

PLANNING COMMITTEE

Monday 23 July 2012

Present:

Councillor Bialyk (Chair)
Councillors Lyons, Denham, Edwards, Mrs Henson, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom

Apologies:

Councillors Donovan and Mitchell

Also Present:

Strategic Director (KH), Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Member Services Officer (SJS)

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MINUTES

The minutes of the meetings held on 16 April 2012, 21 May 2012 and 25 June 2012 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Mrs Henson	79 (knows the applicant)
Councillor Winterbottom	79 (knows the applicant)

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PLANNING APPLICATION NO.12/0327/03 & LISTED BUILDING CONSENT NO.12/0328/07 - MAGNOLIA HOUSE AND ACACIA HOUSE, FRIARS GREEN, EXETER, EX2 4DB

The Senior Area Planning Officer presented the planning application and listed building consent for the sub division of the two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage at Magnolia House and Acacia House, Friars Green, Exeter.

These applications had been deferred at the previous Planning Committee for a site inspection by all Planning Committee Members to assess the impact of the proposed two new dwellings on the character of the area.

Members were circulated with an update sheet giving details of the conservation officer's comments in response to an objectors comment.

The recommendation was for approval of the planning application and listed building consent subject to a Section 106 Agreement (planning application only) and conditions as set out in the report.

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

- speaking on behalf of local residents
- asked Committee to take on board the points raised at the previous Planning Committee
- Councillor Laws letter to Members stated that the proposal was over development being adjacent to Grade II Listed Buildings, Colleton Crescent and Friars Green
- Exeter Civic Society objected to the new dwellings
- the new dwellings did not enhance or contribute to the conservation area and would dominate Friars Green and Colleton Crescent
- the new dwellings would result in significant change to the street scene
- should refuse the new dwellings; if the Committee were minded to approved the dwellings should be set back a little further from the road.

Mr McHugh spoke against the applications. He raised the following points:-

- speaking as an individual although his views reflected the consensus of opinion of residents in the area
- Exeter Civic Society and Devon Building Group objected to the proposed new dwellings
- the gardens of Magnolia House and Acacia House were a little green haven in the city
- the site was visible from the Quay
- the agent stated that the restoration of Magnolia House and Acacia House would not be viable without the new dwellings: had not seen any costings to support this
- if there was to be development here it should be of exceptional design
- the conditions did not cover boundary treatment or the parking area
- further work would need to be undertaken before approval was given.

Mr Turner (Agent) spoke in support of the applications. He raised the following points:-

- the viability of the scheme had been demonstrated by a Quantity Surveyor; all the information had been submitted to the Local Planning Authority as part of the planning application
- the new dwellings would sit well on the site
- could set back the new dwellings a little into the site; the final position of the dwellings could be agreed with the Local Planning Authority
- conditions were proposed regarding the boundary treatment and screening the parking area
- had been working with planning officers including the conservation officer for 12 months to put together this proposal
- would not be visible from long distance views
- there were examples in the city of new buildings adjacent to listed buildings i.e. Princeshay and the City Wall
- would be proper family homes with gardens and parking
- needed the investment capital from the new dwellings to progress the scheme.

In response to Members' questions, Mr Turner clarified that the rear gardens would be larger than the minimum required by the Local Plan Authority and that there was room to move the dwellings back slightly from the road frontage; the scheme would not be viable without the new dwellings; and he had agreed to pay £3,000 to the County Council and to assist them to deliver the traffic order in order to speed up progression of the scheme.

Whilst the majority of Members felt satisfied that the proposal including the design and location of the new dwellings were acceptable, some Members still had concerns regarding the proposed new dwellings.

RESOLVED that planning permission for sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage be **approved** subject the completion of a Section 106 Agreement in respect of affordable housing financial contribution, Traffic Order financial contribution (£3,000) and a financial contribution to Natura 2000 of £1,050 (3 units x £350) and 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 April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) 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) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.
Reason: In the interests of the visual appearance of the conservation area.
- 7) 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) parking area surfacing;
 - f) refuse storage;
 - g) swift box locations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.
Reason: To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.

- 9) No part of the development hereby approved shall be commenced until a construction statement, to include details of:
- a) parking and vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of planting and materials;
 - c) storage of plant and materials;
 - d) programme of works to include measures for traffic management;
 - e) vehicle washdown measures and facilities; and
 - f) provision of boundary hoarding
- has been submitted to, agreed and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details throughout the development period.
- Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 10) No construction work shall take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- Reason:** In the interest of residential amenity.
- 11) No part of the development hereby approved shall be occupied or brought into its intended use until the access, parking spaces, turning area and access drainage have been marked out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and those facilities shall be retained for the benefit of the development at all times thereafter.
- Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.
- 13) C57 - Archaeological Recording
- 14) C61 - Approval of Foundation Details
- 15) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.
- 16) C23 - Permitted Development Restriction
- 17) The two new build dwellings permitted hereby shall not be occupied or otherwise brought into use until all works to the listed buildings have been completed to the satisfaction of the Local Planning Authority and the three dwellings within the listed buildings are ready for occupation.
- Reason:** To ensure that work is carried out to the listed buildings before or in association with the new dwellings.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development 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.

RESOLVED that listed building consent for the sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage be **approved** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.
Reason: In the interests of the visual appearance of the conservation area.
- 5) 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) parking area surfacing;
 - f) refuse storage;
 - g) swift box locations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.
Reason: To ensure that work is carried out to the listed building before or in association with the new dwellings.
- 7) C57 - Archaeological Recording
- 8) C61 - Approval of Foundation Details
- 9) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in

writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.

(Report circulated)

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PLANNING APPLICATION NO.12/0605/03 & LISTED BUILDING CONSENT NO.12/0606/07 - SOUTHLANDS, FORE STREET, HEAVITREE, EXETER, EX1

The Assistant Director City Development presented the planning application and listed building consent for a ground floor extension on the north elevation and two storey extension on the north east elevation to create two new flats and to increase the size of two existing flats whilst retaining the same number of units at Southlands, Fore Street, Heavitree, Exeter.

Southlands was a Grade II Listed Building set in large grounds and in the 1960/70's a development of retirement flats was built within the grounds of the building. The existing building comprised 10 self contained flats (1 'studio' flat, 8 one bed flats and 1 two bed flat). The total number of flats would remain the same and additional parking spaces would be created.

The recommendation was for approval of the planning application and listed building consent subject to the conditions as set out in the report.

The Assistant Director City Development stated that officers would seek to negotiate the removal and replacement of the close board boundary fencing although it was not part of this application.

During discussion Members raised the following points:-

- would have a negative effect on the elderly persons bungalows due to the poor outlook as they would have view of a blank wall causing loss of amenity
- too close to the Bicton Place which was a Grade II Listed Building
- there would be an increase in the use of the access which was difficult and dangerous being directly on a traffic light junction
- did not preserve or enhance the conservation area
- adverse impact on the character and appearance of the listed building and the surrounding listed buildings.

The Assistant Director City Development clarified that the Highway Authority did not object to the increase in the size of the flats; there was no evidence to say that the flats were specifically occupied by students; and the gardens should be communal.

RESOLVED that planning permission for a ground floor extension on the north west elevation and two storey extension on the north east elevation creating two additional flats be **refused** for the following reasons:-

- 1) By virtue of the height of the extension and its proximity to No.1 Bicton Place and 15 Southlands the proposal would have an overbearing impact upon those properties detrimental to the living conditions/amenity of their occupants. Thereby the proposal would be contrary to policy CO6 of the Devon Structure Plan 2001 to 2016 and Policies DG1 (f) and (g) and DG4 (b) of the Exeter Local Plan First Review 1995-2011.
- 2) By virtue of its size, height and location the proposed extension would have an adverse impact upon the character and appearance of this Grade II Listed Building and its setting, and the wider setting of the Grade II Listed

Building and its setting, and the wider setting of the Grade II Listed Buildings at 1 Bicton Place and 8 Mont Le Grand. In addition the proposal would neither preserve nor enhance the character and appearance of this part of the Baring Crescent and Mont Le Grand Conservation Area. Thereby the proposal would be contrary to policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, and policies C1 and C2 of the Exeter Local Plan First Review 1995-2011.

- 3) The potential increase in use of the access resulting from the improvements to the accommodation comprised in the building, and the provision of additional parking spaces to serve the residential accommodation contained therein, would be likely to increase the conflict of traffic movements close to the signal controlled junction of Fore Street with Polsloe Road, Heavitree Road and Barrack Road, which has restricted visibility from and of emerging vehicles, resulting in additional danger and inconvenience to all users of the road contrary to Policy TR10 of the Devon County Structure Plan 2011 to 2016.

RESOLVED that listed building consent for a ground floor extension on the north west elevation, two storey extension on the north east elevation creating two additional flats and associated works be **refused** for the following reasons:-

- 1) By virtue of the height of the extension and its proximity to No.1 Bicton Place and 15 Southlands the proposal would have an overbearing impact upon those properties detrimental to the living conditions/amenity of their occupants. Thereby the proposal would be contrary to policy CO6 of the Devon Structure Plan 2001 to 2016 and Policies DG1 (f) and (g) and DG4 (b) of the Exeter Local Plan First Review 1995-2011.
- 2) By virtue of its size, height and location the proposed extension would have an adverse impact upon the character and appearance of this Grade II Listed Building and its setting, and the wider setting of the Grade II Listed Buildings at 1 Bicton Place and 8 Mont Le Grand. In addition the proposal would neither preserve nor enhance the character and appearance of this part of the Baring Crescent and Mont Le Grand Conservation Area. Thereby the proposal would be contrary to policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, and policies C1 and C2 of the Exeter Local Plan First Review 1995-2011.

(Report circulated)

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PLANNING APPLICATION NO.12/0806/01 - PILTON HOUSE, PILTON LANE, EXETER, EX1 3RA

The Senior Area Planning Officer presented the application for two detached dwellings at Pilton House, Pilton Lane, Exeter.

The site was a rectangular area of land covering approximately 0.17ha. It was mainly laid to grass and formed an extended garden area to Pilton House. The site would be accessed by a wide double gated entrance off Harts Lane. Outline planning permission was sought for two dwelling houses. All matters were reserved for future consideration.

Members were circulated with an update sheet giving details of an additional condition.

The recommendation was for the application to be delegated to the Assistant Director City Development to approve subject to the completion of a Section 106 Agreement securing the matters referred to in the circulated report, the conditions set out in the report and the additional condition on the update sheet.

RESOLVED that planning permission for two detached dwellings (All matters reserved for future consideration), be delegated to the Assistant Director City Development to **approve** subject the completion of a Section 106 Agreement securing the matters referred to in the report and the following conditions:-

- 1) C01 - Standard Outline
- 2) C04 - Outline - Exclude Details
- 3) C06 - Time Limit - Approval of Reserved Matter
- 4) C07 - Time Limit - Outline
- 5) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details (insofar as they relate to matters controlled by this outline consent) received by the Local Planning Authority on 31 May 2012 (dwg. nos. PL/254.01, PL/254/2, PL/254/.03 & PL/254/04) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 6) C17 - Submission of Materials
- 7) C34 - Landscape Scheme - Outline
- 8) C36 - No Trees to be Felled
- 9) C37 - Replacement Planting
- 10) C38 - Trees - Temporary Fencing
- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access 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.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's 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 the construction period having regard to the limited width of access to the site, in the interest of public safety.
- 13) The buildings comprised in the development hereby approved shall be constructed to have all their heating systems (including space and water heating) compatible with the proposed decentralised energy network. Prior to occupation of the development, the necessary on-site infrastructure shall

be put in place for connection of those systems to the network at a point on the site boundary agreed in writing by the LPA.

Reason: In the interests of sustainable development.

- 14) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

Reason: In the interests of sustainable development.

- 15) Any individual dwelling hereby approved shall achieve a Code Level 3 as a minimum, but shall achieve a Code Level 4 if commenced on or after 1st January 2013, and a Code Level 5 if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such equivalent national measure of sustainability for house design that replaces that scheme) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3,4 or 5 has been achieved as appropriate.

Reason: In the interests of sustainable development.

- 16) The Local Planning Authority shall be notified in writing of any dwelling for which construction is commenced before 1st January 2013 and for any dwelling for which construction is commenced thereafter but before 1st January 2016, within 10 working days of those dates.

Reason: In the interests of sustainable development.

- 17) 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: In the interests of local amenity.

- 18) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3."

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

Councillor Mrs Henson declared a personal interest as she knows the applicant.

Councillor Winterbottom declared a personal interest as he knows the applicant.

The Assistant Director City Development presented the application for 2/3 storey building comprising 14 self contained apartments, pedestrian access, parking and associated works at the Former Exeter and Middlemoor Service Station, Rydon Lane, Exeter. The site extended to 2216 square metres, it had been cleared and had remained vacant for some time.

15 parking spaces were proposed to be located to the rear of the building with access provided off Quarry Lane. Cycle parking and an area of communal amenity space was also provided at the rear of the building. The materials to be used would be metal and render and there would be balconies on the front of the building.

The recommendation was for the application to be delegated to the Assistant Director City Development in consultation with the Chair to approve subject to the agreement of the arrangements for provision of affordable housing and the location of the refuse storage, the completion of a Section 106 Agreement and the conditions as set out in the report.

During discussion Members raised the issue of the affordable housing contribution, the materials to be used, the treatment of the two storey end elevation being more interesting and the use of the balconies for hanging washing and storage.

The Assistant Director City Development stated that the use of the balconies could not be dealt with through the planning system but he would feedback Members concerns to the applicant.

RESOLVED that planning permission for 2/3 storey building comprising 14 self contained apartments, pedestrian access, parking and associated works be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to **approve** subject to the agreement of the arrangements for provision of affordable housing, the location of the refuse storage, the treatment of the two storey end elevation and a Section 106 Agreement as detailed in the report and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) Development shall not begin until a scheme for protecting the proposed dwellings from noise from Rydon Lane 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.
Reason: In the interests of residential amenity.
- 6) No part of the development hereby approved shall be occupied until the on-site car and cycle parking facilities as shown on drawing no.100571.AP(0)03G, together with any means of access thereto have been provided, allocated, surfaced and marked in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site and to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 7) Prior to the first occupation of any of the units hereby approved the road markings within the site entrance, and the warning signs, as shown on drawing no.100571.AP(0)03G shall be installed. Thereafter they shall be maintained in accordance with the approved details at all times.
Reason: In the interests of highway safety.
- 8) 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 the construction period, in the interest of public safety.
- 9) C57 - Archaeological Recording
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwelling/building(s), in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 11) 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.
- 12) No development shall begin until a scheme for generating a proportion of the energy requirement of the development from on-site renewable sources which reduce the predicted CO2 emissions by 10 per cent (or other proportion as agreed in writing), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the building is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: To ensure that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.
- 13) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 14) If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall then be implemented as approved.

Reason: To protect controlled waters.

- 15) Prior to the commencement of the development hereby approved a drainage strategy for the disposal of surface water shall be submitted to and be approved in writing by the Local Planning Authority. Such strategy shall demonstrate how the disposal of surface water shall be managed to ensure that it does not mobilise any residual contamination on the site.

