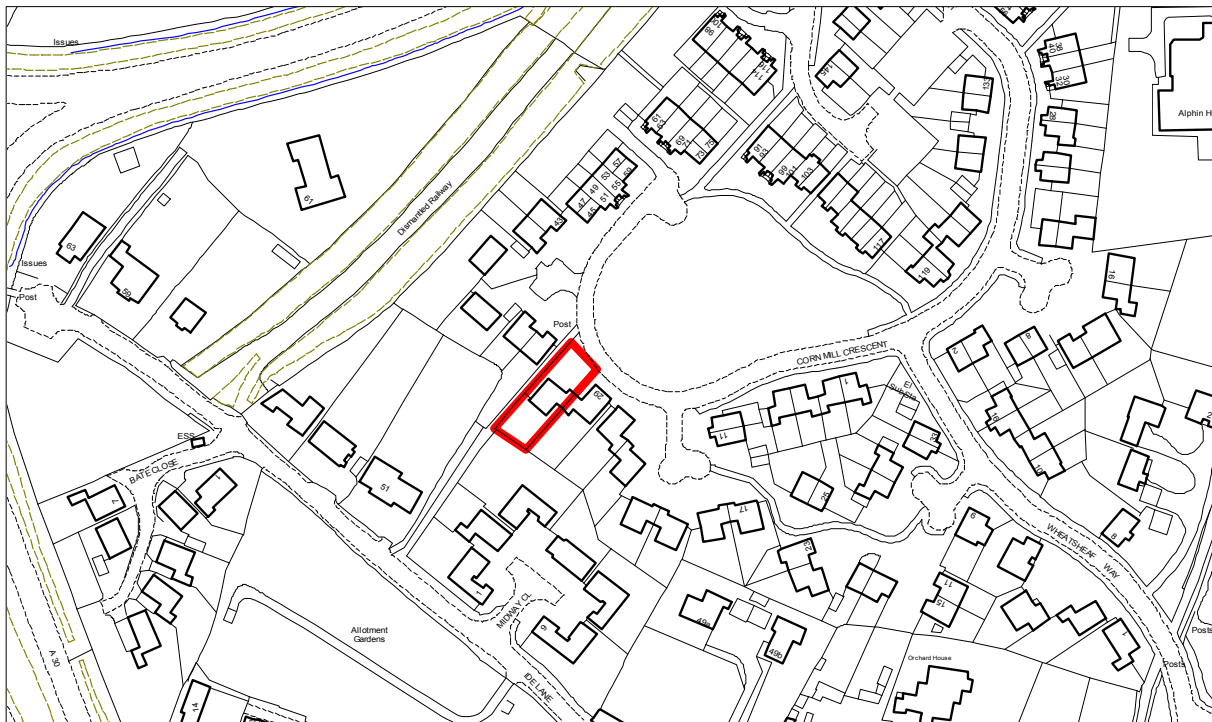
APPLICANT: Mr S Carnell

PROPOSAL: Two storey extension on west elevation and single storey extension on south elevation.

LOCATION: 31 Corn Mill Crescent, Exeter, EX2 8TL

REGISTRATION DATE: 01/03/2010

EXPIRY DATE: 26/04/2010



Scale 1:2500

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HISTORY OF SITE

77/0490/01 -	Residential development R 25.07.77 Appeal lodged 26.05.77 Appeal allowed 29.01.80	ALC	29/01/1980
80/0763/02 -	138 residential units and associated works.	PER	23/06/1980
03/0119/18 -	Ground floor side and front porch extensions. (Certificate of Lawfulness for Proposed Development).	WLU	24/02/2003

DESCRIPTION OF SITE/PROPOSAL

31 Corn Mill Crescent is a link-detached property linked by a single garage to the adjoining property. The property is set back from the adjoining property and the road is characterised by a staggered building line. The road is a cul-de-sac which sits around a central area of green open space. The property is two-storey with a rough render and tiled finish. The property benefits from private front, side and rear amenity space. The rear and side amenity space is enclosed by hedging and close boarded timber fencing. The front amenity space is open plan with low level hedging adjacent to the public footpath which runs along the north western side boundary.

The property has benefited in the past from two small extensions. One in the form of a conservatory on the rear elevation and one in the form of a small lean-to to the rear of the single garage.

This application seeks permission for a two-storey side extension and the demolition of the existing conservatory and the erection of a lean-to style conservatory. The side extension will have a footprint of 2.5m x 8.4m. The rear conservatory will cover the existing conservatory footprint and extend across the rear of the proposed two-storey extension. It will have a footprint of 6m x 2.6m.

The rear and side extension will extend up to the boundary with the side walls forming the boundary adjacent to the footpath. The side extension will be set 600mm back from the front main building line and will be set down from the main ridge height by 300mm.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

No additional supporting documentation has been provided.

REPRESENTATIONS

None received.

CONSULTATIONS

The Head of Environmental Health comments that 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.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016
CO6 - Quality of New Development

Exeter Local Plan First Review 1995-2011
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity

Exeter City Council Supplementary Planning Document
Householder's Guide to Extension Design (adopted 16 September 2008)

OBSERVATIONS

Following a discussion with the Applicant it has been agreed that the extension will be set back from the front building line by a full 900mm, in line with the guidance set out in the adopted SPD. Amended plans are to be submitted in due course.

The adopted SPD sets out that extensions should harmonise with or where possible enhance the character of the original house. In order to achieve this a number of key principles are set out. Of particular relevance to this application are principles 2, 4, 5 and 6. Principle 2 seeks to ensure that the establish street scene is protected and that extensions respect existing building lines, the pattern of buildings in the street and spaces between them. The street has a staggered building line which coupled with the set back of the buildings from the public highway, give a spacious feel to the residential estate. There are comfortable gaps

between the pairs of properties particularly in this case, where there is a small footpath to the side of the site which connects Corn Mill Crescent to Ide Lane. Given the site layout and the wider streetscene it is not considered that the proposed side extension would detract from the established character nor close off important gaps.

Principle 4 seeks that extensions be designed to minimise overlooking of neighbouring properties. It is not considered, that given the relationship of the proposed extension works with the neighbouring properties, there would be any detrimental impact to the levels of amenity currently enjoyed.

Principle 5 relates to the scale and massing of extensions. The element of subservience is a key factor in achieving good design. Section 3 of the SPD deals with achieving good design and subservience for side extensions. In accordance with the guidance in this section the side extension is set back from the front building line. It is set down from the main ridge height and is significantly less than half the width of the original dwelling house. The side extension is considered to be subservient and the use of a matching roof to that of the main roof in terms of shape and pitch tie in with the requirements of Principle 6. The side extension is considered to be in accordance with Local Plan policy and to the advice contained within the adopted SPD.

With regard to the rear extension the depth and width meet the requirements of Section 4 of the SPD, and the proposed conservatory is in proportion with the main dwelling unit. The design, which takes on a simple lean-to roof is acceptable and therefore, the rear element is also considered to be acceptable in accordance with policy and the relevant guidance.

Given the above, it is considered that proposed works are in accordance with the requirements of the adopted SPD and Local Plan Policies DG1 and DG4.

WESTERN AREA WORKING PARTY

The application was presented to Members of the WAWP on 6 April 2010. Members were appraised of the proposal and raised no issues.

RECOMMENDATION

APPROVE 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.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

EXETER CITY COUNCIL

PLANNING COMMITTEE 26 APRIL 2010

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

1. PURPOSE OF REPORT

- 1.1 This report gives details of an objection that has been received by the Council to Exeter City Council Tree Preservation Order No. 612 (St. Petrocks Close, Exeter) 2010. The Committee is requested to determine whether to confirm, modify or refuse to confirm the Order. If an Order is confirmed (with or without modification) the protection that it provides becomes permanent but if it is not confirmed it ceases to have effect.

2. BACKGROUND

- 2.1 Tree Preservation Order No. 612 protects a Blue Cedar in the garden area of a group of flats in St. Petrocks Close, St. Leonards, Exeter.
- 2.2 Tree Preservation Order 612 was made following a Section 211 notification to fell a tree in a conservation area.
- 2.3 The Order was signed on 12 January 2010 and remains in force for a period of six months. If the Order is confirmed the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

3. POINTS RAISED BY THE OBJECTOR

- 3.1 One letter of objection has been received by a neighbour.
- 3.2 The objection can be summarised as follows:
- The cedar tree is estimated to be about 25 years old and 40-50 feet high. It can attain a height of 100 feet or more and will spread in all directions. It is unsuitable in the longer term for an urban environment.
 - The tree is close to the original cob boundary wall of 25 St. Leonards Road which is a Grade II listed building. The tree will cause undermining of the wall and ultimately its destruction, requiring ongoing periodic repairs/rebuilding.
 - The tree is to the south of the garden and overshadows the garden which means the grass is continually covered in dew which results in moss infestation, the paths to the end of the garden are subject to moss growth and cause a slip hazard and plants fail to thrive due to the tree taking up their sunlight.

4. POINTS RAISED BY THE SUPPORTER

- 4.1 One letter of support has been received from a resident in St. Petrocks Close.

4.2 The letter of support can be summarised as follows:

- The dreary outlook that the removal of the cedar would make worse by exposing a vista of rooftops and walls.
- The tree felling has an adverse effect on air pollution.
- Diversity of trees is necessary for diversity of wildlife.
- Blue Cedars do not abound in St. Leonards and this one is a haven for small birds.
- Mature evergreens are essential in the water cycle vital to flora, fauna and our lives.
- The Blue Cedar must be preserved.

5. OBSERVATIONS

- 5.1
- The tree is semi-mature and will continue to develop as it reaches maturity, a satisfactory spatial relationship exists between the tree and its surroundings, the tree can be allowed to develop for many years before it outgrows its location.
 - The wall appears to be in a poor state of repair, there is no evidence that the disrepair of the wall is caused by the tree at the present time.
 - The existence of moss within an adjacent garden is no justification to fell the tree.
- 5.2 Members of the Western Area Working Party on 6 April requested a site visit to assess the tree. Members supported officer's recommendation to confirm the order.

6. RECOMMENDATION

- 6.1 It is recommended that the Order be confirmed.

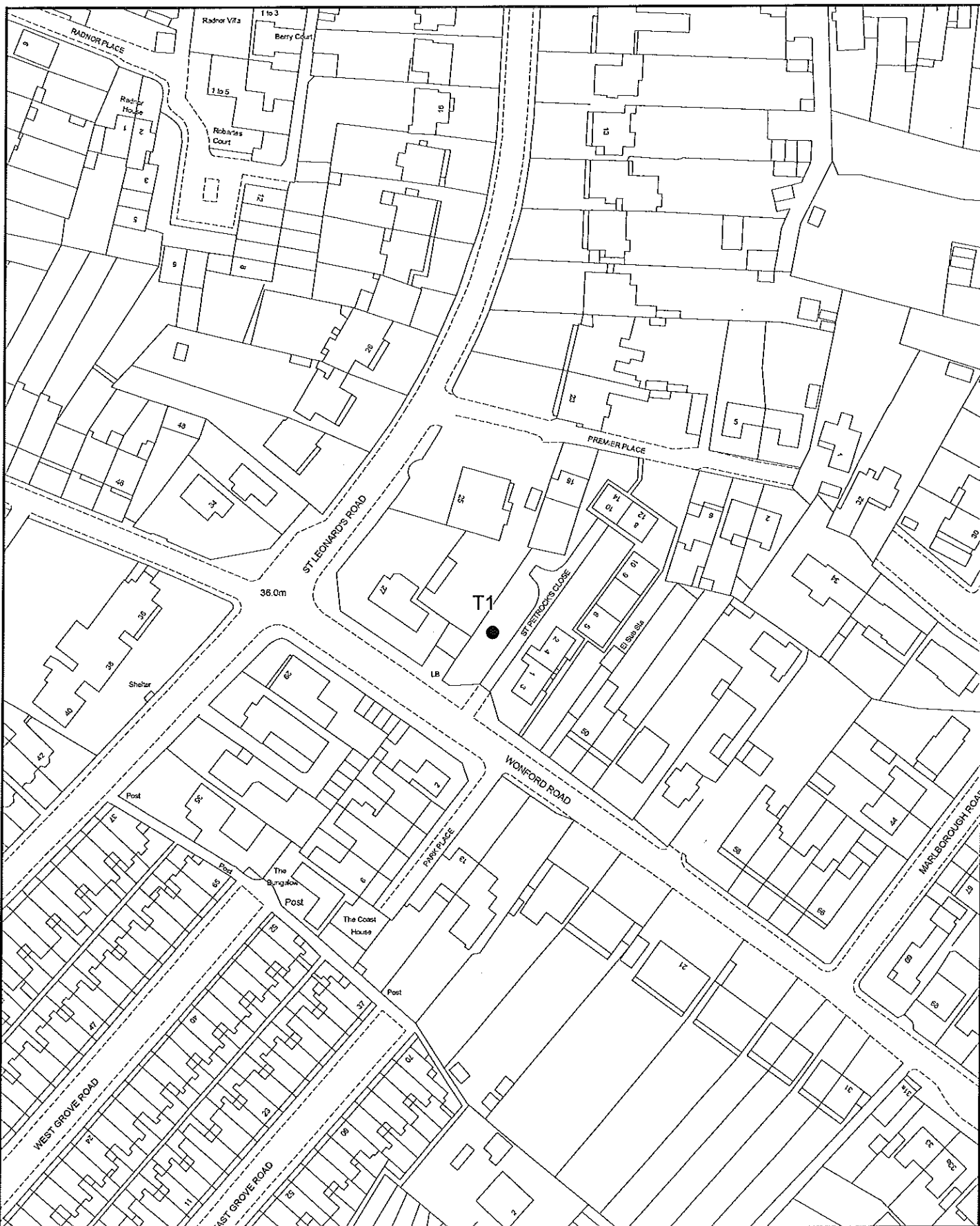
RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL

ECONOMY AND DEVELOPMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

1. Council to Exeter City Council Tree Preservation Order No 612 (St. Petrocks Close, Exeter) 2010.



Scale 1:1250



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11/01/2010

**EXETER CITY COUNCIL TREE PRESERVATION ORDER 612
(St. Petrocks Close, Exeter) 2010**

Planning Services, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

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Exeter City Council

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**EXETER CITY COUNCIL
PLANNING COMMITTEE
26th April 2010**

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

1 PURPOSE OF REPORT

- 1.1 This report lists planning applications determined under delegated powers and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by ward.
- 1.2 The latter part of the application reference number indicates the following type of application:
- 01 Outline Planning Permission
 - 02 Approval of Reserved Matters
 - 03 Full Planning Permission
 - 04 Works to Tree(s) with Preservation Order
 - 05 Advertisement Consent
 - 06 Works to Tree(s) in Conservation Area
 - 07 Listed Building Consent
 - 08 Circular 18/84
 - 14 Demolition in Conservation Area
 - 16 Exeter City Council Regulation 3
 - 17 Lawfulness of Existing Use/Development
 - 18 Certificate of Proposed Use/Development
 - 21 Telecommunication Apparatus Determination
 - 25 County Matter Application
 - 26 Devon County Council Application
 - 27 Modification and Discharge of Planning Obligation Regulations
- 1.3 The decision type uses the following codes
- DTD Declined To Determine
 - NLU Was Not Lawful Use
 - PAN Prior Approval Not Required
 - PAR Prior Approval Required
 - PER Permitted
 - REF Refuse Planning Permission
 - RNO Raise No Objection
 - ROB Raise Objections
 - SPL Split Decision
 - WDN Withdrawn by Applicant
 - WLU Was Lawful Use
 - WTD Withdrawn - Appeal against non-determination
- 1.4 Members are requested to advise the Development Manager (Andy Robbins) or Head of Planning and Building Control (Richard Short) of any questions on the schedule prior to the meeting of the Planning Committee.

2. RECOMMENDATION

- 2.1 That this report be noted.

