

## **PLANNING COMMITTEE**

Monday 6 September 2010

### **Present:-**

Councillor Prowse (Chair)  
Councillors D Baldwin, Branston, Cole, R M Hannaford, D J Morrish, Newby, Thompson and Wadham

### **Also Present**

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

89

### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor D Baldwin	98 (knows the objector)
Councillor R Hannaford	90 (member of Devon County Council)
Councillor Prowse	90 (student landlord) 92 (used to work with the objector) 93 (used to attend Whipton Methodist Church) 96 (knows the applicant and used to own the property)
Councillor Mrs Thompson	98 (daughter lives in Holman Way)
Councillor Wadham	97 (knows the objector)

90

### **PLANNING APPLICATION NO.10/1020/03 & LISTED BUILDING CONSENT NO.10/1021/07 - PINBROOK HOUSE, CHEYNEGATE LANE, EXETER**

Councillor R Hannaford declared a personal interest as a Member of Devon County Council.

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the planning application and listed building consent for change of use from a nursing home to house in multiple occupation at Pinbrook House, Cheynegate Lane, Exeter.

Members were informed that the property was a Grade II\* Listed Building and it had most recently used as a care home comprising a total of 19 bedrooms. For the last eighteen months the building had stood empty.

It was proposed to convert the building to a House in Multiple Occupation. The proposed use would consist of 12 bedrooms with the addition of a manager's flat within the existing attic. To facilitate the change of use some alterations were sought, namely the demolition of an existing cold store and minor reconfiguration of a number of existing rooms. The applicant had indicated that the University, specifically INTO, had expressed an interest in using the facility for an initial 12 months.

Members were circulated with an update sheet giving details of one additional letter of objection and were also advised that a further letter of objection had been received.

The recommendation was to approve the planning application and listed building consent subject to a S106 agreement to secure a financial contribution towards a new traffic order, the conditions set out in the report and additional conditions regarding limiting to 12 bedrooms unless otherwise agreed by the Local Planning Authority, details of the cycle storage and a condition requested by English Heritage regarding details of insulation and works to the Manager's attic flat.

Mrs R Smith spoke against the applications. She raised the following points:-

- representing local residents who had concerns
- there were traffic problems in this location
- the buses in this area stopped running at 6.15pm and did not run on a Sunday
- the site was on a dangerous road which had no pavement and was risky for cyclists to use
- Cheyngate Lane gave priority right of way for cars
- occupants would bring cars causing parking problems for the existing residents
- the property would be more suitable for occupation by retired people
- asked that the Committee consider a site inspection.

In answer to Member's questions, Mrs Smith clarified that the nearest bus stop was a 20 minute walk away for the site and that there were already parking problems in the area.

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

- this was a lovely property which needed to be brought back into use
- the property was not suitable for its previous use as a Nursing Home due to difficulties with disabled access
- flats for the over 55's would require more intrusive works to the building and parking
- a HMO was a suitable use as the internal works were minimal as the rooms would be the same as the previous use
- there was no objection from the Highways Authority or the Planning Officers.

In answer to a Member's question, Mr Dent clarified that it would be difficult to enforce residents not bringing cars but there would be adequate cycle storage, he believed the nearest bus stop was nearer than a 20 minutes walk and he understood that bus services in the area would be increased shortly.

During discussion Members raised the following points:-

- a traffic assessment undertaken by Devon County Council in this area was outstanding
- concern that residents would bring cars causing parking problems for local residents
- there was a robust bus service in the area
- a HMO was a suitable use for the building as there would be minimal internal works

**RESOLVED** that the planning application for change of use from a nursing home to house in multiple occupation, roof lights on south (1) and north (2) elevations and lay-by on east boundary be **approved** subject a S106 agreement to secure a financial contribution towards a new traffic order and the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 21 June 2010 and 1 July 2010 (*dwg. no(s). A1, A2, A3, A4, A5, A6, A7 and A8*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) No part of the development hereby approved shall be occupied until secure cycle parking facilities have been provided in accordance with the requirements of this permission and retained for that purpose at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 5) No part of the development hereby approved shall be occupied until the strategy and proposed measures to be introduced under the terms of the Travel Plan have been implemented in accordance with the requirements of this permission and shall be monitored at all times and updated annually.  
**Reason:** To reduce the volume and impact of traffic attracted to the site.
- 6) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by 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.
- 8) The third floor owners/managers flat hereby approved shall be used solely for this purpose in perpetuity.

