

PLANNING COMMITTEE

Monday 17 September 2012

Present:

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

Apologies:

Councillors Mitchell

Also Present:

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

95

DECLARATIONS OF INTEREST

A Member declared the following personal interest:-

COUNCILLOR	MINUTE
Councillor Morris	99 (Governor of the West Exe Technology College who were consulted on the application)

96

PLANNING APPLICATION NO.12/0666/02 - LAND OFF, HILL BARTON ROAD, EXETER, EX1

The Assistant Director City Development advised Members that this item would be deferred to the next meeting of the Planning Committee to allow the objectors to be notified of the date of the meeting, and thus enable them to speak at Planning Committee should they wish to do so.

RESOLVED that the planning application for 133 dwellings with associated public open space, amenity space, infrastructure and landscaping (Approval of reserved matters Ref. No. 10/1840/01 granted 7th October 2011) be deferred to the Planning Committee on 1 October 2012.

(Report circulated)

97

PLANNING APPLICATION NO.12/0788/03 - STONEYCOMBE, MATFORD ROAD, EXETER, EX2 4PE

The Senior Area Planning Officer presented the application for a first floor extension to create a two and a half storey dwelling, double garage on north east elevation, ground floor extension on north west and south west elevations and alterations to the driveway at Stoneycombe, Matford Road, Exeter.

The application site was located on the corner of Matford Road and Matford Avenue, currently on the site was a bungalow. The proposal was to substantially change the existing dwelling to a two storey dwelling with a fourth bedroom in the roofspace and an increase in the footprint. The ridge height would 0.65 metres higher than the two storey dwelling at 13 Matford Avenue.

Members were circulated with an update sheet advising that amended plans had been received which stated the ridge heights of the existing dwelling at 13 Matford Avenue.

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

Mr Gibson (representing local residents) spoke against the application. He raised the following points:-

- had lived in the area for over 40 years and was the neighbourhood co-ordinator
- this application was overdevelopment of the site
- would cause overlooking and have a detrimental effect on neighbours privacy
- inappropriate development for the conservation area and was on a prominent site
- would be a three storey building
- the south west extension would break the building line of the street scene
- was less than 22 metres to the houses on the opposite side of the road
- the dwellings on the opposite side of the road were 2 metres lower therefore the proposed dwelling would tower above these properties
- the Council's SPD stated that a person should be able to enjoy a degree of privacy this development was contrary to that
- not against development here, had supported the previous application
- this application should be refused as it was too large; breaks the building line; and not in keeping with the street scene.

In response to Members, Mr Gibson clarified that the ground floor extension would be close to the corner of 12 Matford Avenue; the first floor would overlook a bedroom, kitchen and bathroom of the house opposite; concern that the bungalow to the rear would be overlooked; and because of the ground levels the dwelling would tower above the houses opposite.

The Senior Area Planning Officer stated that it was 24 metres to the nearest property; no habitable rooms would be overlooked; had discussed the Juliet balconies with the applicants although these were not a justifiable reason for refusal.

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

- this application was in consultation with Exeter City Council Planning Officers
- the previous application had been refused because of the loss of garden space; this application sought to address those reasons for refusal
- this application was a minimal increase in the footprint
- the green area and hedgerows would be protected
- these were generous plots and two storey dwellings were typical in this area
- the property would be set back, the roads were wide and the privacy of the neighbours would be protected
- would not have a detrimental effect on the amenity of the neighbours
- the area had a mix of house types
- the material of white render was not out of place in St Leonard's

In response to Members, Mr Pollintine clarified that the footprint of the building would be increased by extending the garage and a conservatory; the total increase

in footprint was relatively small; had no intention to remove trees and hedgerows; and the trees would be protected during construction

The Senior Planning Area Officer advised that there was a slight drop in ground level to the houses on the opposite side of the road.

Whilst the majority of Members supported the proposal, other Members had concerns regarding overlooking and the dwelling being out of character in the conservation area and detrimental to the street scene.

RESOLVED that planning permission for a first floor extension to create two storey dwelling, double garage on north east elevation, ground floor extension on north west and south west elevations and alterations to driveway 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 16 August 2012 (dwg no. 901/P002B, 901/P003B & 901/P004), 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) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 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 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; and
f) provision of boundary hoarding
have 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 and to ensure that adequate on-site facilities are available throughout the development period.
- 10) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
a) windows to include materials, means of opening, reveals, cills and headers;
b) external doors;
c) rainwater goods;
d) parking area surfacing.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 11) 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.
- 12) The height of the new dwelling shall accord with the ridge levels for the new dwelling and No.13 Matford Avenue as shown within drawing no. 847/P002B dated 16 August 2012.
Reason: In the interest of visual amenity and to ensure a consistent ridge level within the streetscene.

(Report circulated)

98

**PLANNING APPLICATION NO.12/0859/03 & CONSERVATION AREA CONSENT
NO.12/0860/14 - 11 MATFORD AVENUE, EXETER, EX2 4PW**

The Senior Area Planning Officer presented the planning application for a replacement two storey dwelling, widened entrance and associated works and conservation area consent for the demolition of a bungalow at 11 Matford Avenue, Exeter.

The site currently contained a single storey dwelling. It was proposed to demolish the existing property and replace with a two storey property with an en suite bedroom in the roofspace. The ridge height would be 0.2 metres higher than the adjacent dwelling at 13 Matford Avenue. The proposed building would be constructed of a mixture of render with aluminium windows and a slate roof with a distinctive curved front feature which would accommodate the stairs.

Members were circulated with an update sheet advising that amended plans had been received which stated the ridge heights of the adjacent existing dwelling and a Sustainability Statement in respect of the replacement dwelling.

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

Mrs Mead (representing local residents) spoke against the applications. She raised the following points:-

- lives opposite the development
- neighbours welcomed development in the area but were opposed to this proposal due to its scale and effect on the neighbourhood
- in 1958 a covenant was placed on the land stating that only a bungalow could be built on the site
- the bungalow was built in 1959 and had been well maintained it was just in need of modernisation
- St Leonard's had a mix of properties; the smaller dwellings were on smaller plots; this was an attractive low density area
- this proposal would upset the current balance and mix of properties in the area increasing the density
- would be three storeys high
- 12, 14 and 16 Matford Avenue would lose privacy
- redevelopment in the conservation area should enhance the area; this did not
- the Juliet balcony and curved stairwell were not in keeping with the street scene
- hedgerows and a cherry tree would be removed

- contrary to NPPF section 12
- should refuse this application.

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

- this application was in consultation with Exeter City Council Planning Officers
- the proposal was sensitive to the location
- would increase the green space on the site as the footprint was smaller than the existing bungalow
- would preserve hedgerows and the cherry tree; there would be a small reduction in vegetation for the driveway
- would be a two storey building with a sloping pitched roof
- there were other properties in Matford Avenue with velux windows and there were curved stairwells in the area
- the dwelling would be some distance from the bungalow to the rear and trees would provide screening
- this dwelling would provide a family home
- there was mix of properties in the area.

In response to Members, Mr Pollintine clarified that the cherry tree would be retained; only a small part of the hedgerow would be lost to accommodate the driveway; and the footprint of the proposal would be smaller than the existing bungalow therefore increasing the garden size.

RESOLVED that planning permission for a replacement two storey dwelling, widened entrance and associated works 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 16 August 2012 (dwg no. 847/P003C & 847/P004) and 24 August 2012 (dwg no. 847/P002C), 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) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- 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 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; and
f) provision of boundary hoarding
have 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 and to ensure that adequate on-site

facilities are available throughout the development period.

- 10) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - a) windows to include materials, means of opening, reveals, cills and headers;
 - b) external doors;
 - c) rainwater goods;
 - d) parking area surfacing.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 11) 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.
- 12) The height of the new dwelling shall accord with the ridge levels for the new dwelling and No.13 Matford Avenue as shown within drawing no. 847/P002C dated 24 August 2012.

Reason: In the interest of visual amenity and to ensure a consistent ridge level within the streetscene.

RESOLVED that listed building consent for the demolition of a bungalow be **approved** subject to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C58E - Contract Prior to Demolition
- 3) No demolition work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

(Report circulated)

99

PLANNING APPLICATION NO.12/0514/03 - LAND BOUNDED BY ALPHINGTON ROAD, ASHTON ROAD AND, MARSH BARTON ROAD, EXETER, EX2

Councillor Morris declared a personal interest as a Governor of West Exe Technology College who were consulted on the application.

The Assistant Director City Development presented the application for a mixed use development comprising three new industrial/business units, three refurbished industrial/business units, four restaurant/cafe units, all associated parking, servicing and landscaping at land bounded by Alphington Road, Ashton Road and, Marsh Barton Road, Exeter.

The Assistant Director City Development advised that the site had been vacant for 15 about years. The application was in two parts, six units for uses in Classes B1 and B2 and four units of Class A3 uses. The application sought to provide four restaurant units on the Alphington Road/Marsh Barton Road frontage with two of the units specified as including a drive through. The units proposed to occupy the restaurants were indicated to be Frankie and Bennys and Chiquito, with one of two the drive throughs/restaurants to be Starbucks, the other lease had yet to be

secured. The B1/B2 uses were to be located to the rear either side of the vehicular access from Ashton Road. These units were split into two main buildings, one of which was refurbishment of an existing building and each comprising of three units. A total of 109 car parking spaces and 11 disabled bays are proposed. A total of 54 cycle spaces were proposed throughout the site.

Members were advised of the main issues including transport, the retail policy sequential assessment process and the flooding issues which had been addressed by the inclusion of a first floor refuge in the case of flooding.

Members were circulated with an update sheet giving details of a letter from the agent stating that the applicant was aware of the issue of previous anti-social behaviour at the Stone Lane Retail Park and, to ensure that this did not occur in relation to the restaurant and take-away users, they would put in place surveillance measures and take appropriate action to dissuade such activities.

The recommendation was for approval subject to additional conditions with regards to two new noise conditions as recommended by the Assistant Director Environmental Health, amendment to condition 11 to include mitigation in air quality, amendment to condition 17 to ensure there was a management plan for the refuge in the event of flooding and the conditions as set out in the report.

In response to Members' highway concerns, the Assistant Director City Development confirmed that the County Head of Planning, Transport and Environment raised no objection to the proposal and a Transport Assessment had been submitted with the application.

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

- is a Local Ward Member
- had experience of late night noise and litter caused by takeaways already in the area
- the site was in urgent need of development
- would like to see conditions added to prevent anti social behaviour
- the car park should include bollards and planting to prevent boy racers using the area as a track late at night
- should have locked gates when closed to prevent access
- at Stoney Lane Retail Park there is number plate recognition which comes into force if anyone has parked there for over 45 minutes after 7pm
- should have a robust schedule for the picking up of litter
- concern regarding the impact of traffic congestion on Alphington Road particularly as buses to this area stop at 7pm and do not run on a Sunday
- should have a turn left only sign coming out onto Marsh Barton Road.

The Assistant Director City Development clarified that condition 17 incorporated a litter management plan.

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

- supported Councillor Clark
- had an email from a business on Ashton Road objecting to this application
- concerned that two takeaways together in this location was too much
- would cause traffic congestion getting out of Ashton Road on to Marsh Barton Road
- although local residents want to see the site developed, should just have one takeaway on the site.

In response to Members, Councillor Ruffle stated that egress on to Alphington Road could be an option.

Mr Warrington (representing the applicant) spoke in support of the applications. He raised the following points:-

- the Highways Authority would not allow direct access and egress on to Alphington Road
- there would be a management plan in place to ensure that there was a barrier to the car park after the last occupier had left the restaurants and thereafter there would be an hourly inspection of the site.

In response to Members, Mr Warrington clarified that the flood refuge was at the request of the Environment Agency, did not have an occupier for the second takeaway unit at this present time; the Transport Assessment concluded that the proposal would not have a negative impact on the traffic on Alphington Road; the hours of opening were 8am to 11pm and if any occupier wanted to increase these hours they would have to submit a planning application for an extension of hours.

During discussion, Members raised the following points:-

- concern regarding the traffic generation and egress on to Marsh Barton Road and the impact on Alphington Road
- need to ensure that Local Ward Members concerns were addressed with regard to anti social behaviour and litter nuisance, and that they were consulted by the Assistant Director City Development to ensure that the conditions addressed their concerns and experience in the area.

The Assistant Director City Development clarified that a condition could be added to any approval for the removal of permitted development rights for A3 to A1 to ensure that the use could not be changed to retail without applying for planning permission. Amendments could be made to condition 17 with regards to agreeing a site management plan with input from the Local Ward Members to ensure that their concerns were addressed.