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL**

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EXETER CITY COUNCIL

26/4/2010

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

Between 11/3/2010 and 14/4/2010

WARD Alphington

Application No. 10/0229/18 **Working Party** **Decision Date** 9/4/2010 **Decision Type** WLU
Location 28 Raglans, Exeter, EX2 8XN
Description Single storey extension on south west elevation and two storey extension on south east elevation. (Certificate of lawfulness of a proposed development)

Application No. 10/0144/03 **Working Party** **Decision Date** 6/4/2010 **Decision Type** PER
Location Land to south west of 1-3 Clyst Units, Coften Road, Marsh Barton Trading Estate,
Description Three temporary portable office cabins on north east boundary of site.

Application No. 10/0102/03 **Working Party** **Decision Date** 23/3/2010 **Decision Type** PER
Location 3 Hammond Croft Way, Exeter, EX2 8FZ
Description Conservatory on east elevation.

Application No. 10/0094/05 **Working Party** **Decision Date** 30/3/2010 **Decision Type** PER
Location Carrs, Matford Park Road, Marsh Barton Trading Estate, Exeter, EX2 8FD
Description 7 internally illuminated fascia signs on 3 elevations and 1 externally illuminated totem sign on south west boundary of site.

Application No. 10/0024/03 **Working Party** **Decision Date** 16/3/2010 **Decision Type** PER
Location Carrs, Matford Park Road, Marsh Barton Trading Estate, Exeter, EX2 8FD
Description New entrance on west elevation.

Application No. 10/0015/03 **Working Party** **Decision Date** 16/3/2010 **Decision Type** PER
Location Land to south west of 1-3 Clyst Units, Coften Road, Marsh Barton Trading Estate,
Description Two industrial buildings on north and north west boundary and associated works to form access and landscaping.

Application No. 09/2080/03 **Working Party** 2/3/2010 **Decision Date** 31/3/2010 **Decision Type** PER
Location 2 Ashwood Road, Exeter, EX2 8JP
Description Two storey extension on south west elevation

Application No. 09/1984/05 **Working Party** **Decision Date** 31/3/2010 **Decision Type** PER
Location 60 Haven Road, Exeter, EX2 8DP
Description Non-illuminated hoarding on railings by canal basin.

WARD	Cowick
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Application No. 10/0205/03 **Working Party** **Decision Date** 7/4/2010 **Decision Type** PER
Location Barley House, Isleworth Road, Exeter, EX4 1AN
Description Timber shed to front garden

Application No. 10/0182/18 **Working Party** **Decision Date** 6/4/2010 **Decision Type** NLU
Location 141 Merrivale Road, Exeter, EX4 1PW
Description Ground floor extension on east elevation, window on north elevation and canopy on west elevation (Certificate of Lawfulness of Proposed Development)

Application No. 10/0096/38 **Working Party** **Decision Date** 26/3/2010 **Decision Type** PER
Location Little Pocombe, Pocombe Bridge, Exeter, EX2 9SX
Description Renewal of Planning Permission for detached two storey triple garage in north garden area (Ref No. 05/0384/03 approved 27 April 2005)

WARD	Duryard
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Application No.	10/3001/04 Working Party	Decision Date	15/3/2010	Decision Type	SPL
Location	101B Pennsylvania Road, Exeter, EX4 6DT				
Description	Tree no.	Species	Work		
	T4	Oak	Crown thin by 20%		
	T5	Oak	Crown thin by 20%		
	T6	Oak	20% crown reduction to north side		
	T7	Sycamore	Fell		

Application No.	10/0126/03 Working Party	Decision Date	23/3/2010	Decision Type	PER
Location	22 Streatham Drive, Exeter, EX4 4PD				
Description	Two storey extension on north east elevation				

WARD	Exwick
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Application No.	10/0129/03 Working Party	Decision Date	23/3/2010	Decision Type	PER
Location	2 Lily Mount, Exeter, EX4 2PL				
Description	Two storey extension on north elevation				

WARD	Heavitree
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Application No.	10/0199/03 Working Party	Decision Date	6/4/2010	Decision Type	PER
Location	6 Lymeborne Avenue, Exeter, EX1 3AU				
Description	Ground floor extension on north elevation.				

Application No.	10/0142/03 Working Party	Decision Date	1/4/2010	Decision Type	PER
Location	13, Shelton Place, North Street, Heavitree, Exeter, EX1 2RE				
Description	Dormer window on west elevation				

WARD	Mincinglake
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Application No.	10/0161/03 Working Party	Decision Date	26/3/2010	Decision Type	PER
Location	64 Celia Crescent, Exeter, EX4 9DU				
Description	Ground floor extension on north west elevation.				

Application No.	10/0104/38 Working Party	1/3/2010	Decision Date	1/4/2010	Decision Type	PER
Location	Land adjoining 113 St. Katherines Road, Exeter, EX4 7JJ					
Description	Renewal of Outline Planning Permission for detached dwelling and parking (all matters reserved for future consideration) (Ref. No. 06/2515/01 approved 12 February 2007)					

Application No.	10/0073/03 Working Party	Decision Date	24/3/2010	Decision Type	PER
Location	95 Round Table Meet, Exeter, EX4 8LG				
Description	Extension of curtilage in rear garden and conservatory on west elevation				

WARD	Newtown
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Application No.	10/3030/06 Working Party	Decision Date	26/3/2010	Decision Type	PER
Location	43 Denmark Road, Exeter, EX1 1SH				
Description	Tree no. Species Work T1 Eucalyptus Fell				

Application No.	10/0181/03 Working Party	Decision Date	9/4/2010	Decision Type	PER
Location	30 Portland Street, Exeter, EX1 2EQ				
Description	First floor extension on south west elevation				

Application No.	10/0140/03 Working Party	Decision Date	7/4/2010	Decision Type	REF
Location	39 Toronto Road, Exeter, EX4 6LE				
Description	Replacement windows (2) on second floor on north west elevation				

Application No. 10/0105/38 **Working Party** 3/3/2010 **Decision Date** 26/3/2010 **Decision Type** PER
Location Store at end of Spinning Path, Blackboy Road, Exeter, EX4
Description Renewal of Planning Permission for change of use from offices, storage and distribution (Classes B1 & B8) to residential (Class C3) (Ref No. 05/0554/03 approved 13 May 2005)

WARD	Pennsylvania
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Application No. 10/3028/04 **Working Party** **Decision Date** 26/3/2010 **Decision Type** PER
Location 66 Sylvan Road, Exeter, EX4 6HA
Description Tree no. Species Work
T4 Oak Reduce 4 branches on south side (as shown on photograph)

Application No. 10/0233/18 **Working Party** **Decision Date** 7/4/2010 **Decision Type** WLU
Location 18 Union Road, Exeter, EX4 6HZ
Description Ground floor extension on north elevation. (Certificate of lawfulness of proposed development)

Application No. 10/0183/03 **Working Party** **Decision Date** 7/4/2010 **Decision Type** PER
Location Oakfield House, Stoke Hill, Exeter, EX4 9JN
Description Two storey extension on north elevation, ground floor extension with terrace above on south elevation and replacement ground floor extension on east elevation

Application No. 10/0173/03 **Working Party** 6/4/2010 **Decision Date** 13/4/2010 **Decision Type** REF
Location 27 Plassey Close, Exeter, EX4 5HE
Description Relocation of fence and extension of curtilage to the south of dwelling

WARD	Pinhoe
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Application No. 10/0309/37 **Working Party** **Decision Date** 22/3/2010 **Decision Type** PER
Location 71 Fox Road, Exeter, EX4 8NB
Description Hipped roof and additional window on north east elevation of garage, wider ground floor window on north east elevation, omit window and install roller shutter door on south west elevation of garage (Non material amendment to Ref No 05/1810/03 granted on 27 January 2006)

WARD	Polsloe
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Application No.	10/3020/06 Working Party	Decision Date	19/3/2010	Decision Type	PER
Location	7 Mont Le Grand, Exeter, EX1 2PD				
Description	Tree no.	Species	Work		
	T1	Willow	Crown reduce by 50%		

Application No.	10/0246/03 Working Party	Decision Date	9/4/2010	Decision Type	PER
Location	103 Pinhoe Road, Exeter, EX4 7HU				
Description	Ground floor extension and alterations to provide pitched roof on south elevation				

Application No.	10/0099/03 Working Party	Decision Date	26/3/2010	Decision Type	PER
Location	32 Commins Road, Exeter, EX1 2PZ				
Description	Decking and fencing on east and south elevation.				

Application No.	10/0052/07 Working Party	Decision Date	23/3/2010	Decision Type	PER
Location	12 Mont Le Grand, Exeter, EX1 2PD				
Description	Painting of front elevation				

WARD	Priory
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Application No.	10/0151/03 Working Party	Decision Date	29/3/2010	Decision Type	PER
Location	12, Waring Bowen Court, Mill Road, Exeter, EX2				
Description	Conservatory on south elevation				

Application No.	10/0083/16 Working Party	3/3/2010	Decision Date	23/3/2010	Decision Type	PER
Location	Topsham end of west boundary of, Ludwell Valley Park, Ludwell Lane, Exeter, EX2					
Description	Footpath extension.					

Application No. 10/0066/07 **Working Party** **Decision Date** 16/3/2010 **Decision Type** PER
Location Wonford House Hospital, Dryden Road, Exeter, EX2 5AF
Description Creation of changing facilities within basement

Application No. 10/0025/03 **Working Party** **Decision Date** 16/3/2010 **Decision Type** REF
Location 94 Earl Richards Road South, Exeter, EX2 6AP
Description Ground floor extension on north east and north west elevations.

Application No. 09/1867/07 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location Riverside Cottage, Glasshouse Lane, Exeter, EX2 7BZ
Description Ground floor extension to western end elevation

Application No. 09/1866/03 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location Riverside Cottage, Glasshouse Lane, Exeter, EX2 7BZ
Description Ground floor extension to western end elevation

WARD	St Davids
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Application No. 10/3033/06 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location Attwills Almshouses, New North Road, Exeter, EX4
Description

Tree no.	Species	Work
T1	Chamaecyparis 'Ellwoodii	Fell

Application No. 10/3027/06 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location The Palace, Palace Gate, Exeter, EX1 1HY
Description

Tree no.	Species	Work
T1-9	Yew	Fell

Application No. 10/3025/06 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location 7 Bartholomew Terrace, Exeter, EX4 3BW
Description Tree no. Species Work
T1 Ash Fell
T2 Maple Crown raise to 3m

Application No. 10/3024/06 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location Lawn House, Friars Green, Exeter, EX2 4DB
Description Tree no. Species Work
T1 Magnolia Crown reduce by 30%
T2 Cotoneaster Crown reduce by 50%

Application No. 10/3019/06 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location The Palace, Palace Gate, Exeter, EX1 1HY
Description The felling and pruning of numerous trees (as description but to exclude T444 Yew)

Application No. 10/0266/03 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location The Palace, Palace Gate, Exeter, EX1 1HY
Description Building of five timber composting bins to southeastern corner of garden

Application No. 10/0180/07 **Working Party** 6/4/2010 **Decision Date** 7/4/2010 **Decision Type** REF
Location 9 Colleton Crescent, Exeter, EX2 4DG
Description Alterations to create self-contained basement apartment and alterations at first floor

Application No. 10/0179/03 **Working Party** 6/4/2010 **Decision Date** 7/4/2010 **Decision Type** REF
Location 9 Colleton Crescent, Exeter, EX2 4DG
Description Alterations to provide self contained basement apartment

Application No. 10/0176/03 **Working Party** **Decision Date** 7/4/2010 **Decision Type** PER
Location The Mint Methodist Church, Fore Street, Exeter, EX4 3AT
Description Two illuminated notice boards and car park barrier to entrance on south east boundary

Application No. 10/0163/07 **Working Party** **Decision Date** 1/4/2010 **Decision Type** PER
Location 26 Queen Street, Exeter, EX4 3SH
Description Internal alterations including provision of lift and removal of partition walls

Application No. 10/0103/03 **Working Party** 2/3/2010 **Decision Date** 23/3/2010 **Decision Type** PER
Location 69-72, Magdalen Street, Exeter, EX2 4HN
Description Change of use from garages to 2 self-contained flats at lower ground floor level, alterations to provide windows and doors on north elevation and windows on east and west elevations

Application No. 10/0001/07 **Working Party** **Decision Date** 18/3/2010 **Decision Type** PER
Location 36 Lower North Street, Exeter, EX4 3EU
Description Conversion of attic space to provide bedroom with new staircase, associated internal alterations and provision of rooflight to rear

Application No. 09/2074/03 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location Flats 9, 10 & 11, Princesshay Gardens, Dix's Field, Exeter, EX1 1GR
Description Alterations to form glazed sliding doors on south elevation

Application No. 09/2072/03 **Working Party** 6/4/2010 **Decision Date** 9/4/2010 **Decision Type** REF
Location Bridge Court, Exe Street, Exeter, EX4
Description Ground floor extension in undercroft walkway.

Application No. 09/1847/05 **Working Party** **Decision Date** 29/3/2010 **Decision Type** REF
Location 10-12, Palace Gate, Exeter, EX1 1JA
Description Non-illuminated banners (3) on north west elevation

Application No. 09/1296/05 **Working Party** **Decision Date** 29/3/2010 **Decision Type** REF
Location Rougemont Thistle Hotel, Queen Street, Exeter, EX4 3SP
Description Illuminated totem sign in north east corner of car park and illuminated letters (3) on north east elevations

WARD **St James**

Application No. 10/3032/06 **Working Party** **Decision Date** 26/3/2010 **Decision Type** PER
Location Bishop Blackall Annexe, Pennsylvania Road, Exeter, EX4 6BP
Description Tree no. Species Work
G5 2 Sycamores Fell

Application No. 10/3031/06 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location 3 New North Road, Exeter, EX4 4HH
Description Tree no. Species Work
T1 Holly Fell

Application No. 10/3018/06 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location 18 West Avenue, Exeter, EX4 4SD
Description G1 3 Pear Fell
T1 Cherry Cut back to previous pruning point
G2 2 Holly Fell
G3 Holly Fell
T2 Holly Reduce height by 30% and reshape

Application No. 10/0271/07 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location 36 Pennsylvania Road, Exeter, EX4 6DB
Description Removal of internal walls to rear at ground floor level

Application No. 10/0153/03 **Working Party** **Decision Date** 1/4/2010 **Decision Type** PER
Location Kilmorie Hall, Pennsylvania Road, Exeter, EX4 6DG
Description Two windows on west elevation and four windows on east elevation.

Application No. 10/0095/03 **Working Party** 6/4/2010 **Decision Date** 9/4/2010 **Decision Type** PER
Location 39 Sidwell Street, Exeter, EX4 6NS
Description Change of use from shop to restaurant and hot food takeaway and extension on north west elevation

Application No. 10/0049/03 **Working Party** 1/3/2010 **Decision Date** 26/3/2010 **Decision Type** PER
Location Land to south of 57 Union Road, Exeter, EX4 6HU
Description Detached bungalow, parking, access to highway and associated works.

Application No. 10/0011/03 **Working Party** 1/3/2010 **Decision Date** 1/4/2010 **Decision Type** PER
Location 49 Old Tiverton Road, Exeter, EX4 6NG
Description Change of use from house in multiple occupation to three self contained flats, parking, dormer window on west elevation and rooflights on west (2) and east (2) elevations

WARD	St Leonards
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Application No. 10/3035/06 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location 66 Magdalen Road, Exeter, EX2 4TN
Description

Tree no.	Species	Work
T1	Holm Oak	Prune to reduce height by 25%

Application No. 10/3029/04 **Working Party** **Decision Date** 26/3/2010 **Decision Type** REF
Location 34 Matford Avenue, Exeter, EX2 4PL
Description

Tree no.	Species	Work
T1	Monterey Pine	Fell

Application No. 10/3023/06 **Working Party** **Decision Date** 12/3/2010 **Decision Type** PER
Location 24 Temple Road, Exeter, EX2 4HQ
Description Tree no. Species Work
T1 Twin stemmed bay Fell

Application No. 10/3022/06 **Working Party** **Decision Date** 25/3/2010 **Decision Type** PER
Location The Old Rectory, Matford Lane, Exeter, EX2 4PS
Description Tree no. Species Work
T1 Cedar Remove first limb on west side, and first two branches on
east side. Remove dead wood in crown.
T2 Yew Fell

