

PLANNING COMMITTEE

Monday 3 October 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Morrish, Newby, Prowse, Spackman and Sutton

Also Present

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

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Denham	96 (objector is a former colleague)
Councillor Prowse	96 (student landlord) 97 (member of Devon County Council)

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PLANNING APPLICATION NO.11/1311/03 - ROYAL DEVON & EXETER HOSPITAL, BARRACK ROAD, EXETER

Councillor Denham declared a personal interest as the objector is a former colleague.

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for the demolition of the existing Postgraduate centre building and redevelopment to provide a Research, Innovation, Learning and Development (RILD) centre over four storeys with associated landscaping and enclosed roof top plant at the Royal Devon and Exeter Hospital, Barrack Road, Exeter.

Members were informed that the building would extend over four floors with the plant area on the roof also enclosed and comprise of two wings on either side of a central area called the 'Hub'. There would be a physical link between the proposed building and the existing Peninsula College of Medicine and Dentistry building at both ground and first floor levels.

The Development Manager informed Members of the main considerations in respect of the proposal which were the design of the building and its impact upon the character of the area and long range views. It was not anticipated that there would be any adverse impact on the highway. This was a new landmark contemporary building which would enhance the campus and add interest to Barrack Road.

Members were circulated with an update sheet advising that the applicant's agent had confirmed that an additional ten cycle parking spaces could be incorporated within the development. The Development Manager informed Members that

discussions were continuing between the applicant and Exeter School with regards to any potential disturbance during exam times from construction noise emanating from the site. This was a significant enough matter to warrant refusal of the application and could not be controlled by condition.

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

Mr Aspinwall spoke against the application. He circulated photographs and raised the following points:-

- was a resident at Baker Street
- the photographs showed the effect that the building would have on the long range views
- was two storey's higher than the existing Peninsula College plus a hidden floor housing the plant; this was to save costs
- would cut out any long range views: would Halden View now be renamed?
- there was an existing parking problem in the area: the travel plan did not address this issue
- the 62 residents of Baker Street would be denied their view of the hills around Exeter.

Members raised concerns regarding the parking problems in the vicinity of the proposal particularly in light of the defective traffic order on the area.

The Development Manager clarified that there was already an existing Postgraduate Centre on this site and this proposal was to improve facilities and would not generate a significantly higher number of students.

RESOLVED that the application for demolition of existing Postgraduate centre building and redevelopment to provide a Research, Innovation, Learning and Development (RILD) centre over four storeys with associated landscaping and enclosed roof top plant be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C38 - Trees - Temporary Fencing
- 7) H02 - Highways - Provision parking, etc
- 8) No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.
Reason: To encourage travel by sustainable means, in accordance with Local Plan policy T3.

- 9) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 11) Prior to occupation of the development hereby permitted, the cycle parking shown on the application drawings shall be provided in accordance with details (including storage systems and means of cover) previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 12) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.
Reason: In the interests of the amenities of the area.
- 13) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. The Wildlife Plan will be expected to include the provision of integral bird nesting boxes/bricks within the fabric of the building. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 14) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 15) The building hereby approved shall be designed and constructed to achieve BREEAM rating of 'Excellent' unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development achieves a high level of performance in terms of sustainability.
- 16) The development hereby approved shall be designed and constructed so as to be capable of connecting to the proposed Local Energy Network scheme (LEN) for Exeter, so far as is practicable having regard to the technical

information concerning the LEN scheme available at the time of the detailed design and construction of the scheme. The requirements of this condition shall only relate to works within, and up to the boundary of the application site.

Reason: To ensure that the potential for the development to make use of a future sustainable source of energy is incorporated within the detailed design of the building in the interests of sustainable development.

(Report circulated)

97 **PLANNING APPLICATION NO.11/1301/16 - OPEN SPACE, BENNETT SQUARE, EXETER**

Councillor Prowse declared a personal interest as a member of Devon County Council.

The Head of Planning and Building Control presented the application for a two storey residential development to provide ten self contained flats, access to highway and associated works off Bennett Square, Exeter.

The proposal would involve the demolition of two dwellings in Bennett Square to create an adoptable highway access into the site. The flats had two bedrooms, the ground floor flats had private patios and the first floor flats would have balconies. There would also be a communal garden. Two of the ground floor flats were mobility units. A further two flats, at first floor, were designed so that they could be used as mobility units in the future, subject to the installation of a lift. Parking was provided for nine vehicles and there would be 20 cycle spaces. Part of the public footpath across the site would be diverted and this right of way retained, the realigned path would be 2.5m wide.

The application also indicated that the goalposts and the teen shelter on the site would be relocated. The goalposts would be moved to an existing play area to the west of Widgery Road and the teen shelter located on another small area of open space to the north-east of Bennett Square.

A previous application on this site had been withdrawn to allow for more widespread consultation on the proposal.

The Head of Planning and Building Control advised Members of the conflict between the need to provide more affordable housing and safe guarding open space in the city. He stated that the internal arrangement of the flats had been altered and they now met the Council's SPD on space standards.

Members were circulated with an update sheet clarifying that the proposed footprint position and the distances to the neighbours was the same as the previous scheme; the details of an education contribution from the County Director of Place; comments from the Northern Area Working Party: a revised recommendation, amended wording for condition nine and an additional condition regarding the design of the cycle storage.

The recommendation was to approve the application subject to the payment for Natura 2000 sites contribution (£350) and the education contribution as requested by the County Director of Place; that Officers to be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of the section of footpath within the application site; the conditions as set out in the report, with condition nine amended as per the update sheet and an additional condition regarding the design of the cycle storage.

In answer to Members' questions, the Head of Planning and Building Control stated that, although the units were intended for down sizing, they would not be limited to 'over 55's'; the education contribution was the standard requested by the County Council; the Council had taken contributions for Natura 2000 on other developments.

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

- this application needed to ensure there was a balance between open space and the need for affordable housing
- the play equipment on this site had been installed some 8 ½ years ago after consultation with local residents and Councillors
- the goal posts and teen shelter would be relocated to other open spaces within the vicinity bringing those open spaces into use
- supported the building of 'Passiv-Haus' which were energy efficient
- it was a priority for the City Council to deliver more affordable housing
- need to bring under occupied family homes into use by providing homes for down sizing
- although the community was divided, on balance this proposal should be supported.

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

- this site was well used open space which should not be lost
- it would be pointless to demolish two occupied houses
- the Council's guidelines had been ignored as there was not 22 metres between the proposed building and the existing dwellings
- the proposed area for the goal posts was sloping and the site for teen shelter was hidden away and unlit
- only 44 residents had been notified of the application; therefore not many residents registered their objections.

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

- was the Housing Development Manager for the City Council and the applicant
- this application was driven by need; there were 8,700 people on the Council's housing waiting list; 1579 of these were in A,B or C category; there were 33 families in need of mobility units
- this site was an HRA in-fill site
- this site was in a good location near to the city centre
- after concerns from the Planning Committee regarding public consultation the original application had been withdrawn
- had undertaken a full public consultation with regard to the proposal and the relocation of the goalposts and teen shelter.

In answer to Members' questions, Ms Osmundsen clarified that limiting the units to the over 55's would prevent flexibility when letting the mobility units to those residents who urgently need this type of accommodation. The residents in the two properties to be demolished had been kept fully informed of the position and would be re-housed.

During discussion, Members raised the following points:-

- there was a need for more affordable housing in the City
- would bring into use unused open space

- concern that the development was not limited to over 55's and residents in need of mobility units
- the education contribution seem excessive if the flats were occupied by the over 55's
- did the Council have to contribute £350 toward Natura 2000?

The Head of Planning and Building Control stated that the distance of the proposal from neighbouring properties was acceptable as the closest walls did not have habitable room windows in; the education contribution should be paid on the basis of units not limited to over 55 years when occupation took place and the Natura 2000 contributions should be confirmed when occupation took place in accordance with the Council's position at the time.

The majority of Members were of opinion that although the application was finely balanced the need to provide affordable housing outweighed the loss of the open space, although they had concerns regarding the education and Natura 2000 contributions.

RESOLVED that the application for a two storey residential development to provide ten self contained flats, access to highway and associated works be **approved** subject to the following:-

(1) that the Planning Committee expects, prior to occupation of the dwellings

- (a) a payment of £350 towards mitigation for the Natura 2000 if the Council applies such a policy at time of occupation; and
- (b) £13,329.50 for Primary School Places for any dwelling not occupied by persons over 55 years of age

(2) that Officers be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of the section of footpath within the application site, Committee being satisfied that it is necessary to do so in order to enable the development to be carried out and subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C36 - No Trees to be Felled
- 7) C38 - Trees - Temporary Fencing
- 8) The proposed estate road, cycleway/footpath, footways, verges, junction, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, access, on-site car/cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 9) No part of the development hereby approved shall be commenced until footpath diversion and temporary closure orders have been made, and the diverted footpath shall be re-established in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority before the occupation of the development.
Reason: To ensure that existing highway is closed during the construction period and re-established before the occupation of the development.
- 10) No part of the development hereby approved shall be occupied until the on-site car and cycle parking facilities together with any means of access shall have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 11) The cycle parking shown on drawing AA(0)17 - 401 P3 shall be provided prior to occupation of the development, and the cycle parking shall be maintained thereafter.
Reason: To ensure that the cycle parking specified in the application is provided, to encourage travel by sustainable means, in accordance with Local Plan policy T3.
- 12) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 13) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 14) No development shall begin until a scheme for generating a proportion of the energy requirement of the development from on-site renewable sources which reduce the predicted CO2 emissions by 10 per cent (or other proportion as agreed in writing), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.
- 15) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 16) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the RSPB. The above shall thereafter be provided, and retained, in accordance with these approved details.

Reason: In the interests of the preservation and enhancement of biodiversity in the locality.

- 17) Prior to the commencement of the development hereby permitted, the teen shelter and goal posts on the site shall be replaced and made available for use in accordance with details (including appearance and specification) which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate play/leisure facilities are available in the area.

- 18) No development shall take place until the specification, design and appearance of the proposed cycle storage is approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.

Reason: In the interests of visual amenity and ensuring that appropriate and useable cycle storage is provided

(Report circulated)

98 **PLANNING APPLICATION NO.11/1354/18 - 23 WESSEX CLOSE, TOPSHAM, EXETER**

The Development Manager presented the application for a Certificate of Lawfulness for a ground floor extension on the south west elevation at 23 Wessex Close, Topsham, Exeter.

The recommendation was that the Certificate of Lawfulness be granted.

RESOLVED that the Certificate of Lawfulness for a ground floor extension on the south west elevation be granted.

(Report circulated)

99 **PLANNING APPLICATION NO.11/1365/03 - 4 PAMELA ROAD, EXETER**

The Head of Planning and Building Control presented the application for a replacement outbuilding on the west boundary at 4 Pamela Road, Exeter. The materials to be used would be controlled by a condition.

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

RESOLVED that the application for replacement outbuilding on west boundary 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 25 August 2011, as modified by other conditions of this consent.

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

- 3) C17 - Submission of Materials

(Report circulated)

100 **TREE PRESERVATION ORDER NO. 633 (3 HEATHBROOK MEWS, EXETER) 2011**

The Head of Planning and Building Control presented the report updating Members on objections that had been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 633 (Heathbrook Mews, Exeter) 2011.

He advised Members that the site was previously subject to TPO 222 made in 1992 and following a review in 2006, TPO 222 had been revoked because it was outdated. An area TPO had been signed on 24 May 2011 and remained in force for a period of six months. It was proposed that the TPO should be modified so as to apply to four individual trees (two Willows and two Oaks) and one group of trees (one Oak, one Ash and two Cherries) which were identified to be of high public amenity value.

Members were circulated with an update sheet giving details of an on-site meeting that had been held with the owner of 3 Heathbrook Mews.

The recommendation was that the TPO 633 be confirmed with the modification referred to in paragraph 2.4 of the report.

Mr Jones spoke in support of the Tree Preservation Order. He raised the following points:-

- was the owner of the trees
- did not realise the original TPO had been removed until approached by a developer in late 2009
- did not want to see the trees removed
- would like to build a bungalow on the site for himself and his wife
- concerns regarding works that may need to be undertaken to the two oak trees that had power lines above them.

The Head of Planning and Building Control stated that should pruning works need to be undertaken to the Oak trees the owner could make an application for tree works.

The Planning Solicitor clarified that Utility Companies could undertake works to trees covered by a TPO if they were essential for operational purposes.

RESOLVED that the TPO 633 be confirmed with the modification referred to in paragraph 2.4 of the report.

(Report circulated)

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

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

RESOLVED that the report be noted.

(Report circulated)

102

ENFORCEMENT PROGRESS REPORT

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

Members were updated on the position with regards to the unauthorised works to copper beech trees in 19 New North Road and the rear loft boxes in Jubilee Street.

RESOLVED that the report be noted.

(Report circulated)

103

APPEALS REPORT

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 October 2011 at 9.30 a.m. The Councillors attending will be Bialyk, Prowse and Sutton.

(The meeting commenced at 5.30 pm and closed at 7.15 pm)

Chair