

## **PLANNING COMMITTEE**

Monday 23 April 2007

### Present:-

Councillor Hazel Slack (Chair)

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

### Also Present

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

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### **MINUTES**

The minutes of the meetings held on 19 February 2007, 26 February 2007 and 19 March 2007 were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION & CONSERVATION AREA CONSENT - 07/0463/03 & 07/0464/14 - SUNNINGDALE AND PART GLENHAYES, PRINCE OF WALES ROAD, EXETER**

The Head of Planning Services presented these applications for planning permission for student accommodation consisting of 12 cluster flats providing 48 bedrooms and conservation area consent for the demolition of Sunningdale, a detached property. The proposal was for a 3 storey building with 3 car parking spaces of which 2 were for disabled drivers.

A previous application on this site had been refused and an appeal had been lodged against this decision. This application had been scaled down and pulled away from the boundary. The number of bedrooms had been reduced by 10 to 48.

The proposal was for a T shaped building and the materials to be used were natural render and slate on the roof.

The Head of Planning Services reported that 18 further letters of objection had been received. The additional planning issues that they raised were difficulty of refuse collection and unsustainable design and materials. In total 55 letters of objection had been received.

The Planning Solicitor confirmed that the applicants had submitted a unilateral undertaking, which covered the management of the development including student

behaviour and addressed Members' concerns raised when the previous application was refused regarding the management and control of the accommodation.

The Head of Planning Services stated that as the building had a neutral effect on the conservation area. The recommendation was for approval of the planning permission and conservation area consent.

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

- concerns regarding the demolition of a sound building and its replacement with student accommodation
- this was an area with a high density of students, which led to noise and nuisance disturbances
- not sure that a unilateral undertaking would tackle the day to day problems that would arise from this proposal
- as the development was car free, this would cause parking problems in the surrounding area as students would still bring their cars
- the grass area at the front of the building could be used for parties
- this was a large student development, which would add to the problems already created by the high density of students in the area
- she asked the Committee to refuse the application.

In answer to Members' questions Councillor Cole confirmed that although students should not bring cars to the University some did and this then caused parking problems on the campus and in the surrounding areas.

Mr D Knowles (representing the residents of Kingsgate) spoke in opposition to the application. He made the following points:-

- large density of students already in the area, which caused noise nuisance issues during term time
- during holiday periods the area was like a 'ghost town'
- a unilateral undertaking would not control the noise and nuisance element of the development
- asked the Committee to reject the application.

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

- this application was the result of 12 months of negotiations with the Planning Department
- the height, scale and mass had been reduced
- it was now 50% of the size of the original scheme and was 10 beds less than the previous refusal
- a unilateral undertaking had been volunteered and submitted by the applicant to control the management of the accommodation
- electric gates with key pad control would be installed to prevent cars being brought on to the development
- CCTV would be installed which would be monitored by the University.

In answer to Members' questions Mr Simons clarified that Sunningdale was structurally sound and that there were only 2 disabled plus one other parking spaces proposed on site. He confirmed that he could not speak on behalf of the applicant

with regards to the withdrawal of the current appeal, though he believed this was likely.

Members discussed the applications. Some Members considered that this application was an improvement on the previous scheme with regards to the height, scale, massing and design.

The Local Ward Member raised concerns regarding the over concentration of students in the area and the negative impact this proposal had on the locality and its residents. He questioned why a property that had a neutral effect on the conservation area should be demolished.

Some Members also had concerns regarding the enforcement of the unilateral undertaking and the density of students within the locality.

The Planning Solicitor confirmed that the Council would be able to take enforcement action should the unilateral undertaking be breached since there would also be a tenancy agreement between the owners and the students requiring compliance with the management scheme.

The Head of Planning Services confirmed that a condition could be applied requiring approval of details of landscaping of the amenity area to the front of the property to ensure that this area was not used for recreational purposes such as parties.

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

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C36 - No Trees to be Felled
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
  - a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
    - i) windows, including colour, materials, cills, headers and reveals;
    - ii) the roof ridge, hip detailing, eaves, verges, rainwater goods, canopies and external doors;
  - b) provision of refuse storage; and
  - c) external lighting

**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development within the St David's Conservation Area and in relation to adjoining buildings.

- 9) Construction 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 residential amenity.
- 10) No part of the development hereby approved shall be brought into its intended use until the off-street parking and servicing facilities 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 facilities are available for the traffic attracted to the site.
- 11) No part of the development hereby approved shall be occupied until a travel pack has been provided informing all residents of the car free status and the location of all local and main shopping, leisure and public transport facilities and shall include timetables, as appropriate, all in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that all occupants of the development are aware of the car free status.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate 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.
- 13) Approval of a landscaping scheme before commencement of the development.  
**Reason:** In the interests of local amenity.

**RESOLVED** that conservation area consent for demolition of dwelling be approved subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C58E - Contract Prior to Demolition

(Report circulated)

He confirmed that the proposal sought to close one of the existing accesses and widen the remaining access. A footpath would be provided in the front of the development and this would require the removal of an established hedgerow and its replacement with a bank on which landscaping was proposed.

This was an outline application including layout, scale and means of access. The proposal was for 6, 3 bed flats and 5, 2 bed flats with 11 parking spaces, the development would cause no overlooking. The scale and massing of the proposal was considerably greater than the existing dwelling.

The trees on the site although mature were not covered by a Tree Preservation Order.

The applicant had written commenting on the circulated report and he asked that the following be brought to the attention of Members:-

- there was no established legal ownership to the southern boundary of the site and there could be potential for planting in the area between the application site boundary and the access into the Taddyforde Estate
- at least half of the new planting to New North Road would be of semi mature species thereby creating an instant greening effect
- the southern gable to the development effectively fronts open space and would not have an overbearing effect on dwellings within the Taddyforde Estate.

The Development Control Manager confirmed that given the uncertainty over the ownership of the land there was no guarantee that the applicant was entitled to undertake landscaping on it. The potential for planting mature stock given the proximity of the car parking to the site boundary was limited and it would take time for mature landscaping to establish itself. He also stated that the circulated report acknowledged that the scheme was not detrimental to the amenities of near neighbours.

The recommendation was for refusal.

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

- no logical reason why this dwelling should be demolished
- the proposal would harm the character and appearance of the area
- the development was overbearing in an area where the dwellings were in spacious plots
- do not agree with the comments of the Director of Environment, Economy and Culture as the access on to a busy highway would not be suitable for the volume of vehicles which 11 flats could generate
- a consultation process was proposed on the area being designated as a conservation area
- endorsed the recommendation of the planning officer.

Mrs Cushing (representing local residents) spoke in opposition to the application. She made the following points:-

- recognised there was housing need in the city but this was not a brownfield site
- this area of the city had a unique character rather like that of a small village

- no buildings in the area were over 2 storey high
- 1 St Thomas Lane would be overlooked
- this proposal would be overbearing and intrusive.

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

- this was an outline application and the final appearance would be subject to a reserved matters application
- the ridge height would be the same as the existing property
- the proposal would give the appearance of a 2 storey building and it would be set down into the site
- the development would not be overbearing
- the proposed access would improve highway safety of the present accesses.

Mr Jones clarified that the development was a mixture of 2 and 3 bedroom flats.

Members felt that this was a leafy unspoilt road into the city, the property currently on the site was of good architectural merit and the proposal would be out of keeping with the street scene.

**RESOLVED** that planning permission for redevelopment to provide 11 self-contained flats, parking, access to highway and associated works (external appearance and landscaping reserved for future consideration) be refused for the following reason:

- 1) The application is contrary to Policy CO6 of the Devon Structure Plan 2001-2016 and Policies DG1, DG4 and DG6 of Exeter Local Plan First Review 1995-2011 because:
  - i) the scale and massing of the proposed building would result in an overdevelopment of the site in terms of the appearance of the development in relation to the scale and character of the area;
  - ii) by reason of its scale and massing and the removal of existing mature vegetation to the site frontage the development would appear discordant and out of character with the street scene.

(Report circulated)

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**APPROVAL OF RESERVED MATTERS - 07/0050/02 & 07/0051/02 - UNITS 2 & 3, LAND NORTH OF EDF ENERGY BETWEEN PINN LANE & JUNCTION 29 (M5), EXETER**

The Head of Planning Services presented these applications for units for office use, parking, access to highway and associated works.

The land was allocated for employment use in the local plan and these applications were for reserved matters, outline permission having been granted in March 2006.

The Head of Planning Services reported that one further letter of objection had been received stating that the application was premature pending further consideration of sustainable methods of accessing the site. The letter also called for the closure of Pinn Lane to vehicular traffic.

He confirmed that these matters were not relevant to consideration of these applications, which were for reserved matters only, the principle of the development having already been established.

The recommendation was for approval of the applications noting that on page 17 of the report 'condition 7' should read condition 6.

In answer to a Member's question, the Head of Planning Services confirmed that the parking provision was in accordance with the local plan policy and there would have been a Transport Assessment when outline approval was granted.

**RESOLVED** that planning permission for detached three storey building (2424sq.m.) for office use (Class B1), parking, access to highway and associated works (approval sought of reserved matters on Ref. No. 05/1053/01 granted 09 March 206) for siting, design, landscaping and external appearance be approved subject to the following conditions:

- 1) All conditions imposed on notice of outline approval (ref no. 05/1053/01) 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.
- 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 8 January 2007 (dwg. nos. 06097 L01.00 P2, L01.10 P6, L02.00 P2, L02.01 P2, L02.02 P2, L02.03 P1, L03.01 P1 and L04.00 P1) and 30 March 2007 ( dwg. no. 2395/L/02A), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Unless otherwise agreed in writing, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority in respect of each phase:-
  - a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
    - i) windows, cills, headers and reveals, including materials and fixing methods; and
    - ii) all details of parapets, eaves, verges, rainwater goods, louvres, canopies and external doors.
  - b) all boundary treatments.  
**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 4) No part of the development hereby approved shall be brought into its intended use until the off-street parking and any other vehicular access facility required for the proposed building by this permission have been completed and are available for use.  
**Reason:** To ensure that adequate access and off-street parking facilities are available for the traffic attracted to the site.

- 5) In accordance with details that shall have previously been submitted to and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.  
**Reason:** In the interests of public safety and to prevent damage to the highway.
- 6) 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 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 planning permission for detached three storey building (1511 sq. m.) for office use (Class B1), parking, access to highway and associated works (approval sought of reserved matters on Ref. No. 05/1053/01 granted 09 March 206) for siting, design, landscaping and external appearance be approved subject to the following conditions:

- 1) All conditions imposed on notice of outline approval (ref no. 05/1053/01) 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.
- 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 8 January 2007 (dwg. nos. 06138 L01.00 P2, 06097 L01.10 P6, 06138 L02.00 P1, 06138 L03.01, and 06138 L04.00 P1) and 30 March 2007 (dwg. no. 2402/L/01A), as modified by other conditions of this consent.
- 3) Unless otherwise agreed in writing, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority in respect of each phase:-
  - a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
    - i) windows, cills, headers and reveals, including materials and fixing methods; and
    - ii) all details of parapets, eaves, verges, rainwater goods, louvres, canopies and external doors.
  - b) all boundary treatments.  
**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 4) No part of the development hereby approved shall be brought into its intended use until the off-street parking and any other vehicular access facility required for the proposed building by this permission have been completed and are available for use.

**Reason:** To ensure that adequate access and off-street parking facilities are available for the traffic attracted to the site.

- 5) In accordance with details that shall have previously been submitted to and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.  
**Reason:** In the interests of public safety and to prevent damage to the highway.
- 6) 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 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.

(Report circulated)

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**PLANNING APPLICATION - 07/0473/03 - 19 FOX ROAD, EXETER**

The Head of Planning Services reported that amended plans had been received in respect of this application and asked that the Planning Committee defer the application to allow reconsultation and consideration of these plans.

**RESOLVED** that this application be deferred.

(Report circulated)

59

**PLANNING APPLICATION - 07/0524/03 - 41 ATTWYLL AVENUE, EXETER**

The Development Control Manager presented this application for a 2 storey side and ground floor extension. A previous application on this site had been refused; this application addressed those reasons for refusal.

The recommendation was for approval.

**RESOLVED** that planning permission for two storey side and ground floor rear extension 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 9 March 2007 (*dwg. no. 2 Revision A*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials

4) The windows on the side elevation of the extension shall be fitted with obscure glazing and permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities of the occupiers of the adjacent property.

(Report circulated)

60 **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)

61 **ENFORCEMENT PROGRESS REPORT**

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

**RESOLVED** that the report be noted.

(Report circulated)

62 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

63 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 8 May 2007 at 9.30 a.m.

64 **DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on Monday 21 May 2007 at 5.30pm.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair