

## PLANNING COMMITTEE

Monday 4 January 2016

### Present:

Councillor Bialyk (Chair)  
Councillors Spackman, Denham, Edwards, Lyons, Newby, Prowse, Raybould, Sutton and Williams

### Apologies:

Councillor Choules

### Also Present:

City Development Manager, Project Officer (Planning) (AL) and Democratic Services Officer (Committees) (HB)

1

### MINUTES

Subject to the amendments set out below, the minutes of the meetings held on 2 and 30 November 2015 were taken as read and signed by the Chair as correct.

#### 2 November

- the first bullet point in Min. No. 77 to read - "given the High Court Judgment in relation to the Village Green there remains uncertainty on the link road";
- the second bullet point in Min. No. 77 to read - "it is not satisfactory for the Committee to give approval at this meeting with an option to withdraw six months later. Approval should be delegated to the Assistant Director in consultation with the Chair once the Section 106 Agreement is signed and not in a giveth/taketh away manner.

#### 30 November

- Condition 7 of Min. No. 84 to read - "the building hereby approved shall not be brought into .....

2

### DECLARATIONS OF INTEREST

Councillor Newby declared a discloseable pecuniary interest as a Trustee of the Exeter Municipal Charities and withdrew from the room whilst Minute 4 was discussed.

3

### PLANNING APPLICATION NO. 15/1086/03 - RADMORE AND TUCKER, FROG STREET, EXETER

The City Development Manager presented the application for demolition of the existing building and erection of a new building for student accommodation comprising 153 units (Use Class C2), cycle parking, works of hard and soft landscaping and other works incidental to the proposals.

He reported the following as additions to the circulated report:-

- Historic England were maintaining its objection to the proposal in terms of design and massing and the impact on the setting of key heritage assets. They continued to assert that the development would impact on the views from the Medieval Bridge of the tower of the Church of St Mary's Steps and of Exeter Cathedral, although it recognised that following amendments to the scheme the Cathedral towers would be visible;
- concerns from Hidden Treasures Tea Room and the Intercom Trust that they had not been visited by the applicant to discuss their objections; and
- concern from the Intercom Trust that it had not received direct notification of the planning application and that the process was therefore flawed. The City Development Manager advised Members that the statutory notice had been placed on site and that, although there was no statutory requirement, individual properties had been notified - although the Intercom Trust had been erroneously omitted. Officers had subsequently met with the Intercom Trust on site. He confirmed that there was no legal reason why the application could not be determined.

He advised that no objections had been received from Devon County Council and the Environment Agency.

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

Councillor Bull attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- since March 2012 one of the major pieces of material consideration is the National Planning Policy Framework (NPPF) which introduces a presumption in favour of sustainable development which is the "golden thread" running through planning. It is hoped that this does not mean that any development that can turn a profit for developers is sustainable? The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development; good design; an economic role; a social role supporting strong, vibrant and healthy communities through supplying housing to meet existing and future needs; an environmental role to protect the natural, built and historic environment ;and to move to a low carbon economy to address climate change. The application does not offer much clarity on these points;
- Historic England have serious misgivings over the photo-montages;
- Section 1 of NPPF states - "Building a strong, competitive economy" - but the application would not appear to support the thriving and growing artistic community and independent shops that we are starting to see flourish along Fore Street;
- Section 6 of NPPF states - "Delivering a wide choice of high quality homes". The Council's Supplementary Planning Document seeks to deliver purpose-built student accommodation and looks to the city centre as the location for much of this. However, each and every application that comes before this Committee seems to be aimed at the high-end and luxury market. What happens to those students that can't afford the rents for these units?
- there is a 35% affordable housing threshold for those larger estates outside the city centre which has delivered 600 affordable homes for mainly social rent over the past 5 years, and there are 2,000 such homes in the pipeline. When will developers of purpose-built student accommodation start to offer units to grow such inclusive and mixed communities?

- Section 7 of NPPF states - “Requiring good design” – this emphasizes the importance of planning positively for the achievement of high quality and inclusive design for all developments, including individual buildings, public and private spaces. This proposal might be considered as good design but only in the context of existing structure - it seems to be a series of blocks that takes no account of the surrounding streetscape and landscape.
- there is no appropriate innovation and the proposal seems to contradict paragraph 58 of the NPPF which seeks to ensure that developments respond to local character and history and reflect the identity of local surroundings and materials;
- around the development site are buildings of historic importance, yet the design fails to take account of distinctive brick and stonework of the two local churches. It does little, or nothing, to promote or reinforce the local distinctiveness and character highlighted by the House That Moves and, in particular, it does nothing to integrate this new development into the historic environment;
- proposal goes against the Conservation Area designation;
- Paragraph 64 of the NPPF gives permission to refuse a development of poor design that fails to take the opportunities available for improving the character and quality of an area. Some of this is re-inforced in Section 12 - “Conserving and Enhancing the Historic Environment” - which recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance;
- the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting and seeks to ensure that there are no detrimental impacts on the reasonable outlook and amenity of immediate neighbours. It is suggested that there will be a detrimental impact;
- the NPPF requires landscaping to deliver a good standard of amenity for all. The only amenity mentioned in relation to this development are the roof gardens but they are not available for all residents of this building, only the occupants of the duplex penthouses, let alone the wider community. At the height suggested these roof gardens will affect the views of the setting in contravention of NPPF Section 12 - “Conserving and Enhancing the Historic Environment”;
- Section 4 of the NPPF - “Promoting Sustainable Transport” - states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives;
- there is no green travel plans to prove that a development is sustainable. There is mention of cycle storage but there is also reference to car parking spaces. The advantage of a city centre location for purpose-built student accommodation is that a car isn’t needed; and
- when assessed against the policy guidance contained within the NPPF, there are sufficient grounds to warrant refusal.

Mrs Drake spoke against the application. She raised the following points:-

- resident of Tudor Street;
- there will be insufficient parking spaces for students which will lead to increased pressure on residents’ parking in the area;
- with only one cycle path linking the City Centre to Bonhay Road and on to the university campus, conflict between pedestrians and cyclists may increase with greater use of the cycle path by students;

- public transport is insufficient to meet the needs of an increased population in the area and extra traffic generated by the development will lead to increased pollution;
- the development will impact adversely on this Conservation Area and historic quarter of the City, which includes the site of the old West Gate;
- the scale of the development will be similar to Renslade House and will dominate the skyline, overshadowing the historic buildings in the area; and
- question need for even more student accommodation in the City when there remains a great need for accommodation for Exeter residents. The building could be a white elephant.

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

- the scheme is the result of a lengthy consultation process both with the internal design review panel and planning officers. Elements of the scheme have been re-designed quite significantly over the course of the last few months whilst focusing on the design integrity set out by the architects and so positively received at the initial Design Review Panel, which it is believed is critical in producing a scheme that contributes positively to the City within the historic context of the surrounding buildings and listed monuments;
- the most significant element of this redesign has been a reduction in overall massing. There is always a balance between what the applicant's design team believe is the correct overall size of a building, when considering the surrounding street scape and what other parties believe is more appropriate. It is hoped that it can be seen that the developer listens and collaborates with all stakeholders, particularly those who have a more in-depth knowledge and understanding of Exeter and its aspirations moving forward;
- in terms of the use of the proposed building as Student Accommodation, it is believed that this location is particularly appropriate given its proximity to both amenities, transportation and most importantly the University itself, all of which are within easy walking distance. It is believed that the development will not only offer much needed quality accommodation for students wishing to study at Exeter, but also positively contribute to the local environment by replacing an unattractive and inappropriate building with a sensitive and high quality design that it is believed will greatly help in regenerating this side of the City;
- this type of high quality student accommodation provides to Exeter Universities short, medium and long term growth plans, with the availability of purpose build accommodation being key to both attracting students but also ensuring that family housing is not drawn in to support an accommodation shortfall – obviously with a negative impact on local housing supply;
- it is believed that the scheme of Studio only accommodation not only meets these requirements but enhances the current offer with a quality focused design that is different to the more typical student communal-living style accommodation. The studios are of a very high quality and offer independent living within a building with the amenity support that students require and more importantly expect, such as dedicated study areas, communal social spaces and availability of trained Wardens who can offer knowledgeable support whenever needed. It is a niche based product specifically designed to appeal to the modern day requirements of students; and
- the development is more akin to a residential scheme in how it looks and operates and how occupants will be expected to behave. To reinforce this, a specialist and accredited Student Management company will be used.

He responded as follows to Members queries:-

- only two disabled parking spaces are to be provided due to restrictions on space. Landscaping of the leat area is considered preferable to further parking spaces to improve the environment of the site. It is likely that most individuals with disabilities would look to seek accommodation closer to the University campus in most cases;
- the applicant has already reduced the number of units following negotiations to cater for a reduced height and have already made a significant investment in bringing proposals to the current position;
- a meeting had been held with the Intercom Trust to discuss their concerns regarding noise during the construction period and they were generally satisfied with the proposed amelioration mechanisms. The construction works for the development would be undertaken within regulations; and
- there had been an email exchange only with the proprietor of the Tearoom, again covering proposals during the construction period. Neither the Tearoom nor Intercom Trust were opposed to the principle of development.

**RESOLVED** that planning permission for the demolition of the existing building and erection of a new building for student accommodation comprising 153 units (Use Class C2), cycle parking, works of hard and soft landscaping and other works incidental to the proposals be **REFUSED** as:-

- (a) the sighting, scale and massing of the proposed development would adversely affect the setting of designated historic assets. Specifically, the development would remove the key view of the Grade I listed St. Mary Steps Church from the medieval bridge over the former course of the River Exe which is a scheduled monument, thereby further eroding the historic relationship between the bridge which one formed the main western approach to Exeter with the historic townscape beyond. The proposal is therefore contrary to Section 12 Paragraphs 131-133 of the National Planning Policy Framework; Policy CP17 – Design and Distinctiveness of the Exeter City Council Core Strategy and saved Policy C2 of the Exeter Local Plan First Review 1995-2011; and
- (b) the proximity, scale and massing of the proposed development would have an overbearing effect upon the residents of properties in both New Bridge Street and West Street thereby unacceptably impacting upon their residential amenity. The proposal is therefore contrary to saved Policy DG4 of the Exeter Local Plan First Review 1995-2011 and Policy DD13 of the Council's emerging Development Delivery DPD (published version).

4

**APPLICATION NO. 15/1018/03 (PLANNING PERMISSION) AND 15/0650/07 (LISTED BUILDING CONSENT) AND 15/1018/03 - 1-16 MAGDALEN COTTAGES, MAGDALEN ROAD, EXETER**

The Project Officer (Planning) (AL) presented the application for internal alterations associated with the conversion of eight units into five units.

Mr Campbell spoke against the application. He raised the following points:-

- was offered a first floor apartment – Number 15 - in June and was very pleased to accept. It was on the understanding that this would be a

temporary placement, as the Exeter Municipal Charity had plans to convert Numbers 14 and 15 into a single first floor two-bedroom apartment served by its own private stair. Support this proposal to be relocated;

- the first inkling the residents had of this current application was a statutory notice issued by the City Council which caused quite a lot of consternation. A meeting of residents was called and it was decided to form the Magdalen Cottages Residents Association. Am speaking as honorary secretary to put forward objections and concerns of fellow residents;
- at present the residents form a close-knit community centred on evening gatherings in the rear garden whenever weather permits. Any reduction in the number of residents will cause serious damage to their existing community, as some members will not return - community activities include shared shopping trips, food sharing, making preserves; and
- the Trustees are members of the Almshouses Consortium who advise that upgrade of properties is necessary as, once they fall into disrepair, they become hard to let.

Mr Palmer spoke in support of the application. He raised the following points:-

- Exeter Municipal Charities is a not-for-profit, Registered Provider of affordable housing in the City's specifically for older people in financial need;
- the Magdalen Road properties are small and no longer meet the space standards or arrangement of accommodation in line with best practice, but these are Listed Buildings which precludes alterations that will affect the historic character for the site;
- the ground floor extension has been designed and consent has been granted. This is not possible at first floor level without significantly increasing the overall mass of the building which is not acceptable to the Conservation Officer. The proposal therefore seeks to re-organise and amalgamate flats within the existing structure resulting in a reduction in the number of dwellings from eight to five;
- Trustees would prefer not to lose flats but the structure and listing impose limitations on what can be achieved. The objective is to ensure that the dwellings lost are replicated elsewhere and a number of sites have been identified where the density could be increased to provide additional dwellings;
- the concerns of existing residents are acknowledged and all residents have been consulted and will be handled sensitively. As with the ground floor construction will be delayed, until there are sufficient voids into which existing residents can be moved and that those who wish to move back will be able to. Moving expenses will be covered and ensure that they do not pay more for rent than they currently pay;
- Trustees need to take a longer term approach to the housing and make sure it meets the needs of future residents if the purpose of the charity is to continue and, wherever possible, the Charity future proofs its buildings by providing the best standard it can. Without such dwellings the Charity will not be able to house the most vulnerable in society in the longer term; and
- request approval of the recommendations.

In response to a Member he confirmed that decanted residents would be offered alternative accommodation in one of the 150 units operated by the Charities in the City. It might also be the case that units within Magdalen Cottages could become vacant so these too could be offered.

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

**RESOLVED** that planning permission AND Listed Building Consent for internal alterations associated with the conversion of eight units into five units be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 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 21 September 2015 (*dwg. no.s. 12271-20, 12271-14 B, 12271-22, 12271-LOC, 12271-BLOCK, 12767.500*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building and as indicated on the approved plans and submitted details, unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** To protect the appearance and character of the area and to ensure the development conforms with advice contained within the Council's adopted Supplementary Planning Document "Householder's Guide to Extension Design".
- 4) 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 amenity.

5                    **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

6                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

7                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 26 January 2016 at 9.30 a.m. The Councillors attending will be Bialyk, Newby and Sutton.

(The meeting commenced at 5.30 pm and closed at 7.13 pm)

Chair

