

## **PLANNING COMMITTEE**

Monday 15 January 2007

### Present:-

Councillor Hazel Slack (Chair)

Councillors Lyons, P Brock, Hannford, Mrs Henson, Mills, Mitchell, Moore, D J Morrish, Newby and Shepherd

### Also Present

Director Economy and Development, Development Control Manager, Licensing Solicitor, Head of Planning Services, Planning Technician (MC) and Member Services Officer (SJS)

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### **MINUTES**

Subject to the amendment of Councillor P.J.Brock, Hannaford and Mills interests relating no minute no. 178 and 177 and Councillor Moore's interest relating to minute no. 179, the minutes of the meeting held on 6 November 2006 were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

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

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P.J Brock	4 (Member of Devon County Council) 5 (Member of Devon County Council) 7 (Member of Devon County Council) 8 (Member of Devon County Council)
Councillor Hannaford	4 (Member of Devon County Council) 5 (Member of Devon County Council) 7 (Member of Devon County Council) 8 (Member of Devon County Council)
Councillor Mrs Henson	4 (knows parents of applicant) 5 (knows parents of applicant)
Councillor Lyons	9 (Member of Unison)
Councillor Mills	8 (Employee of Devon County Council) 9*(Member of Unison)
Councillor Mitchell	9 (Father is Member of Unison)
Councillor Moore	9* (Member of Unison)
Councillor Newby	4 (knows parents of applicant) 5 (knows parents of applicant) 9 (Wife is Member of Unison)
Councillor Shepherd	3*(knows an objector) 9 (Member of Unison)
Councillor H.A. Slack	9 (Member of the Labour Party)

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**74 HEAVITREE ROAD, EXETER, EX1 2LP (APPLICATION NO. 06/2567/03)**

**- FULL PLANNING PERMISSION 74 HEAVITREE ROAD, EXETER, EX1  
2LP (APPLICATION NO. 06/2697/14 - CONSERVATION AREA CONSENT)**

Councillor Shepherd declared a prejudicial interest as an objector was known to him and he left the meeting during consideration of this item.

The Development Control Manager presented the applications, for conservation area consent for the demolition of a dwelling and planning permission for the redevelopment of the site to provide 8 self contained flats comprising of 6, 2 bed and 2, 1 bed flats, with 4 parking spaces to the rear.

The Development Control Manager outlined the 3 main issues. The relationship with the surrounding properties; any possible overlooking aspects; and the impact of the proposal on the street scene and the St Leonard's Conservation Area.

He stated the officers' views were that the impact on the neighbouring properties was acceptable as the mass of the rear of the proposal had been reduced, the windows in the side elevations would be obscure glazed and the terrace would be screened on the north and south sides. The design was considered acceptable and was in keeping with the street scene.

The Development Control Manager reported that Natural England had recommended that a bat survey be carried out, and if any were present, mitigation measures implemented prior to granting of consent. Officers considered that a condition requiring a survey to be carried out and any necessary mitigation measures implemented prior to commencement would be sufficient.

The Landscape and Tree officer had considered the trees at the front of the property and concluded that, as the trees would out grow their location, there was no objection to them being felled.

The Environmental Health Officer recommended a noise survey to establish if the site was suitable for residential development and the addition of a condition regarding an investigation for land contamination. The Development Control Manager reported that, given the existing use of the site for residential purposes, these requirements were not considered necessary.

18 additional representations had been received. The majority of these raised no new issues but they did reiterate objections concerning the loss of a building making a positive contribution to the character of the conservation area, inappropriate design of the replacement building, lack of amenity space, rights of access over the rear lane, and highway safety associated with the use of rear access/width of access.

The recommendation for planning permission was for approval with additional conditions concerning detailed floor levels and ridge heights, the location and size of the site compound, the proposed hours of construction works, the detailed size/design/external appearance of the refuse store and bio-mass boiler/store, a bat survey and obscure glazing. An amendment was also proposed to Condition 8 to insert the following "Notwithstanding submitted drawing no. AP (0) 12".

The recommendation for the conservation area consent was for approval subject to any further representations received being considered by the Head

of Planning Services in consultation with the Chair of the Planning Committee. An additional condition was proposed requiring a bat survey. Councillor Branston attended the meeting and spoke on this item having given notice under Standing Order No. 44. He made the following points:-

- access to rear of property was of an inadequate width
- why were there only 4 parking spaces? How would the spaces be allocated?
- development would put pressure on already congested parking in the area
- proposed balcony was obtrusive
- development would result in loss of mature trees which would change the appearance of the street scene and a family home
- volume of the proposal was almost twice that of the neighbouring pair of semi-detached properties
- demolition would result in the loss of a 1950's building of character with a distinctive arch chimney stack
- the proposals would not enhance the Conservation Area
- he therefore asked the Planning Committee to refuse the applications.

Professor Rodger (representing local residents) spoke in opposition to the planning application. He made the following points:-

- the proposal would affect the light to no. 72 and no. 80 Heavitree Road as their front doors were to the side of their properties; that was why the present property was set back
- the rear access was not wide enough for the proposed parking
- this would create a precedent to develop properties with large gardens and this would effect the character of the conservation area
- the volume of the proposal was far greater than that of the neighbouring semi detached properties.

Mr Dow (representing local residents) spoke in opposition to the conservation area application. He made the following points:-

- the public were not given sufficient time in which to respond to the application
- this was a 1950's property which was of architectural merit in particular the arch chimney stack
- the access to the rear was inadequate.

Some Members had concerns regarding the loss of amenity space, bulk and massing of the proposal being out of keeping with the street scene and inadequate parking. Other Members were of the opinion that the building to be demolished had a neutral effect on the conservation area and that the proposed building was of good design and in keeping with the street scene.

Questions were asked with regards to a site inspection and adequate refuse storage, in particular the need to ensure enough recycling bins.

The Development Control Manager confirmed that a site inspection had taken place but the plans had since been amended to reduce the rear wing of the proposal and that refuse storage details were conditioned to ensure that they would be adequate.

**RESOLVED** that planning permission for redevelopment to provide eight self-contained flats, parking and associated works be approved subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) No part of the development hereby approved shall be occupied until each resident in the car free element of this development has been issued with a travel pack containing locations of local and major shopping, leisure and public transport facilities, together with times of the services, and that they will not qualify for residents' on street parking permits in this area, in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that residents of the five free flats are aware of this status.
- 7) No part of the development hereby approved shall be occupied until the off-street parking facilities shall have been provided, surfaced and marked out 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.
- 8) Notwithstanding submitted drawing no. AP (0) 12, the flats hereby approved shall be not occupied until screens to protect neighbours privacy have been erected to the proposed terraces in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The screens shall be permanently retained for this purpose.  
**Reason:** In the interests of privacy and amenity of neighbouring properties.
- 9) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building, in relation to an agreed fixed point or O.S datum, and the ridge heights of adjoining properties, have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved levels unless otherwise agreed 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.

- 10) Prior to the commencement of the development hereby approved details of the location and size of the site compound, the proposed hours of construction works and the detailed size, design and external appearance of the refuse store and bio-mass boiler/store, shall be submitted to and 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) Prior to the commencement of the development hereby approved a bat survey shall be carried out to establish whether there are any bats present in the existing building. A copy of the survey shall be submitted to the Local Planning Authority for approval. If the survey reveals the presence of bats no work on the implementation of the development shall take place until appropriate mitigation measures have been submitted to and agreed in writing by, the Local Planning Authority.

**Reason:** To establish if bats are present within the building and ensure appropriate mitigation measures are in place to protect them if necessary.

- 12) Notwithstanding the information shown on drawings Nos. AP (0) 04 C and AP (0) 10 A all of the side facing windows to Flat 4 on the first floor of the building shall be fitted with obscure glazing in accordance with details which shall previously have been submitted to and approved in writing by, the Local Planning Authority. Thereafter the obscure glazing to these windows and all other windows annotated on the plans as obscure glazed shall be permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of the residential amenities of the occupants of surrounding properties.

**RESOLVED** that conservation area consent for demolition of dwelling be granted subject to any further representations received being considered by the Head of Planning Services in consultation with the Chair of the Planning Committee and the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building by planning permission no. 06/2567/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.  
**Reason:** In the interests of the appearance of the Conservation Area.
- 3) Prior to the commencement of the demolition hereby approved a bat survey shall be carried out to establish whether there are any bats present in the existing building. A copy of the survey shall be submitted to the Local Planning Authority for approval. If the survey reveals the presence of bats no work on the demolition of the building

shall take place until appropriate mitigation measures have been submitted to and agreed in writing by, the Local Planning Authority.  
**Reason:** To establish if bats are present within the building and ensure appropriate mitigation measures are in place to protect them if necessary.