RESOLVED that planning permission for a mixed use development comprising three new industrial/business units, three refurbished industrial/business units, four restaurant/cafe units, all associated parking, servicing and landscaping be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) The restaurant use hereby approved shall not be carried on other than between the hours of 0800 to 2300.
Reason: So as not to detract from the amenities of the near-by residential property.
- 7) C70 - Contaminated Land
- 8) C72 - Highway - Estate Roads etc

- 9) C57 - Archaeological Recording
- 10) Prior to the commencement of any individual building, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: To reduce light pollution in the area and protect the amenity of nearby residents.
- 11) The construction of the development hereby permitted shall not commence until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include consideration of construction vehicle movements, construction operation hours, construction vehicle routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts including air quality in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.
Reason: In the interests of highway safety, the efficient operation of the local road networks and to safeguard the amenity of neighbouring residents.
- 12) 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 unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenities nearby residential occupiers.
- 13) Prior to occupation of the development hereby permitted, cycle parking for visitors and secure cycle parking, lockers, showers and changing facilities for staff 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 at all times thereafter.
Reason: To ensure that cycle parking and other facilities are provided in accordance with Local Plan policy T3 to encourage travel by sustainable means.
- 14) No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority. [Devon County Council may have more specific requirements]
Reason: To encourage travel by sustainable means, in accordance with Local Plan policy T3.
- 15) The lowest floor level in the completed building shall not be less than 7.3 above ordnance datum.
Reason: To comply with the requirements of the Environment Agency.

- 16) The restaurant buildings hereby permitted shall not be occupied or otherwise brought into use until all the works to the B1/B2 use buildings have been completed to the satisfaction of the Local Planning Authority.
Reason: To ensure that work is carried out to the B1/B2 use buildings before or in association with the restaurant use and in accordance with Exeter Local Plan policy E3 and Exeter Core Strategy policy CP2
- 17) Notwithstanding condition no 2 no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
i) noise impact assessment;
ii) air quality assessment;
iii) details of kitchen extraction systems;
iv) litter management plan
v) site management plan to address any potential anti-social behaviour
Reason: Insufficient information has been submitted with the application and in the interests of amenity.
- 18) Unless otherwise agreed in writing, no unit shall be occupied until a Deliveries Management Plan relating to that unit is submitted and approved in writing by the Local Planning Authority. The Deliveries Management Plans shall describe (in an enforceable manner) how deliveries shall be prevented from having a noise impact on neighbouring receptors. It should be made clear in the plans that the proposals do not conflict with health and safety requirements, for example in respect of reversing beepers. Thereafter the deliveries shall be managed entirely in accordance with the approved management plan.
Reason: In the interests of residential amenity.
- 19) The level of noise emitted from all fixed plant and equipment on the site shall not exceed a rating noise level of 50.9 dB (07:00 to 19:00), 41.8 dB (19:00 to 23:00) and 35 dB (23:00 to 07:00) (measured in accordance with BS4142:1997) at the nearest residential receptors (or other surrogate point with appropriate distance corrections). The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.
Reason: In the interests of residential amenity.
- 20) Notwithstanding with provisions of Article 3 and Schedule 2 Part 3 Class C of the Town and Country Planning General Development Order 1995 this consent shall permit the use of Units 7,8,9 and 10 as a restaurant/hot food takeaways falling with Class A3/A5 of the Town and Country Planning (use Classes) Order 1987 but shall not operate to permit any subsequent change of use to Shops Class A1 of the Use Classes Order.
Reason: To prevent the establishment of retail uses in an area designated primarily for employment uses in the Local Plan.
- 21) The internal refuge area from flooding identified adjacent to Unit 6 as shown in drawing number 1003P-04 shall be retained and be available at all times. A management plan stating how this area will be operated shall be submitted to and approved in writing prior to the occupation of the approved units.
Reason: To address concern raised by the Environment Agency during times of potential high flood levels within the site.

(Report circulated)

**PLANNING APPLICATION NO.12/0908/03 - REYNOLDS, WHITE STREET,
TOPSHAM, EXETER, EX3 0AA**

The Assistant Director City Development presented the application for a ground floor extension on the south west elevation at Reynolds, White Street, Topsham, Exeter.

Members were circulated with an update sheet advising that, at the request of the Local Planning Authority, amended drawings had been submitted that showed a 600mm gap between the two properties, and there, as a result, the objection from the neighbour was considered to be addressed.

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

RESOLVED that planning permission for a ground floor extension on south west elevation 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 20 June 2012 and the 11 July 2012 (*dwg. no(s). 039/03, 039/05b, 039/10, 039/08a and 039/09a*), 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.

(Report circulated)

(The meeting commenced at 5.30 pm and closed at 7.25 pm)

Chair