Application No. 10/3017/06 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location 13a, Lyndhurst Road, Exeter, EX2 4PA
Description Tree no. Species Work
T1 Leylandii Reduce height by 2m
T2 Leylandii Reduce height by 3m

Application No. 10/3016/06 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location 1 St. Leonards Place, Exeter, EX2 4LZ
Description Tree no. Species Work
T1 Mimosa Crown reduce by 30% and remove first two
branches over property
T2, T3, T4 Beech Crown reduce by 30%
T5 Yew Cut back 1m from birch and remove first two

Application No. 10/3015/06 **Working Party** **Decision Date** 12/3/2010 **Decision Type** REF
Location Ernsborough Court, Fairpark Road, Exeter, EX2
Description Tree no. Species Work
T1 Beech Fell

Application No. 10/0278/07 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location 1 Victoria Park Road, Exeter, EX2 4NT
Description Extension to northern elevation (revision of proposal 06/1175/07)

Application No. 10/0277/03 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location 1 Victoria Park Road, Exeter, EX2 4NT
Description Extension to northern elevation (revision of proposal 06/1174/03)

Application No. 10/0207/07 **Working Party** 6/4/2010 **Decision Date** 8/4/2010 **Decision Type** REF
Location 25 Victoria Park Road, Exeter, EX2 4NT
Description Conversion of offices to create five self-contained flats

Application No. 10/0206/03 **Working Party** 6/4/2010 **Decision Date** 8/4/2010 **Decision Type** REF
Location 25 Victoria Park Road, Exeter, EX2 4NT
Description Conversion of offices to create five self-contained flats

Application No. 10/0160/07 **Working Party** **Decision Date** 26/3/2010 **Decision Type** PER
Location 3 Colleton Row, Exeter, EX2 4AT
Description Replacement extension to rear, replacement windows and internal alterations

Application No. 10/0159/03 **Working Party** **Decision Date** 26/3/2010 **Decision Type** PER
Location 3 Colleton Row, Exeter, EX2 4AT
Description Replacement extension

Application No. 10/0101/03 **Working Party** **Decision Date** 25/3/2010 **Decision Type** REF
Location 147 Topsham Road, Exeter, EX2 4RE
Description Two storey extension on south east elevation

Application No. 10/0098/07 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location 6 Lyndhurst Road, Exeter, EX2 4PA
Description Modifications to opening between kitchen and extension

WARD **St Loyes**

Application No. 10/3021/04 **Working Party** **Decision Date** 19/3/2010 **Decision Type** REF
Location Middle Dryways, Woodwater Lane, Exeter, EX2 5AJ
Description Tree no. Species Work
T2 Copper Beech Crown reduce by 3m

Application No. 10/0339/37 **Working Party** **Decision Date** 26/3/2010 **Decision Type** PER
Location 5 Glave Saunders Avenue, Exeter, EX2 5PN
Description Alterations to wall (non-material amendment to Ref. No. 07/0512/03 granted 22 May 2007)

Application No. 10/0317/37 **Working Party** **Decision Date** 1/4/2010 **Decision Type** PER
Location Orchard Bungalow, Ludwell Lane, Exeter, EX2 5AQ
Description Change front elevation roofline/incorporate agreed veranda roof from glazed to slate. Supports to roof to change from metal to 100mm x 100mm wooden posts (Non-material amendment to application 09/2052/03)

Application No. 10/0195/03 **Working Party** **Decision Date** 7/4/2010 **Decision Type** PER
Location 45 Heraldry Way, Exeter, EX2 7QJ
Description Ground floor extension on north elevation.

Application No. 10/0150/03 **Working Party** **Decision Date** 29/3/2010 **Decision Type** REF
Location 73 Royal Crescent, Exeter, EX2 7QB
Description Conservatory on north west elevation

Application No. 10/0148/03 **Working Party** **Decision Date** 6/4/2010 **Decision Type** PER
Location 5 Lancaster Close, Exeter, EX2 5SW
Description Ground floor extension on south elevation

Application No. 10/0133/03 **Working Party** **Decision Date** 14/4/2010 **Decision Type** PER
Location Buckland House, Harrier Way, Sowton Industrial Estate, Exeter, EX2
Description Two air conditioning units on east elevation.

Application No. 10/0089/03 **Working Party** 3/3/2010 **Decision Date** 19/3/2010 **Decision Type** REF
Location Land adj. 54 Broadfields Road, Exeter, EX2 5RG
Description Detached dwelling, parking, access to highway and associated works.

Application No. 10/0074/03 **Working Party** **Decision Date** 1/4/2010 **Decision Type** REF
Location 96 Quarry Lane, Exeter, EX2 5PP
Description Two storey extension on north east elevation

Application No. 10/0064/03 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location Falcon House, Falcon Road, Sowton Industrial Estate, Exeter, EX2 7LB
Description Extension on south elevation for use as practical training space for brickwork trades, alterations to fencing and gates on east elevation, relocation of generator to east elevation and extension to hardstanding on east elevation

Application No. 10/0053/03 **Working Party** **Decision Date** 18/3/2010 **Decision Type** PER
Location 3 Hardy Road, Exeter, EX2 5QB
Description ground floor extension on north east elevation.

Application No. 09/1995/03 **Working Party** 3/3/2010 **Decision Date** 6/4/2010 **Decision Type** REF
Location Land Between Cumberland Drive and Quarry Lane, Exeter, EX2
Description Footpath link between Cumberland Drive and Quarry Lane, Rydon Lane.

WARD	St Thomas
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Application No. 10/0376/37 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location County Ground, Church Road, St. Thomas, Exeter, EX2 9BQ
Description Various alterations to internal layout, windows and doors of K type dwellings - Plots 38 - 44. (Non material amendments to Ref No. 07/1761/02 granted 2 November 2007)

Application No. 09/1875/03 **Working Party** **Decision Date** 19/3/2010 **Decision Type** REF
Location 33 Regent Street, Exeter, EX2 9EH
Description Ground floor extension on east elevation.

WARD	Topsham
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Application No. 10/3034/06 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location Altamira, Topsham, Exeter, EX3 0AQ
Description

Tree no.	Species	Work
T1	Horse Chestnut	Fell

Application No. 10/0240/07 **Working Party** **Decision Date** 7/4/2010 **Decision Type** REF
Location 24 The Strand, Topsham, Exeter, EX3 0AS
Description Creation of ground floor WC and loft conversion with dormer window to front elevation and rooflights to south and rear elevations

Application No. 10/0239/03 **Working Party** **Decision Date** 7/4/2010 **Decision Type** REF
Location 24 The Strand, Topsham, Exeter, EX3 0AS
Description Dormer window to front elevation

Application No. 10/0225/07 **Working Party** **Decision Date** 7/4/2010 **Decision Type** PER
Location 69a, Fore Street, Topsham, Exeter, EX3 0HQ
Description Replacement lean-to roof to rear

Application No. 10/0214/03 **Working Party** **Decision Date** 7/4/2010 **Decision Type** PER
Location 45 Exeter Road, Topsham, Exeter, EX3 0LX
Description Two storey extension on south west elevation.

Application No. 10/0177/03 **Working Party** **Decision Date** 9/4/2010 **Decision Type** PER
Location 41 Southbrook Road, Exeter, EX2 6JA
Description Ground extension to north west elevation of garage

Application No. 10/0145/03 **Working Party** **Decision Date** 1/4/2010 **Decision Type** PER
Location Garden Court, Elm Grove Road, Topsham, Exeter, EX3 0BN
Description Ground floor extension on west elevation.

Application No. 10/0131/03 **Working Party** 3/3/2010 **Decision Date** 24/3/2010 **Decision Type** PER
Location 1 Clara Place, Topsham, Exeter, EX3 0JR
Description Replacement roof with revised pitch to rear

Application No. 10/0130/07 **Working Party** 3/3/2010 **Decision Date** 23/3/2010 **Decision Type** PER
Location 1 Clara Place, Topsham, Exeter, EX3 0JR
Description Alterations to kitchen to rear to include insertion of new doors, rooflights and replacement roof with revised pitch

Application No. 10/0123/07 **Working Party** **Decision Date** 24/3/2010 **Decision Type** PER
Location Grove Hill House, Grove Hill, Topsham, Exeter, EX3 0EG
Description Replacement of three sets of gates to northwestern boundary

Application No. 10/0122/03 **Working Party** **Decision Date** 23/3/2010 **Decision Type** PER
Location Grove Hill House, Grove Hill, Topsham, Exeter, EX3 0EG
Description Replacement of three sets of gates to northwestern boundary

Application No. 10/0092/07 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location 19 Monmouth Street, Topsham, Exeter, EX3 0AJ
Description Replacement ground floor extension and creation of dormer to rear, replacement windows, external painting and internal alterations

Application No. 10/0091/03 **Working Party** **Decision Date** 19/3/2010 **Decision Type** PER
Location 19 Monmouth Street, Topsham, Exeter, EX3 0AJ
Description Replacement ground floor extension and creation of dormer window to rear

Application No. 10/0088/07 **Working Party** **Decision Date** 18/3/2010 **Decision Type** PER
Location The Lighter Inn, Fore Street, Topsham, Exeter, EX3 0HZ
Description Creation of food preparation room and freezer store within existing external store room.

Application No. 10/0087/03 **Working Party** **Decision Date** 18/3/2010 **Decision Type** PER
Location The Lighter Inn, Fore Street, Topsham, Exeter, EX3 0HZ
Description Creation of food preparation room and freezer store within existing external store room.

Application No. 10/0078/07 **Working Party** 3/3/2010 **Decision Date** 24/3/2010 **Decision Type** REF
Location The Warehouse, Ferry Road, Topsham, Exeter, EX3 0JJ
Description Enlarged, replacement balcony at ground floor level to south-west elevation

Application No. 10/0077/03 **Working Party** 3/3/2010 **Decision Date** 24/3/2010 **Decision Type** REF
Location The Warehouse, Ferry Road, Topsham, Exeter, EX3 0JJ
Description Enlarged, replacement balcony at ground floor level to south-west elevation

Application No. 10/0076/07 **Working Party** **Decision Date** 18/3/2010 **Decision Type** PER
Location The Warehouse, Ferry Road, Topsham, Exeter, EX3 0JJ
Description Internal alterations and external repainting

Application No. 10/0061/03 **Working Party** **Decision Date** 15/3/2010 **Decision Type** REF
Location 8 Old Rydon Ley, Exeter, EX2 7UA
Description Conservatory on north elevation.

WARD	Whipton Barton
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Application No. 10/0168/03 **Working Party** **Decision Date** 1/4/2010 **Decision Type** PER
Location 30 Hill Barton Lane, Exeter, EX1 3PU
Description Conservatory on south west elevation.

Application No. 10/0075/18 **Working Party** **Decision Date** 6/4/2010 **Decision Type** WLU
Location 11 Warwick Road, Exeter, EX1 3EY
Description Ground floor extension on south east elevation. (Certificate of lawfulness of a proposed development)

Application No. 10/0069/03 **Working Party** **Decision Date** 15/3/2010 **Decision Type** PER
Location Land between Pinn Lane & Junction 29 (M5) North of, Honiton Road, Exeter, EX1
Description Pumping station and associated works

Total no of delegated decisions made: 113

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic

EXETER CITY COUNCIL

PLANNING COMMITTEE 26 APRIL 2010

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

1.1 To update Members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 1 MARCH 2010 AND 12 APRIL 2010

Cases opened: 8

Cases closed: 3

Outstanding number of cases: 115

3.0 NOTICES ISSUED

3.1 ENF/09/79 – 1 Buddle Lane, Exeter – Enforcement Notice issued on 5 March 2010 for the erection of a front porch having a height of above 3 metres above ground level, the erection of a metal structure and metal work in the front garden and the installation of a solar panel on a roof at the rear.



Solar Panel ("wind turbine" previously removed)



Metal structure in front garden

The Notice requires the owner to:

1. Remove the porch or modify it so that its dimensions are not greater than those allowed under permitted development.
2. Remove the metal structure and other metal work from the front garden
3. Remove the solar panel
4. Remove from the land all building materials and rubble arising from compliance with requirements 1-3.

The Notice takes effect on 8 April 2010 and gives a period of 4 months for compliance.

4.0 NOTICES COMPLIED WITH

None

5.0 CURRENT APPEALS

- 5.1 ENF/08/98 – Silver Springs, 12 Richmond Road, Exeter – Listed Building Enforcement Notice issued on 2 September 2009 for
1. Installation of uPVC windows, fascia boards and rainwater goods on front and rear elevations of the Building;
 2. Installation of brick boiler house and pipework on the Land at the rear of the Building;
 3. Installation of a timber panel fence on the Land to the south east boundary between the garden and parking area;
 4. Installation of a structure comprising a dwarf wall and plastic rooflight with a wooden frame on the Land at the front of the Building.

An appeal was submitted on 19 November 2009 and is being dealt with by written representations. The Council's statement was submitted on 10 December 2009.

- 5.2 ENF/09/72 – 44 Sidwell Street, Exeter – Enforcement Notice issued on 16 December 2009 for the installation of an extraction duct on the north western elevation of the land. An appeal was submitted on 5 February 2010 and is being dealt with by written representations. The Council's statement was submitted on 15 March 2010.
- 5.3 ENF/09/39 – 11 Exeter Road, Topsham, Exeter – Enforcement Notice issued on 14 January 2010 for the construction of a car port and garden room and modification of the garage roof. An appeal was submitted on 8 March 2010 and is being dealt with by written representations. The Council's statement is due on 13 April 2010.

6.0 ENFORCEMENT APPEAL DECISIONS

ENF/09/19 – 46 High Street, Topsham, Exeter – Enforcement Notice served on 8 April 2009 for the modification of the roof on the rear wing of the building. An appeal was received on 3 September 2009 and was dealt with at a Public Inquiry. The appeal was allowed on 18 March 2010 and planning permission granted.

- 6.1 The Planning Inspector concluded that the modifications carried out to the roof had not harmed the character or appearance of the building or the conservation area and had not materially affected the living conditions of any nearby residents. He decided therefore that the appeal should succeed. He quashed the notice and granted planning permission subject to a condition that no further windows, dormer windows or other openings shall be formed in the roof or gable end of the rear projection. At the public inquiry the appellants applied for an award of costs. The Inspector concluded that an award of costs was not justified, even on a partial basis.
- 6.2 ENF/09/87 – Ganges Restaurant, 156 Fore Street, Exeter – Enforcement Notice served on 16 November 2009 for the installation of an extraction unit on the roof at the rear elevation. An appeal was received on 4 January 2010 and was dealt with by written representations. The appeal was dismissed on 1 April 2010.
- 6.3 The Planning Inspector concluded that the extraction unit had a seriously harmful effect on the character and appearance of the Central Conservation Area. Although there was no evidence that it caused an undue odour problem

he agreed with the Council that it did not accord with the noise protection aim of ELP Policy S5. He decided therefore that the appeal should fail. The appellants applied for an award of costs. The Inspector concluded that an award of costs was not justified.

7.0 OTHER ISSUES

- 7.1 ENF/09/21 – 1 Bickleigh Close, Exeter – A Planning Contravention Notice was issued on 11 February 2010 requiring the owners of the property to provide details relating to further alleged unauthorised works being carried out at the rear of the property. The owners failed to respond to the PCN but instead wrote to Legal Services stating that the “garden shed” structure did not require planning permission. A further letter was sent to the owners of the property on 31 March 2010 advising that they submit the information requested in the PCN by 16 April 2010 otherwise formal enforcement proceedings would commence. Members will be updated at the next meeting.
- 7.2 ENF/09/94 – The Vapormatic Company Limited, Sowton Industrial Estate, Exeter – Unauthorised removal of an oak tree subject to a Tree Preservation Order (TPO). The matter was heard before Honiton Magistrates Court on 31 March 2010. The Council provided evidence to the Court that the TPO had been served on the company in line with procedure and that there was corporate knowledge of the existence of the TPO on this site. The Court was also provided with drawings from the planning application (reference 09/1348/03) submitted by The Vapormatic Company Limited one month after the oak tree was removed detailing the company’s expansion plans for the goods yard directly behind the area where the tree was felled. The Council invited the Court to consider the degree of financial gain that it appeared The Vapormatic Company Limited attempted to achieve from the removal of the oak tree and the subsequent expansion of the goods area.
- 7.3 Unfortunately, the Court did not support the Council’s view that the company had derived any financial gain from the events which took place on site. The Court acknowledged that the representative of the company had co-operated fully with the Council’s investigations and gave credit to the company for admitting the offence at the earliest opportunity.
- 7.4 The Vapormatic Company Limited was ordered to pay a fine in the sum of £1000 for the unauthorised removal of the oak tree, and the Council’s costs in the sum of £2730 within 14 days of the Hearing. The company will also be required to replant a replacement tree in a location to be agreed with the Council.

8.0 RECOMMENDATION

- 8.1 That this report be noted.

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL
ECONOMY AND DEVELOPMENT DIRECTORATE**

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report: none.

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EXETER CITY COUNCIL

PLANNING COMMITTEE

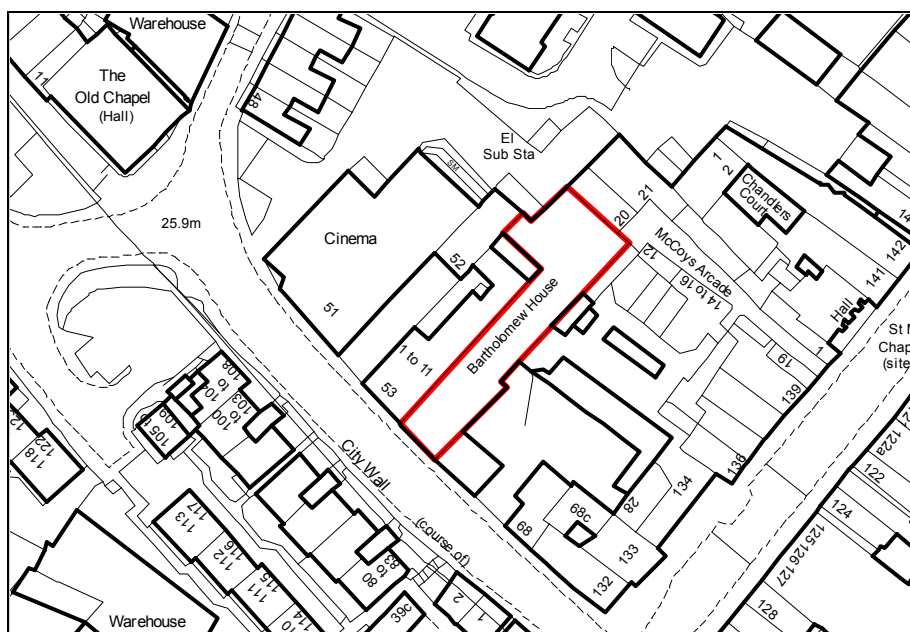
26 April 2010

APPEALS

DECISIONS RECEIVED

SUMMARY: 5 appeal decisions have been received since the last report; 3 were dismissed and 2 were allowed with conditions.

Bartholomew House, Bartholomew Street West, Exeter, EX4 3AJ



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Reference No: 08/0437/03

Proposal: Creation of 5 new second floor flats, 1 new ground floor flat and the change of use of a ground floor flat to a hairdressers' shop.

Officer Recommendation: Refusal

Application Decision: Committee Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were:

- the acceptability of living conditions for residents of Bartholomew House;
- the impact upon living conditions of adjoining occupiers; and
- whether the redevelopment preserves or enhances the character and appearance of the Central Conservation Area.

Living conditions – residents of Bartholomew House

The Inspector agreed with the Council that the creation of space for further occupants and households would lead to a more intensive use of the property. He thought that the further numbers of people moving around the narrow, gloomy corridors would increase the incidents of noise disturbance in those areas. Such noise would be likely to reverberate around the tightly enclosed corridors and give residents a feeling of being cramped in with other residents. Such disturbance was likely to be heard within the flats and HMOs. There was little external circulation or recreational space to provide relief from a constrained, uncomfortable environment.

The Inspector noted that the rooms of a number of flats only get day-light from the light-well at the heart of the building. These were very gloomy due to a lack of natural day-light. Occupants would rely upon artificial light and would have an oppressive feel as a result. The terrace on the third floor would provide some communal space. However, there was a lack of space and light within the communal areas of much of the building as well as gloominess in some of the living rooms. This as well as the increase in numbers of residents within the building would reduce the quality of amenity for many of the occupants. The Inspector did not consider that all residents would feel at ease within their homes which would not therefore meet the requirements of ELP Policy DG4.

Living conditions - adjoining occupiers

The Inspector did not consider that the raising of the central or rear parts of the roof at the appeal site had had an over-bearing impact upon adjoining residents or caused a substantial loss of daylight or sunlight. Although he was concerned about additional activity affecting living conditions within the confinement of Bartholomew House, these changes were less likely to affect neighbouring residents, in his opinion.

Character and appearance

The Inspector accepted that the façade of Bartholomew House was distinctive and played a dominant and important part within the street scene in this part of the Central Conservation Area. However, the building was surrounded by a variety of roof-structures including that of the adjoining cinema. He thought that the new raised roof of the central section had simplified the structure rather than confused it. He did not consider that it had a harmful effect upon the appearance of the building. The flat-roofed dormer erected at the rear of the site was hidden from views by the pre-existent roof and was difficult to see from close-quarters. He thought the slate hung barrier at the side of the newly created roof-terrace made little difference to the appearance of what was previously a high flat roof. In his opinion the redevelopment preserved the character and appearance of the Central Conservation Area.

Overall Conclusions

The Inspector's conclusions on the second and third main issues did not outweigh his

conclusions on the first. On balance, he considered the development to be unacceptable and therefore the appeal did not succeed.

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Field House, 21 Argyll Road, Pennsylvania, Exeter, Devon EX4 4RX



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Reference No: 09/0491/03

Proposal: Replacement of dilapidated shed to eastern boundary of field.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: ALLOWED SUBJECT TO CONDITIONS

Grounds:

The planning application was made retrospectively. The main issue was considered to be the effect on the character and appearance of the area.

The site is located within the Duryard Valley Park which is defined in the ELP as a Site of Nature Conservation Importance. Planning permission for extensions to the house at the site was granted in 2004 subject to a planning obligation which secured the cessation of the use of the field to the south as domestic curtilage.

The Council was principally concerned that the shed is a domestic outbuilding which is inappropriate to the rural character of the field and has resulted in a visual

impression of the residential curtilage at Field House being extended into the open setting of the city.

The shed is partly used for the storage of a grass cutting machine in connection with the management of the field as a wild flower meadow. The shed will also be used as a log store and as a hen house.

The Inspector considered that the siting of the shed sensibly reflected its uses. She noted that it had a somewhat informal appearance but did not consider that it appeared incongruous. In her opinion, a shed of a more conventional design would be more likely to look out of place.

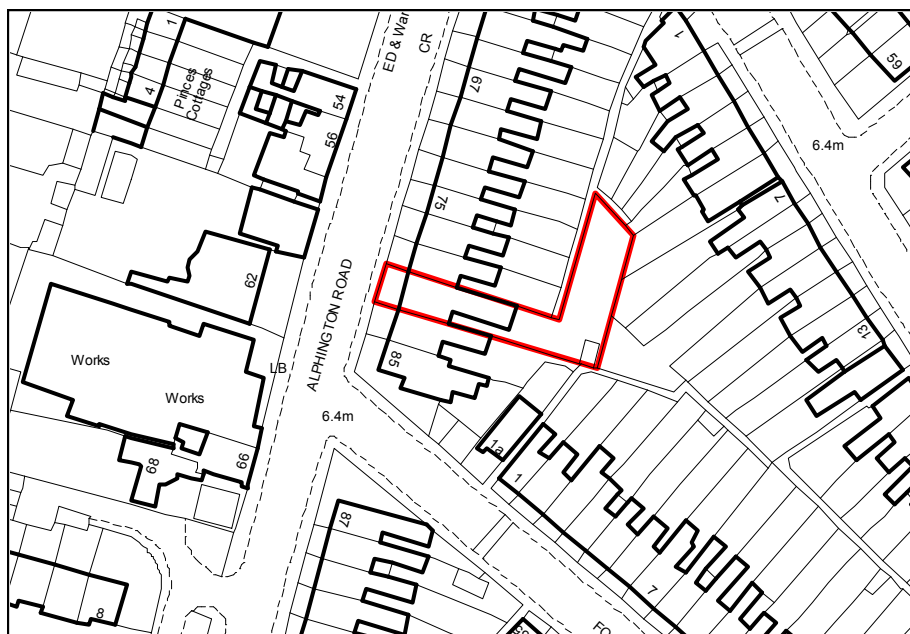
The Inspector viewed the shed from the opposite side of the valley. She considered it to be of modest size, sited discreetly at the edge of the field, and constructed of timber, in harmony with its setting adjacent to woodland. She found its visual impact to be unremarkable. She considered it to be not unlike a field shelter which might be found on agricultural land and concluded that the shed had a neutral impact on the character and appearance of the area.

Although the shed did not fall within any of the exceptions listed as being permissible under ELP Policy LS1, the Inspector considered the development complied with DSP Policy CO1 in that it is sympathetic to the landscape character and quality of this part of Devon. Furthermore, she thought that the shed facilitated the management of the wild flower meadow; this was a material consideration in favour of the development. Overall, the Inspector concluded that the balance of considerations in favour of the development outweighed the limited conflict with the development plan.

The appeal was allowed subject to conditions requiring the submission, approval and implementation of a scheme for the external finish of the building

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81 Alphington Road, Exeter, EX2 8JE



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Reference No: 09/1303/03

Proposal: Change of use from one house to managed shared accommodation.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: ALLOWED SUBJECT TO A CONDITION

Grounds:

The main issues were

- 1) the acceptability of living conditions for residents within 81 Alphington Road.
- 2) the effect upon living conditions within adjoining properties.
- 3) whether the proposals would preserve or enhance the character and appearance of the Princes Square Conservation Area.

Living conditions – proposed residents

The appeal site is a large terraced building which provides managed accommodation for people with illnesses and disabilities who are supported by the appellant and his staff. The building has been developed to include 4 bedrooms on the ground floor, 3 bedrooms on the first floor and 2 bedrooms on the second floor. Each floor contains a shared kitchen. Outside of the building the large garden provides a pleasant open area for occupants of the building to sit out. There is also space for storage of domestic items including refuse bins and bicycles.

The property does not include any communal living or dining areas. The Inspector considered that the living environment could be improved by the inclusion of

communal areas but thought this was a matter of choice when prospective residents decide whether or not to take up occupancy. He considered there to be reasonable provision for all residents on each of the floors. The occupant of one ground floor bedroom would need to walk outside to reach the kitchen on that floor. Whilst this was not an ideal arrangement, the Inspector did not consider that the residents of the other rooms would be disturbed by this activity.

The occupant of the room next to the front entrance and the bottom of the stair-case would be most likely to be disturbed by comings and goings of other residents. However, the Inspector did not consider there would be any significant disturbance. In relation to the first main issue, he considered the development would provide acceptable living conditions for residents within 81 Alphington Road.

Living conditions - adjoining residents

The Inspector noted that the use would accommodate up to 9 people. He did not consider this would be an intensive increase given the size of the property including the outdoor space. He thought that the potential disturbance for the adjoining residents from activity within the building would be unlikely to be much different than if a large family occupied the building.

He did not think that neighbours would be disturbed or caused inconvenience from competition for on-street parking which is controlled by on-street restrictions. Visitors such as health care workers would need to park in available spaces in Ebrington Road or Fortescue Road and walk to the site but these occasional visits were unlikely to cause significant disturbance or inconvenience to immediate neighbours or those in the surrounding streets.

In the Inspector's opinion the continuation of the use would not have a harmful effect upon living conditions within adjoining properties by reason of increased activity.

Character and appearance

The Inspector considered that the character and appearance of the Conservation Area was not presently dominated by subdivided dwellings. He thought that the use of the property in this way was complimentary to this busy urban area on the outskirts of the City centre and to the general mix of housing in the area. He noted that some dwellings within the same terrace already use the front gardens to store refuse-bins. He did not consider that one or two more bins would have a significantly greater visual impact. He therefore thought that the development would preserve the character and appearance of the Conservation Area.

The appeal was allowed subject to a condition requiring compliance with the approved plans.

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Land to the rear of 6A Church Road, St Thomas, Exeter, EX2 9AX



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Reference Nos: 09/0285/03 & 09/0283/14

Proposals: 09/0285/03: Redevelopment of site to provide 4 x 1 bedroom houses following demolition of outbuildings.
09/0283/14: Conservation area consent for the demolition of outbuildings.

Application Decisions: Delegated Refusal

Type of Appeals: Written Representations

Appeal Decisions: BOTH DISMISSED

Grounds:

The main issues were the effect of the proposal on the character and appearance of the Cowick Street Conservation Area and the setting of the adjoining listed building at 6 Church Road, together with its effect on the living conditions of its occupants and on occupants of the proposed development.

Character, appearance and setting

The Inspector noted that although the proposal aimed to make the best use of a compact site where the principle of residential development was acceptable and which was an eyesore within the Conservation Area, he agreed with the Council that the proposed layout would result in a form of built development at odds with the surrounding pattern of development, which generally follows the grain of former burgage plots. The proposed building would also be sited close to the boundary with 6 Church Road, a Grade II listed building, where it would appear cramped and have

an overbearing presence. The proposed contemporary design and opposing roof slopes would have a further adverse effect.

The Inspector concluded that the proposal would fail to preserve the character and appearance of the Cowick Street Conservation Area and harm the setting of the listed building, contrary to development plan policies.

Living conditions

The Inspector considered that the proposed building would result in an unacceptable loss of light and outlook at the rear of 6 Church Road, to the detriment of its occupants, especially those living in the ground floor flat.

He also noted that the total floor area of the smallest unit proposed would only be about 23m². He considered this to be an extremely small self-contained living space, even for a single person. Other single aspect units would be likely to experience relatively low levels of natural daylighting. Much of the proposed amenity space would be unsuitable for its intended purpose, being too narrow or overshadowed or directly outside windows to main habitable rooms, and the level of provision would fall well below the Council's recommended minimum standard.

The Inspector concluded that the proposal would harm living conditions of existing occupants at 6 Church Road, by reason of unacceptable overshadowing and loss of outlook, and future occupants of the proposed dwellings, by reason of an unacceptable standard of living accommodation and an inadequate level of provision of communal amenity space, contrary to development plan policies.

The Conservation Area Consent appeal

As the proposal did not comply with LP Policy C1 the Inspector considered that conservation area consent for demolition of outbuildings should not be granted.

APPEALS LODGED

Application	Proposal	Start date	Received date
2 Bodley Close, Exeter, EX1 3LD	Ground floor extension on west elevation	05/03/2010	05/03/2010
12 Sidwell Street, Exeter, Ex4 6NN	Relocation and replacement of roof mounted plant	03/03/2010	09/03/2010
1 East Wonford Hill Exeter, EX1 3BS	Conservatory on north elevation	09/03/2010	11/03/2010
9a North Street, Exeter, EX4 3QS	Change of use from electronic workshop to self-contained flat at first floor level	09/03/2010	15/03/2010
Former St Loyes Public House, 12-14 Salters Road, Exeter, EX2 5JH	Conversion of existing hotel into eight, one bedroom flats.	17/03/2010	17/03/2010

Devon & Exeter Squash Club, Prince of Wales Road, Exeter, EX4 4PR	Mobile catering facility in northern area of car park	19/03/2010	22/03/2010
Land adj. 54 Broadfields Road, Exeter, EX25RG	Detached dwelling, parking, access to highway and associated works	24/03/2010	29/03/2010
23 Wear Barton Road, Exeter, EX2 7EH	Ground floor extension on north west elevation	31/03/2010	31/03/2010

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL
ECONOMY AND DEVELOPMENT DIRECTORATE**

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report: -

Letters, application files and appeal documents referred to in report.

Available for inspection from: -

Planning Services, Civic Centre, Paris Street, Exeter (01392) 265223

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