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**ROLLESTONE FARM, PENNSYLVANIA ROAD, EXETER, EX4 5BJ**  
**(APPLICATION NO. 06/1416/03 – FULL PLANNING PERMISSION)**

The Head of Planning Services presented this application for a change of use from agricultural to mixed agricultural and equestrian use.

The main issue with this application was the condition and width of the access, which did not give much opportunity for vehicles to pass.

The Head of Planning Services reported that if the change of use was permitted, it would be more difficult to argue against further expansion and development of the equestrian facilities at Rollestone Farm which could in turn increase the volume of the traffic.

The recommendation was for refusal.

Councillor Hobden attended the meeting and spoke on this item having given notice under Standing Order No. 44. She made the following points:-

- supported the officers' recommendation
- the proposal would lead to an increase in traffic
- the track was too narrow and its condition was poor and would not be able to sustain an increase in usage
- if permission was given it would be difficult to resist further equestrian development.

Ms Russell spoke in opposition to the planning application. She made the following points:-

- Bridleway 8 and the Exeter Green Circular Route ran along part of the track to Rollestone Farm
- this proposed use would increase the use of an already inadequate access track, thus making it dangerous for riders, cyclists and walkers to use
- any change in use would reduce the amenity of the residents in the vicinity and those using the Bridleway and the Exeter Green Circular Route
- Members should consider the protection of the Bridleway 8 and the Green Circular Route.

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

- the proposal would cause no change in the landscape
- the change of use was to allow the applicants to establish a breeding farm
- the track would be concreted and widened in parts to allow vehicles to pass.

In answer to a Member's question Mr Firth confirm that the applicants would use their own stallions for breeding or frozen semen, and confirmed there was only one access to the property.

Some Members felt that the proposed use would not generate any more traffic than if it was a normal working farm, whilst other Members had concerns regarding the future use of Rollestone Farm, the ability of the track to accommodate any increase in traffic and the amenity of, and danger to, users of Bridleway 8 and Exeter Green Circular Route.

**RESOLVED** that planning permission for change of use from agriculture to mixed agriculture and equestrian use be refused for the following conditions:

- 1) This application is contrary to policies CO1 & CO6 of Devon Structure Plan 2001–2016 and policies LS1 and DG1 of Exeter Local Plan First Review 1995-2011 because the proposals would be likely to result in alterations to the character of the landscape setting of the city which would be outside of the control of the Local Planning Authority.
- 2) Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, traffic generation / attraction and the effect on the adjacent highway / bridleway / footpath system, contrary to Policy TR10 of the Devon County Structure Plan.
- 3) The access route to the site is by reason of its inadequate width, poor horizontal and vertical alignment, unsuitable to accommodate the increase in traffic likely to be generated with consequent risk of additional danger to all users of the route, contrary to Policy TR10 of the Devon County Structure Plan.
- 4) The proposed development would result in an increase of vehicular traffic along a designated Bridleway with consequent loss of amenity and risk of additional danger and inconvenience to all users of the designated right of way contrary to Policy TR10 of the Devon County Structure Plan.

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**ROLLESTONE FARM, PENNSYLVANNIA ROAD, EXETER, EX4 5BJ**  
**(APPLICATION NO. 06/1417/03 – FULL PLANNING PERMISSION)**

The Head of Planning Services presented this application for an equestrian arena.

He recommended that a further clause was inserted into the proposed section 106 agreement preventing the use of the arena for large scale shows/competitions or other events, in the interests of minimising the amount of traffic that visited the site. However, the applicants were anxious that the wording of any agreement should not prevent the showing of horses for sale at the arena. The Committee was advised that no more than 5 or 6 people would view sales at any one time.

The recommendation was for approval with the proposed addition to the section 106 agreement regarding the number of people viewing sales at any one time.

Councillor Hobden attended the meeting and spoke on this item having given notice under Standing Order No. 44. She made the following points:-

- concerned that this proposal would increase traffic and affect the use of Bridleway 8 and Exeter Green Circular Route
- welcomed the additional clauses to the section 106 agreement but how would this be enforced?

