

MINUTES OF A MEETING OF THE PLANNING COMMITTEE, HELD IN THE COUNCIL CHAMBER, TOWN HALL, EXMOUTH ON MONDAY 21st MARCH 2016 AT 6.00 P.M.

PRESENT: Councillors: L Elson (Chairman)
 B Bailey F Caygill
 T Dumper T Hill
 C Nicholas B Toye

APOLOGIES: Councillors C Gough, J Humphreys and J Trail

P16/025. MINUTES

The Minutes of the meeting held on 7th March 2016 were approved.

P16/026. DECLARATIONS OF PECUNIARY INTEREST AND DISPENSATIONS

Councillor C Nicholas declared a personal interest in respect of the following planning applications as the applicants are known to her:

16/0367/FUL - 14 Durham Close
16/0405/ADV - Unit 1-3 Ocean, Queens Drive
16/0430/ADV- Spoken, 43 The Strand
16/0007/VAR – Brixington Community Church

Councillor T Dumper declared a personal interest in respect of planning applications 16/0367/FUL, 14 Durham Close and 16/0477/FUL, Country House Inn, 174 – 176 Withycombe Village Road, as he knew the applicants.

Councillor L Elson declared a personal interest in respect of planning applications 15/2797/FUL, 4 Merrion Avenue and 16/0558/FUL, 17 Bapton Lane as she knew the applicants through her work at Hospiscare.

Councillors B Bailey and C Nicholas declared a personal interest in respect of items for consideration, Premises Licence applications for Daffodils, Imperial Recreation Ground, Home Bargains and Old Warehouse, as they sat on the licensing sub-committee at EDDC who would decide the application.

P16/027. URGENT BUSINESS - Amended Planning Application

Ward: Littleham

16/0311/FUL - 23 Gussiford Lane

Construction of two storey extension incorporating Juliette balcony and flue.

Amended Plans – Reduction in size of proposed extension.

Target Date for comments: 31 March 2016

The Town Council objected to the original application on the grounds of overlooking, loss of light and loss of privacy. It also requested that this application was brought to Development Management Committee. The amended application was for a reduction in size of proposed extension. In view of the target date for comments members agreed to defer to ward members for comments to give them the opportunity to speak to the neighbours first.

RESOLVED: defer to Littleham Ward members for comment.

P16/028.To Determine Applications under Delegated Powers.

		APPLICATIONS FOR DETERMINATION	COMMENTS	STATUTORY CONSULTEES VIEWS OF REPRESENTATIONS	DECISION
WARD	Brixington				
PLAN No:	16/0367/TRE	14 Durham Close Mr Kirvan T1, T2 & T3: Oaks: Crown reduction retaining a tree with a height of 14 metres and a radial spread of approximately 4 metres (Pruning cuts up to 75mm diameter).	Note: Cllr C Nicholas and T Dumper has previously declared a personal interest.	Tree Officer's Report - Part of a larger lineal tree group the application related to a single Turkey Oak and two English Oaks growing 8.5 metres to the west of the applicant's property. The trees had historically been pruned to maintain their lateral & vertical growth and the proposed works were a repeat of this historical management. Recommendation was for approval given the close proximity of these trees to the dwelling.	Approval in accordance with the Tree Officer's report.
LIMIT	11.04.16				

		APPLICATIONS FOR DETERMINATION	COMMENTS	STATUTORY CONSULTEES VIEWS OF REPRESENTATIONS	DECISION
WARD	Littleham				
PLAN No:	16/0405/ADV	Unit 1 - 3 Ocean Queens Drive Callands Retails Ltd 2 no illuminated fascia signs (on south west and south east elevations) plus vinyl window graphics	Note: Cllr C Nicholas had previously declared a personal interest Cllr A Greenhalgh – had no objection	1 x Rep – Objected in general to the proposal for a retail food store as there was no parking provision and no residents living nearby.	Deferred to meeting 04.04.16
LIMIT	18.04.16				
WARD	Town				
PLAN No:	16/0430/ADV	Spoken 43 The Strand Hospitality Exmouth Ltd Retention of 3no fascia signs and 1no projecting sign	Note: Cllr C Nicholas had previously declared a personal interest. Cllr B Nash – Signage part of essential maintenance and should be approved.	1 x Rep – The signage was insensitively designed in bright and garish colouring, detracting the building's setting on the Strand, harming the appearance of the listed building and streetscene generally.	Refusal on the grounds of out of keeping within a conservation area. The garish colour detracts from the listed building.
LIMIT	19.04.16				

P16/029. To consider the Planning Applications for consultation set out below

		PROPOSED DEVELOPMENT	COMMENTS	REPRESENTATIONS	OBJ/NO OBJ
WARD	Brixington				
PLAN No:	16/0448/FUL	36 Anson Road Mr M Jackson Change garage roof from flat to pitch	Cllr D Chapman – had no Objection	None	No Objection
LIMIT	23.03.16				
PLAN No:	16/0540/FUL	27 Withycombe Park Drive Mr G Carroll Proposed rear extension to replace conservatory	Highways – Did not wish to comment	None	No Objection
LIMIT	25.03.16				
PLAN No:	16/0007/VAR	Brixington Community Church Churchill Road Brixington Community Church Variation of Condition 2 of planning permission 12/0579/MFUL to allow reduction in footprint, reduction of glazing, reduction in height and installation of ground floor windows and removal of ground source heat pump and Condition 4 (landscaping)	Note: Cllr C Nicholas had previously declared a personal interest. Town Council 25.01.16 – Had no objection to the original variation application	1 x Rep - previous objections in respect of lack of parking provision and the smell from ancillary café and kitchen accommodation had not been addressed.	No Objection to the amended variation
LIMIT	28.03.16	<u>Amended plans for consultation.</u> Amended red line plan to show retention of footpath, roof light details and increase in height of privacy screen on western elevation			

WARD	Halsdon				
PLAN No:	16/0509/FUL	26 Priddis Close Mrs Ann Deem Retention of garden shed in rear garden	Highways – Did not wish to comment.	1 x Letter of Support.	No Objection
LIMIT	25.03.16				
PLAN No:	16/0507/FUL	25 Priddis Close Mr Colin Tanton Retention of shed in front garden.	Cllr J Elson - Objected	2 x Reps – one objection on the grounds that the shed blocked the view and light from her lounge window and had a detrimental effect on her health. A further objection to state that the shed was intrusive and had a detrimental appearance on the Streetscene particularly the well-kept front gardens. Approval would set a precedent.	Objection on the grounds of out of keeping with the streetscene, loss of light to neighbours lounge and would set a precedent for the future.
LIMIT	29.03.16				
PLAN No:	16/0556/FUL	56 Featherbed Lane Mr A Dix Erection of porch	Cllr J Elson – Has no objection. Highways – Did not wish to comment.		No Objection
LIMIT	28.03.16				

PLAN No:	16/0558/FUL	17 Bapton Lane Rev Canon I Morter Construction of single storey flat roofed extension, full width rear dormer, raised patio to front of property, re-roofing of garage and enlargement of access.	Note: Cllr L Elson had previously declared a personal interest. Cllr J Elson – Objected on the grounds of overdevelopment of the site, overlooking into the rear of bungalows in Bapton Close, particularly numbers 72, 74,& 76 impinging on their privacy. Highways – Did not wish to comment.	2 x Reps – Objected on the grounds of severe loss of privacy through overlooking, out of proportion to the size of plot which almost completely fits the plot at the rear and out of keeping with the surroundings. Over development of the existing building.	Objection on the grounds of overdevelopment, overlooking properties to the rear in Bapton Close and out of keeping with the area.
LIMIT	28.03.16				
WARD	Littleham				
PLAN No:	16/0352/FUL	The Headland 19 Foxholes Hill Mrs P Knapp Construction of detached house and garden	Highways – Standing advice given	None	No Objection
LIMIT	22.03.16				

PLAN No:	15/2797/FUL	4 Merrion Avenue Mr Philip Hannah Demolition of existing garage and lean-to store and erection of new dwelling	Note: Cllr L Elson had previously declared a personal interest. Highways – Standing advice given	None	No Objection
LIMIT	24.03.16				
PLAN No:	16/0516/FUL	24 Ryll Court Drive Mr M Benjamin Alterations and extensions to include two storey front extension/porch, new garage, new rear glazed extension with surrounding deck, new rear tichet dormer and integral balcony, and proposed new garden studio	Highways – Did not wish to comment	None	No Objection subject to Ward Councillors comments.
LIMIT	24.03.16				
PLAN No:	16/0465/FUL	Devon Cliffs Holiday Centre Sandy Bay Bourne Leisure Ltd Proposed solar charging carport	Highways – Did not wish to comment Cllr M Williamson – Had no objection	None	No Objection
LIMIT	25.03.16				

PLAN No:	16/0305/FUL	84 Foxholes Hill Mr M Beck Construction of first floor balcony to front elevation and installation of weatherboard cladding	Cllr M Williamson Supported this with the proviso that officers paid particular attention to any overlooking problems and ensure that these were mitigated through the usual measures.	None	No Objection
LIMIT	29.03.16				
PLAN No:	16/0559/FUL	Eastbrook - Westbrook Maer Road Mr And Mrs Wright Construction of two storey side extension, incorporating dormer window to rear, single storey extension to rear, replacement detached garage at Eastbrook. Construction of recessed balcony to front roof of Eastbrook and Westbrook	Cllr. M Williamson had no objection as the plot was capable of the increased footprint and the proposal would not be at the detriment of the amenity of the neighbours.	1 x Rep – from the owner of Westbrook who objected to the alteration in the attic of his property as it would reduce the usable area of the attic and block the door at the top of the attic stairs.	Application withdrawn
LIMIT	29.03.16				

PLAN No:	15/2861/FUL	14 Cyprus Road Development Partnership Demolition of existing building and construction of 8 no town houses with revised access off Cyprus Road (revised scheme to that approved under ref 14/2358/FUL) <u>Amended plans for consultation.</u> These amendments relate to Alterations to site entrance - removing proposed central access	Town Council 11.01.16 No Objection subject to the existing wall frontage being retained and the new drive and pillar be attached to the existing wall.	None	No Objection to the amended plans subject to previous comments
LIMIT	28.03.16				
WARD	Town				
PLAN No:	16/0494/VAR	Lavis's Boatyard 6A Camperdown Terrace Exmouth Sea Cadet Corps (Mr Anthony Griffin) Variation of Condition 2 (plans condition) and Condition 11 (flood defence measures) of planning permission 15/2005/VAR to reposition flood defence wall	Highways – Did not wish to comment	None	No Objection
LIMIT	25.03.16				

PLAN No:	16/0557/FUL	6 Upper Church Street Mr M Brannigan Construction of single storey extension to rear	Highways – Did not wish to comment	None	Objection on the grounds of overdevelopment of the plot and would set a precedent for similar future development in the area.
LIMIT	28.03.16				
WARD	Withycombe Raleigh				
PLAN No:	16/0447/FUL	Country House Inn 174 - 176 Withycombe Village Rd Mr J Pidgeon Proposed front porch	Note: Cllr T Dumper had previously declared a personal interest. Highways – Did not wish to comment Cllr B Bailey – Had no objection	None	No Objection subject to the porch not used as a smoking area.
LIMIT	25.03.16				
PLAN No:	16/0491/FUL	89 Green Close Mr William Trippet Construction of first floor side extension	Highways – Did not wish to comment	None	No Objection
LIMIT	22.03.16				

P16/030. ITEM FOR CONSIDERATION

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

Ref No: 041167

Premises: Daffodils, 9 Magnolia House, Church Street, EX8 1PE

Ward: Town

Name of applicant: Ms Samantha Elizabeth GEORGE and Mr Charles MOORE

Premises Licence Application to include

	Time From	Time To
Premises Open Hours requested		
Monday to Sunday	8:30am	5:30pm

Activities - Times requested	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only		
Monday to Sunday	Internet Sales Only: Midnight	Midnight
Monday to Sunday	Shop Sales: 8:30am	5:30pm

CONDITIONS OFFERED BY APPLICANT

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

All staff would be made fully aware of the Challenge 25 when delivering and selling and would sign the enclosed paperwork after training.

Signage would be clearly displayed on the internet and within the shop detailing age restrictions and the implications of breaking the law.

If customers and recipients of deliveries appear under 25 they would be asked for recognised photographic identification (passport, photo driving license or PASS approved ID). No ID meant no delivery or sale.

Telephone/internet sales via the card terminal would have to match the details of the card holder and their full address.

b) The prevention of crime and disorder

As well as the signage and training, the premises would be alarmed at all times when the shop was closed.

Alcohol would be kept in a locked cupboard in the staffed only area.

Alcohol would only be sold in conjunction with flowers and/or plants/planted arrangements.

There would be no consumption of alcohol on the premises.

Challenge 25 principals would be observed at all times.

c) Public safety

No consumption of alcohol on premises.

Training for all existing and new staff would be part of ongoing development and would be updated regularly especially when legislation changes.

We would not allow any member of staff who is under 21 to sell or deliver alcohol as specified on the delivery sheet. (Copy included).

The premises was fully fire compliant.

d) The prevention of public nuisance

Terms and conditions for the sale of alcohol would be displayed in the shop and on the web shop.

Alcohol would not be consumed on the premises.

There would not be any public performances of music, dance, recorded or live music.

e) The protection of children from harm

Alcohol would not be sold or delivered to anyone who appeared to be under the age of 25 who could not provide the required standard of identification. This would be fully explained to all staff as part of the Challenge 25 training.

Age restriction and details of acceptable ID would be clearly displayed on the internet and in the shop.

No alcohol would be consumed on the premises.

Item deferred from 07.03.16

Last Date for receipt of representations by the Licensing Authority 24 March 2016

RESOLEVED: No Objection subject to compliance with licensing laws.

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

Ref No: 041190

Premises: Imperial Recreation Ground, The Royal Avenue, EX8 1DG

Ward: Town

Name of applicant: Exmouth Town Council

THIS IS A TIME LIMITED LICENCE FOR THE 26TH MAY TO THE 31ST MAY

Premises Licence Application to include

Premises Open Hours requested	Time From	Time To
Friday	3:00pm	11:30pm
Saturday to Monday	11:00am	11:30pm

Activities – Times requested

E. Performance of live music (Indoors & Outdoors)

F. Playing of recorded music (Indoors & Outdoors)

H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)

Friday	3:00pm	11:00pm
Saturday to Monday	11:00am	11:00pm

J. Supply of alcohol for consumption ON the premises only

Friday	3:00pm	11:00pm
Saturday to Monday	11:00am	11:00pm

CONDITIONS OFFERED BY APPLICANT

The Licence Holder would fully comply throughout the duration of the licence with the Event Management Plan submitted to and approved by the Licensing Authority.

Last Date for receipt of representations by the Licensing Authority 29 March 2016

Noted

(iii) PREMISES AND CLUB PREMISES LICENCE APPLICATIONS, VARIATIONS AND MINOR VARIATIONS RECEIVED UNDER THE LICENSING ACT 2003

Premises: Home Bargains Liverton Business Park, Salterton Road, EX8 2NR

Ward: Withycombe Raleigh

Name of applicant: T. J. MORRIS LIMITED T/A HOME BARGAINS

Premises Licence Application to include

Premises Open Hours requested	Time From	Time To
Monday to Sunday	8:00am	10:00pm

Activities - Times requested	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only		
Monday to Sunday	8:00am	10:00pm

CONDITIONS OFFERED BY APPLICANT

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

The premises would apply a standard of operation developed by the operator in over 280 stores nationally which would ensure compliance with all four licensing objectives based upon the detail more particularly outlined in Sections (b) to (e) below.

b) The prevention of crime and disorder

The style of operation at these premises was designed to minimise crime and disorder. This would be achieved by the use of CCTV with the retention of images for a minimum period of 28 days for prosecution purposes. The premises seeked a Premises Licence to sell alcohol for consumption off the premises. These premises would operate as a minimum a Challenge 25 policy in order to ensure that liquor was sold only to persons of lawful age (being that, should a person not look the age of 25 then he/she would need to prove they are in fact of lawful age 18 or over). These issues also overlapped on the section dealing with protection of children from harm. All staff underwent training concerning knowledge of Licensing Laws together with social impact of the sale of alcohol.

c) Public safety

The premises would comply with current legal requirements for Fire Safety and Health and Safety including periodic risk assessments.

d) The prevention of public nuisance

These premises were proposed to be licensed for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there was no form of entertainment on the premises. There were no outdoor areas utilised for the benefit of members of the public and the nature of the operation did not require the employment of door supervisors or use of dedicated cab firms. The premises would operate within the required litter/refuse regulations adopted by the Local Council. The management policy at the premises was to welcome communication with local persons in relation to any issues which arise concerning the operation of these premises in relation to the prevention of public nuisance or indeed any of the other licensing objectives.

e) The protection of children from harm

It was proposed that these premises would benefit from a Premises Licence for consumption off the premises only. In order to ensure compliance with the legislation, the Company would operate a Challenge 25 policy as a minimum whereby any person not looking the age of 25 must prove that they as a minimum were in fact over the age of 18 to purchase alcohol. Acceptable forms of identification concerning the issue of age were a Ten Year Passport, PASS logo proof of age card or photocard Driving Licence. All Staff were trained to familiarise themselves with these requirements. The Company would operate a due diligence policy, incorporating this minimum Challenge 25 policy, also incorporating full training for all staff, the operation of a refusal record and refresher training on a regular basis. The store would operate a fully recordable CCTV system which was overtly operable. There would be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and other age restricted products and the company policy.

Last Date for receipt of representations by the Licensing Authority 30 March 2016

Noted

(iv) PREMISES AND CLUB PREMISES LICENCE APPLICATIONS, VARIATIONS AND MINOR VARIATIONS RECEIVED UNDER THE LICENSING ACT 2003

Ref No: 041231

Premises: Old Warehouse (The) 53 The Strand, EX8 1BR

Ward: Town

Name of applicant: TOW EXMOUTH LIMITED

Premises Licence Variation Application to include PROPOSED VARIATION

To extend the sale of alcohol hours (including non-standard hours) to commence at 9am instead of 10am.

Last Date for receipt of representations by the Licensing Authority 05 April 2016

Cllr L Elson had verbally received representations as there was already a concern about patrons of the Old Warehouse drinking alcohol in the café quarter.

RESOLVED: Objection on the grounds of prevention of public nuisance to patrons of the cafe quarter.

Note: Cllrs. B Bailey and C Nicholas left the room whilst discussions took place for all the above licensing applications as they had previously declared a personal interest.

P16/031. EAST DEVON DISTRICT COUNCIL – PLANNING DECISIONS

APPLICATION	EXMOUTH TOWN COUNCIL VIEW	EDDC DECISION
16/0322/FUL 135 St Johns Road	No Objection	Conditional Approval
15/2079/FUL 30 Little Meadow	Objection	Conditional Approval
16/0144/FUL 4 Albion Court	No Objection	Approval
16/0304/FUL 46 Featherbed Lane	No Objection	Approval
16/0269/FUL 12 The Marles	No Objection	Approval
16/0200/FUL 6 Louisa Place	No Objection	Approval
5 Dagmar Road 16/0321/FUL	No Objection	Approval
16/0392/FUL 8 Rowlstone Close	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 19.12

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