

## PLANNING COMMITTEE

Monday 19 February 2007

### Present:-

Councillor Hazel Slack (Chair)

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

### Also Present:-

Director Economy and Development, Head of Planning Services, Head of Legal Services, Development Control Manager, Planning Technician (CJ) and Member Services Officer (SJS)

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## DECLARATIONS OF INTEREST

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

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P.J.Brock	21 (Member of Exeter Canal and Quay Trust Ltd) 22 (Member of Exeter Canal and Quay Trust Ltd) 23 (Member of Exeter Canal and Quay Trust Ltd) 24(Member of Exeter Canal and Quay Trust Ltd) 25 (Member of Exeter Canal and Quay Trust Ltd)
Councillor Fulham	19 (lives in the vicinity)
Councillor Hannaford	19* (expressed a view on this application previously)
Councillor Mrs Henson	29*(knows a relative of the applicant)
Councillor Newby	21*( Member of the Haven Banks Outdoor Education Centre Management Committee) 22*( Member of the Haven Banks Outdoor Education Centre Management Committee) 23*( Member of the Haven Banks Outdoor Education Centre Management Committee) 24*( Member of the Haven Banks Outdoor Education Centre Management Committee) 25*( Member of the Haven Banks Outdoor Education Centre Management Committee) 29*(knows a relative of the applicant)
Councillor Shepherd	21 (Member of Exeter Canal and Quay Trust Ltd) 22 (Member of Exeter Canal and Quay Trust Ltd) 23 (Member of Exeter Canal and Quay Trust Ltd) 24(Member of Exeter Canal and Quay Trust

	Ltd) 25 (Member of Exeter Canal and Quay Trust Ltd)
Councillor Smith	21 (Chair of the Governors of Westexe)
Councillor Wadham	34 (06/1757/03 – lives in the vicinity 06/2339/03 – knows the applicant)

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**LAND OFF ASPEN CLOSE, EXETER, EX2 (APPLICATION NO. 06/2500/03  
– FULL PLANNING PERMISSION)**

The Development Control Manager presented the application for 32 dwellings, parking, vehicular and pedestrian access; a previous application on this site had been refused. This re-submitted application sought to address those reasons for refusal.

The Development Control Manager reported that the Director of Environment, Economy and Culture comments were that from a highway view the proposal was generally acceptable, although he recommended that a 2 metre wide footway should be provided on Woodwater Lane frontage to provide safe pedestrian access to local facilities. He also recommended additional conditions were attached to any permission to secure the submission of full construction details together with the provision of adequate means of access and off-street parking before the occupation of any residential unit.

He reported that 50 additional copies of a standard letter of objection had been received, along with 24 other letters of objection. The objections raised similar concerns about the impact of the proposal to those already listed in the main report, and referred to the impact on local wildlife.

The Environment Agency confirmed they had no objection provided the methods of surface water disposal as set out in the submitted supporting information were adopted. The Landscape/Tree officer had confirmed that subject to appropriate conditions being attached to any consent he was satisfied with the proposal in terms of the potential impact on existing trees.

The applicant had also submitted a non-technical summary, which stated how this scheme had changed to address the 3 reasons for refusal on the previous application. It also referred to a ground condition survey carried out in respect of the boundary of the site with Woodwater Lane. It stated that the survey confirmed there were no visual signs of any historic slippages and that the slope appeared to be stable. It also included a photomontage and visual perspective.

The Development Control Manager advised that the Planning Officers' views were that to provide a footway on the frontage to Woodwater Lane was not essential and would cause the unnecessary loss of an embankment and trees.

The recommendation was for approval with an additional condition regarding the trees and an addition to condition 12 regarding pedestrian access and visibility splays onto Woodwater Lane.

Mrs R Holbrook spoke in opposition to the application. She made the following points:-

- proposal was too high and too dense
- was detrimental to the sky line of Exeter

- only part of the site could be developed therefore the density was higher than the 32 dwelling per hectare stated
- detracted from the quality of the environment
- negative impact of the traffic generated, in particular on 'Park Drive'
- valuable piece of land and should be developed in a sympathetic way.

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

- overdevelopment of the site
- Aspen Close could not cope with amount of traffic the proposal would generate
- safety aspect of the proposed footpath onto Woodwater Lane as it came out onto a busy road
- proposal should be refused as it was overdevelopment and out of character with the area

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

- the density was the same as the previous application that the Committee had refused
- out of character with the surrounding area
- would cause traffic problems in Parkland Road
- pedestrian access on to Woodwater Lane was dangerous as no pavement was proposed
- asked Committee to refuse the application as nothing had changed from the previous refusal.

Members had concerns regarding the overdevelopment of the site, loss of the sky line, safety aspects in relation to the traffic generated, the pedestrian access onto Woodwater Lane, and the unique position of the site.

**RESOLVED** that planning permission for redevelopment to provide residential units, comprising 4 detached, 11 terraced and 17 flats, parking, vehicular and pedestrian accesses to highway and associated works be refused for the following reasons:

- 1) Due to the siting, size, design and height of the proposed buildings the proposal would constitute an incongruous form of development in the context of its surroundings to the detriment of the character and appearance of the local area. The proposal is therefore contrary to Policies ST1 and CO6 of the Devon Structure Plan 2001 to 2016 and Policies LS1, DG1 and DG4 of the Exeter Local Plan First Review 1995 -2011.
- 2) The proposal relates to a visually prominent site located on a hillside adjoining Ludwell Valley Park. By virtue of their siting, design and height, the proposed dwellings would result in an unduly prominent form of development that would breach the existing skyline and would have a significant adverse visual impact on the skyline and the setting of the adjoining Valley Park. The proposal would therefore be contrary to Policies ST1, CO1 and CO6 of the Devon Structure Plan 2001 to 2016 and Policies LS1, DG1 and DG4 of the Exeter Local Plan First Review 1995 - 2011.

3) The proposal is likely to generate pedestrian usage of that part of Woodwater Lane which adjoins the site and the lack of a footway along this frontage will require pedestrians to cross the road twice or walk within the carriageway to the detriment of highway safety in the area. The proposal would therefore be contrary to Policy TR5 of the Devon Structure Plan.

4) In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which make provision for affordable housing and a contribution to off site play area/open space improvements, the proposal is contrary to Policy ST18 of the Devon Structure Plan 2001-2016, and Policies H6 and DG5 of the Exeter Local Plan First Review.

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**COUNTY GROUND, CHURCH ROAD, ST THOMAS, EXETER, EX2 9BQ**  
**(APPLICATION NO. 06/2320/02 – APPROVAL OF RESERVED MATTERS)**

Councillor Hannaford declared a prejudicial interest as he had expressed a view on this application previously and he left the meeting during consideration of this item.

The Head of Planning Services presented this application. The description was to be amended as the proposal was for 112 dwellings and included an access as a reserved matter.

He reported that that the Director of Environment, Economy and Culture stated that the off-street parking provision, comprising of approximately 1.5 spaces per unit, complied with national and local recommendations and was considered appropriate at this location in the city. He also recommended that a condition was attached to any permission to secure the provision of these off-street parking facilities before the occupation of each residential unit that they served.

‘Transport 2000’ had commented that the one parking space proposed for the car club scheme was inadequate.

The Head of Planning Services reported that following legal advice it was proposed to delete reason 3 regarding affordable housing as it was considered unnecessary given the provisions of the section 106 agreement.

The recommendation was for refusal.

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

- thanked the applicants for listening to the residents
- accepted that houses would be built on the site but this proposal was still overdevelopment
- design must blend into the surrounding area
- asked Committee to support the officers’ recommendation of refusal.

Mr Harding representing County Ground Concern spoke in opposition to the application. He made the following points:-

- County Ground Concern was formed two years ago to campaign for the right development for the site
- this application did propose more parking

- the proposal was too dense and there was still a lack of amenity space
- render was out of keeping with the surrounding area, the edge of the development should be in brick to blend in with adjacent properties
- roof lights caused overlooking to properties on Ferndale Road
- garages should not have doors otherwise they would be used for storage.

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

- officers' report was misleading
- the application had been amended several times
- there was to be a section 106 agreement to secure the affordable housing contribution
- none of the consultees objected to the proposal
- some of the elevations were brick
- national and local guidance promoted the use of brownfield sites
- if the Committee refused the application then the applicant would go to appeal which could involve costs being awarded against the Council.

Members were in agreement that the proposal was overdevelopment of the site, was of poor design and the proposed amenity space was inadequate.

**RESOLVED** that planning permission for redevelopment to provide 112 dwellings, parking and associated works (approval sought of reserved matters on Ref. No. 03/1611/01 granted 23 August 2004) for siting, design, landscaping and external appearance be refused for the following reasons:

1)The proposal does not accord with national and local planning policies promoting good design in all development proposals. By reason of its inappropriate design, layout, scale, massing, materials and inadequate landscaping the proposed development fails to create a distinctive sense of place, a quality public realm, or spaces and routes that are attractive and safe. The proposal therefore detracts from the character and appearance of the surrounding area and is contrary to Policies ST1 and CO6 of the Devon Structure Plan 2001 – 2016, Policies DG1, DG4, DG6 and DG7 of the Exeter Local Plan First Review, and advice in the DETR document “By Design – Urban design in the planning system: towards better practice”.

2)The proposal would be contrary to Policy CO6 of the Devon Structure Plan 2001 – 2016 and Policy DG4 of the Exeter Local Plan First Review because it would provide inadequate amenity provision in terms of garden depth, area and quality, to the detriment of the living conditions of future occupiers of the proposed dwellings.

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**12 ST. LEONARDS ROAD, EXETER EX2 4LA (APPLICATION NO. 06/2477/03 – FULL PLANNING PERMISSION) 12 ST. LEONARDS ROAD, EXETER EX2 4LA (APPLICATION NO. 06/2476/14 – CONSERVATION AREA CONSENT**

The Development Control Manager presented these applications, for conservation area consent for the demolition of a dwelling and planning permission for redevelopment to provide a detached dwelling and associated works.

The dwelling to be demolished was 1950's property, built after the war. The main consideration was the merits of the building to be demolished and the quality of the replacement dwelling.

The proposal was for a contemporary design over four floors, which included a basement. The finish would be render and the height, scale and massing was in character with the adjoining properties. The existing garage would be retained. The agents had supplied additional supporting information.

The recommendation was for approval of the planning permission and conservation area consent.

Mr Hicken spoke in opposition to the applications. He made the following points:-

- roof height was 1 metre above that of the adjacent listed building at no.10 St. Leonards Road
- the roof terrace would overlook properties on the opposite side of the road
- would effect their amenity of the properties opposite as the height of the proposal would block their views
- the glazed veranda was not in keeping with the street scene
- not environmentally friendly to demolish a good dwelling, materials would be taken to a landfill site
- he represented no, 3,5,6,7,8,9 and 21 St Leonards Road.

Ms Beresford (applicant) spoke in support of the applications. She made the following points:-

- the present dwelling was run down
- officers had encouraged a contemporary design
- the design looked to the future whilst taking account of the adjacent traditional properties
- neighbouring properties had basement levels
- the proposal would enable direct access to the rear garden and garage
- roof terrace was at the front of the property to protect the amenity of the adjacent residents
- good quality materials were proposed to be used
- would sit in harmony in the street scene
- would be an energy efficient family home.

Ms Beresford clarified that the adjacent properties at no. 10 and 14 St Leonards Road and 5 others had written in to support the applications.

The majority of Members felt that the proposed dwelling was of a high quality contemporary design; one Member questioned if it would be possible to place conditions on any planning permission to ensure that the new dwelling was sustainably constructed and energy efficient.

The Development Control Manager stated that conditions could not be placed on any planning permission regarding sustainability and energy conservation, as there was not any supplementary planning guidance in place at this present time to enforce such conditions. He did confirm that Exeter City Council was working towards implementing such guidance shortly.

**RESOLVED** that planning permission for redevelopment to provide detached dwelling and associated works 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 29 January 2007 ( dwg no. 0631-101 rev B; 0631-102 rev B; 0631-103 rev B; 0631-104 rev B; 0631-107 rev B & 0631-108 rev B), 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)Notwithstanding condition no.2, no work shall commence on this site under this permission until full details 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) boundary treatment;
- (e) refuse storage;
- (f) hours of construction;
- (g) parking area surfacing.

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

8)No part of the development hereby approved shall be occupied until the accesses, off street parking facilities and on site turning areas have been provided 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.

9)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 during the construction period in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

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

**RESOLVED** that listed building consent for demolition of dwelling and associated outbuildings 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 29 January 2007 ( dwg no. 0631-101 rev B; 0631-102 rev B; 0631-103 rev B; 0631-104 rev B; 0631-107 rev B & 0631-108 rev B) as modified by other conditions of this consent.

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

3)C17 - Submission of Materials

4)Notwithstanding condition no.2, no work shall commence on this site under this permission until full details 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) boundary treatment;
- (e) refuse storage;
- (f) hours of construction;
- (g) parking area surfacing.

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

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**60 HAVEN ROAD, EXETER, EX2 8DP (APPLICATION NO. 06/2493/03 – FULL PLANNING PERMISSION) EX2 8DP 60 HAVEN ROAD, EXETER, EX2 8DP (APPLICATION NO. 06/2498/07 – LISTED BUILDING CONSENT)**

Councillor Newby declared a prejudicial interest as he was a Member of the Haven Banks Outdoor Education Centre Management Committee and he left the meeting during consideration of this item.

The Head of Planning Services reported that all the applications on the Canal Basin accorded with the masterplan and policy KP6, to regenerate the area. All the sites were in a conservation area.

Councillor P Smith attended the meeting and spoke on these items having given notice under Standing Order No. 44. He made the following points:-

- were there going to be public toilets?
- were there going to be any improvements to the public realm?
- a cross party group of Councillors and arts advisors should be formed to decide on the art for the area
- would there be adequate extraction arrangements and ventilation to protect those living above the restaurants?
- concerns about the access and egress into the area
- would there be improvements to the Water Lane link road?

The Head of Planning Services confirmed that there was a masterplan for the Canal Basin scheme and that there were no plans for public toilets. The Water Lane link road improvements were in the local plan.

The Head of Planning Services presented these applications for planning permission for a change of use from former warehouse to shops, financial and professional services and offices, and listed building consent for external and internal alterations.

The recommendation was for approval subject to a section 106 agreement which included financial contributions towards traffic orders, highway works and the public realm and public art in the area and an additional condition regarding bat roosting/bird nesting.

**RESOLVED** that planning permission for change of use from warehouse (Class B8) to shops (Class A1), financial and professional services (Class A2) and offices (Class B1) and external and internal alterations to windows, doors and walls be approved subject a section 106 agreement requiring a financial contribution towards traffic orders, highway works, public realm and public art in the area 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 24 November 2006 (*dwg. no(s).* ), 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)C57 - Archaeological Recording

6)Notwithstanding condition no.2, no work shall commence on this site under this permission until full details 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) boundary treatment;

(f) refuse storage;

(g) hours of construction and location of site compound;

(h) cycle parking.

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

7)No development shall commence until details of the works to be carried out in association with the adopted Canal Basin Public Realm Plan have been submitted to and approved by the Local Planning Authority and there after carried out in accordance with the approved details.

**Reason:** To accord with the requirements of the Public Realm Plan and in the interests of visual amenity.

8)No development shall commence until a wildlife survey (particularly in respect of bats) has been undertaken and submitted to the Local Planning Authority to establish the presence of wildlife within the building and identify opportunities to incorporate wildlife habitats within the buildings. Following the written approval of the survey by the Local Planning Authority the recommendations shall be undertaken in accordance with the approved details.

**Reason:** In the interests of improving wildlife habitats in the area.

9)The ground floor units shall only be used for retail (Class A1) or financial and professional services (Class A2) purposes and only one of the ground floor units hereby permitted shall be occupied by an A2 use at any one time.

**Reason:** To accord with the Canal Basin Masterplan and ensure the vitality and viability of the area.

10)Prior to the bringing in use of the development hereby permitted one bat box/roosting area and one bird box/cavity shall be provided within the building in accordance with details that have previously been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of improving wildlife habitats in the area.

**RESOLVED** that listed building consent for external and internal alterations to windows, doors, walls and other minor works 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 24 November 2006 (*dwg. no(s).*), as modified by other conditions of this consent.

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

3)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:

- i) extent of any areas to be re-pointed or re-rendered;
- ii) new and replacement rainwater goods;
- iii) new extract grilles and flue outlets;
- iv) full construction details of roof glazing;
- v) window and doors including large scale details of glazing, opening method and finish.

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

Councillor Newby declared a prejudicial interest as he was a Member of the Haven Banks Outdoor Education Centre Management Committee and he left the meeting during consideration of this item.

The Head of Planning Services presented these applications for planning permission for a change of use from former warehouse to shops, financial and professional services, offices and possible provision of gallery, and listed building consent for external and internal alterations.

He reported that a letter of objection proposed that the new doors onto the riverside be constructed of glass and stainless steel rather than glass and wood.

The Head of Planning Services confirmed that the doors would be more in keeping with the area if they were constructed of glass and wood.

The recommendation was for approval subject to a section 106 agreement which included financial contributions towards traffic orders, highway works and the public realm and public art in the area and an additional condition regarding bat roosting/bird nesting.

**RESOLVED** that planning permission for change of use from former warehouse (Class B8) to shops (Class A1), financial and professional services (Class A2) and offices (Class B1), provision of gallery space, external and internal alterations to windows, doors, walls and roof be approved subject to a section 106 agreement requiring a financial contribution towards traffic orders, highway works and public realm and public art in the area and 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 November 2006 (*dwg. no(s).* ), 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)C57 - Archaeological Recording

6)Notwithstanding condition no.2, no work shall commence on this site under this permission until full details 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) boundary treatment;
- (f) refuse storage;
- (g) hours of construction and location of site compound;
- (h) cycle parking.

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

7)No development shall commence until details of the works to be carried out in association with the adopted Canal Basin Public Realm Plan have been submitted to and approved by the Local Planning Authority and there after carried out in accordance with the approved details.

**Reason:** To accord with the requirements of the Public Realm Plan and in the interests of visual amenity.

8)No development shall commence until a wildlife survey (particularly in respect of bats) has been undertaken and submitted to the Local Planning Authority to establish the presence of wildlife within the building and identify opportunities to incorporate wildlife habitats within the buildings. Following the written approval of the survey by the Local Planning Authority the recommendations shall be undertaken in accordance with the approved details.

**Reason:** In the interests of improving wildlife habitats in the area.

9)The ground floor units shall only be used for retail (Class A1) or financial and professional services (Class A2) purposes and only one of the ground floor units hereby permitted shall be occupied by an A2 use at any one time.

**Reason:** To accord with the Canal Basin Masterplan and ensure the vitality and viability of the area.

10)Prior to the bringing in use of the development hereby permitted one bat box/roosting area and one bird box/cavity shall be provided within the building in accordance with details that have previously been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of improving wildlife habitats in the area.

**RESOLVED** that listed building consent for external and internal alterations to roof, doors, windows, walls and stairs and removal of external staircase and toilet block 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 24 November 2006 (*dwg. no(s).* ), as modified by other conditions of this consent.

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

3)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:

- i) extent of any areas to be re-pointed or re-rendered;
- ii) new and replacement rainwater goods;
- iii) new extract grilles and flue outlets;
- iv) full construction details of roof glazing;
- v) window and doors including large scale details of glazing, opening method and finish;

vi) new balustrades and internal balconies to be constructed in front of the inward opening shutters.

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

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**SITE ADJ MACLAINES WAREHOUSE, HAVEN ROAD, EXETER, EX2 8GR (APPLICATION NO. 06/2496/03 FULL PLANNING PERMISSION)**

Councillor Newby declared a prejudicial interest as he was a Member of the Haven Banks Outdoor Education Centre Management Committee and he left the meeting during consideration of this item.

The Head of Planning Services presented the application for a three-storey building to provide a restaurant at ground floor level and 12 self-contained flats at first and second floor levels.

He reported that two additional letters of objection concerning the size of new building; inappropriate materials; not compliant with the masterplan; flat roof inappropriate in the area; steps preventing wheelchair access, increased traffic and parking levels in area, loss of views within the Basin and failure to enhance the conservation area.

The Head of Planning Services reported that Devon County Council's view was that the cycleway may need to be diverted as a result of this application; this would be covered if necessary by the section 106 agreement.

The recommendation was for approval subject to a section 106 agreement regarding the provision of affordable housing, financial contributions towards traffic orders, education, highway works, the public realm and public art in the area and if necessary a traffic order for the diversion of the cycleway. Additional conditions were also proposed regarding bat roosting/bird nesting and ventilation/extraction equipment.

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

- acknowledged the importance of the area to Exeter
- the proposal made a positive contribution to the regeneration of the area
- sets a precedent for quality design
- good mix of affordable/shared equity housing
- was subservient to the buildings in the locality.

The majority of Members felt the proposal was of a good design and quality materials were to be used. One Member was of the opinion that the building was not appropriate for the site.

**RESOLVED** that planning permission for three storey building to provide restaurant (Class A3) on ground floor and twelve self-contained flats on first and second floor levels and associated works be approved subject to a section 106 agreement regarding the provision of affordable housing, financial contributions to highway works, the Water Lane link, traffic orders, education and public realm improvements and public art in the area, and diversion of the cycleway if required 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 24 November 2006 (*dwg. no(s).*), 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) C57 - Archaeological Recording

6) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details 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) boundary treatment;

(f) refuse storage;

(g) hours of construction and location of site compound;

(h) cycle parking.

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

7) No development shall commence until details of the works to be carried out in association with the adopted Canal Basin Public Realm Plan have been submitted to and approved by the Local Planning Authority and there after carried out in accordance with the approved details.

**Reason:** To accord with the requirements of the Public Realm Plan and in the interests of visual amenity.

8) The restaurant use hereby approved shall not be carried on other than between the hours of 0900 hrs and 2400 hrs.

**Reason:** So as not to detract from the amenities of the near-by residential property.

9) No buildings, plant or machinery shall be erected on the roof of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity.

10) No development shall commence until a Wildlife Plan has been submitted to and approved by the Local Planning Authority which demonstrate how the fabric of the building has been adapted to allow for breeding bats and birds. Following the written approval of the Wildlife Plan by the Local Planning Authority the recommendations shall be undertaken in accordance with the approved details.

**Reason:** In the interests of improving wildlife habitats in the area.

11) No development shall commence until full details of the ventilation/extraction equipment has been submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with such details.

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

12) Prior to the bringing in use of the development hereby permitted one bat box/roosting area and one bird box/cavity shall be provided within the building in accordance with details that have previously been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of improving wildlife habitats in the area.

