

PLANNING COMMITTEE

Monday 18 March 2013

Present:

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

Apologies:

Councillor Donovan

Also Present:

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

22

MINUTES

The minutes of the meetings held on 3 December 2012 and 14 January 2013 were taken as read and signed by the Chair as correct.

23

DECLARATIONS OF INTEREST

Whilst not declaring disclosable pecuniary interests, the following Member withdrew from the meeting for the items below:-

COUNCILLOR	MINUTE
Councillor Owen	24 (employer has parking spaces behind the property) 25 (employer has parking spaces behind the property)

A Member declared the following interest:-

COUNCILLOR	MINUTE
Councillor Mrs Henson	24 (knows an owner of a property on the site)

24

PLANNING APPLICATION NO.13/0074/03 - CECIL BOYALL HOUSE & VICTORY WING, SOUTHERNHAY EAST, EXETER, EX1 1RB

Councillor Owen withdrew from the meeting during consideration of this item as his employer had parking spaces behind the property.

Councillor Mrs Henson declared an interest as an owner of a property on the site is known to her.

The Area Planner (PJ) presented the application for a variation of conditions 2 and 7 to approve amended drawings for external works associated with parking and landscaping areas (Ref No. 07/2679/03 granted 07/01/2009) at Cecil Boyall House & Victory Wing, Southernhay East, Exeter.

Members were updated on the history of the site, the original submitted plans having now been revised which reduced the overall number of parking spaces to 20 within the courtyard and relocated one space to the eastern boundary with the Wynards. He advised that the two main issues were the impact of the proposal on the listed building and residential amenity.

One additional letter of objection had been received which reiterated the previous objections submitted.

The recommendation was for approval subject to amended drawings for external works associated with parking and landscaping areas and the condition as set out in the report.

Ms Farrell spoke against the application. She raised the following points:-

- planning officers and Members should talk to the developer and residents and come up with an alternative plan that all would be satisfied with
- six additional parking spaces had been added with little consultation and no agreement; there were dead landscaping areas that could be used for parking
- under permitted planning for Phase one the car parking was deliberately reduced; now this action was being reversed; this created a precedent
- how does the proposal meet fire regulations?
- the application would adversely affect neighbouring premises in a blight way; this could be avoided
- proposal lays claim to a parking space that was owned by someone else; owner had not been approached
- bin and cycle storage was not fit for purpose.

Mr Trave (representing applicant) spoke in support of the applications (minutes no. 24 & 25) . He raised the following points:-

- this proposal was for a £10 million investment
- would be of a very high standard creating a 'Mayfair' for Exeter
- applicant had acquired the property in August 2012; consulted all stakeholders on the proposal which included local residents
- had revised the plans and improved the design
- the lift shaft had been removed to create a garden
- the parking would be in a secure gated area
- five affordable housing units would be provided; four on-site which would be wheelchair accessible which had been increased in size to that of the original planning approval, the fifth unit would be provided off-site
- the residential accommodation would be luxurious and spacious
- the office accommodation would be a flexible 'hub'
- would be using local contractors and suppliers.

In response to Member's questions, Mr Trave clarified that he had met with neighbours to explain proposals; the bin and cycle storage met the Council's requirements; were constrained by the amount of land available, some of the green areas had been utilised for parking.

The Area Planner clarified that the car parking had been revised to move it away from residential properties; could look at the bins storage again to ensure that it was adequate; it was important to have a landscape area as you enter the site; previously the whole of the outside area had been car parking, some landscaping had been introduced; with regards to access for emergency vehicles the Highway Authority had no objection to the proposal; ownership of land was not a planning matter; and the gradient of the path would have to meet building regulations of 1:20.

RESOLVED that planning permission for a variation of conditions 2 and 7 be delegated to the Assistant Director City Development to **approve** subject to satisfactory refuse storage and amended drawings for external works associated with parking and landscaping areas (Ref No. 07/2679/03 granted 07/01/2009) and the following condition:-

- 1) C15 - Compliance with Drawings

(Report circulated)

25

PLANNING APPLICATION NO.13/0076/03 & LISTED BUILDING CONSENT NO.13/0114/07 - DEAN CLARKE HOUSE, SOUTHERNHAY EAST, EXETER, EX1 1PQ

Councillor Owen withdrew from the meeting during consideration of this item as his employer had parking spaces behind the property.

The Area Planner (PJ) presented the application for a variation of condition 2 to approve amended drawings for 24 flats and office accommodation (Ref No. 11/1951/03 granted 29/05/2012) and listed building consent for amended drawings for 24 flats and office accommodation at Dean Clarke House, Southernhay East, Exeter.

Members were advised that the overall number of units remained unchanged at 24 although changes had been made to the internal arrangements of the flats and the office accommodation had been reduced by approximately 176 sq metres from the approved scheme. The rear stair tower had been removed, four on-site affordable housing wheelchair accessible units and one off-site affordable housing unit would be provided.

The recommendation was for approval of the variation of condition subject to the completion of a new Section 106 Agreement to secure an appropriate level of affordable housing provision and the conditions as set out in the report. The listed building consent was also recommended for approval subject to the conditions as set out in the report.

Ms Farrell spoke against the applications. She raised the following points:-

- the steps and doors in the corner of Dean Clarke House/Victoria Wing were previously used fire exits but in this proposal they appear to provide access for residents from those buildings on to the Phase One garden this would result in an increase in noise and disturbance
- unclear if the access provided to the Phase one garden would also provide Phase One residences with reciprocal access to the Dean Clarke House/Phase three garden
- parking and entrance to Victoria Wing should all be on the same side
- proposed bin and bike storage was not fit for purpose
- alternative solution could be found if all stakeholders got together; changes affecting Victory Wings had not been thought through.

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

- a management company would be responsible for the communal areas
- the 24 flats would each have a parking space; this was a land owner matter
- the rear stair tower would be removed to allow better access
- offices would present a new way of working with a 'hub' and rent a desk facility as and when needed

- the affordable housing units had been enhanced.

In response to Members' questions, Mr Trave clarified that the access to the communal areas would be agreed under the terms of the sale of the properties; the reduction in the office space had been the result of the lack of demand for office space and the need to ensure that the development was viable.

The Area Planner clarified that building regulations would ensure that fire regulations were met.

RESOLVED that planning permission for a variation of condition 2 to approve amended drawings for 24 flats and office accommodation (Ref No. 11/1951/03 granted 29/05/2012) be **approved** subject to the completion of a new Section 106 Agreement to secure an appropriate level of affordable housing provision and subject to the following conditions:

- 1) 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 (dwg nos.), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) 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
 - i) details of the curtain walling material;
 - ii) railings around the landscaped area;
 - iii) external doors;
 - iv) glazing blocks.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

RESOLVED that listed building consent for amended drawings for 24 flats and office accommodation be **approved** subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) 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
 - i) details of the curtain walling material;
 - ii) railings around the landscaped area;
 - iii) external doors;
 - iv) glazing blocks.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

In the event that the Section 106 Agreement is not completed within 6 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)

26 **OBJECTIONS TO TREE PRESERVATION ORDER NO. 647 (LAND OPPOSITE 6 BALMORAL GARDENS, TOPSHAM, EXETER) 2012**

The Assistant Director City Development presented the report detailing an objection that has been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 647 (Land opposite 6 Balmoral Gardens, Topsham, Exeter) 2012.

RESEOLVED that Tree Preservation Order 647 be confirmed.

(Report circulated)

27 **OBJECTIONS TO TREE PRESERVATION ORDER NO. 649 (NEWCOURT HOUSE, OLD RYDON LANE, EXETER) 2012**

The Assistant Director City Development presented the report giving detailing an objection that had been received by the Council to Exeter City Council Tree Preservation Order (TPO) No. 649 (Newcourt House, Old Rydon Lane, Exeter) 2012.

RESOLVED that:-

- 1) Tree Preservation Order 649 be confirmed as an area order, with its title amended to include Newcourt Lodge; and
- 2) officers be authorised to make subsequent modifications to the confirmed Order as they see fit in the light of any further survey of the trees.

(Report circulated)

28 **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)

29 **ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters. He advised that the owners of 4 Dart Walk had submitted an appeal against the Enforcement Notice and that court action against the felling of a tree in New North Road had been adjourned until November 2013.

RESOLVED that the report be noted.

(Report circulated)

30 **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 2 April 2013 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Sutton.

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair