

## **PLANNING COMMITTEE**

Monday 21 May 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Denham, Donovan, Edwards, Mrs Henson, Mitchell, Morris, Owen, Prowse,  
Spackman, Sutton and Winterbottom

### Apologies:

Councillor Lyons

### Also Present:

Assistant Director City Development, Development Manager, Planning Solicitor and Member Services Officer (HB)

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### **MINUTES**

The minutes of the meetings held on 20 February and 19 March 2012 were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Bialyk	54 (knows applicant)
Councillor Denham	54 (knows applicant)
Councillor Donovan	54 (knows applicant)
Councillor Edwards	54 (knows applicant)
Councillor Mrs Henson	54 (knows applicant)
Councillor Mitchell	54 (knows applicant)
Councillor Morris	54 (knows applicant)
Councillor Owen	54 (knows applicant)
Councillor Prowse	53 (student landlord) 54 (knows applicant) 55 (student landlord)
Councillor Spackman	54 (knows applicant)
Councillor Sutton	54 (knows applicant)
Councillor Winterbottom	53 (knows a supporter of the application) 54 (knows applicant)

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### **PLANNING APPLICATION NO. 12/0354/03 & CONSERVATION AREA CONSENT NO. 12/0355/14 - FORMER RED COW INN & 19-20, RED COW VILLAGE, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

Councillor Winterbottom declared a personal interest as he knew a supporter of the application.

The Assistant Director City Development presented the planning application for a three storey and two and a half storey blocks to provide ten student flats, cycle and bin stores and associated works and conservation area consent for the demolition of cottages at the former the Red Cow Inn and 19-20 Red Cow Village, Exeter.

Members were circulated with an update sheet giving details of revised plans showing improvements to the front elevation and altering the shape of the building to the rear. Members were also advised that it had been agreed with the applicant that an occupation restriction to students only and a requirement to provide details of the management of the development could be secured by conditions. A condition was also now proposed to secure surfacing and bollarding of the lane to the north.

The applicant had also agreed to pay the contribution required in respect of Natura 2000 and advised that planning consent would not be issued until this is received. A legal agreement would not therefore be necessary which would mean that the development could be completed a year earlier than would otherwise be the case.

The area covered by the site would be checked and, if above 1,000 metres, consultation would be necessary with English Heritage as the site was in a Conservation Area. In the event of it being necessary to consult English Heritage and significant issues being raised the application would be reported back to the Committee.

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

- he and his partner would become homeless if the development was to proceed
- the properties had formerly been the Foresters Arms. With the loss of the Artful Dodger and the Red Cow Inn only two public houses would remain in the area
- the cottages were of historical interest and should be retained as re-development would be a detrimental to the character of the Conservation Area
- there are already too many student accommodation units in the area and some are not fully occupied at present. The large amount of student accommodation has a detrimental impact on the area

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

- this had proved a difficult site because of its constrained nature and its location within a Conservation Area and there had been a number of discussions with planning officers
- the design reflected aspects of the Red Cow Inn and the design of the front elevation had been improved including changes to the height
- the lane to the side of the development would provide access to the bin and cycle storage area at the rear
- student accommodation in this area was in accord with the supplementary planning guidance. The presence of shops and transport hubs together with the proximity to the University made the site an ideal location for students. The University aimed to accommodate as many first year students as possible in purpose built accommodation
- eight cluster flats and two studio flats were proposed and the development would be effectively divided in two and the parts were designed to operate independently

- the developers did not own the cottages at present but were awaiting planning permission prior to purchase

The Assistant Director City Development stated that the University was on schedule in achieving the target of providing 75% of accommodation for new students and that, although there were currently some vacant units of student accommodation, this was likely to be a short term problem.

**RESOLVED** that, subject to no significant issues being raised by English Heritage should it be necessary to consult with them, authority be delegated to the Assistant Director City Development in consultation with the Chair to **grant planning permission** for three storey and two and a half storey blocks to provide 10 student flats, cycle and bin stores and associated works subject to the conditions below. Consent will only be issued subject to the applicant paying the appropriate Natura 2000 contribution.

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) 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.
- 5) C37 - Replacement Planting
- 6) Unless otherwise agreed in writing by the Local Planning Authority all new and replacement rainwater goods shall be in painted metal and of an ogee profile.  
**Reason:** To protect and preserve the character of St David's Conservation Area.
- 7) The roof hereby approved shall be clad in natural slates, fixed with nails not slate hooks, the size and type of which have been agreed by the Local Planning Authority prior to starting on site.  
**Reason:** To protect and preserve the character of the St David's Conservation Area.
- 8) Details of the proposed render type and colour(s) shall be agreed in writing with Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.  
**Reason:** To protect and preserve the character of the St David's Conservation Area.
- 9) All new windows and doors shall be first constructed and subsequently maintained in timber with a painted or stained finish. Details of the

construction including glazing, opening method and finish shall previously have been submitted to and approved in writing by the Local Planning Authority prior to fixing.

**Reason:** To protect and preserve the character of the St David's Conservation Area.

- 10) No part of the development hereby approved shall be occupied until a Basic Sustainable Travel Pack shall have been issued to all residents in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and updated at regular intervals.

**Reason:** To ensure that all residents are aware of the 'car free' status of this development.

- 11) C57 - Archaeological Recording

- 12) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in the location shown on drawing 940/20, 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 cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

**Reason:** In the interests of environmental health.

- 14) 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.

- 15) Full details of the mechanical ventilation system shall be submitted and approved in writing prior to commencement of the development. The approved scheme shall be implemented in full and maintained as agreed thereafter.

**Reason:** In the interests of local amenity.

- 16) Prior to occupation, details shall be submitted and approved by the LPA in writing, to demonstrate that the building envelope has been constructed so as to provide sound attenuation against external noise, not less than 30dB(A), with windows shut and other means of ventilation provided that draws air from the rear facade.

**Reason:** In the interests of local amenity.

- 17) 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.

- 18) 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;  
**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.
- 19) 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.
- 20) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (no such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Exeter City boundary, provided that the student is studying for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose. Reason: The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking.
- 21) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed (which shall include details of the managing agent, the on-site staff to be engaged at the development, out of hours management arrangements, procedures for dealing with management problems, anti-social behaviour, noise, responding to alarms and dealing with emergencies, and safety and security measures), are to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements. Reason: To protect the residential amenities of the area.
- 22) No occupation of the units shall occur until the footpath to the rear of the site has been resurfaced and bollarded to the satisfaction of the Local Planning Authority.

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

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The demolition hereby approved shall not be carried out until a building

contract has been entered into for the erection of the replacement building permitted by planning permission no. 12/0354/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.

**Reason:** In the interests of the appearance of the Conservation Area.

- 3) 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 residential amenity.

(Report circulated)

54 **PLANNING APPLICATION NO.12/0445/03 - 440 TOPSHAM ROAD, EXETER**

Councillors Bialyk, Denham, Donovan, Edwards, Mrs Henson, Mitchell, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom declared personal interests as they knew the applicant.

The Development Manager presented the application for a conservatory on the south elevation at 440 Topsham Road, Exeter.

The recommendation was for approval subject to the conditions as set out in the report.

**RESOLVED** that planning permission for a conservatory on south elevation 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 21 March 2012, 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)

55 **PLANNING APPLICATION NO.12/0176/03 - BUNGALOW B, 16 PENNSYLVANIA ROAD, EXETER**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for change of use from dwelling to house in multiple occupation (C4 use) at bungalow B, 16 Pennsylvania Road, Exeter.

Members were circulated with an update sheet advising that the applicants had confirmed that they had an offer accepted in respect of a property in Sussex but that, following the most recent failure to complete the sale of their existing premises, the seller in Sussex had accepted another offer for their property.

The recommendation was for approval subject to the conditions as set out in the report.

**RESOLVED** that planning permission for change of use from dwelling to house in multiple occupation (C4 use) be **approved** subject to 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 the 8 March 2012, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to occupation of the development hereby permitted, secure cycle parking 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 cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 4) Notwithstanding condition No.1, 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: siting and design of refuse storage provision.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

57 **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

58 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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**PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES**

The report of the Corporate Manager Democratic and Civic Support was submitted.

**RESOLVED** that the circulated rota of dates for Planning Member Working Group meetings be approved.

(Schedule circulated)

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**AREA WORKING PARTY - COMPOSITION AND SCHEDULE OF DATES**

The report of the Corporate Manager Democratic and Civic Support was submitted.

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

**Northern Area Working Party:-**

Councillors Denham, Edwards, Donovan, Mitchell and Prowse

**Southern Area Working Party:-**

Councillors Mrs Henson, Lyons, Owen and Spackman

**Western Area Working Party:-**

Councillors Bialyk, Morris, Sutton and Winterbottom

(Schedule circulated)

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**SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Corporate Manager Democratic and Civic Support was submitted.

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

(Schedule circulated)

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**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 12 June 2012 at 9.30 a.m. The Councillors attending will be Denham, Mitchell and Spackman.

(The meeting commenced at 5.30 pm and closed at 7.01 pm)

Chair