

PLANNING COMMITTEE

Monday 1 June 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, D Baldwin, P J Brock, Choules, Edwards, Mitchell, Newby, Prowse, Shepherd, Taghdissian and Wadham

Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor, Planning Technician (ID) and Member Services Officer (SJS)

45

MINUTES

The minutes of the meetings held on 19 January 2009, 23 February 2009 and 23 March 2009 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Prowse	49 (student landlord) 54 (lives in the vicinity)
Councillor Shepherd	53 (lives in the vicinity)

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PLANNING APPLICATION NO.09/0542/21 - GRID REFERENCE 291130 091792, SOUTH EAST BOUNDARY OF CAR PARK, 135 COWICK STREET, EXETER, EX4 1HS

The Head of Planning and Building Control presented the application for prior approval for the installation of a telecommunications monopole with 3 antennas, equipment cabinet and associated works. The monopole proposed would be 14.4 metres high and of steel grey finish. It would provide additional 3G coverage for Vodafone.

The Head of Planning and Building Control informed Members of the sites considered by Vodafone, the sites suggested by the Local Planning Authority and that the applicants had supplied an ICNIRP (International Commission on Non-ionizing Radiation) certificate.

During discussion, Members raised concerns regarding the validity of the ICNIRP certificate as it was self-certificated and asked if there were any more 3G monopoles proposed for the area.

The Head of Planning and Building Control stated that the proposed mast was the only one in the area detailed on the Roll Out Plan submitted by the telecommunication companies which had been presented to the Planning Member Working Group in January 2009.

RESOLVED that prior approval for the sitting and appearance of the telecommunications apparatus is required, and that it be granted.

(Report circulated)

**PLANNING APPLICATION NO.09/0417/03 - LAND TO REAR OF ST LOYES
HOTEL, 12-14 SALTERS ROAD, EXETER, EX2 5JH**

The Head of Planning and Building Control presented the application for planning permission for redevelopment to provide three, three bed terraced dwellings and detached building comprising of four one and two bed self-contained flats, refuse storage enclosure, parking and associated works at land to the rear of St Loyes Hotel, 12-14 Salters Road, Exeter.

The Head of Planning and Building Control outlined to Members the relationship the proposal would have with the adjacent properties with regards to height and privacy. A previous scheme on this site had been withdrawn due to officers' concerns and this application had sought to address those concerns, in particular the relationship of the height of the buildings to the adjacent properties.

The recommendation was for approval subject to a Section 106 agreement regarding an education contribution and conditions in the circulated report.

Dr Milmer (representing the residents of Cranbrook Road and Salters Road) spoke in opposition to this application. He raised the following points:-

- understood this brownfield site would be developed
- would like to see written confirmation of the heights of the flats and the number of floors
- construction would disturb bats and hedgehogs on the site
- there should not be any velux windows
- the existing Heavitree stone wall should be retained
- the distance between the proposed terrace housing and nos. 7 and 8 Cranbrook Road were too close and the terrace should not be staggered
- should be a provision of a six foot boundary fence.

In answer to a Member's question, Dr Milmer stated that if the terrace properties were in a straight line it would improve the privacy of residents in Cranbrook Road.

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

- had been working for three years with the Local Authority to come up with an acceptable scheme
- the first application had been withdrawn due to design elements
- the roof heights would be agreed prior to commencement by the Local Planning Authority
- would be a sustainable development
- would comply with all conditions
- the applicants wanted the best finish for the buildings.

In answer to a Member's question, Mr Turner stated that the design of the terrace housing had been looked at closely and that Exeter City Council's design guide recommended a staggered approach to terracing.

During discussion, some Members raised concerns regarding the height of the buildings, the use of velux windows and the effect of the staggered terrace on the residents of Cranbrook Road and asked if this could be modified or reduced.

The Head of Planning and Building Control informed Members that there was a small degree by which the staggered terrace could be amended and that condition five on the circulated report could be amended to include the exclusion of velux windows. The height of buildings and materials would be covered by conditions which would require details to be submitted and approved by the Local Planning Authority prior to commencement.

RESOLVED that planning permission for redevelopment to provide three terraced dwellings and detached building comprising four self-contained flats, refuse storage enclosure, parking and associated works be delegated to the Head of Planning and Building Control to be **approved** subject to the receipt of amended plans regarding the staggered terracing, the completion of a legal agreement relating to the payment of the required education contribution and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C70 - Contaminated Land
- 8) H03 - Highways - Drainage
- 9) No part of the development hereby approved shall be brought into its intended use until the access and on-site parking facilities have been provided, surfaced, marked out and allocated to each residential unit in accordance with the requirements of this permission and retained for those purposes at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate facilities are available to cater for the traffic attracted to the site.
- 10) No 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 during the construction period in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be retained solely for the identified purpose until the completion of the development.
Reason: In the interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 11) Unless otherwise agreed in writing by the Local Planning Authority 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 interests of the residential amenities of the occupants of surrounding properties.
- 12) Prior to the commencement of the development hereby approved details of all proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the Conservation Area.
- 13) Prior to the first occupation of any of the residential units comprised in this development the access to the site leading from St Loyes Road shall be re-surfaced in accordance with details that shall previously have been submitted to and approved in writing by, the Local Planning Authority.

Reason: To ensure that the access serving the site is improved to a suitable standard to facilitate its effective use as a means of access to serve the development in the interests of highway safety.

- 14) Prior to the commencement of the development hereby approved details of the finished floor levels, eaves and ridge heights of the proposed new houses in relation to the surrounding levels shown on drawing no DO10/08/112A, and an agreed fixed point or O.S datum, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details, and the levels shown on drawing nos. D010/08/112A, D010/08/113A and D010/08/119A.

Reason: In the interests of the visual amenity and character of the Conservation Area and the residential amenity of the occupants of surrounding properties.

- 15) Prior to the commencement of the development, a scheme identifying how the design of 20% of the properties comprised in this development, distributed evenly across the site, shall incorporate integral provision of bat/bird nesting boxes shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and the bird/bat nesting areas permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate provision is made for nesting birds/bats within the development in the interests of enhancing the contribution of the development to the ecology of the area.

In the event that the Section 106 agreement is not completed within six months of the date of this Committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement

(Report circulated)

49 **PLANNING APPLICATION NO.09/0404/03 - BRADFORDS YARD, COWLEY
BRIDGE ROAD, EXETER, EX4 5AD**

Councillor Prowse declared a personal interest as he is a student landlord.

The Development Manager reported that, in light of the status of the application being changed from a reserved matters to a full application; revised plans being received showing design changes and concern from a local resident regarding the period of consultation, this application be deferred to the Planning Committee on the 30 June 2009 to allow a consultation period of 21 days on the amended plans and revised status of the application.

RESOLVED that this application be deferred to allow reconsultation on the amended plans and revised status of the application.

(Report circulated)

50 **PLANNING APPLICATION NO.09/0577/18 - 12 HOKER ROAD, EXETER, EX2
5HR**

The Development Manager presented the application for a Certificate of Lawfulness of proposed development for ground floor extensions on the north east and south east elevations at 12 Hoker Road, Exeter.

RESOLVED that a certificate of lawful development be issued.

(Report circulated)

51 **PLANNING APPLICATION NO.09/0656/18 - 28 MAYFIELD ROAD, PINHOE
EXETER, EX4 8PR**

The Development Manager presented the application for a Certificate of Lawfulness of proposed development for a conservatory on the north elevation at 28 Mayfield Road, Pinhoe, Exeter.

RESOLVED that a certificate of lawful development be issued.

(Report circulated)

52 **TREE PRESERVATION ORDER NO. 598 (2 HIGHFIELD, TOPSHAM, EXETER)
2009**

The Head of Planning and Building Control presented the report for an area Tree Preservation Order (TPO) at 2 Highfield, Topsham.

Mr Alder (agent) spoke against the TPO. He raised the following points:-

- the owner of the land was in pre-application discussions with the Local Planning Authority
- the TPO would have a serious effect on the owner's freedom to manage the trees
- there was no way of appealing once a TPO was confirmed
- the trees had been managed for many years without complaint
- the owner wished to build a new dwelling for herself adjacent to the main property
- this order was not justified and should not be confirmed.

In answer to a Member's question, Mr Alder stated that some of the trees were dying.

One Member felt that this area TPO was unnecessary and would be too restrictive and that only individual trees worthy of protection should have a TPO.

The Director Economy and Development stated that an area TPO was a precautionary approach that Exeter City Council undertook where there were early indications of development proposals being formulated and that this order was consistent with the Council's policy. The order would not prevent works to trees that were dead, dying or dangerous.

RESOLVED that the order be confirmed without modification.

(Report circulated)

53 **TREE PRESERVATION ORDER NO.597 (4 BLACKALL ROAD, EXETER) 2009.**

Councillor Shepherd declared a personal interest as he lives in the vicinity.

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the order be confirmed without modification.

(Report circulated)

54 **TREE PRESERVATION ORDER NO. 596 (THE EXETER ROYAL ACADEMY FOR DEAF EDUCATION, TOPSHAM ROAD EXETER) 2009**

Councillor Prowse declared a personal interest as he lives in the vicinity.

The report of the Head of Planning and Building Control was submitted. An update sheet was circulated to Members giving details of a letter received from Ashfords LLP on behalf of the owner confirming that their clients' objection to the Tree Preservation Order, dated 23 February 2009 was maintained.

RESOLVED that the order be confirmed without modification.

(Report circulated)

55 **AMENDMENTS TO THE CONSTITUTION**

The Planning Solicitor presented the report recommending amendments to the Council's Constitution, to update it in relation to the Local Development Framework. Members would be aware that the Planning and Compulsory Purchase Act 2004 provided for a system of Local Development Frameworks (LDF), to replace Local Plans. The Regulations had been amended to require Development Plan Documents to be approved by Executive except in more limited circumstances, namely when being either submitted to the Secretary of State or adopted, when they must still be approved by Council.

RESOLVED to recommend to the Executive that:

- a) the Council amend the Constitution in accordance with Appendix 1 of the circulated report; and
- b) the Head of Legal Services be authorised to amend the Constitution.

(Report circulated)

56 **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

57 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

The Development Manager informed Members that officers had undertaken a site meeting with the owners of 1 Bickleigh Close and it was anticipated that the owners would reconsider their proposal.

RESOLVED that the report be noted.

(Report circulated)

58

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

59

SITE INSPECTIONS - ROTA FOR VISITS

The report of the Assistant Chief Executive was submitted.

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

(Schedule circulated)

60

AREA WORKING PARTIES - COMPOSITION AND SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

RESOLVED that the composition and rota of Area Working Parties, be approved.

(Schedule circulated)

61

PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

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

(Schedule circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 16 June 2009 at 9.30 a.m. The Councillors attending will be Newton, Shepherd and Mrs Henson.

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MIRCOPHONES

Members expressed concern regarding the problems being experienced with microphones and that members of the public who attended the Committee could not hear what was being discussed.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair