

To the Chair and Members
of the Planning Committee

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Our ref:
Your ref:

A meeting of the **PLANNING COMMITTEE** will be held in the **RENNES ROOM, CIVIC CENTRE, PARIS STREET, EXETER** at **5.30 pm** on **MONDAY 23RD MARCH 2009** to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Member Services Officer on **Exeter 265275**.

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

A G E N D A

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

1 MINUTES

To sign the minutes of the meeting held on 19 January 2009.

2 DECLARATIONS OF INTEREST

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

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

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

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

Public Speaking

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

4 **PLANNING APPLICATION NO.09/0091/03 - 55 UNION ROAD, EXETER, EX4 6HU**

To consider the report of the Head of Planning and Building Control.

1 - 4

(Report circulated)

5 **PLANNING APPLICATION NO.09/0254/03 - 13 WAVERLEY AVENUE, EXETER, EX4 4NL**

To consider the report of the Head of Planning and Building Control.

5 - 6

(Report circulated)

6 **PLANNING APPLICATION NO.09/0094/03 - 26 BERKSHIRE DRIVE, EXETER, EX4 1NF**

To consider the report of the Head of Planning and Building Control.

7 - 10

(Report circulated)

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

To consider the report of the Head of Planning and Building Control.

11 - 24

(Report circulated)

8 **ENFORCEMENT PROGRESS REPORT**

To consider the report of the Head of Planning and Building Control.

25 - 28

(Report circulated)

9 **APPEALS REPORT**

To consider the report of the Head of Planning and Building Control.

29 - 32

(Report circulated)

SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 14 April 2009 at 9.30 a.m. The Councillors attending will be Mrs Henson, D J Morrish and Wadham.

DATE OF NEXT MEETING

The next scheduled meeting of the Planning Committee will be held on **Monday 27 April 2009** 5.30 pm. in the Civic Centre.

Membership -

Councillors Mrs Henson (Chair), D J Morrish (Deputy Chair), D Baldwin, P J Brock, Choules, Edwards, Mitchell, Newby, Newton, Shepherd, Shiel, Taghdissian and Wadham

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Agenda Item 4

ITEM NO.

4

COMMITTEE DATE:

23/03/2009

APPLICATION NO:

09/0091/03

FULL PLANNING PERMISSION

APPLICANT:

Pure Land Buddhist Centre

PROPOSAL:

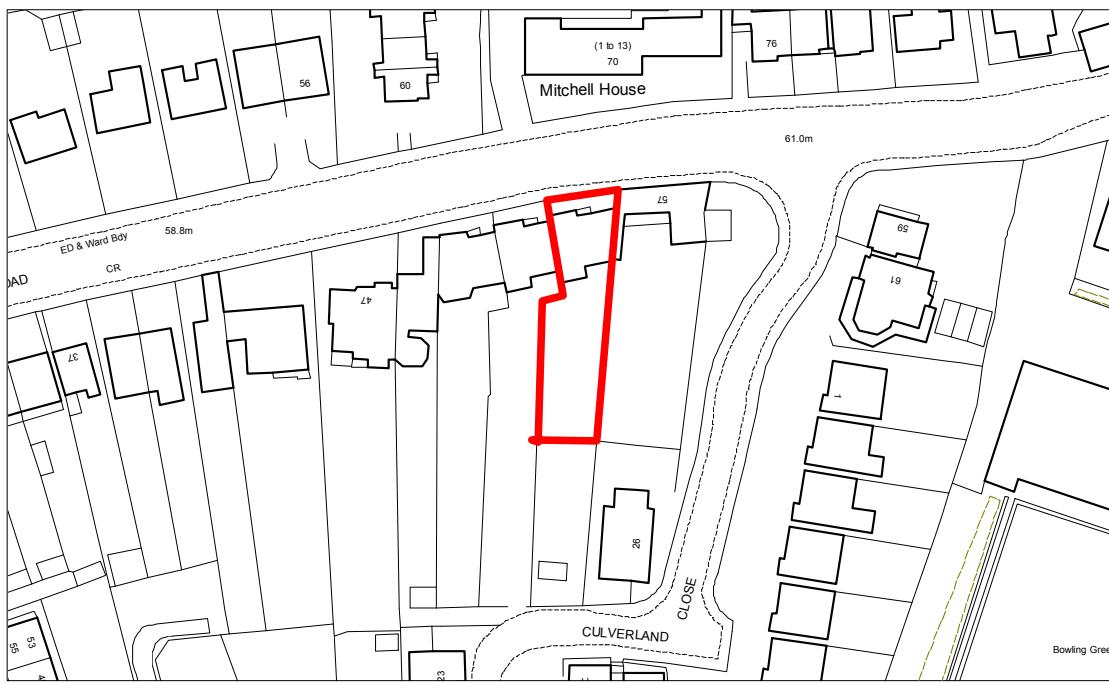
Change of use from dwelling to Buddhist residential and meditation/study centre

LOCATION:

55 Union Road, Exeter, EX4 6HU

REGISTRATION DATE:

21/01/2009



Scale 1:1250

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HISTORY OF SITE

06/2703/03 -	Detached dwelling and studio building, parking and associated works	REF	13/02/2007
07/1825/03 -	Detached dwelling and studio building, parking and associated works	PER	09/10/2007
08/1432/03 -	Change of use from dwelling to Buddhist residential college/study centre	REF	15/10/2008
09/0091/03 -	Change of use from dwelling to Buddhist residential and meditation/study centre		

