

PLANNING COMMITTEE

Monday 1 November 2010

Present:-

Councillor Mrs Henson (Chair)
Councillors Cole, D Baldwin, P J Brock, M Macdonald, D J Morrish, Prowse, Sheldon,
R Sutton, Wadham and Winterbottom

Also Present

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

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MINUTES

The minutes of the meetings held on 26 July 2010, 6 September 2010 and 4 October 2010 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor P. J. Brock	117 (member of Devon County Council on the Hele Trust)
Councillor Prowse	117 (member of Devon County Council on the Hele Trust and a student landlord) 118 (student landlord) 119 (knows the applicant)
Councillor Winterbottom	118 (knows the agent) 119 (knows the applicant and objector)

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PLANNING APPLICATION NO.10/1533/03 - FORMER TENNIS COURTS, BISHOP BLACKALL ANNEXE, THORNTON HILL, EXETER

Councillor P J Brock declared a personal interest as a Member of Devon County Council on the Hele Trust.

Councillor Prowse declared a personal interest as a Member of Devon County Council on the Hele Trust and as a student landlord.

The Development Manager presented the planning application for a development to provide a three storey building comprising nine flats, access to the highway, parking and associated works at the former Tennis Courts, Bishop Blackall Annexe, Thornton Hill, Exeter.

Members were informed that an application for student accommodation on this site had been refused in July 2010 and this re-submission sought to address those reasons for refusal. The adjacent site of Bishop Blackall School had been granted approval earlier this year for accommodation for 113 students. The site was within Longbrook Conservation Area.

The Development Manager stated that the proposal was for a three storey student accommodation block comprising 42 bedrooms in 9 flats. The upper storey was within the roof space. The building was 'L' shaped and would be faced with brick

and natural slate. A vehicular access would be created into the site by a new opening in the existing wall at the northern end of the Thornton Hill frontage. Parking was provided for four vehicles together with turning space.

The footprint of the proposed building was slightly smaller than the previous refused application and had been moved away from the boundary with the nearest neighbour at No.2 Thornton Hill by 2 metres. The site was heavily constrained by trees and the footprint occupied less than 25% of the site.

Members were circulated with an update sheet giving details of a further 17 letters of objection; clarification regarding revisions to the scheme in respect of materials; details of a contamination report and comments from the Head of Environmental Health and the County Director of Environment, Economy and Culture.

The Development Manager informed Members that five further letters of objection had been received one was from an address in St Leonard's. He also stated that if the legal agreement was not completed by 11 November 2010, not within six months as printed in the circulated report, then the application would be delegated to the Head of Planning and Building Control to refuse.

The recommendation was to approve the application subject to a Section 106 legal agreement to secure a financial contribution towards a new traffic order and an appropriate management agreement, and the conditions as set out in the report.

Mrs Pearson spoke against the application. She raised the following points:-

- was representing Thornton West Residents Association
- surprised that this application had been submitted after a very similar application was refused in July of this year
- design was not appropriate for this conservation area
- proposal did not enhance or preserve the conservation area; it did not have any special qualities
- its site, scale and massing was over development of the site
- moving 2 metres away from the boundary with No.2 Thornton Hill did not make any significant difference to the impact on this neighbouring property
- with the approval for 113 students at Bishop Blackall School and other HMO's in the vicinity, over 40% of the population in the area would be students
- this development would alter the character of the area beyond repair
- asked the Committee to refuse the application.

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

- it was with sadness that he was before the Committee again regarding another proposal for student accommodation in his Ward
- this proposal was very similar to the previous refusal
- asked Committee to reject the application
- was not in keeping with the heritage setting of the area
- would reduce amenity for local residents
- would cause an overconcentration of students on the area
- buildings in a conservation area should be well designed; this building was not
- did not reflect the 'Arts and Craft' heritage of the area
- was contrary to the Local Plan Policies as it did not fit into the existing pattern of area; did not harmonise with surrounding buildings; did not enhance or preserve the conservation area; although it did stand out was not a landmark building; the materials proposed were not in keeping with the character of the area.

- contrary to Local Plan Policy H5 as would cause over concentration of students in the area which would cause an imbalance and have a negative effect on local residents amenity
- should reject this application.

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

- had detailed negotiations with officers regarding the proposal
- the area working party supported the application
- had reduced the proposal considerably
- the building only occupied 23% of the site area
- had addressed neighbours concerns regarding amenity and the previous reasons for refusal
- asked the Committee to agree with the officer recommendation and support the application.

Whilst some Members felt that the proposal was acceptable, other Members had concerns regarding the design not being in keeping with the conservation area and the over concentration of students in the vicinity.

In response to Members, the Development Manager confirmed that as a new development the occupiers would not be entitled to parking permits and that the County Director of Environment, Economy and Culture would be consulted on the Green Travel Plan.

