

PLANNING COMMITTEE

Monday 24 May 2010

Present:-

Councillor Mrs Henson (Chair)
Councillors D Baldwin, P J Brock, Cole, Edwards, D J Morrish, Newby, Prowse, Thompson and Wadham

Also Present

Head of Planning and Building Control, Development Manager, Planning Solicitor, Trainee Legal Executive and Member Services Officer (SJS)

53

MINUTES

The minutes of the meetings held on 22 February 2010 and 22 March 2010 were taken as read and signed by the Chair as correct.

54

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Edwards	57 (employee of Stagecoach)
Councillor Prowse	54 (student landlord) 58 (student landlord)
Councillor Wadham	60 (knows the objector)

55

PLANNING APPLICATION NO.10/0449/03 - 7 THORNTON HILL, EXETER, EX4 4NJ

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the planning application for the change of use from dwelling to house in multiple occupation at 7 Thornton Hill, Exeter.

Members were informed that 7 Thornton Hill was an end of terrace dwelling located within the St James Ward and within the Longbrook Conservation Area. The existing house was generously proportioned and comprised of 270 square metres of floorspace over three levels, with six bedrooms and five reception rooms. The proposal was for nine bedrooms, two on the ground floor with a kitchen/dinning area and living room, four on the first floor and three on the second floor. There would be two bathrooms.

The Head of Planning and Building Control outlined to Members the three criteria a, b, and d within Policy H5 of the local plan that were relevant to the application. Members were circulated with an update sheet giving details of three further letters of objection.

The recommendation was for approval subject to the conditions as set out in the report and an additional condition regarding noise insulation between the kitchen/dinning area and the adjoining attached property.

Ms Temple (representing Thornton West Residents Association) spoke in opposition to the application. She circulated to Members photographs of student occupied properties and a plan of Thornton Hill showing the location of HMO's in the area. She raised the following points:-

- the proposal would be unacceptable as its scale and intensity would cause harm to the character of the area
- nine students would create more noise than a family: nine students all playing music in each of their rooms; more noise would emanate from the garden
- footfall would increase in the area
- concern that students would leave rubbish out
- HMO's appeared neglected
- would put pressure on the parking in the area; despite a travel plan preventing students from bringing their cars, they would still bring them
- there were at least 7 HMO's in the area of Lower Thornton Hill
- this proposal would cause an imbalance in the area.

In answer to a Member's question, Ms Temple clarified that out of 130 houses, 97 were members of Thornton West Residents Association.

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

- it was with some sadness that he had to address the Committee today regarding yet another HMO in his ward
- had asked for a meeting with the Head of Planning and Building Control to discuss the proposal, who had declined stating that he could not meet with him until after the application had been determined
- 26.7% of properties in St James Ward were student HMO's
- In 2009, 72 new properties were exempt from Council Tax; the current year figures were not yet available but another increase was anticipated
- the proposal was in a family area and was contrary to Policy H5 of the local plan
- the PACT meeting which included the University Liaison Officer agreed that the priorities in the area were anti social behaviour and late night noise
- Police had plenty of logs to show that there was a problem with anti social behaviour
- the number of student HMO's had a negative impact on parking
- in non-term time the area was like a ghost town
- although according to the Supplementary Planning Guidance (SPG) the proposal was just outside of the restriction zone: this SPG was two years old, was out of date and should be reviewed
- asked the Committee to look carefully at this application
- this application should be refused.

The Head of Planning and Building Control stated that the evidence from complaints to Environmental Health showed that there was not a significantly greater problem in student areas than some other parts of the City.

Mr Parsons (applicant) spoke in support of the application. He raised the following points:-

- there would be no parking as the university was only a five minute walk away
- secure cycle parking would be provided
- there was a defined area to the rear of the house for refuse
- it was a large house on the corner with amenity space

- the gardens would be maintained
- no changes would be undertaken in the building; only repairs
- the property would be managed, licensed student accommodation
- for the first two years family and friends would live in the property
- would ask the Police and the University Liaison Officer to talk to all new residents; also invited the local residents' group to come along to talk to new residents
- there had been no complaints from the HMO's at 9/11 Thornton Hill.

In answer to a Member's question, Mr Parsons clarified that there would be a maintenance contractor for the gardens.

During discussion, Members raised the following points:-

- why were the comments of the PCSO and Police Architectural Liaison Officer not before committee?
- were there adequate bathrooms for nine bedrooms?
- anti social behaviour by students was made worse by the licensing laws allowing all night drinking
- concern that if the property should be sold any subsequent landlord might not be so diligent
- the reason that the level of complaints in some student areas were so low was because nearly all the properties were occupied by students.

The Head of Planning and Building Control stated that the Police Architectural Liaison Officer did get a copy of the list of planning applications submitted but they had not commented. The number of bathrooms required would be covered by Environmental Health under the HMO licence.

The Development Manager confirmed that Environment Health was satisfied with two bathrooms for nine bedrooms.

Whilst some Members felt that the proposal was acceptable, others Members raised concerns regarding the impact that the proposal would have on the character of the area.

RESOLVED that planning permission for change of use from dwelling to house in multiple occupation be **refused** for the following reason:-

- (1) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001 to 2016 and Policies H2 and DG4 (a and b) of the Exeter Local Plan First Review 1995 to 2011 because:- i) the increased activity associated with the proposed development, in terms of increased noise and movements to and from the property would be detrimental to the residential amenities of the occupiers of adjacent dwellings.

(Report circulated)

56

PLANNING APPLICATION NO.10/0487/03 - LAND TO THE REAR OF OAKRIDGE AND OAKLANDS, COWICK LANE, EXETER

The Development Manager presented the planning application for the development to provide 13 dwellings, access to the highway, parking and associated works at land to the rear of Oakridge and Oaklands, Cowick Lane, Exeter.

Members were updated on the planning history to the site and informed that planning approval was given in January 2009 for 13 dwellings on this site. This

application was also for 13 dwellings which were arranged in a similar layout to the previously approved planning application.

The recommendation was delegated to the Head of Planning and Building Control to approve subject to a Section 106 agreement in relation to highway works and contributions, including the creation of a public right of way through the site and a financial contribution towards off site public open space, the conditions as set out in the report with amended wording to condition 14.

RESOLVED that planning permission for development to provide 13 dwellings, access to highway, parking and associated works be delegated to the Head of Planning and Building Control to **approve** subject to the completion of a Section 106 legal agreement in relation to highway works and contributions, including the creation of a public right of way through the site and a financial contribution towards off site public open space and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C37 - Replacement Planting
- 8) C43E - Retain Hedges
- 9) C70 - Contaminated Land
- 10) C57 - Archaeological Recording
- 11) No development shall take place unless and 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: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 12) C72 - Highway - Estate Roads etc
- 13) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - a) windows to include materials, means of opening, reveals, cills and headers;
 - b) external doors;
 - c) rainwater goods;
 - d) lighting;
 - e) treatment of all boundaries including the eastern boundary to adjacent access road;

- f) refuse storage;
- g) travel plan for future residents
- h) pedestrian/cycle access entrance onto Balls Farm Road.

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

- 14) Delegated to the Head of Planning and Building Control.
- 15) No part of the development hereby approved shall be occupied until any means of access, off-street parking facilities, visibility splays and turning area 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.
- 16) In accordance with details that shall previously have been submitted to, agreed and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
Reason: In the interest of public safety and to prevent damage to the highway.
- 17) 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 interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 18) No Construction work shall take place outside the following times: 8am to 6pm (Monday to Friday); 8am to 1pm (Saturday); nor at any time on Sunday, Bank Holidays or Public Holidays.
Reason: In the interests of residential amenity.

In the event that the section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

57

PLANNING APPLICATION NO.10/0471/29 - OLD PARK FARM, PINN HILL, EXETER, EX1 3TH

Councillor Edwards declared a personal interest as an employee of Stagecoach.

The Head of Planning and Building Control presented the consultation from East Devon District Council for a outline planning application, dealing with access only, for a development of up to 450 residential units, up to 2,000 square metres of (B1) business use, a primary school (2ha site), a village centre with mixed services, retail space of up to 900 square metres, and a 250 space Park & Ride; together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, served off a new access from the highway at Old Park Farm, Pinn Hill, Exeter.

The Head of Planning and Building Control stated that the site was located in East Devon, on the northern edge of Exeter adjoining Pinhoe. The majority of the site was covered by fields used for agriculture. Members were updated on the emerging East Devon District Council Core Strategy and their need to provide 4,000 new homes in the 'West End' of its district.

The recommendation was that no objection in principle was raised to the proposal subject to East Devon District Council taking into account in its determination of the application, as detailed in the observations in the report, the comments of the City Council's Head of Environmental Health Services, consideration of the development in the context of the strategic and comprehensive development of the area and sustainability.

The Local Ward Member raised concerns regarding the impact that the proposal would have on the infrastructure of Pinhoe, in particular on the over crowded primary school, the road network and the need for a park and ride when there was a bus service in the area. She stated that at a packed community meeting in Broadclyst all but one that attended had voted against the proposal.

During the discussion Members raised the following points:-

- concern over when the primary school would be built
- there was an existing bus service in this area
- would there be any Section 106 funding available to the City Council towards pressures that this proposal would have on the City's infrastructure?
- would any of the affordable housing be available to Exeter's residents on the waiting list?
- allotments should be provided on the development
- was the site suitable for office/light industrial use?

The Head of Planning and Building Control stated that Devon County Council would have been consulted and would comment on education and highways including the proposed park and ride. He outlined to Members the triggers of pupils and dwellings required in order that a new primary school could be built. This was an outline application and there was no indication of the mix of house type and the affordable housing nominations would be a matter for East Devon District Council.

RESOLVED that **no objection** in principle is raised to the proposal, subject to East Devon District Council taking into account the following, as detailed in the report, in its determination of the application:

- The comments of the City Council's Head of Environmental Health Services
- Consideration of the development in the context of the strategic and comprehensive development of the area, including its relative low carbon sustainability
- The formal response was to be delegated to the Head of Planning and Building Control in consultation with the Chair, to articulate the concerns expressed.

(Report circulated)

58

PLANNING APPLICATION NO.10/0306/03 - HALFORD WING, DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER, EX1 1PQ

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the planning application for the change of use from offices to provide student accommodation at Halford Wing, Dean Clarke House, Southernhay East, Exeter.

The Halford Wing was part of the former NHS Administration Centre which comprised of Dean Clarke House, Halford Wing and Victoria Wing. These were Grade II* listed buildings. Halford Wing had been granted planning permission and listed building consent in 2008 for a wine bar and bistro in the basement, a restaurant at ground floor level and offices on the upper floors.

The proposed planning and listed building application intended to create 40 bedrooms of student accommodation which would serve a maximum of 74 students and retain, at basement level, the restaurant use, approved under an earlier consent, and also provide a new student common room. Above the basement level there would be a total of four floors providing the student accommodation this included the creation of two additional mezzanine floors above the ground and first floor accommodation. The floor space of the student accommodation would range from 35 square metres to 54 square metres. No external alterations apart from the removal of the chimney and a new entrance were proposed.

Members were advised that a listed building application detailing the works associated with the conversion also related to this site. The relevant issues relating to the listed building application were included within the observations of the report. The listed building consent was recommended to be delegated to the Head of Planning and Building Control to approve subject to conditions.

The recommendation for the planning application was delegated to the Head of Planning and Building Control to approve, subject to a Section 106 agreement restricting the accommodation for student use and a management agreement given the building's use for student purposes and the conditions as set out in the report.

In answer to a Member's question, the Development Manager stated the plans did not show any of the units as being fully accessible for the disabled.

RESOLVED that planning permission for change of use from offices to provide student accommodation be delegated to the Head of Planning and Building Control to **approve** subject to the completion of a Section 106 legal agreement restricting the accommodation for student use and a management agreement given the buildings use for student purposes, and 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) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) Notwithstanding Condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - i) full details of any new extract vents, including size, height and position;

- ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section;
- iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis;
- iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use;
- v) refuse storage facilities;
- vi) location of site compound;
- vii) lighting;

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

- 9) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.

Reason: To ensure that all users and occupiers of this facility are aware of the 'car free' status of the development.

- 10) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.

Reason: To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.

- 11) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.

Reason: To reduce noise pollution and protect the amenity of nearby residential occupiers.

In the event that the section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

59

PLANNING APPLICATION NO.10/0106/03 - COOPER COTTAGE, LOWER ARGYLL ROAD, EXETER, EX4 4QZ

The Development Manager presented the planning application for redevelopment to provide a detached dwelling, integral garage, parking and associated works at Cooper Cottage, Lower Argyll Road, Exeter.

