

EXMOUTH TOWN COUNCIL

MINUTES OF A MEETING OF THE PLANNING COMMITTEE, HELD IN THE COUNCIL CHAMBER, TOWN HALL, EXMOUTH ON MONDAY 6th JANUARY 2014 AT 6.00P.M.

PRESENT: Councillors: L Elson (Chairman)

I Brownbill	M Chapman
T Dumper	S Gazzard
S MacQueen	B Nash (reserve for A Greenhalgh)
C Nicholas	B Toye
R Turner	E Wragg (arrived 18.25)

APOLOGIES: Councillors J Taylor & A Greenhalgh

PUBLIC SPEAKING TIME

The meeting was adjourned for Anthony & Valerie Ayling to speak against planning application 13/2765/FUL, 16 Dunsford Close (Land to rear of 13 Colvin Close).

Note: The applications stated above were discussed immediately after the Public Speaking Time. The Chairman then reconvened the Planning Meeting.

P14/286. MINUTES

The Minutes of the meeting held on 16th December 2013 were approved and signed as a correct record.

P14/287. DECLARATIONS OF PECUNIARY INTEREST AND DISPENSATIONS

Councillors M Chapman and S Gazzard declared a personal interest in respect of Items for Consideration as they sat on the Licensing Sub-Committee at EDDC who would decide on the applications.

P14/288. URGENT BUSINESS

ADJOINING PARISH – 13/2485/OUT LAND TO THE SOUTH OF HOLLYWELL NURSERIES, COURTLANDS LANE – 2 detached dwellings and garages.

Target Date: 13.01.14

RESOLVED - Deferred to Ward Councillors who would feedback their comments to the Chairman of Lympstone Planning Committee.

LIVERTON 2 BUSINESS PARK – 13/2798/MRES – Construction of industrial unit – reserved matters – access, appearance, landscaping, layout, scale and usage (B1,B2 and B8)

RESOLVED - No objection. The Committee recommended that the applicant should put funding aside for possible future traffic management at the junction of Liverton Business Park and Salterton Road should the installation of traffic lights be found to be necessary.

P14/289. To Determine Applications under Delegated Powers.

		APPLICATIONS FOR DETERMINATION	COMMENTS	STATUTORY CONSULTEES VIEWS OF REPRESENTATIONS	DECISION
WARD	Brixington				
PLAN No:	13/2480/TRE	46 Canterbury Way Mr R Cook T1 - Oak - Prune back to old pollard points, maximum cut diameter approx. 150mm where possible retain live growth.		Tree Officer's report – This is a veteran native Oak which had a significant feature and greatly contributed to the amenity of the area. There was a cracked cavity with fire damage on the northern side of the main stem which had left the branches above that point on the north western side compromised. There were also signs of decay and old pruning cuts had some cambium die back. Works were last undertaken in 2004 and dense re-growth had developed at the reduction points. General issues of health and safety to the public should be addressed first followed by the long term management of the tree to reduce its overall size. To prune the tree back to the old pruning cuts would effectively re-pollard the tree and would cause considerable physiological stress so lesser works are recommended. Continued	REFUSAL in accordance with the Tree Officer's report to prune back to old pollard points as the proposed works would remove a significant volume of foliage which would cause significant physiological stress to the tree. However the Committee APPROVED lesser works to thin the re-growth on the old reduction point to increase light to the inner crown and maintain Continued

		APPLICATIONS FOR DETERMINATION	COMMENTS	STATUTORY CONSULTEES VIEWS OF REPRESENTATIONS	DECISION
PLAN No:	13/2480/TRE	46 Canterbury Way Mr R Cook T1 - Oak - Prune back to old pollard points, maximum cut diameter approx. 150mm where possible retain live growth.		Continued Recommendation for a split decision Refuse the application to prune back to old pollard points as the proposed works would remove a significant volume of foliage which would cause significant physiological stress to the tree. Approve lesser works to thin the re-growth on the old reduction point to increase light to the inner crown and maintain more vascular function in order to reduce the level of physiological stress. Recommended works exempt from Tree Preservation Order would be to reduce the 2 first order north westerly stems growing above the area of fire damage by one third to a point of strong growth.	Continued more vascular function in order to reduce the level of physiological stress. The Committee requested that this Tree is reviewed again by the Tree Officer in 5 years time.
LIMIT	15.01.14				

P14/290. To consider the Planning Applications for consultation set out below

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
WARD	Littleham				
PLAN No:	13/2649/FUL	10 Cyprus Road H D Fowler Trust Construction of detached dwelling and garage and formation of new access		2 x Reps – concerned about possible dangers on exiting the access to the proposed property as it was situated near a brow of a hill. Concern about possible overlooking of Flat 6 Magnolia Court.	NO OBJECTION
LIMIT	06.01.14				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	13/2765FUL	<p>16 Dunsford Close (land To Rear Of 13 Colvin Close)</p> <p>Mr M Jackson Re-positioning of approved garage to enable construction of summer room, incorporating balcony and external staircase on rear (east) elevation. Realignment of boundary with no.14 Dunsford Close (Amendments to planning permission 11/1827/FUL and 08/1025/FUL)</p> <p>Anthony & Valerie Ayling had spoken against this application during public speaking time.</p>		<p>1 x Rep – the resident at 61 Douglas Ave was concerned about loss of privacy and possible loss of light to the bedrooms at the rear of the property. The plans showed a tree shielding the view from the proposed sun room towards 61 but this tree was not protected so there was no guarantee it would stay.</p>	<p>OBJECTION on the grounds of:-</p> <ul style="list-style-type: none"> • Overlooking properties to the rear. • Height & size of building does not comply with the Avenues Design Statement. • Overdevelopment of the site. <p>However if EDDC were minded to approve the application the committee asked for either the trees to be maintained or a retention wall should be built due to concerns of water runoff creating a possible landslide due to the steep site.</p>
LIMIT	10.01.14				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	13/2700/FUL	Land Adjoining Elmleigh Cottage Elm Lane Mr & Mrs T Shears Construction of dwelling and alteration to vehicular access. Revisions to planning permission 03/P0418 to include installation of window to side gable to south west elevation, two velux roof lights to front and rear elevations and omission of garage door for window to serve dining room.		1 x Rep – objected but letter was not yet scanned onto EDDC website.	OBJECTION on the grounds of:- <ul style="list-style-type: none"> • Removal of the garage would take away a parking facility. The Committee did not feel there was sufficient space to park 3 cars as indicated on the plans. • Overdevelopment of the site. Approval was given for a 2 storey dwelling and not 3 storey. • Some of the revisions would appear to have been already implemented. Was this therefore a retrospective application for permission. If EDDC were minded to approve Ward Councillors requested that this application was referred to EDDC Development Management Committee for a site inspection.
LIMIT	07.01.14				

P14/291. ITEMS FOR CONSIDERATION

- 1. Licensing Act 2003 – Premises Licence Variation Application (Ref No. PLNA0009)**
Premises: Best Kebabs, Unit 3, 7-9 Rolle Street, EX8 1HL
Ward: Town
Name of applicant: Merdzhan Mehmed

PROPOSED VARIATION

To extend the premises opening hours and licensing hours for the provision of late night refreshment to 04:00 am Monday to Sunday.

CURRENT LICENSED OPEN HOURS GRANTED

Monday to Sunday Noon to 03:00am

CURRENT ACTIVITIES – TIMES GRANTED

Late Night refreshment (Indoors)

Monday to Sunday 11:00pm to 03:00am

Last Date for receipt of representations by the Licensing Authority **06 January 2014**

RESOLVED- The Committee did not support the extension of the licensing hours. The committee wished to register an official representation on the grounds of the “prevention of public nuisance”. Members felt that there should be a uniform licensing policy for takeaways within the town of 3am for the provision of late night refreshment. The Committee requested that this was also stated in the local plan to this effect.

- 2. Licensing Act 2003 – Premises Licence Variation Application (Ref No. 035754)**
Premises: 40 The Strand, EX8 1AH
Ward: Town
Name of applicant: Mr Mustafa OZBEK & Mr Ahmet OZBEK

PROPOSED VARIATION

To extend the premises opening hours and licensing hours for the provision of late night refreshment to 04:00 am Monday to Sunday.

CURRENT LICENSE PREMISES OPEN HOURS GRANTED

Monday to Wednesday & Sunday 11:00am to 02:00am

Thursday to Saturdays 11:00am to 03:00am

Bank Holiday Mondays (May, spring, August, Easter) 11:00am to 03:00am

Christmas Eve 11:00am to 04:00am

New Year’s Eve 11:00am to 04:00am

CURRENT ACTIVITIES – TIMES GRANTED

Late Night refreshment (Indoors)

Monday to Wednesday & Sunday 11:00pm to 02:00am

Thursday to Saturdays	11:00pm to 03:00am
Bank Holiday Mondays (May, spring, August, Easter)	11:00pm to 03:00am
Christmas Eve	11:00pm to 04:00am
New Year's Eve	11:00pm to 04:00am

Last Date for receipt of representations by the Licensing Authority **16 January 2014**

RESOLVED- The Committee again did not support the extension of the licensing hours on the same grounds as item 1. The Committee requested that the Town Council write to EDDC Conservation Officer expressing the Town Council's concern regarding the condition of this important Grade II listed building and request for action to be taken to bring the building back to good repair.

Note: Councillors M Chapman and S Gazzard left the room whilst discussion took place as they had previously declared a personal interest.

P14/292. ITEMS FOR INFORMATION

1 . Notification of Exempt Tree Works from EDDC Arboricultural Officer 8 Isca Road, Exmouth

The tree works were

- T1** Horse chestnut (dead) – Fell
- T2** Leyland cypress – Reduce in height by half
- T3** Eucalyptus – Fell
- T4** Larch (dead) – Fell
- T5** Beech – Prune back from overhead cables.
- T6** Eucalyptus – Fell.

Trees T1 and T4 These were dead and if covered by the TPO their removal would be considered to be an exception from the normal requirement to seek the consent of this Council under Regulation 14 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. (This regulation of the Act provided for works to be carried out on dead and dangerous trees [or parts of trees] in the interests of safety).

There was a duty under the Act to plant replacement trees when trees are removed under this exception. In this instance, replanting would not be required due to the density of the remaining tree cover.

Trees T2, T3 and T6 These trees were considered of insufficient age to be covered by the TPO.

T5 This tree was outside of the area covered by the TPO.

These works were not considered inappropriate and may be undertaken at your earliest convenience.

With regards to the TPO at this site. According to our records the TPO at this site was 171A/1989, this was served on the 18/12/1989 and then confirmed on 23/05/1990. TPO 10/1983 was originally served on 13/07/1983, it was never confirmed, and our land charges carry a note stating this TPO was replaced by TPO 171A/1989.

2. Application to Carry Out Work on Protected Trees

Location: 50 Bradham Court
Ward: Withycombe Raleigh
Application No: 13/2618/TRE

Trees were of insufficient age to be covered by Tree Preservation Order.

3. Appeal Ref: APP/TPO/U1105/3579

13/2032/TRE 72 Byron Way - Ward: Halsdon

A **split decision was taken** - to crown lift the lowest 2 branches of the Oak – which was **approved** and reduce the crown height and spread by 1.5 metres which was **refused** as it would be detrimental to the amenity of the tree and felt unnecessary work.

EDDC wrote to advise that the above application had gone to appeal against their decision to refuse consent for the proposed works. There was no further right to comment.

4. Tree Preservation Order

Proposal: Land at and adjacent to the property known as Homeleigh, St Johns Road
TPO: 12/0002/TPO

A decision had been taken not to confirm the order.

5. Tree Preservation Order

Proposal: Woodland to the South East of Homeleigh, St Johns Road
TPO: 12/0003/TPO

A decision had been taken not to confirm the order.

P14/293. EAST DEVON DISTRICT COUNCIL – PLANNING DECISIONS

APPLICATION	EXMOUTH TOWN COUNCIL VIEW	EDDC DECISION	DATE OF EDDC DECISION
13/2100/LBC 13 The Beacon	No Objection	Conditional Approval	11.12.13
13/2476/FUL 179 Pound Lane	No Objection	Approval	11.12.13
13/2478/FUL Chantries 51 Halsdon Ave	No Objection	Conditional Approval	11.12.13
13/2504/FUL 135 St Johns Road	No Objection	Approval	11.12.13

13/1909/FUL 190B Exeter Road	Objection	Conditional Approval	12.12.13
13/2441/FUL 30 Anson Road	No Objection	Conditional Approval	12.12.13
13/2326/FUL 77 Fraser Road	Objection	Refusal	13.12.13
13/2003/FUL 24 Normandy Close	No Objection	Conditional Approval	14.12.13
13/1884/OUT 4 Isca Road	No Objection	Conditional Approval	19.12.13
13/2556/FUL 56 Featherbed Lane	No Objection	Refusal	19.12.13
13/1190/MFUL Devoncourt Hotel 16 Douglas Avenue	No Objection	Conditional Approval	20.12.13

Please note that all Decisions received from East Devon District Council are available on request for inspection in the office.

NOTE: It was formally noted that the participation of those Councillors who are also members of the East Devon District Council in both the debate and subsequent vote (in respect of any of the above matters) was on the basis that the views expressed were preliminary, taking account of the information presently made available to the Town Council. The District Councillors reserved their final views on the applications until they were in full possession of all the relevant arguments for and against.

The meeting closed at 18:57

SIGNED:.....DATED:.....