RESOLVED that the application for development to provide three storey building comprising nine flats, access to highway, parking and associated works be **approved** subject to the completion of a Section 106 legal agreement to secure a financial contribution towards a new traffic order, and to secure an appropriate management agreement and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 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 drawing no's 1800/10/042A; 1800/10/041A; 1800/10/040B; and 1800/10/043 , as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) The site shall not be used for any purpose other than that hereby approved and no other use (including any use within the same Use Class [Class C4] as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.
Reason: The approved development is not suitable for any use other than that approved.

- 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 9) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of local amenity.
- 10) 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.
- 11) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the local planning authority. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.

Reason: In the interests of local amenity.

- 12) 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(s) 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(s) hereby approved.

- 13) 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
 - c) provision of cycle storage
 - d) 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 Longbrook Conservation Area and in relation to adjoining buildings.

- 14) 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.

- 15) 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.

- 16) 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.

- 17) 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.

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

In the event that the Section 106 agreement is not completed by 11 November 2010, 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 that were intended to be dealt with in the Section 106 agreement.

(Report circulated)

118 **PLANNING APPLICATION NO.10/1392/03 - FORMER RED COW INN, RED COW VILLAGE, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

Councillor Winterbottom declared a personal interest as he knows the agent.

The Head of Planning and Building Control presented the planning application for the development to construct six flats in a three storey development for use as houses in multiple occupancy (C4) or residential dwellings (C3) at the former Red Cow Inn, Red Cow Village, Exeter.

Members were informed that the site was currently empty and had been neglected for some years. The site was formerly occupied by the Red Cow Inn which was demolished in 2006. The site was within the St David's Conservation Area and occupied a prominent plot adjacent to one of the main thoroughfares in and out of the City.

The Head of Planning and Building Control stated that there would be a total of 29 bed spaces within the development. The proposal was a car free development and cycle and refuse storage would be provided.

Members were circulated with an update sheet giving details of the sustainability of the proposal from the applicant; accepting limiting the occupation to students; revised plans received and the impact of these plans on the amenity of the neighbours and a further reason for refusal as a result of the amended plans.

The recommendation was to refuse the application subject to the reasons as set out in the report, the additional reason as per the update sheet and a further reason for refusal regarding a lack of education contribution.

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

- was representing local residents
- was keen to see the site developed as in its present state it was an eye-sore; although not at any price
- there was already too much student accommodation in the area
- had concerns regarding the height and bulk of the proposal
- was higher than the previous building on the site
- was over development of the site
- the development was not in keeping with the conservation area.

In response to a Member's question, Mr Cobbold clarified that he had not objected to the development of the near by Artful Dodger Public House as the existing buildings were to be converted.

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

- the proposal was for six flats to replace the Red Cow Inn
- had fully consulted the Planning Officers on the proposals

- understood that the application had been recommended for approval up until a week ago
- the area working party had supported the proposals subject to some changes to the tower
- was committed to resolving the design issues with regards to the tower
- the tower element would be sandstone to blend in with the conservation area and the Taddyforde Estate
- was the same height as the former Red Cow Inn
- would not cause any overlooking for local residents
- provided refuse and cycle storage
- the application was amended some weeks ago to C4 – student use only
- would enhance the entrance to the City.

During discussion Members raised the following points:-

- concern with regards to the amount of students accommodation in the vicinity particularly as the Artful Dodger Public House now had permission for student accommodation
- the proposal was too high and bulky
- would have an unacceptable impact on the amenity of the adjacent properties due to the high blank wall
- was on a gate way to the City and should be a landmark building.

RESOLVED that the application for development to construct six flats in a three storey development for use as houses in multiple occupancy (C4) or residential dwellings (C3) be **refused** for the following reasons:-

- 1) The proposal is contrary to Policies CO6 and CO7 of the Devon Structure Plan 2001-2016 and Policies C1 and DG1 (b, f, g and h) of the Exeter Local Plan 1995-2011 because by reason of its size, scale, design and siting the proposed development would result in an intrusive and unsympathetic form of development detrimental to the character and appearance of the St Davids Conservation Area.
- 2) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016, Policy DG4 (b) of the Exeter Local Plan First Review 1995-2011 and the Council's Residential Design Supplementary Planning Document because the internal space provided within the development is not sufficient to allow residents to feel at ease within their homes.
- 3) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016 and Policies DG1 (f and g) and DG4 (b) of the Exeter Local Plan 1995-2011 because by reason of its size, scale and siting, the proposed development would result in an overbearing form of development detrimental to the amenity of occupants of adjacent dwellings in Red Cow Village.
- 4) In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which make provision for a contribution towards education infrastructure, the proposal is contrary to Policy ST4 of the Devon Structure Plan 2001-2016.

(Report circulated)

**PLANNING APPLICATION NO.10/1247/01 - ORCHARD HOUSE, DEEPDENE
PARK, EXETER**

Councillor Prowse declared a personal interest as he knows the applicant.

Councillor Winterbottom declared a personal interest as he knows the applicant and the objector.

The Development Manager presented the planning application for the development to provide three detached dwellings, access to highway, detached workshop/garage, car parking, cycle and bin storage at Orchard House, Deepdene Park, Exeter.

Members were updated on the planning history for the site and surrounding area. The site was 0.32 of a hectare and was at the southern end of the garden of Orchard House, Deepdene Park. The application was for outline consent for three dwellings with all matters reserved for future consideration and for the erection of a new single storey garage with ancillary spaces as part of the existing property known as Deepdene. This building would be constructed of timber walls and a metal roof, similar to the occupied residential unit.

The recommendation was to approve the application, subject to a Section 106 legal agreement in respect of a financial contribution towards affordable housing and the conditions as set out in the report.

Ms Flood spoke against the application. She raised the following points:-

- concern regarding the preservation of access to her property and for the safety and quality of life to be maintained
- since 2005 there have been a number of building projects which had caused problems including demolition of an old wall opposite; digging up grass to lay pavements; rebuilding of County Hall boundary wall; annexe being built to Orchard House; installation of sales office
- the building works had caused many problems which had included parking problems for local residents due to construction traffic; excessive working hours outside of those agreed; excess mud on road and pavement; numerous advertisement signs
- the unreasonable behaviour of contractors should be monitored.

In answer to a Member's question, Ms Flood clarified that she had written many letters of complaint including to the local M.P.

Mrs Winyard spoke in support of the application. She raised the following points:-

- this land was suitable for development
- three dwellings on this infill site was in keeping with the area
- any disruption during construction would only be temporary
- the dwellings would be well constructed with adequate bin storage
- fully supported the proposal.

In answer to a Member's question, Mrs Winyard clarified that she lived at no. 9 Veitch Close.

During discussion Members raised concerns regarding the enforcement of the hours of construction condition and the off-site affordable housing contribution.

The Development Manager stated that if a breach of condition was reported to the Local Planning Authority this would be followed up by the Enforcement Officer. The applicant was in discussions with Housing Services regarding an acceptable off-site housing contribution.

RESOLVED that the application for development to provide three detached dwellings, access to highway, detached workshop/garage, car parking, cycle and bin storage be **approved** subject to the completion of a Section 106 legal agreement in respect of a financial contribution towards affordable housing and the following conditions:-

- 1) C01 - Standard Outline
- 2) C06 - Time Limit - Approval of Reserved Matter
- 3) The development (excluding the area designated for residential development as defined within the attached plan) 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) C12 - Drainage Details
- 5) C15 - Compliance with Drawings
- 6) C17 - Submission of Materials
- 7) C35 - Landscape Scheme
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C57 - Archaeological Recording
- 11) No part of the development hereby approved shall be occupied until the access has been provided in accordance with full construction details that previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No part of the development (excluding the proposed garage) hereby approved shall be occupied until the parking facilities and access drive have been provided in accordance with the requirements of this permission and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 13) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
 - a) parking and vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of planting and materials;
 - c) storage of plant and materials;
 - d) programme of works to include measures for traffic management;
 - e) vehicle washdown measures and facilities;
 - f) provision of boundary hoarding and
 - g) site compoundhave been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.

Reason: In the interests of public safety, residential amenity and to ensure that adequate on-site facilities are available throughout the development period.

- 14) 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 interest of residential amenity.

- 15) Prior to occupation of the development hereby permitted (excluding the garage element), secure cycle parking for at least two cycles per dwelling shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

Reason: To ensure that the cycle parking specified in the application is policy T3.

- 16) No development work shall commence on site for the construction of the garage block until details of the proposed foundation works have been submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with these agreed works.

Reason: To ensure the existing trees in the immediate vicinity are not affected by the proposed garage development.

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 Services 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)

120 **TREE PRESERVATION ORDER NO.TPO 622 (80 EBRINGTON ROAD, EXETER) 2010**

The Head of Planning and Building Control presented the report to update Members on an objection that had been received by the Council to Exeter City Council Tree Preservation Order No. 622 (80 Ebrington Road, Exeter) 2010.

RESOLVED that the order be confirmed without modification.

(Report circulated)

121 **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)

122 **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)

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

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AREA WORKING PARTIES - COMPOSITION

RESOLVED that 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 Sheldon

Southern Area Working Party:-

Councillor Mrs Henson
Councillor Newby
Councillor D Morrish
Councillor Macdonald

Western Area Working Party:-

Councillor P J Brock
Councillor Sutton
Councillor Wadham
Councillor Winterbottom

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 23 November 2010 at 9.30 a.m. The Councillors attending will be Macdonald, D.J. Morrish and Wadham.

(The meeting commenced at 5.30 pm and closed at 7.46 pm)

Chair