Reason: To protect controlled waters.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

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PLANNING APPLICATION NO.12/0922/03 & LISTED BUILDING CONSENT NO. 12/0923/07 - 15 REGENTS PARK, EXETER, EX1 2NT

The Assistant Director City Development presented the planning application and listed building consent for alterations to provide three separate apartments at 15 Regents Park, Exeter.

The application related to a Grade II Listed Building located within the Mont le Grand Conservation Area. The dwelling was built around 1830/1840 and was a three storey mid-terraced house. The property was recognised as making a positive contribution to the area.

Earlier in 2012, a certificate of lawfulness of existing use for three flats was submitted by the same applicant and due to a number of anomalies with the floor plan, coupled with a break in use following the death of the previous owner, the Local Planning Authority were legally advised not to issue the certificate. The applicant had withdrawn that application and submitted a planning application and a listed building consent to convert the property into three self-contained apartments.

Members were advised that although the consultation period did not end until 2 August 2012 the recommendation was to delegate to the Assistant Director City Development to approve both the planning application and listed building consent subject to no significant new issues being raised post committee and the conditions as set out in the report.

Members were circulated with an update sheet giving details that an objection that had been received relating to the basement the basement did not form part of this proposal.

The Assistant Director City Development reported that further emails and letters of objection had been received from 9, 11 and 13 Regents Park. They raised concerns regarding the consultation period; being able to register to speak at committee; works undertaken in the basement: and inadequate proposed parking arrangements.

Members were advised that the Highways Authority had not objected.

In response to Members, the Assistant Director City Development clarified the position with regards to the previous use as three flats including the internal layout and the parking arrangements which included three garages to the rear and two off-

road parking spaces at the front of the property. Any future residents would also be able to apply for residents parking permits.

Mr Turner (Agent) spoke in support of the applications. He raised the following points:-

- it had been considered appropriate to apply for planning permission and listed building consent rather than a certificate of lawfulness
- this property had been divided into three flats for some time
- council tax confirmed that there had been three flats in the property: there were also three separate water and electric meters
- although access to the three rear garages was compact there was enough space to allow cars to manoeuvre
- would create flats suitable for professionals working in the city
- within walking distance of city centre making it less desirable to drive
- site would take up to five cars; residents could also apply for a residents parking permit
- would bring back this run down property to life.

In response to Members' questions, Mr Turner clarified that if the rear garages were removed then there could be space for up to four cars; the garages could be reconfigured to make three garages all of the same size; the basement was damp and dingy some work had been undertaken to stop a water leak; and there would be access from the rear garages into the flats.

During discussion Member's raised the following points:-

- on road parking was already a problem in the area and turning at the end of the road was very difficult
- concern that the consultation period did not end until 2 August 2012
- the garages at the rear were very tight; could you actually park a car in them and then get out?
- applications should be deferred to allow for the consultation period to expire and also enable a site visit by all Planning Committee Members to assess, in particular, the parking arrangements

The Planning Solicitor clarified the position with regards to the certificate of lawfulness of existing use for three flats and that although the history of the site was relevant there was no current permission or right for the property to be sub-divided into three flats.

RESOLVED that planning permission for alterations to provide three separate apartments be deferred to enable the consultation period to expire (2 August 2012) and for site inspection by all Planning Committee.

RESOLVED that listed building consent for alterations to provide three separate apartments be deferred to enable the consultation period to expire (2 August 2012) and for site inspection by all Planning Committee.

(Report circulated)

The Assistant Director City Development presented the report on progress since the previous Buildings at Risk report in February 2012. He advised that Clystlands, Fore Street, Heavitree and Holmbush, Little Johns Cross Hill had been added to the register.

Members noted the report.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

(Report circulated)

83 **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

84 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

85 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 21 August 2012 at 9.30 a.m. The Councillors attending will be Lyons, Mrs Henson and Winterbottom.

(The meeting commenced at 5.30 pm and closed at 7.40 pm)

Chair