**Reason:** To ensure the accommodation is appropriately managed for the benefit of adjacent residential units.

- 9) No more than 12 rooms within the building shall be occupied as bedrooms.  
**Reason:** To ensure that the level of occupancy is acceptable to the Local Planning Authority in the interests of amenity of surrounding properties.
- 10) Details of the proposed cycle parking shall be submitted to the Local Planning Authority and the building shall not be occupied for the use hereby approved until the cycle parking facilities have been laid out entirely in accordance with the scheme that has been agreed with the Local Planning Authority.  
**Reason:** To ensure that the details are acceptable to the Local Planning Authority.

In the event that the Section 106 agreement is not completed within 6 months of the date of the resolution to approve, 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 that were intended to be dealt with in the Section 106 agreement.

**RESOLVED** that listed building consent for demolition of cold store on north elevation, rooflights on south (1) and north (2) elevations and creation of shower room on second floor be **approved** subject to the following conditions.

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The works to the listed building shall be carried out in strict accordance with drawings numbered A1, A2, A3, A4, A5, A6, A7 and A8. No works other than those explicitly shown or referred to on the drawings are hereby granted consent.  
**Reason:** To protect and preserve the character of the listed building.
- 3) No external brickwork shall be re-pointed until a sample area has been prepared on site to show the proposed mortar composition and colour, and method of pointing, and has been approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.  
**Reason:** To protect and preserve the character of the listed building.
- 4) No new or replacement rainwater goods, soil pipes, vents, flues or extractors shall be installed until their full details have been submitted to and approved in writing by the local planning authority.  
**Reason:** To protect and preserve the character of the listed building.
- 5) Prior to the commencement of any repair works a full schedule of repair works and method statement shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.  
**Reason:** To protect and preserve the character of the listed building.
- 6) Prior to the commencement of the works a method statement for the proposed thermal insulation of the roof space shall be submitted to and

approved by the Local Planning Authority. The insulation of the roof space shall thereafter be implemented entirely in accordance with the approved scheme.

**Reason:** To ensure that there is no avoidable damage to historic fabric.

(Report circulated)

91

**PLANNING APPLICATION NO.10/0915/38 - 98 HONITON ROAD, EXETER**

The Development Manager presented the application for extension to extant planning consent for redevelopment to provide 8 self-contained flats, parking, cycle bin/store, access to highway and associated works at 98 Honiton Road, Exeter.

Members were advised that in 2008 full planning permission was granted to demolish the existing house and redevelop the site with a two storey building comprising 8 flats. That application was due to lapse and this application was for an extension of time to the approval granted in 2008.

The recommendation was to approve the application subject to the conditions set out in the report.

**RESOLVED** that the application for extension to extant planning permission for redevelopment to provide 8 self-contained flats, parking, cycle bin/store, access to highway and associated works (Extension of Time for extant Planning Permission Ref No 08/0267/03 granted 30 June 2008) be **approved** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 24 April (*dwg. no(s). 5999-08B*), and 16 May 2008 (*dwg. no(s) 5999\_06B, 07C and 10A*) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C38 - Trees - Temporary Fencing
- 7) The hedges on the boundaries of the site shall be retained to the satisfaction of the Local Planning Authority.  
**Reason:** In the interests of visual and residential amenity.
- 8) The existing newly constructed footway/cycleway route on Ringswell Avenue shall be reinstated to a condition and standard acceptable to the Local Planning Authority as soon as possible following construction of the new access to the site.  
**Reason:** To ensure that there is no detriment to existing public highway infrastructure as a result of the development.
- 9) No part of the development hereby approved shall be brought into its intended use until the parking facilities and visibility splays have been

provided in accordance with full details that have first been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of parking and highway safety.

- 10) The existing access shall be effectively and permanently closed as soon as the new access is capable of use.  
**Reason:** To prevent use of a substandard access and to minimise the number of accesses onto the public highway.
- 11) Before the development hereby approved is brought into use the proposed windows in the west elevation of the property shall be permanently glazed with obscure glass and thereafter so maintained.  
**Reason:** To protect the amenities of the adjoining property.
- 12) 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 interests of residential amenity.
- 13) The applicant shall undertake a background noise survey and development shall not begin until a scheme for protecting the proposed accommodation from noise from vehicular traffic has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied. The applicant should aim to achieve at least the 'Reasonable' standards for internal noise level in residential properties specified in BS8233:1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice.  
**Reason:** In the interests of the amenity of occupants of the development.
- 14) The existing hedge bounding the site shall be retained unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of visual amenity and to ensure that the proposed amenity space is screened to protect the privacy of the future occupants of the property.
- 15) No development shall take place until a Wildlife Plan has been produced by the applicant and approved by the Local Planning Authority. The wildlife plan should state how the proposed development will be managed in perpetuity to enhance wildlife.  
**Reason:** In the interests of promoting opportunities for wildlife.

(Report circulated)

92

**PLANNING APPLICATION NO.10/0556/03 - WEST OF ENGLAND SCHOOL,  
TOPSHAM ROAD, EXETER**

Councillor Prowse declared a personal interest as he used to work with the objector.

The Head of Planning and Building Control presented the application for planning permission for an Ambulance dispatch point with portacabin, fence and associated works adjacent to substation at West of England School, Topsham Road, Exeter.

Members were informed that the proposal comprised the stationing of a portacabin building measuring 7.2 metres long by 3 metres wide on the grassed area in connection with the use of the land as an Ambulance dispatch point. The portacabin would provide rest facilities for the ambulance staff in the form of a WC and small kitchen/rest area. The site could potentially be used for the stationing of an

ambulance 24 hours a day 7 days a week. In association with the proposal fencing would be erected along the access road, and between the site and the remainder of the school complex, in order to prevent conflict between the use of the site for ambulance dispatch and visually impaired pupils of the school. The operation of the Ambulance Service was under pinned by a nationally agreed NHS target of reaching a patient within 8 minutes of receiving an alert call.

The recommendation was to approve the application subject to the conditions set out in the report.

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

- this site was not suitable location for a Ambulance dispatch point
- there were elderly residents in the area who would be disturbed by the noise of the sirens and the blue lights
- why had other locations such as King George Playing Field not been considered?
- the Ambulance would drive past within 4 metres of his daughters bedroom – 391 Topsham Road
- the staff would have to go down to Topsham Road to smoke
- if the application was to be agreed it should be a 12 month temporary consent

In answer to a Member's question, Mr Webber stated that he had undertaken a freedom of information request regarding response times for this part of the city but the data had not been forthcoming.

During discussion Members raised the following points:-

- the access out on the Topsham Road was dangerous as the visibility was poor
- other locations should be considered
- local residents would be disturbed by the blue lights and noise of the sirens
- would like to have been able to question both the applicant and the Highways Authority.

Members were of the opinion that because of their concerns regarding the access and that they would have liked to ask the applicant if other locations had been considered the decision should be deferred.

**RESOLVED** that planning permission for ambulance dispatch point with portacabin, fence and associated works adjacent to substation be **deferred** as there was insufficient information provided regarding the highway implications and other possible locations.

(Report circulated)

93

**PLANNING APPLICATION NO.10/0648/16 - WHIPTON METHODIST CHURCH,  
BROOKWAY, EXETER**

Councillor Prowse declared a personal interest as he used to attend Whipton Methodist Church.

The Development Manager presented the application for the change of use from a church to eight flats and community facility, including alterations to roof to provide second floor accommodation and a three storey extension on the north east elevation, redevelopment of sports hall to provide two storey building comprising of

four flats, parking and associated works at Whipton Methodist Church, Brookway, Exeter.

Members were informed that it was proposed to extend the existing church building and to create two floor levels within it and to replace the pitched roof with an additional flat-roofed storey. This would create a total of eight flats. One of these would be a mobility unit; the rest would be for over-55s. The building would be faced with render, brick slips to match the existing brickwork and glass cladding panels, with a metal roof. A room for use by the local community was proposed within the building.

All buildings and structures in the site other than the main church building were to be demolished and new building would be constructed comprising of two 2-bedroom mobility flats and two 2-bedroom flats for over 55s above. This building would be faced with a mixture of render and timber cladding with a standing seam metal roof. The ground floor units would each have an attached carport structure. In total there would be 10 car parking spaces.

The recommendation was that the application be delegated to the Head of Planning and Building Control to approve subject to the conditions set out in the report and additional conditions regarding fenestration on the extension to the church and the design of the hard surfacing.

During discussion Members raised the following points:-

- use of appropriate materials on the church extension
- what was the benefit of keeping the modern day steeple?
- would the weather vane be kept?

The Development Manager clarified that the existing brick on the church would be retained, the modern day steeple although not functional was part of the street scene and officers would liaise with the applicant with regards to the relocation of the weather vane on the building.

**RESOLVED** that the application for change of use from a church to 8 flats and community facility, including alterations to roof to provide second floor accommodation and three storey extension on north east elevation, redevelopment of sports hall to provide two storey building comprising 4 flats, parking and associated works be delegated to the Head of Planning and Building Control to **approve**, subject to satisfactory details of fenestration on the extension to the church and the design of the hard surfacing and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) C70 - Contaminated Land



- 9) 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 interests of local amenity.
- 10) Prior to the commencement of the development, details of all external plant/machinery (such as associated with exhaust air heat pumps) including sound power levels, shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of local amenity.
- 11) The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors (including those introduced by the application) and shall include noise from plant and equipment (including kitchen extraction plant and air source heat pumps) as well as noise from events. If, following the above assessment, the local planning authority concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the local planning authority and shall be implemented prior to and throughout the occupation of the development.  
**Reason:** In the interests of local amenity.
- 12) There shall be no amplified music, voice or tannoy system used within the community facilities unless routed through a suitable noise limiter. The noise limiter, its installation and operation shall be approved in writing prior to occupation of the development. It shall be operated and maintained as approved thereafter.  
**Reason:** In the interests of local amenity.
- 13) Details of the kitchen extraction system, including odour abatement equipment, should be submitted and approved in writing by the LPA prior to commencement of the development. The system shall be implemented, maintained and operated as agreed thereafter.  
**Reason:** In the interests of local amenity.
- 14) The flats hereby approved (other than the three flats identified as mobility units) shall only be occupied by persons over 55 years old.  
**Reason:** In accordance with the terms of the application, because the parking provision is insufficient for unrestricted occupation and because unrestricted occupation would require a contribution towards education infrastructure.
- 15) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 16) None of the proposed flats shall be occupied until an item of public art has been provided on the tower in accordance with details which shall first have been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the local environment.

- 17) A visibility splay shall be provided, laid out and maintained for that purpose at the site access to Brookway where the visibility splay provides intervisibility between any points X and Y axes at a height of 0.6m above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4m and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25m in a northerly direction.

**Reason:** To provide adequate visibility from and of emerging vehicles, in the interest of public safety.

- 18) No part of the development hereby approved shall be brought into its intended use and/or occupied until the access and visibility splay 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 that purpose at all times.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site in the interest of public safety.

- 19) No part of the development hereby approved shall be brought into its intended use and/or occupied until the on-site access drive, parking and turning facilities have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.

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

(Report circulated)

94

**PLANNING APPLICATION NO.10/0975/38 - 8-10 CHURCH ROAD,  
ALPHINGTON, EXETER**

The Head of Planning and Building Control presented the application for an extension to an extant planning consent for redevelopment to provide 13 dwellings, parking, access to the highway and associated works for siting, design, means of access and external appearance at 8-10 Church Road, Alphington, Exeter.

Members were informed that outline planning permission was granted for residential development with all matters reserved in July 2004 and a reserved matters application was approved for 13 dwellings in September 2007. This application sought to extend the period of time for a further 3 years as the current permission lapsed on 21 September 2010.

The recommendation was to approve the application subject to the conditions set out in the report.

**RESOLVED** that the application for extension to extant planning consent for redevelopment to provide 13 dwellings, parking, access to highway and associated works (approval sought of reserved matters on Ref. No. 04/01618/01 granted 14 July 2004) for siting, design, means of access and external appearance (Extension of Time on extant Planning Permission Ref No. 07/1604/02 granted 21 September 2007) be **approved** subject to the following conditions:

- 1) C05 - Time Limit - Commencement

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 10 September 2007 ( dwg nos. CD 742 LP 01 rev C; CD 742 P 30 rev C; CD 742 P 31 rev D; CD 742 P 32 rev D; CD 742 P 33 rev D; CD 742 P 34 rev B; CD 742 P 35 rev C; CD 742 P 36 rev C; CD 742 P 37 rev C; CD 742 P 38 rev D & CD 742 SP 09 rev D), as modified by other conditions of this consent.

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

- 3) C17 - Submission of Materials

- 4) C12 - Drainage Details

- 5) C35 - Landscape Scheme

- 6) C37 - Replacement Planting

- 7) C70 - Contaminated Land

- 8) C72 - Highway - Estate Roads etc

- 9) 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 boundaries;

f) refuse storage;

g) hours of construction and location of site compound;

h) noise assessment;

i) air quality assessment.

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

- 10) No part of the development hereby approved shall be occupied until the on-site parking and turning facilities have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.

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

- 11) The lowest floor level in the completed buildings shall not be less than 10.85m above ordnance datum.

**Reason:** To comply with the requirements of the Environment Agency.

- 12) C57 - Archaeological Recording

- 13) No part of the development hereby approved shall be occupied until the access, visibility splays and footway on the Mill Lane frontage 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.

- 14) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.

**Reason:** In the interests of public safety and to minimise obstruction of and damage to the adjoining highway.

(Report circulated)

95

**PLANNING APPLICATION NO.10/1161/03 - 12 LITTLE JOHNS CROSS HILL, EXETER**

The Development Manager presented the planning application for a ground floor extension on the east elevation and increase in roof height to provide additional living accommodation at 12 Little Johns Cross Hill, Exeter.

Members were informed that a previous application on this side for a extension and increase in roof height had been refused for the reason of poor design. This application sought to address that reason for refusal.

This application sought to bring the building forward to be nearly in line with front building line of the garage. This would provide additional accommodation at ground floor level in the form of an extended living room. In addition, at ground floor level, the garage would be converted to provide a utility area. This would see the removal of the garage door and the insertion of a double paned casement window. The main part of the proposal was to create a first floor level of accommodation and in order to achieve sufficient head height the roof would be lifted by approximately 1.4 metres.

The additional height would be achieved by the insertion of a number of additional brick courses around the property. The proposal would have a gable end in render finish.

Members were circulated with an update sheet giving details of two letters of objection received in connection with the revised plans.

The recommendation was to approve the application with the conditions as set out in the report.

Mrs Jacobs spoke against the application. She raised the following points:-

- was also representing the residents of 11 and 13 Little Johns Cross Hill
- this proposal was over development of the existing bungalow
- it was a narrow site in a conservation area
- would affect the light to the bedroom of 11 Little Johns Cross Hill; once taken away this could not be put back
- the council's householder guide stated that development should not take away natural light; this proposal did
- the roof shape had been changed from hip to gable this was also contrary to the council's householder guide
- did not object to some alterations but it should not be converted to a house

- asked Committee to reject the application.

In answer to a Member's question, Mrs Jacobs clarified that she lived at 14 Little Johns Cross Hill.

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

- had been working with planning officer to address design issues
- the proposal was designed to meet the needs of a family
- believed that the proposal meet all the requirements of the planning authority.

In answer to a Member's question, Ms Lenton clarified that she did not believe that the proposal would have a negative impact on the light to the second bedroom at no.11.

Members were of the opinion that the amended design addressed the reasons for the previous refusal.

**RESOLVED** that the planning application for a ground floor extension on east elevation and increase in roof height to provide additional living accommodation be **approved** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 July 2010 together with the site location plan and drawings numbered and two drawings numbered 09013L02.01 Revision A and 09013L04.01 Revision A, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) The rooflights to serve the hereby approved roof extension shall be obscure glazed, details of which shall be submitted to and approved in writing by the Local Planning Authority and retained there after in accordance with these approved details.  
**Reason:** To protect the amenity levels of neighbouring residents in terms of privacy.
- 5) The timber casements shall receive a painted finished within one month of installation unless otherwise agreed and approved in writing by the Local Planning Authority.  
**Reason:** To protect the character and appearance of the Conservation Area.
- 6) Prior to the commencement of the Development hereby approved, full details of all joinery shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved plans.  
**Reason:** To protect the character and appearance of the Conservation Area.
- 7) Construction/demolition work shall not take place outside the following times of 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of neighbouring residents.

- 8) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no alterations shall be made to the front elevation of the dwelling shall be made without the formal consent of the Local Planning Authority.

**Reason:** In order to protect the visual amenity of the surrounding area.

(Report circulated)

96

**PLANNING APPLICATION NO.10/1050/03 - 11 SUMMERWAY, EXETER**

Councillor Prowse declared a personal interest as he knows the applicant and used to own the property.

The Head of Planning and Building Control presented the planning application for a detached garage on the north east boundary of rear garden at 11 Summerway, Exeter. The existing garage would be demolished and the replacement garage would measure approximately 9.00 metres in length, 3.10 metres in width and 3.70 metres in height.

The recommendation was to approve the application subject to the conditions set out in the report.

**RESOLVED** that the application for planning permission for detached garage on north east boundary of rear garden be **approved** subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 28 June 2010 and 6 July 2010, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

(Report circulated)

97

**TREE PRESERVATION ORDER NO. 621 - BRIDGE END, 39 ELM GROVE ROAD, TOPSHAM, EXETER**

Councillor Wadham declared a personal interest as he knows the objector.

The Head of Planning and Building Control presented the report informing Members of an objection that had been received by the Council to Exeter City Council Tree

Preservation Order No. 621 (Bridge End, 39 Elm Grove Road, Topsham, Exeter) 2010.

Members were informed that Topsham Tree Warden supported confirmation of the Tree Preservation Order.

Mrs Stevenson-Rowe spoke against the Tree Preservation Order. She raised the following points:-

- the property had been in the family for years
- the tree was positioned between an extension and garage
- the crown was raised 15 years ago
- was concerned that the tree could cause damage or even loss of life if branches were lost
- this tree did not have enough amenity value to warrant a Tree Preservation Order
- two neighbours supported the felling of the tree
- the tree had outgrown its location
- if the tree was removed she would replant a more suitable tree in its place.

Members were of the opinion that the tree did not have any amenity value and that it had out grown its location. They acknowledged that the objector had stated that they would replace the tree should it be felled.

**RESOLVED** that the order not be confirmed.

(Report circulated)

98 **TREE PRESERVATION ORDER NO. 619 - PARKFIELD HOUSE, HOLMAN WAY, TOPSHAM, EXETER**

Councillor D Baldwin declared a personal interest as she knows the objector.

Councillor Mrs Thompson declared a personal interest as her daughter lives in Holman Way.

The Head of Planning and Building Control presented the report informing Members of an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 619 (Parkfield House, Holman Way, Topsham, Exeter) 2010.

Members were informed that Topsham Tree Warden supported confirmation of the Tree Preservation Order.

Mr Williams spoke against the Tree Preservation Order. He circulated photographs of the tree to Members. He raised the following points:-

- lived at the property for 15 years and it was a family home
- had undertaken works on trees in his garden in the past including reducing and replacement
- the tree over shadowed part of the garden and affected light to the house
- was close to the boundary wall
- neighbours did not object to the felling of the tree.

In answer to Member's questions, Mr Williams clarified that the tree was 8 to 10 feet away from the boundary wall and some of its branches over hung the wall.

Members had concerns that the roots of the tree could cause damage to the boundary wall which was in the curtilage of a Grade II listed building.

**RESOLVED** that the order not be confirmed.

(Report circulated)

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

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

**RESOLVED** that the report be noted.

(Report circulated)

100                    **ENFORCEMENT PROGRESS REPORT**

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

Members were informed that the enforcement appeal on Silver Springs, 12 Richmond Road had been dismissed. The enforcement notice on 1 Newcourt Road would be withdrawn and a new notice would be served, this would allow the retention of the lay-by but would require that area to be landscaped and details of construction along the carriageway edge agreed.

**RESOLVED** that the report be noted.

(Report circulated)

101                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

102                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 21 September 2010 at 9.30 a.m. The Councillors attending will be Cole, Prowse and Wadham.

(The meeting commenced at 5.30 pm and closed at 8.10 pm)

Chair