Mr Gallios spoke in opposition to the application, he circulated a plan of the present and proposed development together with an aerial photograph of the site. He made the following points:-

- ½ mile of the Bridleway 8 ran along the track to Rollestone Farm
- local riders had favoured this route as it was safe and away from traffic, but in the last 2 years traffic had increased and this proposal would further exacerbate the traffic problem
- the applicants had failed to comply with a previous planning permission that had required trees to be planted around the building erected in 2005.

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

- the applicants were agreeable to entering into a section 106 agreement
- planting would take place after the arena had been erected
- landscaping and planting had been undertaken so far as possible in line with the conditions of the permission given in August 2005.

In answer to a Member's question the Head of Planning Services confirmed that the planning permission in August 2005 had a planting condition.

Members raised concerns regarding the non-compliance with an earlier planning approval in relation to the planting/landscaping condition, controlling events such as competitions and shows, and limiting the number of people visiting to view sales.

The Head of Planning Services confirmed that the nature of the events and limits on the number of people visiting the site to view sales could be controlled by the way of a section 106 agreement.

**RESOLVED** that planning permission for a multipurpose equestrian arena, be refused for the following reason:

- 1) The access route to the site is by reason of its inadequate width, poor horizontal and vertical alignment is unsuitable to accommodate the increase in traffic likely to be generated with consequent risk of additional danger to all users of the route, contrary to Policy TR10 of the Devon County Structure Plan. The Local Planning Authority is not satisfied that conditions or a planning obligation would be effective to prevent such an increase in traffic.

**SUNNINGDALE, PRINCE OF WALES ROAD, EXETER, EX4 4PN**  
**(APPLICATION NO. 06/2276/03 – FULL PLANNING PERMISSION)**  
**SUNNINGDALE, PRINCE OF WALES ROAD, EXETER, EX4 4PN**  
**(APPLICATION NO. 06/2026/14 – CONSERVATION AREA CONSENT)**

The Head of Planning Services presented these applications for the demolition of a dwelling and the redevelopment to provide 12 student flats. He reported that this application had been further amended to reduce the scale and mass of the proposal and the officers' opinion was that the existing dwelling did not make a positive contribution to the conservation area.

The Head of Planning Services reported that a letter has been received from the applicant's agent requesting that a number of points in the report were corrected or clarified:

- the reported comments of the Northern Area Working Party were made after viewing an earlier version of the proposal. The revised plans were received after the last meeting of the Northern Area Working Party and therefore Members have not had the chance to comment on the latest plans. The revisions addressed concerns previously raised by Members relating to the height of the building, its footprint, and the number of occupants
- the proposal was now for a two-storey building with further accommodation in the roof
- a total of 58 bedrooms was now proposed. This was a reduction of 37 per cent compared with the earlier proposals
- the footprint had been reduced in size.

The recommendation was for approval with additional conditions regarding the archaeology of the site, a requirement for a noise survey and further details of the refuse and cycle storage.

Some Members had concerns regarding the following:

- design was not acceptable
- high density of students within the locality
- inadequate refuse and cycle storage
- highway safety concerns regarding the pedestrian access
- the implications of parking congestion in the area should students bring cars
- how could the development be restricted to students only and who would use the accommodation in holiday time?

Some Members considered that the dwelling to be demolished was not of merit and the location was suited to student accommodation as it was close to the university.

The Head of Planning Services confirmed that additional conditions were proposed with regard to refuse and cycle storage and conditions could be added restricting the use of the development to students and to require approval of any separate vacation lets.

**RESOLVED** that planning permission for redevelopment to provide 12 student flats, bicycle store, refuse area and associated works be refused for the following reason:

- 1) The proposal is contrary to policies CO6 and CO7 of the Devon Structure Plan and policies CO1 and DG1 of the Exeter Local Plan First Review because, by reason of its height, massing and design, the building would be detrimental to the character and appearance of the Longbrook Conservation Area.

**RESOLVED** that conservation area consent for demolition of dwelling be refused for the following reason:

- 1) The proposal is contrary to policy CO7 of Devon Structure Plan and policy C1 of Exeter Local Plan First Review because the applicant has failed to provide an acceptable scheme for redevelopment of the site, and it would be inappropriate to grant consent for demolition without a suitable replacement which would preserve or enhance the character of the Conservation Area.

