

PLANNING COMMITTEE

Monday 25 June 2012

Present:

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

Apologies:

Councillor Prowse

Also Present:

Strategic Director (KH), Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Member Services Officer (SJS)

63

DECLARATIONS OF INTEREST

Members declared the following personal (*prejudicial) interest:-

COUNCILLOR	MINUTE
Councillor Brock	65 (member of the RSPB)
Councillor Denham	67*(employee of the Deaf Academy)

64

PLANNING APPLICATION NO.12/0246/03 & CONSERVATION AREA CONSENT NO.12/0247/14 - BELMONT PARK HUT, GORDON ROAD, EXETER, EX1 2DH

The Assistant Director City Development presented the planning application for a replacement detached community building and conservation area consent for the demolition of a community building at Belmont Park Hut, Gordon Road, Exeter.

The replacement building would be 189 sq.metres compared to the existing building of 107 sq. metres the external material for the walls comprised oak timber boarding, with the roof comprising a mix of slate and photo voltaic roof tiles. The proposed siting for the replacement building was at right angle to the current building and straddled the current footpath linking Gordon Road with the circulatory path running around the park.

Members were circulated with an update sheet giving details of one additional letter of support and a letter from Living Options complimenting the plans and highlighting a couple of internal design features they would like to see incorporated.

The recommendation was for approval of the planning application and the conservation area consent subject to the conditions as set out in the report.

In response to Members, the Assistant Director City Development clarified that the proposed condition restricting the use of the building until 10.00pm was to protect the amenity of the near-by residents; there was no parking with the existing hall and no parking was proposed with this development; the building would be highly energy efficient with insulation and double glazing and it was not considered appropriate to propose any noise limiting conditions such as any sound

amplification systems. A hours of operation condition would provide more effective control.

Councillor Branston, having given notice under Standing Order No. 44, spoke on this item. He circulated to Committee Members a list of users, a plan and a photograph of the Vision meeting held by Newtown Community Association. He raised the following points:-

- Newtown Community Association needed to raise £340,000 to build this replacement building
- the land would be leased for 35 years from the City Council
- the location and angle of the building had been moved to address objections
- last year, the Respect Festival held in the park had attracted 20,000 visitors and there were no parking complaints
- majority of users of the hall arrived on foot
- Devon County Council Highways did not object
- concern that to limit the time to 10.00pm was unreasonable; the long term viability depended on the quality and availability of the hall, the curfew time should be increased to at least 11.00pm
- had been no noise complaints
- supported by Age Concern and Exeter Community Initiatives
- had undertaken a full public consultation with workshops, interviews and meetings
- 36 letters of support had been received
- the hall drew users from a wide catchment area
- Newton Community was a vibrant community
- asked Committee to grant permission with a condition allowing use of the hall until at least 11.00pm

Mr Harrison spoke in support of the applications. He raised the following points:-

- Chair of Newtown Community Association
- is a Chartered Surveyor
- the volunteers had a variety of skills
- approval was important so that the project could move forward
- the grant application had required a detail design, input from a Structural Surveyor and costings by a Quantity Surveyor
- sustainability was key to the success of the project with photo voltaic roof tiles similar to slate and a design that provided good storage, an external hardstanding and robust security
- internally, there would be folding doors to make flexible use of the space
- would be Disability Discrimination Act compliant
- modern kitchen and outside space.

In response to Members, Mr Harrison clarified that the association was mindful of the adjacent residential properties and finishing events at 11.00pm with an hour to clear up had not been a issue in the past; on New Year's Eve an event was usually held until 1.00am; would like hall to be able to meet demand; and if had a problem with noise from any events would ban those users from booking the hall again.

During discussion, Members raised the following points:-

- curfew time should be extended to 11.00pm
- a curfew time of 10.00pm or 10.30pm would be adequate and protect the amenity of local residents; without adequate conditions it would be difficult for Environmental Health to enforce any noise nuisance
- need for a management plan
- what about the use of the building on New Year's Eve?

The Planning Solicitor advised that use of the hall on New Year's Eve would be 'de minimis' and therefore need not be addressed in the hours of operation condition.

The Assistant Director City Development stated that a management condition could be added to any approval, this suggestion being agreed by the Committee, as was the proposal that the hours of operation should be extended to 11.00pm.

RESOLVED that planning permission for a replacement detached community building be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 5) C70 - Contaminated Land
- 6) C38 - Trees - Temporary Fencing
- 7) The use of the building hereby approved shall not be carried on other than between the hours of 0800 and 2300 hours on any day.
Reason: So as not to detract from the amenities of the near-by residential property.
- 8) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area.
- 9) Prior to the commencement of the development hereby approved details of any external lighting associated with the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the number, location and type of lighting proposed together with the means of control/operation. Thereafter the development shall be implemented and operated in accordance with the approved details at all times.
Reason: In the interests of the character and appearance of the area and the residential amenities of the occupants of surrounding properties.
- 10) 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.
- 11) 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.

- 12) Prior to the commencement of the development hereby approved details of the proposed construction access, material delivery arrangements and storage compound for the duration of the works (location, size and means of enclosure) shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is implemented in a safe and secure manner which minimises the potential for disruption to users of the park during the construction process.

- 13) Prior to the occupation of the development hereby approved a Management Agreement covering the regulation of the use of the building shall be submitted to, and be approved in writing by, the Local Planning Authority. The said agreement shall include provisions for preparation and clean up activities associated with the use of the building, and set out provisions for the reporting of any use related problems.

Reason: In the interests of the residential amenities of the occupants of surrounding buildings.

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

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) Prior to the demolition of the building hereby approved details of the proposed reinstatement works and landscaping of site, together with a timeframe for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in strict accordance with the approved details.
Reason: To ensure that the land is restored to a satisfactory condition in the interests of the character and appearance of the Conservation Area.
- 3) 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.12/0246/03 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.

(Report circulated)

65

PLANNING APPLICATION NO.12/0327/03 & LISTED BUILDING CONSENT NO.12/0328/07 - MAGNOLIA HOUSE AND ACACIA HOUSE, FRIARS GREEN, EXETER, EX2 4DB

The Senior Area Planning Officer presented the planning application and listed building consent for the sub division of the two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage at Magnolia House and Acacia House, Friars Green, Exeter.

The existing dwellings were Grade II listed buildings and in a poor state of repair, this proposal sought to convert the existing properties in to three dwellings and also provide two additional new dwellings. Two additional letters of objection had been

received raising the same issues as set out in the objections section of the main report. In particular they expressed concern regarding the quality of the design of the new dwellings, the impact on views down Friars Gate and the impact on the open character of the area.

The recommendation was for approval of the planning application and listed building consent subject to a Section 106 Agreement (planning application only) and conditions as set out in the report and an additional condition regarding the removal of permitted development rights.

The Senior Area Planning Officer clarified that Exeter Civic Society had not commented and that a condition requiring a wildlife plan could be added to any approval.

Councillor Mrs Brock, having given notice under Standing Order No. 44, spoke on this item. Councillor Mrs Brock declared a personal interest as a member of the RSPB. She circulated photographs of the site and raised the following points:-

- concern over the proposed two new dwellings
- the applicant's website stated that the converted properties and the two new dwellings would be available in the future; a decision had not yet been made
- over 20 letters of objection had been received
- no problem with the conversion of existing properties as they had been neglected and were deteriorating
- the two new dwellings did not fit in well with the area; although the nearby Cygnet Theatre and the Salvation Army were high buildings these were long established buildings and part of the scene; would change the skyline and were too high; would conflict with the character of the area; detract from the area as would be dominant in the street scene as you approached the site; consideration was being made to hide the parking but these dwellings would be very prominent
- this was a highly regarded area with Georgian and listed properties
- would like to see the listed properties restored, a bungalow with reduced height would be more suitable in the location of the proposed new dwellings
- would have negative impact on the conservation area.

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

- supported the comments of Councillor Mrs Brock
- had walked the site and the setting had an open feel
- in the Conservation Area Appraisal the view down Friars Gate was stated as important; these dwellings would spoil those views
- the two new dwellings would cause permanent harm to the area;
- a smaller lower set building would be more appropriate
- this was a site on the Red Coats tour
- visiting the site was a valuable exercise
- these two new dwellings would be cause damage to the character of the area.

Mr Turner (Agent) spoke in support of the applications. He raised the following points:-

- had been working on the plans for this site for 12 months
- the new build was not out of keeping with other properties in the area
- at Colleton Hill there were compact homes
- the new dwellings were simple and contemporary and would not dominate the street scene; were subservient buildings and invisible on the skyline

- had taken care when designing the buildings considering the Cygnet Theatre and the Salvation Army building
- would bring character to this corner of the site
- there were cost implications to the scheme with the refurbishment of the listed buildings although it was still a low density proposal.

In response to Members, Mr Turner clarified that without this additional housing the scheme would not be viable; a bungalow would not be an option as demand for bungalows was low; the materials to be used were render, timber joinery and slate roof; landscaping would be conditioned; and would restore the wall surrounding the site.

Members raised concerns regarding the impact and the possible over dominance that the proposed two new dwellings could have on the character of the area and requested a site visit by all Planning Committee Members.

RESOLVED that planning permission for sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage be **deferred** for a site inspection by all Planning Committee Members to assess the impact of the proposed two new dwellings on the character of the area.

RESOLVED that be listed building consent for sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage be **deferred** for a site inspection by all Planning Committee Members to assess the impact of the proposed two new dwellings on the character of the area.

(Report circulated)

66

PLANNING APPLICATION NO.11/2006/03 - 19 THE STRAND, TOPSHAM, EXETER, EX3 0AS

The Assistant Director City Development presented the application to demolish the existing summerhouse and garage and rebuild them in the estuary garden at 19 The Strand, Topsham, Exeter. The proposed new structures would be larger than the existing and the access would be repositioned.

Members were circulated with an update sheet giving details of a further revised plan, clarification that the construction details for the summerhouse had been received and an additional condition.

The recommendation was for approval subject to the conditions as set out in the report and the additional condition on the update sheet.

RESOLVED that planning permission for demolishing existing and rebuilding of summer house and garage in estuary garden 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 4 May 2012 (dwg. no. 100) and 6 March 2012 (SK27(A) and SK28), 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 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) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the proposed entrance gates and planting scheme have been submitted to, and approved in writing by, the Local Planning Authority. The entrance gates and planting shall thereafter be provided in accordance with these approved details.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no additional hard surfacing shall be created on the estuary garden unless an application for planning permission is first submitted to and approved by the Local Planning Authority.
Reason: In the interests of visual amenity within the Topsham Conservation Area.
- 6) Prior to the commencement of works on the summerhouse hereby approved, details of the proposed pile and beam foundations to support the summerhouse shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.
Reason: To ensure that the summerhouse is constructed in a manner that minimises the potential for any adverse impact on the nearby tree in the interests of the character and appearance of the area.

(Report circulated)

67

PLANNING APPLICATION NO.12/0584/01 - LAND BETWEEN RINGSWELL AVENUE AND RIBSTON AVENUE, EXETER

Councillor Denham declared a personal and prejudicial interest as an employee of the Deaf Academy and left the meeting during consideration of the item.

The Senior Area Planning Officer presented the outline application for the demolition of the former school buildings, erection of an Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping at land between Ringswell Avenue and Ribston Avenue, Exeter.

Members were advised that, following negotiations, the scale and massing of the proposed buildings were considered to be acceptable.

Members were circulated with an update sheet giving details of two additional letters of objection; comments from the County Director Environment, Economy and Culture and additional conditions.

The recommendation was for approval subject to the conditions as set out in the report and the additional conditions on the circulated update sheet.

Mr Farnhill (Chief Executive Academy for Deaf Education) spoke in support of the application. He raised the following points:-

- this was an outline application
- there had been a school for Deaf Education in the city since 1826
- was the only residential school for the Deaf in the South West
- had 120 pupils ranging from four to twenty four
- was more than just a school providing learning and training and inclusion working alongside pupils at Exeter College
- provided sign language courses for the community
- 200 employees
- would bring £5 million into the local economy through local authority fees
- the existing site was showing signs of age and had limited disabled access
- would cost £25 million to build and had generated interest from various organisations across the world
- would like the residential accommodation to feel like home
- wanted pupils to know they were special and that people care.

In answer to Members' questions, Mr Farnhill clarified that it was the intention to have as much grass area as possible and to bring grass back on to the site; the community would benefit from the facilities with sign language courses and hearing dog training; about 70 of the children would be non-residential, the timetable would be different to that of the adjacent school starting and finishing at lunch times on Monday and Friday and working later in the week to make up the hours; it was intended to be an inspirational building.

RESOLVED that planning permission for the demolition of former school buildings, erection of Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping be **approved** subject to the following conditions:-

- 1) C01 - Standard Outline
- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline
- 4) C15 - Compliance with Drawings
- 5) C17 - Submission of Materials
- 6) C34 - Landscape Scheme - Outline
- 7) C36 - No Trees to be Felled
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C70 - Contaminated Land
- 11) No development shall take place until a Wildlife Plan has been produced by the applicant and approved by the Local Planning Authority.
Reason: To demonstrate how the proposed development will be managed in perpetuity to enhance wildlife.
- 12) Before the commencement of development, a Construction Environmental

Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of minimising the impact of construction works.

- 13) 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 LPA. 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.
- 14) Prior to occupation of the development hereby permitted, secure cycle parking, lockers, showers and changing facilities accessible to all occupants of the premises shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking and other facilities shall be maintained thereafter.
Reason: To ensure that cycle parking and other facilities are provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 15) Prior to occupation of the development, access to Ringswell Avenue for pedestrians and cyclists shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and maintained at all times thereafter.
Reason: To encourage travel by sustainable means in accordance with Local Plan policy T3.
- 16) Any individual building to be developed pursuant to this planning permission shall achieve a BREEAM 'very good' standard as a minimum, increasing to 'excellent' for buildings for which application for approval of reserved matters is made on or after 31st January 2013, and shall achieve 'zero carbon' for buildings commenced on or after 1st January 2019. Prior to the commencement of construction the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be prepared by a licensed BREEAM assessor confirming the score expected to be achieved and the BREEAM rating to which this corresponds. Where the score does not meet the minimum standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and shall thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.
Reason: In the interests of sustainable development.
- 17) Construction and demolition hours

- 18) Kitchen extraction details
- 19) Within six months of the commencement of use of the proposed Academy a Sustainable Travel Plan shall be implemented in accordance with details that shall previously have been submitted to, agreed and approved in writing by, the Local Planning Authority.
Reason: To secure the provision and implementation of a Sustainable Travel Plan.
- 20) No part of the development hereby approved shall be brought into its intended use until:-
(a) the car and secure/casual cycle parking facilities, together with lockers, showers and changing facilities; and
(b) the main and emergency access facilities for vehicles, and additional access to and from Ringswell Avenue on foot and by cycle have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site, and to encourage travel by sustainable means.
- 21) The Academy building hereby permitted shall have a height not exceeding 52.20m AOD and a maximum footprint of 3550 sqm. The Residential Care building hereby permitted shall have a height not exceeding 51.20m AOD and a maximum footprint of 1300 sqm.
Reason: To ensure that the size and scale of the buildings is appropriate to the site, the character of the area and local amenity.

(Report circulated)

68 **PLANNING APPLICATION NO.12/0674/29 - PINN COURT FARM, PINNCOURT LANE, EXETER, EX1 3TG**

The Senior Area Planning Officer presented a consultation from East Devon District Council for an outline application for residential development of up to 430 units at Pinn Court Farm, Pinncourt Lane, Exeter. The proposal would include a local centre comprising retail space of up to 240 sqm and a community centre, care home of up to sixty bedspaces, specialist care home of up to sixty bedspaces and a park and change facility together with associated open space, cycleways, footpaths, infrastructure and safeguarded vehicular route to Langaton Lane, served off a new access from the highway (B 3181).

One additional objection had been received raising issues of the impact to traffic, loss of open space and wildlife, and the strain it would place on schools and doctors surgeries in the area.

Members were circulated with an update sheet giving details of an email from the applicant's agent; details from the County Director of Environment, Economy and Culture who had recommended to East Devon District Council that the application be refused; and a revised recommendation.

In view of the concerns expressed by the County Council on highway grounds, the recommendation was that the City Council object to the application until such time as the highway concerns were addressed to the satisfaction of the County Director.

Members supported the objections raised by the County Director and expressed the need for a park and ride site on the development.

The Strategic Director advised Members on the Pinhoe Access Strategy, the third phase of Devon County Council Access Strategy and the need to ensure that new development in the Pinhoe Area could be accommodated by the highway network.

RESOLVED that the City Council **OBJECTS** to this proposal authority be delegated to the Assistant Director City Development in consultation with Planning Member Working Group to agree grounds of objection.

(Report circulated)

69 **TELECOMMUNICATIONS APPARATUS APPLICATION NO.12/0699/28 - GRID REFERENCE 292808, 093231 AT JUNCTION OF BLACKBOY ROAD AND, WESTERN WAY, EXETER**

The Assistant Director City Development presented the application for the installation of a 12metre telecommunication column with three antennas, radio equipment housing and ancillary works at the junction of Blackboy Road and Western Way, Exeter.

Members were circulated with an update sheet giving details of the consultation response of the County Director of Environment, Economy and Culture and the applicant response to locating the apparatus on the former Townsends Printers site.

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

Members agreed that the mast should not have the plastic shroud.

RESOLVED that the application for the installation of 12m telecommunication column with three antennas, radio equipment housing and ancillary works be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings

(Report circulated)

70 **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)

71 **SECTION 106 AGREEMENTS**

The Assistant Director City Development presented the report to update Members on the progress of implementing Section 106 agreements and on the expenditure of financial contributions received.

RESOLVED that the report be noted.

(Report circulated)

72

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

73

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 10 July 2012 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Morris.

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

Chair