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**SITE ADJ 60 HAVEN ROAD, EXETER, EX2 8DP (APPLICATION NO. 06/2497/03 FULL PLANNING PERMISSION)**

Councillor Newby declared a prejudicial interest as he was a Member of the Haven Banks Outdoor Education Centre Management Committee and he left the meeting during consideration of this item.

The Head of Planning Services presented the application for a three storey building to provide a restaurant, ancillary accommodation, bin store, cycle racks at ground floor level and 14 self-contained flats on first and second floor levels.

He reported that one additional letter of objection concerning the size of new building; inappropriate materials; not compliant with Masterplan; inappropriate in the area; steps preventing wheelchair access, increased traffic and parking levels in area and loss of views within the Basin had been received. The Director of Environment, Economy and Culture commented that the external doors should open inwards.

The Head of Planning Services reported that Devon County Council's view was that the cycleway may need to be diverted as a result of this application; this would be covered if necessary by the section 106 agreement.

The recommendation was for approval subject to a section 106 agreement regarding the provision of traffic orders, affordable housing, financial contributions towards highway works, education and the public realm and public art in the area. Additional conditions were also proposed regarding a wildlife plan and ventilation/extraction equipment.

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

- acknowledged the importance of the area to Exeter
- the proposal made a positive contribution to the regeneration of the area
- sets a precedent for quality design
- this was a challenging site
- commercial use on the ground floor with luxury apartments above
- the design of the roof was in keeping with the surrounding properties
- landmark building fit for the site
- enhanced the character of the area

**RESOLVED** that planning permission for three storey building comprising restaurant, ancillary accommodation (Class A3), bin store, cycle racks at ground

floor level, 14 self contained flats on first/second floor levels and associated works be approved subject to a section 106 agreement regarding the provision of affordable housing, financial contributions to highway works, the Water Lane link, traffic orders, education and public realm improvements and public art in the area, and diversion of the cycleway if required 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 24 November 2006 (*dwg. no(s).* ), 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) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details 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) boundary treatment;

(f) refuse storage;

(g) hours of construction and location of site compound;

(h) cycle parking.

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

6) C57 - Archaeological Recording

7) No development shall commence until details of the works to be carried out in association with the adopted Canal Basin Public Realm Plan have been submitted to and approved by the Local Planning Authority and there after carried out in accordance with the approved details.

**Reason:** To accord with the requirements of the Public Realm Plan and in the interests of visual amenity.

8) The restaurant use hereby approved shall not be carried on other than between the hours of 0900 hrs and 2400 hrs.

**Reason:** So as not to detract from the amenities of the near-by residential properties

9) No development shall commence until a Wildlife Plan has been submitted to and approved by the Local Planning Authority which demonstrate how the fabric of the building has been adapted to allow for breeding bats and birds. Following the written approval of the Wildlife Plan by the Local Planning Authority the recommendations shall be undertaken in accordance with the approved details.

**Reason:** In the interests of improving wildlife habitats in the area.

10) No development shall commence until full details of the ventilation/extraction equipment has been submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with such details.

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

11) Prior to the bringing in use of the development hereby permitted one bat box/roosting area and one bird box/cavity shall be provided within the building in accordance with details that have previously been agreed in writing by the Local Planning Authority.

**Reason:** In the interests of improving wildlife habitats in the area.

25                    **60 HAVEN ROAD, EXETER, EX2 8DP (APPLICATION NO. 06/2679/16 EXETER CITY COUNCIL REGULATION 3)**

Councillor Newby declared a prejudicial interest as he was a Member of the Haven Banks Outdoor Education Centre Management Committee and he left the meeting during consideration of this item.

The Head of Planning Services presented the application for a provision of boardwalk alongside the north-east elevation of 60 Haven Road, subject to amended plans which removed where appropriate the railings along the boardwalk apart from where the boardwalk changed direction. This was more in keeping with the surrounding area.

**RESOLVED** that planning permission for provision of boardwalk alongside the north east elevation be approved subject to amended plans deleting the railings along the long edge of the boardwalk and the following conditions:

- 1)                    C05 - Time Limit - Commencement
- 2)                    C15 - Compliance with Drawings

26                    **FLATS 3-8, CHERRY GARDENS, EXETER, EX2 (APPLICATION NO. 06/2533/03 FULL PLANNING PERMISSION)**

The Development Control Manager presented this application for alterations to provide 12 self-contained flats.

He reported that a letter from the applicant in response to objections had been received. The letter pointed out that works that had been carried out on site so far were works that did not require planning permission. The letter confirmed that the Council would have no influence over who the units were let to, and drew attention to the fact that the parking facilities had previously been approved. It also referred to support for the scheme from local residents.

The recommendation was for approval with an additional condition requiring provision of cycle parking.

**RESOLVED** that planning permission for alterations to maisonettes to provide 12 self-contained flats be approved subject to the following conditions:

- 1)                    C05 - Time Limit - Commencement

2) C15 - Compliance with Drawings

3) Prior to the first occupation of any of the units hereby approved the off street parking facilities indicated on drawing No. 06059-04 shall be laid out and made available for use. Thereafter the said parking facilities shall be permanently retained for the use of occupants of the flats and the area of land shall not be used for any other purpose without the prior written consent of the Local Planning Authority.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

4) Prior to the commencement of the development hereby approved details of proposed cycle parking facilities to serve potential occupants of the units shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the approved cycle parking shall be provided prior to first occupation of any of the units and thereafter be permanently retained solely for that purpose unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure that adequate provision is made for cycle parking facilities to serve the development.

27

**CONSIGNIA COURT, BRUNEL CLOSE, EXETER, EX4 4BT**  
**(APPLICATION NO. 06/2630/02 APPROVAL OF RESERVED MATTERS)**

The Head of Planning Services presented this reserved matters application for student accommodation, this application was received following an appeal decision by the Planning Inspector to allow the outline application. An award of costs against the city council had been agreed.

The application was for 59 flats comprising 37 cluster flats, 21 studio flats and 1 warden's flat. In total there would be 243 bed spaces and 9 car parking spaces.

The Head of Planning Services reported that revised plans had been requested and received, including improved design and a pedestrian access on the corner of Bonhay Road and Brunel Close. The revisions were considered to be an improvement since an entrance would create more activity and improve the design on the main road frontage.

Additional plans had also been received clarifying the proposed use of materials on the elevations. This information was indicative only, since it was still proposed to impose a condition requiring submission of details of materials for approval.

One late letter had been received raising two planning issues regarding concerns about the about use of painted render and potential antisocial hours of construction.

The Head of Planning Services confirmed that the use of materials would be dealt with by a condition already imposed on the outline permission. The imposition of a condition restricting hours of construction would be difficult to justify given that such a condition was not imposed on the outline permission, and the site was on a busy main road.

The recommendation was for approval with additional conditions requiring full details of the proposed boundary treatments and the proposed substation.

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

- accommodation would be used for students in full time education only

- new pedestrian access to the building had been created on corner of Bonhay Road
- there was another entrance at the rear of the building which would be used as a dropping off point.

**RESOLVED** that planning permission for redevelopment to provide 59 units for student accommodation parking, access to highway and associated works (approval sought of reserved matters on Ref. No 06/0255/01 granted November 2006) for siting, design, landscaping and external appearance be approved subject to the following conditions:

1) C17 - Submission of Materials

2) All conditions imposed on notice of outline approval (ref no. 06/0255/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

3) Development shall not begin until a scheme for protecting the proposed accommodation from noise from vehicular and rail 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.

**Reason:** In the interests of residential amenity.

4) Notwithstanding condition 2 no work shall commence on site under this permission until full details of the following have been submitted to and approved by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

- a) all boundary treatments;
- b) the proposed substation.

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

28

**UNIVERSITY OF EXETER, TENNIS CENTRE, STOCKER ROAD,  
EXETER, EX4 4QN (APPLICATION NO. 06/2670/03 FULL PLANNING  
PERMISSION)**

The Development Control Manager presented this application for a Tennis Centre.

The recommendation was for approval.

**RESOLVED** that planning permission for two storey extension (1420 sq. m.) on north west elevation to provide indoor cricket centre, pedestrian link and ground floor extension on south west elevation and associated works 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 (as amended).

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 15 December 2006 (*floor plans and elevations*); 26 January 2007 (*Site Layout Plan 43-06-01A*) and 31 January 2007 (*Arboricultural Constraints plan 43-06-10A*) as modified by other conditions of this consent.

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

3) Prior to the development hereby approved being commenced, or at such other time as may be agreed with the Local Planning Authority in writing, samples and written specifications of the materials and finishes it is intended to use externally in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The materials and finishes used in the construction of the development shall correspond with the approved samples and specifications in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

4) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the Arboricultural Constraints Plan received 31 January 2007 (dwg. no. 43-06-10A). These fences shall be installed in accordance with BS5837: 2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason:** To ensure the protection of the trees during the carrying out of the development.

5) C35 - Landscape Scheme

6) Notwithstanding Condition 2, and unless otherwise agreed in writing by the Local Planning Authority, no work shall commence on site under this permission until all details of external lighting within the application site have been submitted to, and agreed in writing by, the Local Planning Authority. No lighting shall be installed unless in accordance with the approved details.

**Reason:** To ensure that lighting is not installed that may harm a Site of Nature Conservation Importance and a Site of Local Interest for Nature Conservation.

29

**100 PENNSYLVANNIA ROAD, EXETER, EX4 6DQ (APPLICATION NO. 06/2672/03 FULL PLANNING PERMISSION) 100 PENNSYLVANNIA ROAD, EXETER, EX4 6DQ (APPLICATION NO. 06/2673/07 LISTED BUILDING CONSENT)**

Councillor Mrs Henson and Newby declared a prejudicial interest as they know a relative of the applicant and they left the meeting during consideration of these items.

The Head of Planning Services presented these applications for planning permission for a change of use from a nursing home to residential use and listed building consent for external alterations.

He reported that the Director of Environment, Economy and Culture stated that the existing access and off-street parking facilities were considered adequate to serve the proposed use and therefore had no objection.

The recommendation was for approval for the planning permission and listed building consent.

**RESOLVED** that planning permission for change of use from nursing home (Class C2) to dwelling (Class C3) and alterations to garden room to provide glazed roof and doors on north, east and west elevations 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 (as amended).

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 15 December 2006 (*dwg. nos. 0605/3 and 0605/4*), as modified by other conditions of this consent.

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

**RESOLVED** that listed building consent for external alterations to roof and walls, demolition of out-house and internal alterations to walls and doors 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 development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 15 December 2006 (*dwg. nos. 0605/3, 0605/4 and 0605/8*), as modified by other conditions of this consent.

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

3) Prior to the development hereby approved being commenced, or at such other time as may be agreed with the Local Planning Authority in writing, samples and written specifications of the materials and finishes it is intended to use externally in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The materials and finishes used in the construction of the development shall correspond with the approved samples and specifications in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

The recommendation was for refusal.

**RESOLVED** that planning permission for two storey side and ground floor rear extension be refused for the following reasons:

- 1) The proposal is contrary to Policy CO6 of the Devon Structure Plan, Policy DG1 of the Exeter Local Plan First Review 1995-2011 and Supplementary Planning Guidance 'A Design Guide for Extending Your Home' because:-
  - i) by virtue of its height, massing and design, the proposed two storey side extension would result in an unsympathetic form of development which competes with, rather than being subservient to, the character and appearance of the dwelling, thereby unduly increasing its overall prominence within the street scene; and
  - ii) it would create an undesirable precedent for similar development which, individually and/or collectively, would detract from the character and appearance of the area.
- 2) The use of the proposed hardstanding is likely to create an obstruction of the footway of the adjacent highway, contrary to Policy TR10 of the Devon Structure Plan 2001 to 2016.

31

### **SECTION 106 AGREEMENTS**

The Head of Planning Services presented the report on progress with the implementation of outstanding Section 106 Agreements and on expenditure of the contributions received.

**RESOLVED** that the report be noted.

(Report circulated)

32

### **OBJECTIONS TO TREE PRESERVATION ORDER NO. 568 (6 ELLIOT CLOSE, EXETER) 2006**

The report of the Head of Planning Services was submitted.

The Chair reported that the Members of the Planning Committee had received recent correspondence from the owner of 6 Elliot Close, Exeter and agreed that the application should be deferred for a site visit by the site inspection party.

**RESOLVED** that the application be deferred for site visit.

(Report circulated)

33

### **OBJECTIONS TO TREE PRESERVATION ORDER NO. 563 (SAINSBURY'S SUPERSTORE, ALPHINGTON ROAD, EXETER) 2006**

The report of the Head of Planning Services was submitted. He confirmed that one letter of objection and one letter of support had been received. A planning application for this site had been submitted by the agent for Sainsbury's but had not been registered.

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

- the embankment and trees provided a natural barrier for noise and pollution emanating from Sainsbury's car park
- the embankment and trees were of historical interest to the area
- valuable natural vegetation in a built up area
- asked Committee to support the TPO.

Ms Lucy Neal (agent for Sainsburys) spoke in opposition to the Tree Preservation Order. She made the following points:-

- the trees were of no particular merit
- the removal of the trees was necessary to provide a link road through to Marsh Barton
- replacement planting would take place
- asked the Planning Committee not to confirm the order.

**RESOLVED** that the order be confirmed without modification.

(Report circulated)

34            **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)

35            **ENFORCEMENT PROGRESS REPORT**

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

**RESOLVED** that the report be noted.

(Report circulated)

36            **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

37            **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 2007 at 9.30 a.m. The Councillors attending will be Hannaford Mills and Newby.

**DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on Monday 26 February 2007 at 4.00pm.

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

Chair