

EXMOUTH TOWN COUNCIL

MINUTES OF A MEETING OF THE PLANNING COMMITTEE, HELD IN THE COUNCIL CHAMBER, TOWN HALL, EXMOUTH ON MONDAY 7th SEPTEMBER 2015 AT 6.00 P.M.

PRESENT: Councillors: L Elson (Chairman)
 B Bailey F Caygill
 P Dean T Dumper
 T Hill B Nash
 C Nicholas B Toye
 J Trail

APOLOGIES: Cllr C Gough

P15/128. MINUTES

The Minutes of the meeting held on 24th August 2015 were approved.

P15/129. DECLARATIONS OF PECUNIARY INTEREST AND DISPENSATIONS

Councillors C Nicholas and B Bailey declared a personal interest in respect of items for consideration, premises licence applications for the Indoor Market and Place (The), as they sat on the licensing sub-committee at EDDC who would decide the application.

Councillor C Nicholas declared a personal interest in respect of planning application 15/1931/FUL, 72 Ivydale as she was a resident in the road, but not near the applicant.

Councillor F Caygill declared a personal interest in respect of planning application 15/1818/MFUL, Moreton 13 Drakes Avenue as he had arranged the room for the first residents meeting, though he did not attend. He was also a resident in the road.

Councillor L Elson declared a personal interest in respect of planning application 15/1913/FUL, 9B Portland Avenue as the applicant's wife was a trustee of her employers Hospiscare.

P15/130. URGENT BUSINESS

EDDC Estates Department - 8 Pankhurst Close - Ward: Littleham

EDDC Estates department advised that the tenant of 8 Pankhurst Close, Littleham, Exmouth currently ran a commercial joinery business, due to a downturn in work he was looking to diversify and start a dog day care business in part of the building.

His lease prohibits the keeping of animals on site. In order to enable a dog day care use EDDC would need to grant a variation of the lease covenant for a fee and costs. The lease was a long 125 year ground lease which expires in 2129. The building was constructed by the tenant.

In addition to a change of covenant, planning consent would be necessary for change of use. Licensing and Environmental health would also have their own conditions and requirements which would need to be adhered to.

The building was in an industrial site (plan circulated) however there was a planning application for a housing estate across the road. EDDC raised the issue of potential noise from dogs barking. The tenant considers the current noise from his machinery would be worse.

As part of the consultation process EDDC asked for comments or objections. The above information was previously circulated to members by email prior to the meeting.

RESOLVED: Members had reservations in respect of possible noise created by dogs barking, the unspecified hours of business and the number of dogs that would attend the premises as the site was situated near a new site identified for a housing development.

P15/131. To Determine Applications under Delegated Powers.

		APPLICATIONS FOR DETERMINATION	COMMENTS	STATUTORY CONSULTEES VIEWS OF REPRESENTATIONS	DECISION
WARD	Littleham				
PLAN No:	15/1749/TRE	6 Albion Hill Mrs Woolhead T1, Ash: Fell		<p>Tree Officer’s Report – this was a visually prominent tree seen both up and down Albion Hill and the southern end of Windsor Square. The crown had just started to overhang the footpath & highway. The application was for removal on the grounds of falling debris causing a nuisance & it being too large for its location. Falling debris was considered part of the natural environment and not a reason for the removal of a protected tree. Left unchecked it could outgrow its location, however a management program of regular pollarding had been started and should be continued.</p> <p>RECOMMEDATION FOR A SPLIT DECISION</p> <p>Approval – Crown lift off public footpath to a height of 2.5m above ground level. Crown lift off the public highway to a height of 5.5m</p> <p>Refusal – Fell on grounds that falling debris was not a reason for removal & it could be managed on a regular basis as a pollard.</p>	<p>SPLIT DEICISON in accordance with the Tree Officer’s report.</p> <p>Approval – Crown lift off public footpath to a height of 2.5m above ground level. Crown lift off the public highway to a height of 5.5m</p> <p>Refusal – Fell on grounds that falling debris was not a reason for removal & it could be managed on a cyclical basis as a pollard.</p>
LIMIT	24.09.15				

P15/132. To consider the Planning Applications for consultation set out below

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
WARD	Brixington				
PLAN No:	15/1931/FUL	72 Ivydale Mr K Daniels Single storey side and front extension (amendments to planning permission 15/0709/FUL to include porch and front elevation)	Note: Cllr C Nicholas declared a personal interest Highways did not wish to comment. Town Council had no objection to prior application subject to protection of the Lime tree.	None	No Objection
LIMIT	09.09.15				
WARD	Halsdon				
PLAN No:	15/1875/FUL	37 Ashleigh Road Mr Ian Thompson Raising of roof, construction of first floor side extension on west elevation, single storey extension to east elevation, construction of front garage extension, construction of rear extension and provision of rear access steps to decking	Highways did not wish to comment.	None	Objection on the grounds of over development of the site and out of keeping with other properties in the road.
LIMIT	08.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1937/FUL	St Michaels, Littlemead Lane UKRD (Exmouth Two) Ltd Construction of 4 no detached dwellings with access off adjoining development at Eight Bells approved under reference 13/0428/RES (amendment to include re-aligned access road, re-orientation of plot 4 and revised plot levels to 3 and 4)	Highways – Had not commented at the time of the meeting.	None	No Objection
LIMIT	09.09.15				
PLAN No:	15/1940/FUL	3 Oakleigh Road Mr M Anderson Construction of roof extension to facilitate loft conversion incorporating Juliet balcony and roof lights; raising the height of garage; construction of single storey extension; engineering works to create new driveway and construction of new boundary wall	Highways did not wish to comment.	None	No Objection
LIMIT	09.09.15				
PLAN No:	15/1920/FUL	14 Maristow Avenue Mr R Wallis Construction of extension and creation of pitched roof to garage	Highways did not wish to comment.	None	No Objection
LIMIT	11.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1990/FUL	22 Marcom Close Mrs J Fryer Replace all existing fence to a height of 1.8metres and to include the re-position of fence section adjacent to Barrowdale Close		None	No Objection
LIMIT	16.09.15				
WARD	Littleham				
PLAN No:	15/1938/MFUL	83 Salterton Road Mr G & M Cowley & Jennings Demolition of existing property and construction of 10 no. apartments	Highways gave Standing Advice Environmental Health requested that a Construction and Environment Management Plan be submitted.	4 x Reps – objected to the over use of the land. The addition of a 3 rd storey would impact on the privacy of both neighbouring properties and gardens plus overshadowing.	Objection on the grounds of overlooking and loss of privacy to adjoining properties. Overdevelopment of the site in height and mass.
LIMIT	10.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1913/FUL	9B Portland Avenue Mr J Sumner Proposed conversion of existing second floor loft space to additional accommodation and creation of a fire escape to road elevation.	Note: Cllr L Elson declared a personal interest. Highways did not wish to comment.	None	<u>Split Decision</u> No Objection in principle to the conversion of the loft but concerned that the fire escape and the replacement of a window with a door would be out of keeping with the Streetscene.
LIMIT	14.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1955/MFUL	34 Douglas Avenue UKRD Limited Amendment to approved scheme 14/1542/MFUL (re-development to provide 9 no new houses and conversion of the existing annex to 2no 3 bedroom dwellings). Amendments include additional garages and raising of the approved dwelling.		1 x Rep – Residents of the property on adjoining land objected to the addition of garages to the rear of the development as this would create noise and light pollution and felt unnecessary as parking provision was catered for at the front of the property. The increase in height had already been built. There was added concern about the measures to protect trees that had TPO's on them and the installation of the approved landscaping scheme.	Objection to the revised plans as the raised height would result in overlooking into a property on adjoining land. Note: Request EDDC to investigate lack of landscaping scheme.
LIMIT	15.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1679/OUT	<p><u>ADDENDUM</u> Cranford Sports Club 42 Salterton Road Cranford Sports Club Outline application for the erection of up to <u>5 no. dwellings</u> with all matters reserved</p> <p><u>Amended plans for consultation.</u> These amendments relate to Amended description of development:- Outline application for the erection of <u>up to 10 dwellings</u> with all matters reserved.</p>	<p>Town Council had no objection to 5 dwellings.</p> <p>Cllr T Dumper abstained from the recommendation.</p>	None	Objection to the amended plans on the grounds that 10 dwelling was over development and out of keeping with an area of low density housing. However supportive in principle to 5 dwellings.
LIMIT	16.09.15				
WARD	Town				
PLAN No:	15/1720/FUL	<p>8 Ryll Grove Dr Briony Tebbutt Demolition of existing wall groundworks and excavation to create car parking area to front of property</p>	<p>Highways did not wish to comment.</p>	None	No Objection
LIMIT	08.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1897/FUL	Exmouth Leisure Centre Royal Avenue Mr Peter Gilpin (Leisure East Devon) New section of roof to accommodate a new platform lift	Highways do not wish to comment.	None	No Objection
LIMIT	11.09.15				
PLAN No:	15/1892/LBC	13 The Beacon Mrs Alison Stevenson Re-pointing of brickwork and capping of chimney	Highways did not wish to comment.	None	No Objection subject to the Conservation Officer's report.
LIMIT	14.09.15				
PLAN No:	15/1923/FUL	The Co-operative Food Store 3 - 7 Magnolia Walk The Co-operative Group Installation of replacement fire doors	Highways did not wish to comment.	None	No Objection
LIMIT	15.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	14/2461/FUL	<p><u>ADDENDUM</u> St Andrews House St Andrews Road</p> <p>Chapter 1 Change of use of east part of former church to 3 no. residential care units (C2 Use) and insertion of new openings and replacement windows</p> <p><u>Amended plans for consultation.</u> These amendments relate to Raised concrete floors at ground floor level</p>		None	No Objection to the amended plans subject to the Conservation Officer's report.
LIMIT	15.09.15				
PLAN No:	14/2462/LBC	<p><u>ADDENDUM</u> St Andrews House St Andrews Road</p> <p>Chapter 1 Internal and external alterations of east part of former church to enable conversion to 3 no. residential care units (C2 use)</p> <p><u>Amended plans for consultation.</u> These amendments relate to Raised concrete floors at ground floor level</p>			No Objection to the amended subject to the Conservation Officer's report.
LIMIT	15.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
WARD	Withycombe Raleigh				
PLAN No:	15/1818/MFUL	<p>Moreton 13 Drakes Avenue Methodist Homes (MHA) Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13a Drakes Avenue.</p> <p>Phil Macefield and Jean Cooper spoke during the Public Speaking session.</p>	<p>Note: Cllr F Caygill had previously declared a personal interest.</p> <p>Environmental Health accept the submitted noise report but recommend that a further noise report was submitted on specific plant to be used.</p>	<p>2 x letters of support. 11 reps – some residents of Drakes Ave, Freelands Close and Avondale Rd were concerned at the loss of light, privacy and amenities from the balconies and roof terraces overlooking their properties. The sheer height and scale of the development was dominant and out of keeping and over development in a residential area. Car parking disturbance would also effect the residents of Freelands Close. There were serious concerns as to water run-off from the property. There was a common agreement for the trees and hedges to be retained on all boundaries to the current building. Bats have been seen in the vicinity. Insufficient parking on site and there would be an increase in activity at the Drakes Ave junction.</p>	<p>Objection on the grounds that the size and scale was overdevelopment of the site. The loss of privacy and amenity to neighbouring properties on Drakes Ave, Freelands Close and Avondale Road. The lack of a parking provision would result in the overflow of cars parking on Drakes Avenue.</p> <p>Note: Request EDDC Ward members represent objection.</p>
LIMIT	08.09.15				

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
PLAN No:	15/1954/FUL	Thorntree Business Units Liverton Business Park Liverton Business Park 2012 Ltd Creation of additional parking and extension to skip compound	Highways did not wish to comment.	None	No Objection
LIMIT	15.09.15				

P15/133. ITEMS FOR CONSIDERATION

(i) PREMISES AND CLUB PREMISES LICENCE APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003

Ref No: 039824

Premises: Unit 21, Exmouth Indoor Market, 12 The Strand, EX8 1AB

Ward: Exmouth Town

Name of applicant: Mr Robert John THORNTON

Premises Licence Application to include

Premises Open Hours requested

	Time from	Time To
Monday to Saturday	9:00am	5:30pm
Sunday (Applies to Sundays during the months of July and August only)	10:00am	4:00pm
Thursday (Applies to Thursdays during the month of December only)	9:00am	8:00pm
Christmas Eve	9:00am	8:00pm

Activities - Times requested

	Time from	Time To
J. Supply of alcohol for consumption OFF the premises only		
Monday to Saturday	9:00am	5:30pm
Sunday (Applies to Sundays during the months of July and August only)	10:00am	4:00pm
Thursday (Applies to Thursdays during the month of December only)	9:00am	8:00pm
Christmas Eve	9:00am	8:00pm

CONDITIONS OFFERED BY APPLICANT

a) General - all four licensing objectives (b, c, d and e)

Regularly liaise with the market manager, security staff and other stall holders to discuss and action any relevant issues.

Keep a record of any incidents and make sure any staff are aware of these.

Advertise the age challenge policy on the stall so the public are aware of it.

Ensure any spirits or higher value products are kept behind the counter and out of arms reach.

The products sold will be aimed at a more discerning clientele and not at the low value high consumption market.

Any staff to be properly trained and authorised to sell alcohol. A record of all training to be kept.

b) The prevention of crime and disorder

There is CCTV in place which is monitored by the market manager.

There is a security guard present during opening hours.

The shop will be separated from the public by a full length counter with all of the high value products displayed at the back and out of arms reach.

A member of staff will be in attendance at all times with measures in place to monitor the stall if toilet breaks are needed.

Liaise with the local Pub watch regarding any know issues or banned individuals.

An incident book to be kept and any incidents recorded and the information passed on to any stall, the market manager, security and Pubwatch or the Police if necessary.

e) Public safety

Create a risk assessment.

Any heavy or breakable items to be stored or displayed safely.

CCTV in operation.

Public liability insurance is in place.

d) The prevention of public nuisance

Alcohol will be sold for consumption off the premises.

Alcohol not to be sold to anyone who appears to be drunk. A policy for this to be in place and any staff to be trained.

Security guard in market to help manage any situations that may arise from refusal of service/identification. Make sure that contact can be made in the event of an incident.

Liaise with local Pubwatch to get any relevant information on any known issues or banned individuals.

An incident book to be kept and any incidents recorded and the information passed on to any staff, the market manager, security and Pubwatch or the Police if necessary

e) The protection of children from harm

A challenge 25 policy in place and advertised to the public.

Only valid forms of identification to be accepted as proof of age (driving licence, passport).

Any incidents or refusals to be recorded in the incident book, all staff to be made aware and any relevant information to be passed on to Pubwatch or the Police.

All staff to be trained accordingly.

Low value alcohol or alcopops that are attractive to younger people will not be stocked.

Last Date for receipt of representations by the Licensing Authority 08 September 2015

RESOLVED: No Objection

Note: Cllrs C Nicholas & B Bailey left the room whilst discussions took place as they had previously declared a personal interest.

(ii) PREMISES AND CLUB PREMISES LICENCE APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003

Ref No. 039857

Premises: Place (The), 15 The Strand, EX8 1AD

Ward: Town

Name of applicant: Mr Daniel TAKVORYAN

Premises Licence Application to include

Premises Open Hours requested

Monday to Sunday

Bank Holiday Friday to Monday

(Applies to every May, spring, Easter and August Bank Holidays)

Christmas Eve

New Year's Eve

(And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day)

Time from Time To

9:00am 12:30am

9:00am 1:00am

9:00am 1:00am

9:00am Midnight

Activities - Times requested

Time from Time To

J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	10:00am	Midnight
Bank Holiday Friday to Monday	10:00am	1:00am
(Applies to every May, Spring, Easter and August Bank Holidays.)		
Christmas Eve	10:00am	1:00am
New Year's Eve	10:00am	Midnight

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

CONDITIONS OFFERED BY APPLICANT

b) The prevention of crime and disorder

CCTV must be installed, operated and maintained to the satisfaction of us and the chief officer of police in accordance with the requirements set out in our licensing policy.

CCTV images must be retained for a minimum of 14 days and be produced on the request of the police or us (recording media must be set to 25 frames per second). The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the police and us must be informed immediately. Details of the malfunction must be recorded in the premises incident book.

A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be placed on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002. Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.

A crime prevention policy agreed by us and must be in place.

An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by us and the police.

No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23:00 hrs.

Consumption of alcohol outside will be confined to the area marked in blue on the plan. Also attached plan from Devon County Council showing table licensed area. When the premises are open for licensable activities the external seating area (as shown in blue on the plan) shall be laid out with tables and chairs. These shall be removed at 23:00 hours each day or at the time of closing if earlier.

On any night when the premises are open for licensable activities past midnight a minimum of two door supervisors must be employed from 21:00 until the premises are closed and all customer have left.

A door staff register will be maintained at the premises to include details of date, name, SIA badge number and time on/off duty of all door staff.

c) Public safety

The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.

d) The prevention of public nuisance

The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons

e) The protection of children from harm

A Challenge 21 policy will be put in place and all staff will be trained.

Nobody under the age of 18 shall be on the premises after 21.00

Last Date for receipt of representations by the Licensing Authority 15 September 2015

Councillor B Nash had visited the premises and was concerned that the proprietor had no knowledge of the application or the conditions that were offered. The business was predominately a café which do not normally sell alcohol and were concern that premises would then be used as a public house. Members were concerned about the allowing of drinking in the Strand near the War memorial. Tables and chairs were spread across several outlets and the Committee could not recollect being consulted by DCC Highways about a pavement license.

RESOLVED: Objection on the grounds of:

Public Safety

- **Customers carrying bottles & glasses to outside seating area.**

Protection of Children from harm

- **No Designated person supervisor to monitor control underage drinking**
- **No control over excessive drinking of customers (No DPS) of any age**

Prevention of Crime and Disorder

- **Outside late alcohol consumption in a public place of non-designated seating area which was uncontrolled and could lead to public disorder.**

Prevention of Public Nuisance

- **Premises too small (inside area seats 12 persons) resulting in Public House type sale of alcohol outside in a public area which would be a nuisance to public (including children) using the Strand Gardens.**

Note: Cllrs C Nicholas & B Bailey left the room whilst discussions took place as they had previously declared a personal interest.

P15/134. ITEMS FOR INFORMATION

(i) Proposed Broadband Installation – Phear Avenue

Details of the above proposal were attached for information. The proposed installation was classed as permitted development and did not require any formal permission.

P15/135. EAST DEVON DISTRICT COUNCIL – PLANNING DECISIONS

APPLICATION	EXMOUTH TOWN COUNCIL VIEW	EDDC DECISION
15/1516/FUL Premier Inn, Esplanade	No Objection	Conditional Approval
15/1550/FUL 10 Fairfield Close	No Objection	Approval
15/1550/FUL 1 Danby Terrace	No Objection	Approval
15/1543/FUL 47 Hulham Road	No Objection	Approval
15/1556/FUL 100 Salterton Road	No Objection	Conditional Approval
15/1135/FUL Land South of Flat 4 3 Trefusus Terrace	Confirm Conservation Officer had viewed the structure from Madeira Walk and if their opinion still stood.	Refusal *
15/1539/FUL Capels 11 Imperial Road	No Objection	Approval
15/1674/FUL 7 Louisa Terrace	No Objection	Approval
15/1712/FUL 13 East Drive	No Objection	Approval

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

The meeting closed at 19.15

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