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**SYLVANIA STORES, 1 SYLVANIA DRIVE, EXETER, EX4 5DT**  
**(APPLICATION NO. 06/2322/03 PLANNING PERMISSION)**

The Development Control Manager presented this application for the retention of a loading bay. This application sought to regularise a loading bay, which was constructed as a result of a condition on a previous planning permission that required the access from Collins Road to be permanently closed.

23 letters of objections had been received.

The Development Control Manager reported an email from Councillor Bond, in which he objected to this proposal and suggested further discussions with the Highway Authority.

The recommendation was for approval with an amendment to condition 4 so that no deliveries would take place on Sundays or on Saturday afternoons.

Councillor Hobden attended the meeting and spoke on this item having given notice under Standing Order No. 44. She made the following points:-

- could not understand why the previous application had sought the closure of the access from Collins Road
- it was very difficult for delivery lorries to manoeuvre into the present loading bay
- caused danger to residents in Sylvania Drive
- asked Committee to refuse application and look at alternatives.

Mrs Benham spoke in opposition to this application. She made the following points:-

- this was a quiet close where children regularly played
- the loading bay caused a hazard and was dangerous
- lorries regularly mounted the kerb

- residents had been woken by lorry drivers at 6.45am to be asked to move their cars in order that they could manoeuvre into the loading bay
- damage had been caused to residents vehicles by lorries
- the loading bay should had remained on Collins Road.

Members had serious concerns regarding the position and design of the loading bay and questioned whether it could be either moved onto Collins Road or if the design could be amended to make it easier for lorries to manoeuvre.

**RESOLVED** that planning permission for provision of loading bay, alterations to car park layout and access to highway (RETENTION) be deferred for further investigation into the possible amendment of the design of the loading bay.

8 **LAND NORTH OF EXETER INTERNATIONAL AIRPORT, CLYST HONITON, EXETER, EX5 2DS (APPLICATION NO. 06/2530/29 CONSULTATION EAST DEVON DISTRICT COUNCIL)**

**RESOLVED** that East Devon District Council be advised that the City Council has no objection to the proposal for permission for Office/Industrial development provided that:

- 1) The retail provision is limited to a scale and nature commensurate to serve the employees of the site and is prevented from becoming a destination in itself.
- 2) The proposal fully incorporates measures outlined in chapter 15 of the Environmental Statement in order to minimise the impact of the proposal upon the long-term sustainability of the site and wider environment. Long-term environmental sustainability should be fundamental to the scheme, in accordance with the aims of Planning Policy Statement 1: Delivering Sustainable Development.

9 **UNIT 2, EMPEROR WAY, EXETER BUSINESS PARK, EXETER, EX1 (APPLICATION NO. 06/2528/05 ADVERTISEMENT APPLICATION)**

Councillors Mills and Moore declared a prejudicial interest as Members of Unison and they left the meeting during consideration of this item.

The Director Economy and Development, Head of Planning Services, the Planning Solicitor and the Development Control Manager all declared a personal interest as Members of Unison.

**RESOLVED** that planning permission for internally illuminated fascia sign on south elevation and non illuminated letters sign and vinyl window sign on west elevation be approved subject to the following conditions:

- 1) C09 - Advert Time & Standard Condition
- 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 29 November 2006 (dwg. Nos. 52601/SG1, 52601/SG2 and 52601/G1), as modified by other conditions of this consent.

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

- 3) C17 - Submission of Materials

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### **BUILDINGS AT RISK REPORT**

The Head of Planning Services presented the report on progress since the previous listed buildings at risk report in June 2006.

**RESOLVED** that the report be noted.

(Report circulated)

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### **OBJECTIONS TO TREE PRESERVATION ORDER NO. 562 (THE LOOP CENTRE, BITTERN ROAD, EXETER) 2006**

The report of the Head of Planning Services was submitted.

**RESOLVED** that it be noted that the report had been withdrawn, that the Tree Preservation Order would lapse in February and be replaced by a new detailed order.

(Report circulated)

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

The report of the Head of Planning Services was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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### **ENFORCEMENT PROGRESS REPORT**

The Head of Planning Services presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

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### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 6 February 2007 at 9.30 a.m. The Councillors attending will be Shepherd, H.A Slack and Wadham.

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**DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on Monday 19 February 2007 at 5.30pm.

(The meeting commenced at 5.30 pm and closed at 9.20 pm)

Chair