The site had two previous approvals for more modest schemes. This application was for a dwelling of 520 square metres, the previous approval was for a dwelling of about 320 square metres.

The Development Control Manager updated Members on the issues regarding the scale, design and siting of the proposal.

Members were circulated with an update sheet giving details of a second letter of support.

The recommendation was for refusal subject to the reason as set out in the report.

Mr Wright (agent) spoke in support of the application. He circulated to Members a plan comparing the proposal to that of a previous approval. He raised the following points:-

- the proposal was for a family home
- there was no objection in principle to a dwelling on this site
- this was a large site of over four acres
- the proposal was similar in scale and massing to that of the previous approval
- design was similar to a neighbouring property
- the application was a contemporary design incorporating carbon footprint reducing elements.

The Development Manager stated that the previous planning approvals on the site had a better relationship with the road frontage and were of a smaller scale and massing.

Whilst some Members raised concerns regarding the scale and massing of the dwelling and the effect it would have on the valley park, other Members were of the opinion that the proposal was acceptable.

RESOLVED that the planning application for redevelopment to provide a detached dwelling, integral garage, parking and associated works be **refused** for the following reason:-

- 1) The site is located within the Duryard Valley Park. The proposal is contrary to Policies CO1 and CO6 of the Devon Structure Plan and Policies L1, LS1, LS4 and DG1 of the Exeter Local Plan First Review because the size, form and design of the proposed development would be visually dominant and represent an inappropriate and incongruous form of development within the Duryard Valley Park; and the development would create an undesirable precedent for similar proposals which, individually and/or collectively, would be harmful to the Duryard Valley Park.

(Report circulated)

60 **TREE PRESERVATION ORDER NO. 613 - 74 VELWELL ROAD, EXETER 2010**

Councillor Wadham declared a personal interest as the objector was know to him.

The Head of Planning and Building Control presented the report which gave details of an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 613 (74 Velwell Road, Exeter) 2010.

Mr Munro spoke in opposition to the Tree Preservation Order. He circulated to Members a photograph of the tree when in full leaf. He raised the following points:-

- lived at the property since 1963
- had submitted an application to fell the tree
- during the growing season the tree took in water causing cracks to appear inside the property, door frames to shrink and skirting boards to come away from the walls

- when in leaf the tree blocked out light to the house.

The Head of Planning and Building Control stated that there was no evidence that the tree was causing problems, the owner could submit an application to undertake works to the tree such as 'crown uplifting'.

RESOLVED that the order be confirmed without modification.

(Report circulated)

61

SECTION 106 AGREEMENTS

The report of the Head of Planning and Building Control on Section 106 Agreements was submitted.

RESOLVED that the report be noted.

(Report circulated)

62

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)

63

ENFORCEMENT PROGRESS REPORT

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

RESOLVED that the report be noted.

(Report circulated)

64

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

65

PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

The Chair of Planning Member Working Group raised a question regarding changing the meeting from Tuesdays to Mondays.

The Head of Planning and Building Control stated that the dates of the meetings would be discussed at the first meeting in this cycle of the Planning Member Working Group in June.

RESOLVED that the circulated rota of dates for Planning Member Working Group meetings, be approved, subject to confirmation by the Group.

(Schedule circulated)

66 **AREA WORKING PARTIES - COMPOSITION AND SCHEDULE OF DATES**

The report of the Assistant Chief Executive was submitted.

RESOLVED that the dates as circulated and the composition of the Area Working Parties as below be approved:-

Northern Area Working Party:-

Councillor D Baldwin
Councillor Cole
Councillor Edwards
Councillor Prowse
Councillor Mrs Thompson

Southern Area Working Party:-

Councillor D Morrish
Councillor Newby
Councillor Shepherd
Councillor Sheldon

Western Area Working Party:-

Councillor P J Brock
Councillor R Hannaford
Councillor Mrs Henson
Councillor Wadham

(Schedule circulated)

67 **SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Assistant Chief Executive was submitted.

RESOLVED that the circulated rota of site inspections, be approved.

(Schedule circulated)

68 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 15 June 2010 at 9.30 a.m. The Councillors attending will be Cole, Mrs Henson and Shepherd.

(The meeting commenced at 5.30 pm and closed at 8.15 pm)

Chair