

PLANNING COMMITTEE

Monday 20 May 2013

Present:

Councillor Bialyk (Chair)

Councillors Spackman, Choules, Donovan, Edwards, Mrs Henson, Mitchell, Owen, Prowse and Tippins

Apologies:

Councillors Denham, Sutton and Winterbottom

41

MINUTES

The minutes of the meetings held on 18 February and 18 March 2013 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

43

PLANNING APPLICATION NO.13/2895/03 - 206 TOPSHAM ROAD, EXETER, EX2 6AA

The Assistant Director City Development presented the application for change of use from Retail A1 to Tattooist (Sui Generis) in addition to Retail (A1).

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

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

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

- local residents are concerned that the proposed use could present an unfavourable impression of the City as the shop will be located on one of the main arterial routes into the City
- its location next to a funeral parlour is somewhat incongruous
- whilst the number of tattooists is unknown, the parlour could be busy and parking problems could occur given that there are a limited number of parking spaces in front of the row of shops and because there is limited residential parking in the vicinity
- although there will be a No Under 18 policy, the tattoo parlour is likely to interest schoolchildren and anti social behaviour could result outside, both during school hours and from others during evenings

Members suggested that issues relating to the proposed use were similar to those that might have, but did not, materialise in respect of previous uses, that is, anti social behaviour in respect of an off licence and parking problems relating to clients of a bridal shop remaining for long periods in the shop.

Ms Becky Hazell (applicant) spoke in support of the application. She raised the following points:-

- has seven years experience of tattooing and has kept abreast with the issues raised during the application process

- exterior appearance and design will be tasteful with use of pastel colours. The signage, to include the name and a phoenix logo, will be artistic and appropriate for the neighbourhood
- similar colours will be used for the interior décor and the layout will include a reception desk and couch for clients to rest. A partition will be provided to ensure privacy as appropriate
- opening hours will be 11:00am to 7:00pm Mondays to Saturdays, 10:00am to 4:00pm on bank holidays and closed on Sundays
- the parlour will be closed when children go to school but open in the afternoon. Tattooing of under 18's is not permitted and they will not therefore be allowed entry. Parents with young children will be welcomed, the receptionist to look after the children. A robust approach will be adopted should schoolchildren congregate and cause problems and the Police called if necessary. The school can also be advised of any issues associated with their pupils

RESOLVED that planning permission for change of use from Retail A1 to Tattooist (Sui Generis) in addition to Retail (A1) 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 15 March 2013, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings
- 3) The use hereby approved shall not be carried on other than between the hours of 11:00am - 19:00pm Mondays to Saturdays and between 10:00am and 16:00pm on Sundays and public or Bank Holidays.
Reason: So as not to detract from the amenities of the near-by residential property.
- 4) The ground floor of the premises shall only be used as a tattoo parlour, or any use within Class A1 (Shops) and Class A2 (Financial and Professional Services) of the Town and Country Planning Use Classes Order 1987, or any Order revoking and re-enacting that Order.
Reason: The proposal is considered acceptable on its own merits whilst any use within Class A1 (Shops) and Class A2 (Financial and Professional Services) of the Town and Country Planning Use Classes Order would also be acceptable in this location.

(Report circulated)

44

PLANNING APPLICATION NO.13/2965/01 - LAND TO THE WEST OF HIGHER FURLONG, HOLLOW LANE, EXETER, EX1 3RW

The Senior Area Planning Officer presented the application for two dwellings (all matters reserved for future consideration apart from access).

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

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

Members noted that the City Council's emerging Site Allocations and Development Management Development Plan Document, included a Ridge Park designation and that there would be significant benefit in securing a proportion of land to the north of the site as publicly accessible Ridge Park. This was supported. Members also noted that the Highways Engineer recognised that there was a solution to the provision of a suitable access but sought details first prior to approval.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the matters referred to in the report, planning permission for two dwellings (all matters reserved for future consideration apart from access) be **delegated** to the Assistant Director City Development to approve, subject to prior consultation with the Chair of Planning Committee and subject also to the following conditions:-

- 1) C01 - Standard Outline
- 2) C04 - Outline - Exclude Details
- 3) C06 - Time Limit - Approval of Reserved Matter
- 4) C07 - Time Limit - Outline
- 5) C15 - Compliance with Drawings
- 6) C17 - Submission of Materials
- 7) C34 - Landscape Scheme - Outline
- 8) C36 - No Trees to be Felled
- 9) C37 - Replacement Planting
- 10) C38 - Trees - Temporary Fencing
- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access 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.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's vehicles, construction plant and materials 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 during the construction period.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site during the construction period having regard to the limited width of access to the site, in the interest of public safety.
- 13) The buildings comprised in the development hereby approved shall be constructed to have all their heating systems (including space and water

heating) compatible with the proposed decentralised energy network. Prior to occupation of the development, the necessary on-site infrastructure shall be put in place for connection of those systems to the network at a point on the site boundary agreed in writing by the LPA.

Reason: In the interests of sustainable development.

- 14) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

Reason: In the interests of sustainable development.

- 15) Any individual dwelling hereby approved shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a Code Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- 16) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2016, within 10 working days following that date.

Reason: In the interests of sustainable development.

- 17) Construction/demolition 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 interests of local amenity.

- 18) 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.

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)

45

PLANNING DECISIONS AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

(Report circulated)

46

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

47

PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES

The report of the Corporate Manager Democratic and Civic Support was submitted.

RESOLVED that the circulated rota of dates for Planning Member Working Group meetings be approved.

(Schedule circulated)

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AREA WORKING PARTY - COMPOSITION AND SCHEDULE OF DATES

The report of the Corporate Manager Democratic and Civic Support was submitted.

RESOLVED that the dates, as circulated, and the composition of the Area Working Parties as set out below be approved:-

Northern Area Working Party:-

Councillors Denham, Edwards, Donovan, Mitchell and Prowse

Southern Area Working Party:-

Councillors Mrs Henson, Choules, Spackman and Tippins

Western Area Working Party:-

Councillors Bialyk, Owen, Sutton and Winterbottom

(Schedule circulated)

49

SITE INSPECTIONS - ROTA FOR VISITS

The report of the Corporate Manager Democratic and Civic Support was submitted.

RESOLVED that the circulated rota of site inspections, as amended, be approved.

(Schedule circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 11 June 2013 at 9.30 a.m. The Councillors attending will be Denham, Prowse and Spackman.

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ADDITIONAL INFORMATION SHEET

Attached.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair