

## **PLANNING COMMITTEE**

Monday 3 September 2012

### **Present:**

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

### **Also Present:**

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

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### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Donovan	87 (knows one of the residents)
Councillor Prowse	91 (Student landlord and owner of an HMO)

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### **PROPOSED FOOTPATH BETWEEN WELL OAK PARK AND WYVERN PARK**

Councillor Donovan declared a personal interest as he knows a local resident.

The Environmental Improvements Officer presented the report to ask Members to consider whether to proceed with the 2 November 2009 Planning Committee resolution to close the pedestrian footpath link between Masterson Street (Wyvern Park) and Well Oak Park, or to leave the footpath open and monitor the situation.

He advised Members of the background including separate meetings with the Well Oak and Wyvern Park residents and their objections to the options; views of the Police Architectural Liaison Officer; the Highways Authority view on the public right of way and the position of the CCTV camera.

Members were circulated with an update sheet giving details of comments from the Planning Solicitor in response to the submission by residents of Well Oak Park which made reference to various sections of the Highways Act 1980 and questioned the lawfulness of closing the existing footpath.

Officers advised that there were two potential options available to the Planning Committee:-

- (i) To proceed with the 2 November 2009 Planning Committee resolution to close the pedestrian footpath link between Masterson Street (Wyvern Park) and Well Oak Park, or
- (ii) To leave the footpath open and monitor the situation. Officers would advise that if this option is taken that vegetation is cut back close to the path to open up sight lines and increase visibility through the space, and that the rear boundaries of adjacent properties are planted with thorny plants to discourage access to these.

Mr Climas representing Wyvern Park Residents spoke on this item. He raised the following points:-

- in 2009 residents objected to the Shakespeare Road – Well Oak Park link although they welcomed that the route between Well Oak Park and Masterson Street be securely closed
- this footpath was not well used; seven users were counted in 10 hours
- Police advice was that the path should be closed for reasons of crime and anti-social behaviour
- in the last year crime within a one mile radius had increased by 12%
- the Crime and Disorder Act 1998 placed a joint responsibility on Local Authorities as well as the Police to reduce crime and disorder in local areas.
- the Local Authority should support the Police to minimise crime in Wyvern Park.

In response to Members' questions, Mr Climas clarified that the count of users had been taken on an ordinary school day when the weather was dry; Wyvern Park residents experienced youths climbing over a two metre high wall into a private parking area; the distance to Masterson Street using Well Oak Park would be about another 150 metres; youths climbed over from Burns Avenue day and night and they had been seen checking front and back doors; if the footpath from Well Oak Park to Masterson Street was not closed off when the link to Shakespeare Road was open there would be easy access to the properties and garages in Wyvern Park; the situation would be even worse when Devon County Council turn off the lights at night; CCTV camera viewing the link would help although it would not see over fences and the vegetation would need to be cut back; the thorny shrubs proposed would not mature for least five years therefore leaving the properties vulnerable to crime and anti-social behaviour.

Mr Sharpe representing Well Oak Park Residents spoke on this item. He raised the following points:-

- the crime rates were low in the area
- when the Shakespeare Road – Well Oak Park link is open there is no reason to suppose that crime and anti-social behaviour would be confined to Wyvern Park
- the foot path from Shakespeare Road to Well Oak Park would be considerably different to that proposed in 2009 because of the levels involved the gradients of the path would make it unsuitable for wheelchair users and those with physical disabilities
- two options to the Council were to keep the footpath link open from Well Oak Park to Masterton Street or think again about alternative routes to the Shakespeare Road – Well Oak Park footpath.

In response to Members' questions, Mr Sharpe clarified that the information regarding the unsuitability of the path for wheelchair users and the disabled was from a Design Architect who lived on the estate; the path through to Wyvern Park was a more direct link to schools and buses and was regularly used by Well Oak Park residents and children walking to local schools; had lived in Well Oak Park and for half of that time there had been a boundary fence to prevent incidents of crime and anti-social behaviour this fence was in direct response to incidents that had taken place. The crime had dropped off as soon as the fence was erected.

The Environmental Improvements Officer clarified the position with regards to the slope of the Shakespeare Road – Well Oak Park footpath link, that it would be a 1 in 12 incline which was not ideal, and that for the incline to be lower the path would need to zig zag more thus requiring the removal of more trees.

During discussion, Members raised the following points:-

- problems of tackling the youths coming over via Burns Avenue
- should re visit the 2009 decision taken to proceed with the Shakespeare Road – Well Oak Park link
- the decision taken in 2009 was fully debated by the Planning Committee at the time; this access through from Shakespeare Road would provide a quicker route through to the hospital and would be beneficial for local residents
- possibility of having two CCTV camera to monitor both the Shakespeare Road – Well Oak Park link and Well Oak Park – Masterson Street link
- the path from Well Oak Park to Masterson Street should be kept open and the position monitored as it was easy safe route for local residents to use
- if the path was kept open, officers should consider temporary fencing until the thorny shrubs were established.

The Planning Solicitor advised that any decision to reverse the 2009 approval for a new pedestrian and cycle access between Well Oak Park and Shakespeare Road would need to be taken to the Executive as the Council was owner of the Shakespeare Road site.

The Environmental Improvements Officer stated that it was proposed to have a CCTV camera in Well Oak Park, it could be possible to have another camera at this point as the cabling would already be installed covering more of the Well Oak Park – Masterson Street link.

A motion to reverse the 2009 decision for a new pedestrian and cycle access between Well Oak Park and Shakespeare Road was proposed, seconded, put to the vote and lost.

**RESOLVED** to leave the footpath between Well Oak Park and Masterson Street open and monitor the situation. The vegetation to be cut back close to the path to open up sight lines and increase visibility through the space, and that the rear boundaries of adjacent properties to be planted with thorny plants to discourage access to these.

(Report circulated)

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**PLANNING APPLICATION NO.12/0922/03 & LISTED BUILDING CONSENT NO. 12/0923/07 - 15 REGENTS PARK, EXETER, EX1 2NT**

The Assistant Director City Development presented the planning and listed building applications for alterations to provide three separate apartments at 15 Regents Park, Exeter.

The applications related to a Grade II Listed Building located within the Mont le Grand Conservation Area. The dwelling was built around 1830/1840 and was a three storey end-terraced house. The property was recognised as making a positive contribution to the area.

These applications had been deferred at the last Planning Committee to allow the consultation period to expire (2 August 2012) and for a site inspection by all the Planning Committee to view the parking and access provision on site. Since the last meeting, negotiations between the Council and the applicant had continued. On the 17 August 2012 amended drawings were submitted that showed the demolition of the existing garages and formation of four conventional off-street parking spaces. The alterations had been discussed with both the Conservation Officer and the

Highway Engineer; neither objected to the amendment. Additional public consultation letters had been dispatched.

Members were circulated with an update sheet advising that three letters had been received in response to the additional consultation letters sent on 17 August 2012.

The Assistant Director City Development advised that a further letter of objection had been received from 13 Regent Park requesting further conditions regarding sound proofing the wall between 13 and 15 Regents Park, carpeting common areas to prevent sound attenuation and for the construction access to be solely via the rear access. He stated that condition 4 covered sound installation and that it would be unreasonable for the construction access to be solely via the rear access.

The recommendation for the planning and listed building applications was approval subject to the conditions as set out in the circulated report with the wording of condition 6 amended.

Mr Boyce spoke against the applications. He raised the following points:-

- lived at 13 Regents Park
- wanted to draw the Committee's attention to the parking to the rear; the creation of the four spaces did not provide enough width for each space; this would not work
- concern that the basement would also be converted to a flat bringing the total to four flats in this property
- there was a change to the historic use as it was previously a family home with two, one bed flats and the occupants of the flats had been carefully chosen; this application was a different situation with three to four flats in the property
- was contrary to the Councils policies H5 and DG4 as would harm the locality and the amenity of local residents.

In response to Members' questions, Mr Boyce clarified that the applicant had told him that there would be four flats in the property with one in the basement; had measured the parking spaces in the local supermarket and the proposed spaces would not be as wide and therefore the parking spaces would not be used; there was a market for family homes and this property had been sold at a discounted price because of its poor condition. Residents in the street were entitled to two parking permits per property which most residents had and used in particular when they had visitors.

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

- the parking spaces were 2.35 metres wide and 4.8 metres long
- had checked the manoeuvres with the Devon County Council Highways handbook and there was enough space
- would be natural to park to the rear of the flats and use the back access as it was a quick way into the flats
- the front parking on the property was covered by a covenant and the residents would also be entitled to two parking permits
- the accommodation was aimed at professionals working in the City and although would have cars did not envisage they would use them for work given the location of the property
- the proposal would bring the property back into use
- Highways Authority had not objected
- there was no application for a fourth flat.

In response to Members' questions, Mr Turner clarified that four parking spaces would fit to the rear of the property; the Councils Conservation Officer did not object to the removal of the walls to create the parking spaces; and the Highways Authority did not object to the proposed parking arrangements.

Whilst the majority of Members were of the view that that space to the rear could accommodate four parking spaces, some Members had concerns that the space was only large enough for three cars.

**RESOLVED** that planning permission for alterations to provide three separate apartments and creation of 4 car parking spaces 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 25 June 2012 (*dwg. no(s). D020/12/211 and Schedule of Alterations*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The external finishes of the development hereby permitted, including all repairs, shall match those of the existing building in material, colour, style, bonding and texture.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) A scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority prior to the approved units being occupied. The soundproofing shall be carried out in accordance with the approved scheme before brought into use.  
**Reason:** To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.
- 5) 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.
- 6) No part of the development hereby approved shall be occupied until the car parking facilities that are illustrated on drawing number DO20/12/214 and any other vehicular access facility have been provided, allocated, marked out and retained for that use at all times.  
**Reason:** To ensure that adequate access and parking facilities are available for the traffic attracted to the site.

**RESOLVED** that listed building consent for alterations to provide three separate apartments and creation of 4 car parking spaces 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 comply with section 18 of the Planning (Listed Buildings and Conservation Areas) 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 25 June 2012 (*dwg. no(s). D020/12/211 and Schedule of Alterations*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The external finishes of the development hereby permitted, including all repairs, shall match those of the existing building in material, colour, style, bonding and texture.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 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: Bridge and Balustrade.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

(Report circulated)

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**PLANNING APPLICATION NO.12/1016/02 - FORMER IBSTOCK BRICKWORKS SITE, LAND OFF HARRINGTON LANE, EXETER**

The Senior Area Planning Officer presented the application for the removal of condition 25 on planning application ref No 11/1800/03 requiring the construction of the care home prior to the occupation of the 200th dwelling at the former Ibstock Brickworks Site, land off Harrington Lane, Exeter.

Members were advised that there was currently no reason to believe that the care home element of the planning permission would not go ahead. Planning permission would be required for any alternative development of the site, so the Council would retain control. The contractual and financial difficulties which arise as a consequence of condition 25 could delay or halt development of the site, which would be undesirable. As the Council had not originally required a care home on this site and it had been the developers choice, it would be excessive to restrict the phasing of the development on the basis that the care home must be provided before the housing was completed.

Members were circulated with an update sheet giving details of one additional letter of objection.

The recommendation was for approval.

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

- Development Manager for Castle Oak Care Developers; have built 150 care homes providing over 9,500 bed spaces
- supported Redrow
- Castle Oak are committed to building a care home on the site

- the condition requiring the construction of the care home prior to the occupation of the 200th dwelling was causing contractual problems with the potential care operator; these negotiations were at an advanced stage but it was difficult to secure the operator with this condition in place as the operator would require the care home to be built to their specific requirements.

Although some Members did have reservations regarding the removal of the condition they recognised that the condition was not practical.

**RESOLVED** that planning permission for Removal of condition 25 on Ref No 11/1800/03 requiring the construction of the care home prior to the occupation of the 200th dwelling be **approved**.

(Report circulated)

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**PLANNING APPLICATION NO.12/0889/02 - LAND SOUTH OF YEOFORD WAY,  
MARSH BARTON TRADING ESTATE, EXETER**

The Assistant Director City Development presented the application for access and infrastructure works (application for approval of reserved matters following outline approval 10/0200/01 granted 18th March 2011) at land south of Yeoford Way, Marsh Barton Trading Estate, Exeter.

Members were circulated with an update sheet advising that the Environment Agency raised no objections.

The site had planning approval for 46,500 square metres of mixed use development for B1, B2 and B8 uses. This application sought to provide the infrastructure provision, principally highway and drainage provision, required to serve the future uses of the site.

The proposed road layout follows the route which was indicated on the outline application with the main access road into the site provided from the existing spur from the Yeoford Way/ Silverton Road roundabout. To the south of this access road there would be a new roundabout with a new access road to the east to serve the remainder of the site. The submitted drawings indicated a footway width of between 2 and 2.5 metres with associated pedestrian and cyclist crossing points.

The Environment Agency had raised no objection, the Highway Authority had objected to the application on a number of issues and recommended refusal.

The recommendation was that the application be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to determine.

In response to a Member's question, the Assistant Director City Development clarified that a proposal to enlarge and improve the existing drainage channels on the site had been approved and that these were primarily the works currently being undertaken on the site.

**RESOLVED** that planning permission for access and infrastructure works (application for approval of reserved matters following outline approval 10/0200/01 granted 18th March 2011) be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to determine.

(Report circulated)

**PLANNING APPLICATION NO.12/0898/03 - 52 UNION ROAD, EXETER, EX4 6HU**

Councillor Prowse declared a personal interest as he is a student landlord and owner of a house in multiple occupation (HMO).

The Senior Area Planning Officer presented the application for change of use from dwelling to house in multiple occupation (C4 use) at 52 Union Road, Exeter.

This application was for an HMO for up to six people, the physical changes to the property being minimal. This proposal required planning permission because the property was within the Council's designated Article 4 area, where permitted development rights to convert a dwelling to a house in multiple occupation had been removed.

Members were circulated with an update sheet giving details of the applicant's response to the objections.

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

Dr Treharne spoke against the application. He raised the following points:-

- Planning policy stated that the limit for the percentages of HMO's was 20%; the percentages of HMO's in this area were the north side of Union Road 27.4%, and adjacent areas of part of Sylvan Road 31.4% and Clevedon Close 25%; local residents believe that the HMO's in the area had reached a limit
- Union Road was a small vibrant community and the number of HMO's was over the upper 20% limit
- wards should be split into smaller areas to give a true percentage of HMO's
- there were vacant student properties in the city
- this proposal would cause traffic congestion and waste problems.

In response to Members, Dr Treharne clarified that he felt that the whole situation regarding HMO's and the percentages and areas should be looked at.

The Planning Solicitor clarified the position with regarding to the Council's planning policy and Development Plan Policy and the difficulties of defending any appeal when a decision was contrary to council policy.

During discussion, Members raised the following points:-

- concerns regarding refuse storage
- over concentration of HMO's in this part of Pennsylvania Ward
- policy should be looked with a view to establishing smaller zones, which would represent true percentages
- the property would not be kept in the same condition as it was now, when converted to a HMO
- HMO's were self evident from their external appearance
- there should be a management condition on any approval.

The Senior Area Planning Officer confirmed that condition 4 dealt with the provision of refuse storage.

The Assistant Director City Development clarified that a condition could be added to any approval requiring a management plan.



**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 18 June 2012 (*dwg. no(s). Proposed Floor Plans*), 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.
- 5) Prior to occupation a management plan shall be submitted to and agreed in writing by the Local Planning Authority, that details maintenance of external areas, the approved plan shall thereafter be complied with. The plan shall include contact details and be reviewed annually, submitting revised details if required.  
**Reason;** To ensure the character and appearance of the property is protected.

(Report circulated)

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**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)

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**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 18 September 2012 at 9.30 a.m. The Councillors attending will be Prowse, Spackman and Sutton.

(The meeting commenced at 5.30 pm and closed at 8.05 pm)

Chair