DESCRIPTION OF SITE/PROPOSAL

55 Union Road is a terraced property located within St James. It is near the junction of Culverland Close and directly opposite Mitchell House which is a residential nursing home. The property has a very small frontage immediately abutting the adjacent footpath. In appearance the property is very similar to others within the terrace. With regard to building lines No.57 sits in front of the applicants property however No's.53 and 51 share the same building line. The surrounding area is residential in both character and appearance. Approval is sought for the change of use from residential dwelling to a residential college/study centre (Use Class Order C2). Part of the former garden to the rear of the property subject to this application is currently being developed for a new dwelling and detached artist's studio.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application was accompanied by a Supporting Statement which notes:- In total seven units of accommodation are proposed with the creation of a single car parking space at the rear within the curtilage of a new property currently under construction within the former garden of No.55. With regard to hours of operation and proposed usage, the applicant has indicated the term time will last for 30 weeks, with one public class from 7:30pm to 9:30pm on Tuesday evenings, daytime enrolled classes from 9:00am to 1:30pm on Sundays and approximately 10 day courses throughout the year. With regard to numbers of people attending the courses offered the applicant has indicated on current trends there is potential for between 10 and 25 to visit the centre at any one time. The supporting information also states that it is expected that these activities will increase slightly.

REPRESENTATIONS

Four letters of support have been received.

One letter of objection has been received. Planning issues raised include the loss of residential character, the impact on amenity through noise and disturbance and highway implications.

CONSULTATIONS

The Environment Agency has provided no comments.

Head of Environmental Health has provided no comments.

Devon County Council recommend the application is refused because inadequate provision of parking has been provided within the site and this would therefore be likely to encourage parking on the highway, with consequent additional danger to all users of the road.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

CO6 - Quality of New Development

TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

CS5 - Education and Training Facilities for Adults

CS8 - Places of Worship

H4 - Loss of Dwellings

H5 - Diversity of Housing

OBSERVATIONS

A previous application for this use was refused in October 2008 on two grounds. Firstly because of the increased activity associated with the proposed development, in terms of increased demand for parking, noise and movements to and from the property, would be detrimental to the residential amenities of the occupiers of neighbouring properties.

Secondly, because the proposed development did not make adequate provision for the parking of vehicles within the site the change of use would therefore be likely to encourage parking on the highway with consequent additional danger to all users of the highway. It is not considered that these issues have been adequately addressed in the re-submission.

In assessing this application it is important to note that there are two separate elements to the proposal. Firstly there is a residential element for on-site accommodation for up to seven individuals, secondly there is a teaching element for the various classes/curriculum offered by the applicant. Starting with the former, the existing property has a total of six bedrooms located across two floors. The property is a conventional residential unit with communal rooms such as living room and dining room at ground floor level. It appears this arrangement is repeated in neighbouring dwellings. The proposal submitted would see the number of bedrooms increase by one to form a total of seven. This more intensive pattern of occupancy when compared with a traditional family unit does have the potential to impact adversely on the amenities of nearby neighbours.

With regard to the second element, the teaching accommodation proposed is located solely on the ground floor adjacent to the party wall with No.57 Union Road. Taking into account the constraints of the site, primarily the terraced nature of the property, the siting of teaching accommodation adjacent to the principle living accommodation of the neighbouring property is a concern. As indicated previously the applicant has indicated that there is potential for 25 people to attend the property at anyone time which is significant taking into account the size of the property. In addition to the volume of people attracted to the site the times of the classes are also a concern. The applicant has indicated classes will be held on Tuesday evenings (7:30pm - 9:30pm) and Sunday mornings (9:00am - 1:30pm) which are normally associated with periods of peace and quiet.

Whilst the development will not have an impact on the overall appearance of the host property, it is the view of the Local Planning Authority that the proposed scheme is unacceptable. The conversion of the dwelling into a residential college study centre would have a detrimental impact on the level of amenity currently enjoyed by the occupiers of adjacent properties. Particular concern has been raised with regard to the increased activity associated with the proposed use with particular reference to the volume of people attracted to the site, the number of comings and goings associated with the proposed use and the hours of operation. The number of people attending classes may also result in the congregation of people outside the property as they arrive and depart which is likely to cause disturbance to adjoining occupiers, particularly during the evening.

Finally, from a highway view it is considered that a C2 Use (residential schools and colleges) has the potential to generate significant additional traffic. Union Road and the surrounding streets are subject to parking restrictions and the area suffers from constant parking pressures. It is noted that a single on-site parking space is proposed but this would be unlikely to make a significant parking contribution. Refusal is therefore recommended on the grounds of the lack of off-street parking provision and would therefore be likely to encourage parking on the highway, with consequent additional danger to all users of the road, contrary to Policy TR10 of the Devon Structure Plan.

NORTHERN AREA WORKING PARTY

Members were split in their views following the recommendation made by Officers. As a result Members requested the application was brought to Planning Committee (02/03/2009).

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposal is contrary to policies DG1 (d and e), DG4 (a and b) H4, and H5 of the Exeter Local Plan First Review 1995 to 2011 because the increased activity associated with the proposed development, in terms of increased demand for parking, noise and movements to and from the property would be detrimental to the residential amenities of the occupiers of neighbouring properties.

- 2) The proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway, with consequent additional danger to all users of the road, contrary to Policy TR10 of the Devon County Structure Plan.

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

Background papers used in compiling the report:

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

Agenda Item 5

ITEM NO.

5

COMMITTEE DATE:

23/03/2009

APPLICATION NO:

09/0254/03

FULL PLANNING PERMISSION

APPLICANT:

Mr H Smith

PROPOSAL:

Dormer window on south elevation

LOCATION:

13 Waverley Avenue, Exeter, EX4 4NL

REGISTRATION DATE:

19/02/2009



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HISTORY OF SITE

None

DESCRIPTION OF SITE/PROPOSAL

The application site is a terraced property dating from the early years of the last century located within the Longbrook Conservation Area. The application is for a small flat roofed dormer to the rear (south) elevation.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement and Heritage Statement

REPRESENTATIONS

None received

CONSULTATIONS

None

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

CO6 - Quality of New Development

Exeter Local Plan First Review 1995-2011

DG1 - Objectives of Urban Design

Exeter City Council Supplementary Planning Guidance

Householder's Guide to Extension Design

OBSERVATIONS

The dormer complies with the Council's supplementary planning document on householder extensions being set down from the ridge, clear of the eaves and set in from the boundary. Views of the development from the public realm would be limited to glimpsed views from Blackall Road and flat roofed dormers of this size are a common feature in the Thornton Hill area.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials

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

Background papers used in compiling the report:

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

Agenda Item 6

ITEM NO. 6 COMMITTEE DATE: 23/03/2009

APPLICATION NO: 09/0094/03 FULL PLANNING PERMISSION

APPLICANT: Mr J Plesinger-Rees

PROPOSAL: Ground floor extensions on east and south elevations to provide an additional two bedspaces, hardstanding on west elevation, access to highway and associated works

LOCATION: 26 Berkshire Drive, Exeter, EX4 1NF

REGISTRATION DATE: 30/01/2009



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HISTORY OF SITE

Planning permission was granted for the change of use from dwelling (Class C3) to boarding house (Class C1) in November 2007. The consent was granted on the basis that the use could only be carried out by the applicant. This approval provided accommodation for students within three twin rooms and one single room, in effect a total of 7 students. The applicant provides rooms mainly for overseas students who principally attend either Exeter University or Exeter College.

DESCRIPTION OF SITE/PROPOSAL

This semi-detached dwelling is located on the eastern side of Berkshire Drive. The area is wholly residential in character. It is proposed to create an additional two rooms to provide accommodation for overseas students. To achieve this, the application intends to remove an existing previously extended kitchen to the rear and provide an extension containing a new bedroom and dining room. This extension would project into the rear garden by 2.5 metres and have a maximum height to the ridge of 3.5 metres. The proposed side extension would provide an additional bedroom and an extended kitchen. This extension would be 2.5 metres in width and occupy the entire length of the original dwelling thereby removing the existing drive. There would be no windows proposed within the side elevation. Both elements of the extension would be constructed of brick and tile to match the original dwelling. In addition, the application seeks to remove the front brick wall and create additional car parking within

the whole of the front garden area to compensate for the loss of the drive and drop the kerb to the highway.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The applicants have indicated that he wishes to increase the overall number of students that could potentially be accommodated at the property by one, providing an overall total of 8 students. Whilst the proposed number of bedrooms at the property has increased by two, the total number has been limited by the applicant's desire to meet the new requirements of Exeter University students for single occupancy rooms from which the applicant receives the majority of students referrals.

REPRESENTATIONS

7 letter of support have been received including one from Exeter University which states their policy for overseas student to be accommodated in single rather than shared room.

CONSULTATIONS

The County Director of Environment, Economy and Culture considers that in highway terms the principle of such a development at this site is acceptable subject to a condition requiring the off street parking to be provided in accordance with agreed details

The Head of Environmental Health comments that fire doors should be provided to serve the new rooms.

PLANNING POLICIES/POLICY GUIDANCE

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

Exeter Local Plan First Review 1995-2011
DG1 - Objectives of Urban Design

Exeter City Council Supplementary Planning Guidance
Householder's Guide to Extension Design

OBSERVATIONS

The principle of the property's use as boarding housing for the accommodating of students has already been established by the planning application granted in 2007. The key issue for consideration in the assessment of this application, is whether the increase in the number of students accommodated at this property would lead to an undesirable intensification of the use and consequently have an adverse affect on the character and appearance of the area.

It is considered that the proposed extensions are acceptable in terms of scale, massing and height and impact on neighbouring properties. Accordingly the extensions would meet the criteria within the Householders Guide to Extension Design which represent the appropriate Supplementary Planning Guidance in this instance.

The applicant has stated within his supporting information that it is his intention to increase the overall number of students he can accommodate by only one even though two additional bedrooms are proposed. The applicant has also stated his willingness to accept a condition which limits the total number of students to 8 in total. The reason for such a modest increase in the proposed numbers is in direct response to the change in policy by the Exeter University, his main source of students referrals, which aims to accommodate students within single occupancy rooms. It is considered that the combination of a personal condition which is already in place and a limit to the overall number of students that can be accommodated

would represent suitable controls to ensure that the proposal does not have an adverse affect on the residential character of the area.

Given that the proposal should not increase the pressure for parking provision on the site, it is considered unnecessary to remove the front brick wall, drop the kerb and create hardstanding within the front garden. The character and appearance of the area is in part defined by the present of front walls and gardens and therefore it is considered that the removal of these elements would be visually harmful and have a negative impact on the character of the area. Accordingly the applicant has been requested to remove these elements from the application.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) The use hereby permitted shall be carried on only by Mr Jonathan Plesinger-Rees and shall cease at such time as the aforementioned person cease to occupy the site.
Reason: To enable the proposed use by the applicant to be monitored.
- 2) No more than 8 students shall reside at the premises at any one time.
Reason: To prevent the intensification of the premises and to ensure that the residential character of the areas is maintained.
- 3) The extensions 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.
- 4) C15 - Compliance with Drawings
- 5) C17 - Submission of Materials

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

Background papers used in compiling the report:

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

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Agenda Item 7

EXETER CITY COUNCIL
PLANNING COMMITTEE
23 MARCH 2009

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

1 PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 That this report be noted.

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

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EXETER CITY COUNCIL

23/3/2009

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

Between 12/2/2009 and 11/3/2009

WARD **Alphington**

Application No.	08/2382/03	Working Party	Decision Date	17/2/2009	Decision Type	PER
Location	Oaklands, Cowick Lane, Exeter, EX2 9HY					
Description	Two/one storey extension on west elevation, ground floor extension and attached double garage on east elevation, conservatory on south elevation and alterations to access					

Application No.	08/2226/05	Working Party	Decision Date	16/2/2009	Decision Type	PER
Location	Paperchain SW Ltd, Exton Road, Marsh Barton Trading Estate, Exeter, EX2 8LX					
Description	Non-illuminated fascia sign above gate 2					

Application No.	08/2180/03	Working Party	3/3/2009	Decision Date	9/3/2009	Decision Type	REF
Location	72 Chantry Meadows, Exeter, EX2 8FR						
Description	Ground floor extension on south east elevation						

WARD **Cowick**

Application No.	08/2432/18	Working Party	Decision Date	26/2/2009	Decision Type	WLU
Location	42 Dunsford Gardens, Exeter, EX4 1LN					
Description	Ground floor extension on north elevation (Certificate of Lawfulness of Proposed Development)					

Application No.	08/2251/03 Working Party	Decision Date	9/3/2009	Decision Type	REF
Location	38 Newman Road, Exeter, EX4 1PL				
Description	Ground floor extension on north west elevation and alterations to provide cavity wall insulation				

WARD **Duryard**

Application No.	08/2292/03 Working Party	2/3/2009	Decision Date	10/3/2009	Decision Type	REF
Location	52 Cowley Bridge Road, Exeter, EX4 5AF					
Description	Alterations to garage in east end of garden to form annexe					

WARD **Exwick**

Application No.	09/0143/06 Working Party		Decision Date	26/2/2009	Decision Type	PER
Location	235 Exwick Road, Exeter, EX4 2AT					
Description	The pruning of 2 trees					
	Tree No.	Species	Works			
	1	Holm Oak	Remove 1 stem			
	2	Ash	Pollard			

Application No.	09/0015/03 Working Party	3/3/2009	Decision Date	5/3/2009	Decision Type	REF
Location	5 Winchester Avenue, Exeter, EX4 2DQ					
Description	Ground floor extension on south elevation and shopfront on north elevation					

Application No.	08/2401/03 Working Party		Decision Date	3/3/2009	Decision Type	REF
Location	48, 49 & 50, Whitycombe Way, Exeter, EX4 2NP					
Description	Re-grading of north east gardens to provide tiered gardens with walls, fencing and landscaping					

WARD**Heavitree**

Application No.	09/0060/03 Working Party	Decision Date	6/3/2009	Decision Type	REF
Location	17 Nicholas Road, Exeter, EX1 3AT				
Description	Two storey extension on east elevation				

Application No.	08/2440/03 Working Party	Decision Date	2/3/2009	Decision Type	PER
Location	2 Brookleigh Avenue, Exeter, EX1 3BY				
Description	Transparent pitched roof on an existing extension on south elevation				

WARD**Mincinglake**

Application No.	08/2260/03 Working Party	Decision Date	20/2/2009	Decision Type	PER
Location	Hill-Cott, Stoke Hill, Exeter, EX4 9JN				
Description	Two storey extension on east elevation and balcony on east/south elevations				

WARD**Newtown**

Application No.	09/0038/07 Working Party	4/2/2009	Decision Date	3/3/2009	Decision Type	REF
Location	7 Baring Crescent, Exeter, EX1 1TL					
Description	Replacement of porch door on west elevation					

Application No.	08/2460/05 Working Party	4/2/2009	Decision Date	5/3/2009	Decision Type	REF
Location	St Leonards Practice, Athelstan Road, Exeter, EX1					
Description	Two non illuminated pole mounted signs on south boundary					

Application No. 08/2368/03 **Working Party** 4/2/2009 **Decision Date** 19/2/2009 **Decision Type** REF
Location 157-158 Heavitree Road, Exeter, EX1 2LZ
Description Alterations and change of use from shop to 2 dwellings, bin and cycle store and associated works

WARD **Pennsylvania**

Application No. 08/2026/07 **Working Party** 22/12/2008 **Decision Date** 19/2/2009 **Decision Type** PER
Location Flats 3 & 4, 1 Pennsylvania Park, Exeter, EX4
Description Provision of solar panels and rooflight, alterations to roof and internal alterations to walls and doors

WARD **Pinhoe**

Application No. 08/2410/03 **Working Party** **Decision Date** 4/3/2009 **Decision Type** PER
Location Land to the rear of 25 Station Road, Pinhoe, Exeter, EX1 3SA
Description Boundary fencing

Application No. 08/2379/03 **Working Party** 2/3/2009 **Decision Date** 4/3/2009 **Decision Type** PER
Location 1 Vicarage Lane, Pinhoe, Exeter, EX4 9HJ
Description Ground and first floor extension on south east elevation, dormer window on north elevation and replacement garage on north east boundary

WARD **Polsloe**

Application No. 09/0110/06 **Working Party** **Decision Date** 19/2/2009 **Decision Type** PER
Location 3 Regents Park, Exeter, EX1 2NT
Description The pruning of 5 trees

Tree No.	Species	Works
1	Wild Cherry	Reduce by 1.5m
2, 3	Goat Willow	Reduce by 30%

Application No.	09/0090/04 Working Party	Decision Date	19/2/2009	Decision Type	PER
Location	67 Polsloe Road, Exeter, EX1 2NG				
Description	The pruning of 3 trees				
	Tree No.	Species	Works		
	1-3	Lime	Reduce by 10% and thin crown		

Application No.	09/0088/06 Working Party	Decision Date	19/2/2009	Decision Type	PER
Location	Land Adj. 17 Regents Park, Exeter, EX1				
Description	The pruning of 3 trees, the felling of 1 tree				
	Tree No.	Species	Works		
	1	Holm Oak	Pollard to approx 9m		
	2	Horse Chesnut	Reduce by 30%		

Application No.	08/2304/03 Working Party	Decision Date	20/2/2009	Decision Type	PER
Location	Mount Pleasant Health Centre, Mount Pleasant Road, Exeter, EX4 7BW				
Description	Air conditioning unit on north elevation				

Application No.	08/2223/17 Working Party	Decision Date	10/3/2009	Decision Type	WLU
Location	11 Kings Road, Exeter, EX4 7AS				
Description	Ground floor extension on east elevation (Certificate of Lawfulness of Existing Development)				

Application No.	08/2167/07 Working Party	Decision Date	13/2/2009	Decision Type	REF
Location	8 Mont Le Grand, Exeter, EX1 2PD				
Description	Ground floor and lower ground floor extension on south east elevation with windcatchers on roof (2), lower ground floor extension on north east elevation, patio and steps on south east elevation, alterations to internal walls and doors and other associated works				

Application No.	08/2166/03 Working Party	Decision Date	13/2/2009	Decision Type	REF
Location	8 Mont Le Grand, Exeter, EX1 2PD				
Description	Ground floor and lower ground floor extension on south east elevation with windcatchers on roof (2), lower ground floor extension on north east elevation and patio and steps on south east elevation				

WARD**Priory**

Application No.	08/2452/07	Working Party	4/3/2009	Decision Date	9/3/2009	Decision Type	PER
Location	30 Countess Wear Road, Exeter, EX2 6LP						
Description	Demolition of porch and conservatory, alterations to external walls, boundary wall, external door, and internal wall to allow link to Exe View Cottage, partial replacement roof and installation of rooflights (4) and window on east elevation and other minor alterations						

Application No.	08/2200/16	Working Party		Decision Date	16/2/2009	Decision Type	WDN
Location	West boundary of Ludwell Valley Park, Ludwell Lane, Exeter, EX2						
Description	Construction of joint footpath/cycleway from Ludwell Lane to Topsham Road						

Application No.	08/1802/05	Working Party		Decision Date	3/3/2009	Decision Type	PER
Location	Lidl Store, Burnthouse Lane, Exeter, EX2 6NF						
Description	Non-illuminated fascia sign on south east elevation						

WARD**St Davids**

Application No.	09/0201/06	Working Party	2/3/2009	Decision Date	6/3/2009	Decision Type	PER									
Location	45 St. Davids Hill, Exeter, EX4 4DN															
Description	The felling of several trees															
<table><tr><td>Tree No.</td><td>Species</td><td>Works</td></tr><tr><td></td><td>Sycamore</td><td>The felling of Sycamore trees with a stem</td></tr><tr><td></td><td></td><td>diameter of up to 15cm measured 1m above ground level, within 20m of the back</td></tr></table>								Tree No.	Species	Works		Sycamore	The felling of Sycamore trees with a stem			diameter of up to 15cm measured 1m above ground level, within 20m of the back
Tree No.	Species	Works														
	Sycamore	The felling of Sycamore trees with a stem														
		diameter of up to 15cm measured 1m above ground level, within 20m of the back														

Application No.	09/0081/06	Working Party	2/2/2009	Decision Date	19/2/2009	Decision Type	PER						
Location	33 Exe Street, Exeter, EX4 3HA												
Description	The felling of 1 tree												
<table><tr><td>Tree No.</td><td>Species</td><td>Works</td></tr><tr><td>1</td><td>Birch</td><td>Fell</td></tr></table>								Tree No.	Species	Works	1	Birch	Fell
Tree No.	Species	Works											
1	Birch	Fell											

Application No.	09/0026/03	Working Party		Decision Date	6/3/2009	Decision Type	REF
Location	The Post Office, 28 Bedford Street, Exeter, EX1 1GJ						
Description	Installation of automated teller machine (ATM) on north east elevation						

Application No.	09/0007/07 Working Party	Decision Date	2/3/2009	Decision Type	PER
Location	8 Bartholomew Terrace, Exeter, EX4 3BW				
Description	Alterations to door and window on north east elevation				
Application No.	08/2441/03 Working Party	Decision Date	13/2/2009	Decision Type	PER
Location	10 High Street, Exeter, EX4 3LF				
Description	Installation of shopfront				
Application No.	08/2424/03 Working Party	Decision Date	6/3/2009	Decision Type	PER
Location	22 Cathedral Yard, Exeter, EX1 1HB				
Description	Alterations to shopfront on south west elevation				
Application No.	08/2418/07 Working Party	Decision Date	6/3/2009	Decision Type	PER
Location	22 Cathedral Yard, Exeter, EX1 1HB				
Description	Installation of 2 awnings and replacement fascia signs (3) on south west elevation, internal alterations to walls, ceiling and installation of internal door				
Application No.	08/2384/03 Working Party	Decision Date	6/3/2009	Decision Type	PER
Location	44 Northernhay Street, Exeter, EX4 3ER				
Description	Ground floor extension with balcony over on south east elevation and associated works				
Application No.	08/2307/07 Working Party	Decision Date	23/12/2008	Decision Type	PER
Location	24 Southernhay West, Exeter, EX1 1PR				
Description	Minor revisions to previous approval (08/0962/07) to include alterations to internal walls, doors, stairs and ceilings				

Application No.	08/2291/07	Working Party	23/12/2008	Decision Date	19/2/2009	Decision Type	PER
Location	1-2, Catherine Street, Exeter, EX1 1EX						
Description	Alterations to existing fascias to provide non-illuminated hand painted lettering on south east and south west elevations, hand painted vertical lettering on south corner of building and projecting sign on south west elevation						

Application No.	08/2290/05	Working Party	23/12/2008	Decision Date	19/2/2009	Decision Type	PER
Location	1-2, Catherine Street, Exeter, EX1 1EX						
Description	Non-illuminated projecting sign on south west elevation						

WARD **St James**

Application No.	09/0027/07	Working Party	Decision Date	9/3/2009	Decision Type	REF
Location	1 The Quadrangle, Horseguards, Exeter, EX4 4UX					
Description	Alterations to provide 2 additional windows on south elevation and roof lights on west (1), south (2) and east (2) elevations					

Application No.	08/2366/03	Working Party	Decision Date	18/2/2009	Decision Type	REF
Location	94a & 94b, Sidwell Street, Exeter, EX4 6AN					
Description	Alterations to wall, provision of gate and parking on north west boundary					

Application No.	08/2343/03	Working Party	Decision Date	3/3/2009	Decision Type	REF
Location	1 The Quadrangle, Horseguards, Exeter, EX4 4UX					
Description	Alterations to provide 2 additional windows on south elevation and roof lights on west (1), south (2) and east (2) elevations					

WARD **St Leonards**

Application No.	09/0137/06	Working Party	Decision Date	26/2/2009	Decision Type	PER
Location	4 Marlborough Road, Exeter, EX2 4TJ					
Description	The felling of 1 tree					

Tree No.	Species	Works	
1	Conifer	Fell	

Application No.	09/0089/06	Working Party	Decision Date	19/2/2009	Decision Type	PER
Location	4 Marlborough Road, Exeter, EX2 4TJ					
Description	The pruning of 1 tree					
Tree No.	Species	Works				
1	Conifer	Reduce by 30%				

Application No.	09/0024/03	Working Party	Decision Date	3/3/2009	Decision Type	PER
Location	1 St. Leonards Place, Exeter, EX2 4LZ					
Description	Ground floor extension on north east elevation					

Application No.	08/2359/03	Working Party	Decision Date	9/3/2009	Decision Type	PER
Location	17 Marlborough Road, Exeter, EX2 4TJ					
Description	Ground floor extension on east elevation					

Application No.	08/2303/07	Working Party	Decision Date	2/3/2009	Decision Type	PER
Location	1 St. Leonards Place, Exeter, EX2 4LZ					
Description	Ground floor extension on north east elevation and alterations to internal walls					

Application No.	08/2302/07	Working Party	Decision Date	5/3/2009	Decision Type	PER
Location	1 St. Leonards Place, Exeter, EX2 4LZ					
Description	Dormer window on south west elevation, re-opening of vents at lower ground floor level, alterations to internal walls, doors and fireplaces					

WARD	St Loyes
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Application No.	08/2300/03	Working Party	Decision Date	23/2/2009	Decision Type	PER
Location	Unit 8, Abbey Court, Eagle Way, Sowton Industrial Estate, Exeter, EX2 7HY					
Description	Air conditioning units (3) on north elevation					

WARD**St Thomas**

Application No.	09/0058/18 Working Party	Decision Date	11/3/2009	Decision Type	WLU
Location	133 Wardrew Road, Exeter, EX4 1EZ				
Description	Ground floor extension and gate on west elevation (Certificate of Lawfulness of Proposed Development)				

WARD**Topsham**

Application No.	09/0144/06 Working Party	Decision Date	26/2/2009	Decision Type	PER
Location	Altamira Estate, Topsham, Exeter, EX3				
Description	The pruning of 3 trees and the felling of 2 trees				

Tree No	Species	Works
1	Cherry	Crown shape
2	Rhododendron	Reduce

Application No.	09/0134/06 Working Party	4/3/2009	Decision Date	6/3/2009	Decision Type	PER
Location	21 Ferry Road, Topsham, Exeter, EX3 0JW					
Description	The felling of 1 tree					

Tree No	Species	Works
1	Pyrus	Fell

Application No.	08/2457/03 Working Party	4/3/2009	Decision Date	10/3/2009	Decision Type	REF
Location	1 Tresillian Gardens, Topsham, Exeter, EX3 0BA					
Description	Detached dwelling, parking and associated works					

Application No.	08/2428/03 Working Party	Decision Date	3/3/2009	Decision Type	PER
Location	40 Gordon Road, Topsham, Exeter, EX3 0LJ				
Description	Provision of gates on south east boundary and shed in north corner of garden				

Application No.	08/2426/07 Working Party	Decision Date	13/2/2009	Decision Type	PER
Location	Steam Packet Inn, 1-2, Monmouth Hill, Topsham, Exeter, EX3 0JQ				
Description	Internal alterations to bar, walls and door				

Application No. 08/2415/03 **Working Party** **Decision Date** 3/3/2009 **Decision Type** PER
Location 16 Grove Hill, Topsham, Exeter, EX3 0EG
Description Ground floor extension on north east elevation

Application No. 08/0953/03 **Working Party** **Decision Date** 27/2/2009 **Decision Type** PER
Location 329 Topsham Road, Exeter, EX2 6EY
Description Two storey extensions on north east and north west elevations and ground floor extension on south east elevation

WARD	Whipton Barton
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Application No. 09/0064/03 **Working Party** **Decision Date** 9/3/2009 **Decision Type** WDN
Location 184 Sweetbrier Lane, Exeter, EX1 3DG
Description Ground floor extensions on east and west elevations

Application No. 08/2330/05 **Working Party** **Decision Date** 9/3/2009 **Decision Type** SPL
Location 191 Pinhoe Road, Exeter, EX4 8AB
Description Internally illuminated fascia sign on south and east elevation and pole mounted freestanding sign on south boundary

Total no of delegated decisions made:	59
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Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

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

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Agenda Item 8

EXETER CITY COUNCIL

PLANNING COMMITTEE

23 MARCH 2009

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

- 1.1 To update members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 4 FEBRUARY 2008 AND 4 MARCH 2009

Cases opened: 2

Cases closed: 8

Outstanding number of cases: 95

3.0 NOTICES ISSUED

- 3.1 ENF/08/132 – Canns Field, Vuefield Hill, Exeter – Enforcement Notice issued on 25th February 2009 for excavation works, laying of hardstandings and construction of timber structures near the boundary of the Land with Hambeer Lane. The notice requires the owner to 1. dismantle all timber structures and remove from the Land all materials formerly making up those structures and 2. break up the hardstandings and remove from the Land all materials comprising the hardstandings. The notice takes effect on 9th April 2009 and gives a period of 3 months for compliance.



- 3.2 ENF/08/103 – 65 Kingsway, Exeter – Enforcement Notice issued on 25th February 2009 for erection of a detached dwelling, not in accordance with the approved plans. The notice requires the owner to reconstruct the dwelling so far as is necessary to make it correspond to reserved matters approval reference 07/0968/02 including 1. Reduction in the height of the roof and eaves to their respective heights as shown on the approved drawings, and so as not to exceed the respective heights of the roof and eaves of nos. 61/63 Kingsway (shown to left in photograph below), 2. Omission of all windows in the roof and 3. Provision of all access and parking arrangements as shown on the approved drawings (the provision of a new parking space for no. 63 Kingsway, new boundary wall and gates along frontage of 63 and 65 Kingsway). The notice takes effect on 9th April 2009 and gives a period of 9 months for compliance.



3.3 ENF/08/123 – 61 Hoker Road, Exeter – Enforcement Notice issued on 19th February 2009 for 1. Erection of timber gates on highway frontage and 2. erection of timber fencing on top of brick walls along highway frontage. The Notice requires the owner to 1. remove all the timber gates from the boundary of the Land with Hoker Road, namely two double gates and one single gate and 2. remove all timber fencing from the top of the walls on the boundary of the Land with Hoker Road. The Notice takes effect on 27th March 2009 and gives a period of 3 months for compliance.



3.4 ENF/08/182, ENF/08/183, ENF/08/87, ENF/08/184 and ENF/08/86 – 23, 24, 25, 27 and 30 Old Tiverton Road, Exeter – Listed Building Enforcement Notices issued on 17th February 2009 for the installation of a satellite dishes on the front elevation of the building. The Notice requires the owners/occupiers of the properties to 1. remove all satellite dishes from the front elevation of the Building (including the front of roof and chimneys), including removal of their respective means of support and 2. make good the parts of the building from which the dishes have been removed. The Notices take effect on 10th April 2009 and gives a period of 1 month for compliance.

4.0 NOTICES COMPLIED WITH

4.1 None

5.0 CURRENT APPEALS

5.1 ENF/08/21 – 49 Ide Lane – Enforcement Notice issued on 15 October 2008 regarding a dormer extension on the north eastern elevation of the eastern wing of the building. The appeal is being dealt with by written representations. The Council's statement was

submitted on 25 December 2008 and final comments were submitted on 15 January 2009. The Inspector's decision is now awaited.

5.2 ENF/08/45 – Topsham Rugby Football Club, Exeter Road, Topsham – Enforcement Notice issued on 16 September 2008 for the installation of storage container near the south western boundary of the land. The appeal is being dealt with by written representations. The Council's statement was submitted on 9 January 2009 and final comments are due by 30 January 2009.

5.3 ENF/08/59 – 24 The Strand, Topsham – Listed Building Enforcement Notice issued on 24 July 2008 for 1. Installation of boiler flue extract and pipework on southern elevation; and 2. Installation of plastic rainwater goods on northern elevation. The appeal is being dealt with by written representations. The Council's statement was submitted on 17 November 2008 and final comments submitted on 8 December 2008. The Inspector's decision is now awaited.

5.4 ENF/08/088 – Flat 4, 5 Richmond Road, - Listed Building Enforcement Notice issued on 12 September 2008 for internal alterations to form an en-suite shower room in the southern corner of the front third floor bedroom (the shower room being accessed from the rear bedroom). The appeal is being dealt with by written representations. The Council's statement was submitted on 24 December 2008 and final comments submitted on 14 January 2009. The Inspector's decision is now awaited.

6.0 ENFORCEMENT APPEAL DECISIONS

6.1 None

7.0 OTHER ISSUES

7.1 ENF/08/147 & 09/3 – Dream Right Beds, 8 Christow Road, Marsh Barton – Authorisation was granted on 15 January 2009 to proceed with prosecution action against the Operator of Dream Right Beds for the unauthorised advertisements being displayed on stationary vehicles on sites around Marsh Barton. Witness Statements are being prepared and due to be submitted to Legal Services by 5th March 2009.

7.2 ENF/07/220 – 12 Bircy Barton Hill, Exeter – Enforcement Notice issued on 3rd September 2008 regarding a material change of use of the Land to a mixed use comprising a single dwellinghouse and its curtilage and use as an operating base for a construction business, and for storage of building materials, scaffolding, waste, vehicles, plant and machinery in connection with that business. The Notice took effect on 15th October 2008 and gave a period of 2 months for compliance. No appeal has been received and the Notice has not been complied with. Authorisation was granted on 24th February 2009 to apply for an Injunction from the County Court.

7.4 ENF/08/62 – 17 Clinton Avenue – Enforcement Notice issued on 17th November 2008 for a dormer extension to the roof at the rear of the building. An appeal against the Notice was submitted on 22nd December 2008 but was subsequently withdrawn on 25th February 2009. Compliance with the Enforcement Notice is due by 29th April 2009.

7.5 ENF/08/109 – 44 Manston Road – Enforcement Notice issued on 18 November 2008 for a dormer extension to the roof at the rear of the building. An appeal against the Notice was submitted on 22nd December 2008 but was subsequently withdrawn on 25th February 2009. Compliance with the Enforcement Notice is due by 29th April 2009.

8.0 RECOMMENDATION

8.1 That this report be noted.

**RICHARD SHORT
HEAD OF PLANNING SERVICES
ECONOMY AND DEVELOPMENT DIRECTORATE**

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

Agenda Item 9

EXETER CITY COUNCIL

PLANNING COMMITTEE

23 March 2009

APPEALS

DECISIONS RECEIVED

SUMMARY: 2 appeal decisions have been received since the last report; both were dismissed.

Location: 29 Herbert Road, Exeter EX1 2UH



Scale 1:1250

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Reference No: 08/0651/03

Proposal: Two-storey extension on east elevation and ground floor extension on south elevation.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issue was considered to be the impact of the proposals on the character and appearance of the appeal property and the street scene.

The Inspector did not consider the proposed extension to be compliant with the advice in the Council's SPG "Householder's Guide to Extension Design". It would appear as a continuous two-storey façade, extending to some 8 metres in length and up to 6 metres in height. Although the roof height of the proposed extension would be below that of the existing dwelling, the Inspector was of the view that this would do little to reduce the intrusive impact of this elevation.

A 1-metre wide path ran between the appeal site and 28 Herbert Road. The proposed two-storey extension would abut the fence along the western side of the path. The Appellant argued that, since he owned the land over which the path runs, the extension would effectively be set back 1 metre, the width of the path, from the eastern boundary of the appeal site. Notwithstanding the ownership of the land, the Inspector considered that the occupation by the proposed extension of the whole of the land between No. 29 and the fence on the eastern boundary would give the extension the appearance of having been shoe-horned on to the available land. This would be in contrast to the existing situation where there is a significant source of openness, providing a relief from the otherwise almost continuous built development on the southern side of this part of Herbert Road.

The appellant had referred to other similar extensions in the vicinity and argued that any extension smaller than that proposed would be incongruous. The Inspector pointed out that that was not for him to determine. It was the visual impact of the appeal proposals which he was required to assess, and he was satisfied that the two storey element of the extension proposed would amount to an intrusive overdevelopment of the available land.

The Inspector had some sympathy with the Appellant's wish to provide accommodation for his growing family but stated that this was not a consideration which could outweigh his conclusion on the planning grounds set out above.

The Inspector concluded that the extension proposed would represent an overdevelopment of the site. It would by reason of its bulk have an unacceptably adverse impact on the local street scene. The proposals were therefore not compliant with development plan policy or with the SPD.

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Location: 46 High Street, Topsham EX3 0DY



Reference No: 08/1850/03

Proposal: Raising of roof and installation of a dormer window on rear wing of dwelling

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issue was considered to be whether the proposed development would preserve or enhance the character or appearance of the Topsham Conservation Area.

The Inspector noted that the appeal property was a Building of Local Importance within the Conservation Area. Although the proposed works affected an existing gabled projection to the rear of the building, because the property is visible from a secondary road frontage, Nelson Close, the proposed extension would be more prominent than might otherwise be the case.

The Inspector considered that the overall increase in the height and bulk of the rear projection would significantly reduce the degree of subservience. He was also concerned about the design of the proposed dormer window, which would have a pitched roof extending up to the full height of the ridgeline. It would not therefore appear subordinate within the roofscape.

The Inspector considered that, taken as a whole, the proposed development would have a detrimental effect on the locally distinctive form and proportions of the existing building and unbalance the critical relationship between the principal part of the building and the smaller, visually subordinate, rear projection. He concluded that the character and appearance of the Topsham Conservation Area would not be preserved, contrary to development plan policies and the Council's *Householder's Guide to Extension Design*. He saw no fundamental reason why the building could not be renovated to an acceptable standard by a more sympathetically designed scheme of works.

The Inspector shared some of the Council's concern about the potential for overlooking of the adjacent properties to the north from the proposed dormer window. However, he did not consider that the appeal should fail solely on this basis. Nevertheless, this matter did add to his overall concern about the development.

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APPEALS LODGED

Application	Proposal	Start date	Received date
ALDI Stores, Alphington Road, Exeter, EX2 8HP	Internally illuminated pole-mounted sign adjacent to south west elevation of building, panel signs (4) on north west, south east and south west elevations and alterations to existing boundary signs in north and west corners of site	05/02/2009	05/02/2009
43 Heraldry Way, Exeter, EX2 7QJ	Conservatory on north elevation	12/02/2009	12/02/2009
38 Harrington Road, Exeter, EX4 8PH	Dormer window on east elevation	25/02/2009	02/03/2009
31 Lewis Crescent, Exeter, EX2 7TD	Conservatory on south west elevation.	23/02/2009	02/03/2009
61 Hoker Road, Exeter, EX2 5HX	Vehicular access gates (2), pedestrian gate and fencing on existing north east boundary wall	23/02/2009	03/03/2009

**RICHARD SHORT
HEAD OF PLANNING SERVICES
ECONOMY AND DEVELOPMENT DIRECTORATE**

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

Background papers used in compiling the report: -

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

Available for inspection from: -

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