

## **PLANNING COMMITTEE**

Monday 14 January 2013

### **Present:**

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

### **Apologies:**

Councillor Mitchell

### **Also Present:**

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

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### **MINUTES**

The minutes of the meetings held on 29 October and 3 December 2012 were taken as read and subject to the following being added to 3 December 2012 minute no.125 regarding Councillor Macdonald speaking Under Standing Order No.44 - 'Councillor Macdonald circulated a diagram showing the Master Plan including allotments in a space of their own; information from Devon County Council that they were now the Lead Local Flood Authority; information about play space and Eagle One had not got back to her regarding her list of concerns', the minutes were signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO.12/1416/03 - 4 DART WALK, EXETER, EX2 7QF**

The Senior Area Planning Officer presented the application for the replacement of garage doors with french doors/windows to facilitate an additional unit of accommodation at 4 Dart Walk, Exeter.

This was a retrospective application. The property was owned and run by a Home Care Agency which provided an element of care to the occupants. A carer lived at the address. The applicant's agent advised that the use was ancillary to 4 Dart Walk and was not a separate dwelling. Internally, the former garage contained a kitchen and a bathroom and was capable of being occupied without using any facilities within the main dwelling. The garage could be accessed via a door from the back garden of 4 Dart Walk and also off the rear drive via two patio doors which were in the place of the former garage doors.

Members were circulated with an update sheet - attached to minutes.

The recommendation was for refusal subject to the reasons as set out in the report.

In response to Members, the Senior Area Planning Officer advised that it would be possible to add conditions to seek to ensure that any conversion was ancillary to 4 Dart Walk and making it a personal consent to the applicant.

Mr Coles (representing local residents) spoke against the application. He circulated electronic photographs of the garage and surrounding area. He raised the following points:-

- the parking of vehicles outside the garage of 4 Dart Walk caused access problems to the garages of 5 and 6 Dart Walk; there was a right of way over part of the area, where vehicles parked, outside the garage of 4 Dart Walk
- if permission was granted this garage should not be independent to the main dwelling as it could be sold off in years to come
- the conversion of the garage caused parking problems in the area.

In response to Members, Mr Coles clarified that vehicles parked on an area outside of the garage of 4 Darts Walk which was a turning area/right of way and caused problems for the residents of 5 and 6 Dart Walk in accessing their garages and parking spaces; and 5 and 6 Dart Walk had single garages with a parking space in front.

During discussion, Members raised the following points:-

- any accommodation would need to be ancillary to the main dwelling and should have a personal consent
- the garage was built for a purpose and it would create a precedent should this application be given permission
- some uncertainty as to the parking area and rights of way to rear of 4, 5 and 6 Dart Walk.

The Senior Area Planning Officer clarified that there were two parking spaces to the front of 4 Dart Walk.

The Planning Solicitor advised that any conditions would not cover any areas outside of the application site and the parking of vehicles to the rear outside of the garage to 4 Dart Walk would be difficult to monitor.

**RESOLVED** that planning permission for replacement of garage doors with french doors/windows to facilitate an additional unit of accommodation be **refused** for the following reasons:-

- 1) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016, Policy DG1 (a, e and i) and Policy DG4 of the Exeter Local Plan 1995-2011 and the Council's Supplementary Planning Document 'Residential Design Guide' because:
  - i) the annexe is tantamount to a new dwelling which has a poor relationship with the host property, to the detriment of the character of the area and the amenity of the occupants;
  - ii) its limited size and restricted outlook fail to provide an acceptable standard of amenity; and,
  - iii) it would create an undesirable precedent for similar proposals which, individually or collectively, would detract from the character and appearance of the area.
- 2) The proposed development has removed existing facilities to accommodate the parking of vehicles within the site, and the resulting obstruction created by the displaced vehicles encourages parking on the highway, with consequent additional danger to all users of the road contrary to Policy TR10 of the Devon County Structure Plan.

(Report circulated)

**PLANNING APPLICATION NO.12/1488/03 - 3 THE BARTON, MILL ROAD,  
EXETER, EX2 6LJ**

The Senior Area Planning Officer presented the application for a detached dwelling, parking and associated works at 3 The Barton, Mill Road, Exeter.

This site was granted planning consent in 2011 for the demolition of an existing building and construction of a detached two-storey, four bed dwelling. This application was for a contemporary dwelling which, would be set lower down, with render and timber cladding and a 1.8 metres close board fence on three sides of the site.

Members were circulated with an update sheet - attached to minutes.

The recommendation was for refusal subject to the reason as set out in the report.

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

- the proposed dwelling would be lower down in the site than the previous approval
- the shape was more relaxed
- materials were in keeping with the area - 1 and 2 Mill Road were render and 11, 13, 15 and 17 had some timber
- would replace western boundary fence with planting
- this was a modern dwelling which would be lower down in the site and less assertive than the previous approval
- the brick which would be used on the approved application would look vastly different from the older original brick on the adjacent listed building
- the timber used would weather to a light grey and would soften the appearance of the dwelling
- would not impose on the adjacent listed building.

In response to Members, Mr Jones clarified that the timber to be used was cedar which would weather well to a light grey colour; the applicants had just completed building a dwelling in Duryard; did not know if the applicants would build out the original application if this one was refused although they would have the option to appeal any refusal.

The majority of Members were of the view that the original application was a more suitable proposal in this location than the current proposal and that the design was inappropriate.

**RESOLVED** that planning permission for a detached dwelling, parking and associated works be **refused** for the following reason:-

- 1) The proposed development is contrary to the provisions of the National Planning Policy Framework concerning design, Policy CO6 of the Devon Structure Plan 2001 to 2016, Policy CP17 of the Exeter Local Development Framework Core Strategy (2012), and Policies DG1(b), (f), (g), (h) and (i) of the Exeter Local Plan First Review 1995-2011 because by virtue of its unsympathetic design and materials the proposed dwelling would be an incongruous form of development which would be detrimental to the character and appearance of the area.

(Report circulated)

**PLANNING APPLICATION NO. 12/1426/03 - 130 FORE STREET, EXETER, EX4**  
**3JQ**

The Assistant Director City Development presented the application for alterations and roof level re-development to provide 13 flats with associated access and communal facilities at 130 Fore Street, Exeter.

The application site was located on the junction of Fore Street and West Street and within the Central Conservation Area. The application was now for 13 flats over six levels, some units were split level and mainly single aspect. The application had been amended to remove one flat the area now to be used for refuse storage. No car parking spaces were proposed with this scheme.

Members were circulated with an update sheet - attached to minutes.

The Assistant Director City Development clarified that there were 17 cycle spaces which were adequate for the number of flats and there would be a management agreement to control the refuse storage.

The recommendation was for approval subject to the completion of a Section 106 Agreement (or appropriate alternative means of securing payment) requiring a financial contribution towards protection of Natura 2000 sites and conditions as set out in the report.

**RESOLVED** that planning permission for alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities be **approved** subject to the completion of a Section 106 Agreement (or appropriate alternative means of securing payment) requiring a financial contribution towards protection of Natura 2000 sites and the following conditions which may be modified if necessary:-

- 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 \*\*\*\* 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 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) lighting;
  - e) treatment of balcony;

f) means of enclosure at first floor level;

h) location of site compound

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

- 5) No part of the development hereby approved shall be occupied until all residents have been issued with a Green Travel Pack to inform them they will not qualify for on-street parking permits and shall include the locations, routes and times of public transport services, the locations of walking and cycle routes, central shopping and leisure facilities in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and shall be updated annually.  
**Reason:** To ensure that all residents are aware of the 'car free' status of development.
- 6) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in location shown on drawing no. 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
- 7) 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 plant 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 the development shall be 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.
- 8) 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.
- 9) No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 10) No development shall take place unless and until details of bat and swift boxes have been submitted to and approved by the Local Planning Authority in consultation with the RSPB. 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 in the locality.

- 11) Notwithstanding condition no 2 no work shall commence on site under this permission until a refuse bin storage management strategy plan has been submitted to and approved in writing by the Local Planning Authority and the plan shall be implemented in accordance with the details agreed at all times thereafter.

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

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

6 **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)

7 **BUILDINGS AT RISK**

The Assistant Director City Development presented the buildings at risk report. Members were advised that there was a correction the University was selling Thomas Hall to Thomas Hall Estates Ltd.

**RESOLVED** that the report be noted.

(Report circulated)

8 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

9 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 5 February 2013 at 9.30 a.m. The Councillors attending will be Denham, Spackman and Winterbottom.

**Additional Information Sheet**

Correspondence received and matters arising following preparation of the Agenda

(The meeting commenced at 5.30 pm and closed at 6.48 pm)

Chair