

PLANNING COMMITTEE

Monday 22 May 2017

Present:

Councillor Gottschalk (Chair)
Councillors Lyons, Bialyk, Denham, Foale, Harvey, Mrs Henson, Morse, Sutton and Spackman

Apologies:

Councillors Edwards, Newby and Prowse

Also Present:

City Development Manager, Principal Project Manager (Development) (PJ) and Democratic Services Officer (Committees) (HB)

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MINUTES

The minutes of the meetings held on 20 and 27 March 2017 were taken as read and signed by the Chair as correct.

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COUNCILLOR SUTTON

The Chair thanked Councillor Sutton for her role as the Chair of this Committee for the previous twelve months.

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DECLARATIONS OF INTEREST

Councillor Denham declared a disclosable pecuniary interest in respect of Min. No. 44 below and left the meeting.

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PLANNING APPLICATION NO. 17/0453/03 - LAND ADJ PIAZZA TERRACINA, HAVEN BANKS, EXETER

Councillor Denham declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development (PJ) presented the application for the construction of a single storey, flat roof pavilion restaurant. He reported the receipt of three additional letters of objection, the total now being 42 and an on-line petition with 618 signatories also objecting to the scheme. He advised that it was proposed to amalgamate conditions 15 and 4 as they covered the same issue.

Members were circulated with an update sheet - attached to minutes.

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

- the Canal Basin Masterplan of 2003 stated that the open views around the head of the canal basin and across to the Quay should be retained;

- it is a historic space, hugely significant in Exeter's history. The basin was part of the enlargement and extension of the canal that took place in the 1820s;
- the Piazza at the head of the basin, together with the Quay, form an open area with views across from one to the other and provide a relaxed atmosphere that pervades this area, and special events turn the whole place into a party – the Olympic Torch Relay, last autumn's Unexpected Festival, the Food Markets, the Regatta: Exeter at its most vibrant. The open aspect is crucial on these occasions, and crucial to the area's attractiveness for residents and visitors alike;
- if the grassy area is built on, the visual connections will go. Views of boats from the Quayside would disappear. Visitors to the Quay would see no evidence of the Canal Basin, and awareness of the canal would be lessened. The reverse is also true: views of the historic Quayside would no longer be visible from the Piazza except on narrow sightlines;
- the adjacent, smaller grassy space, abutting Maclaines Warehouse and currently used by Bike Shed Theatre, is identified in the Masterplan as a potential development site, unlike this plot. If both sites were built on, the combined effect would break up the open outlook. The proposed restaurant would not, in practice, be as transparent or unobtrusive as the visualisations suggest;
- vista can be very important and preserving the view from the Quay to the Canal Basin would be a forward looking option for Exeter. The officers' observations refer to the Piazza being identified as "poorly enclosed" which is claimed as justification for building on this site. This assessment should be resisted as the Piazza will not benefit from enclosure by separation from the river frontage as, on the contrary, it benefits from the connection with the river; and
- this site is also a green space within a conservation area which is highly valued. There is a strong feeling among many people that it should not be built upon.

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

- scheme will complement the adjacent Grade II Listed Building of Maclaines and the four storey mixed residential and retail development;
- glazed elevation on all four sides with lined metal surrounding a velum roof;
- scheme supported by the Design Review Panel which states that the design is very carefully considered and is a sophisticated response to the site;
- the scheme is also supported by the Exeter Civic Society;
- planning permission was granted in 1988 for a 880 square metre restaurant, 10 metres in height. The current proposal offers an acceptable and quality design;
- this new building provides a logical definition to the Piazza and retains seating for Bar Venezia; and
- the proposed occupiers, Roc Fish, are a responsible and well established restaurant, already operating in Brixham, and will bring a high quality eating experience to this area and the City, creating 50 jobs and providing a valuable investment in the area.

Responding to Members' queries, he confirmed that the proposal had been discussed with Bar Venezia who were happy with the same level of seating for their restaurant but in a smaller area.

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

RESOLVED that planning permission for the construction of a single storey, flat roof pavilion restaurant be **APPROVED**, subject to the following conditions:-

- 1) A01 - Time Limit - full
- 2) A09 - Materials (1)
- 3) 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 17 March 2017 (dwg. nos. 1161/PL03; 1161/PL04; 1161/PL05 & 1161/PL06) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) The erection and maintenance of securing hoarding, if appropriate, which shall
 - e) Wheel washing facilities.
 - f) Measures to control the emission of dust and dirt during construction.
 - g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
 - h) No burning on site during construction or site preparation works.
 - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday,
 - k) details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved Statement shall be adhered to throughout the construction period of the development.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 5) **Pre-commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 6) A33 - BREEAM (commercial only)
- 7) No part of development hereby approved shall be occupied and/or brought into its intended use until full details of the kitchen extraction system including siting, size, design, a noise assessment and odour control measures have been submitted to and approved by the Local Planning Authority and thereafter implemented in

accordance with the approved details.

Reason: In the interest of visual and residential amenity and to comply with the guidance contained within annex B DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

- 8) The premises and outside seating areas associated with the bar/restaurant shall only be used from between 1100hrs to 2300hrs and at no other times unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of residential amenity.
- 9) The outside seating area shall not be used until details of the design of the tables and chairs have been agreed in writing by the Local Planning Authority and thereafter implemented in accordance with approved details.
Reason: In the interests of visual amenity.
- 10) No live or amplified music shall be permitted from the use hereby approved unless otherwise agreed, to a specified noise level, in writing by the Local Planning Authority. No live or amplified music will be permitted within any external areas associated with this site.
Reason: In the interests of residential amenity.
- 11) A38 - Archaeology
- 12) No buildings, plant or machinery shall be erected on the roof of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
- 13) The delivery and servicing of the restaurant use hereby approved shall not be carried on other than between the hours of 0900 and 1700 hours and at no other times unless otherwise agreed in writing by the Local Planning Authority.
Reason: So as not to detract from the amenities of the near-by residential property.
- 14) Prior to commencement of the development, details of secure cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure cycle parking facilities have been provided in accordance with the submitted details
Reason: To provide adequate facilities for sustainable transport.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTIONS - ROTA FOR VISITS

The report of the Corporate Manager Democratic and Civic Support was submitted.

RESOLVED that the circulated rota of site inspections be approved, subject to any changes during the course of the year.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party be held on Tuesday 13 June 2017 at 9.30 a.m. The Councillors attending will be Bialyk, Prowse and Mrs Henson.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 6.05 pm)

Chair

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PLANNING COMMITTEE

22 MAY 2017

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

**Item 5 : Pages 5-16 : Application Ref: 17/0453/03
Land adj Piazza Terracina, Haven Banks**

Additional email/letters of objection

One letter of objection received from the Exeter Civic Society's River, Canal and Quayside Sub Committee (as opposed to Exeter Civic Society's Planning Sub Committee which supported the application) in respect of the:

- negative impact on the quality of the area's public realm;
- open outlook is an attractive space for residents and visitors;
- proposal would remove the visual connection between the Quay and the Piazza;
- loss of view of boat in the Canal Basin from the Quay would lessen the historical significance of the area;
- reduce the ability of the Piazza to host events such as Active Exeter Sports Day, fun runs, Exeter Regatta, dragon boat races etc;
- internal fittings and equipment would mean that the building would not have a 'see through' effect as portrayed in visual images supporting the application;
- site is not identified within the masterplan and if built alongside the development site adjacent to the Maclaines warehouse would affect the open outlook of the area.

Three further emails/letters of objection (total objection received is now 39). Additional comments raised:-

- commercial balance of the area has changed from shops to restaurant which has led to increased noise disturbance for nearby residents;
- existing vacant buildings should be used rather than an additional new build;
- fish restaurant would lead to odour issues;
- proposal does not have special regard to the listed buildings in the vicinity;
- modern development will dominate the Piazza and diminish links with the past;
- views of the existing historic buildings in the area will be obscured and therefore the development will neither conserve or enhance the historic environment of the area;
- visual intrusion from the proposed obtrusive roof service enclosure when viewed from neighbour's balcony and sitting room level;
- compromise the current flood prevention works.

Historic England confirm that the development does not meet statutory trigger to warrant consultation.

Council's Heritage Officer comments that in his view there is no significant impact on the adjoining and nearby listed buildings – particularly on the Maclaines Warehouse and 60 Haven Road (both listed Grade II), or a harmful one on their settings. The new building is located to the side of the Maclaines Warehouse and, as such, does not impact upon the principal elevations of these two listed buildings which front the Basin and the river and the Basin and Haven Road, respectively.

Whilst the setting of the locally listed Electricity Building will clearly be affected, in that the new building will be sited across the view of it that is gained from the Quay opposite, views of it from across the Piazza itself and from Colleton Crescent above the river will be retained. It will also be possible to view it through and from the gaps to each side of the new building when approaching along the western river bank. Historically, it would have been partly obscured from the Quay by the continuation of the basin boundary wall and the buildings of the timber yard in any case.

The principal views for assessing the impact of the proposals on the character and appearance of this part of the Conservation Area include:

- The view westwards from Colleton Crescent
- The view(s) across from the main Quay on the east bank of the river
- The view from the Piazza across the site towards the main Quay and Colleton Crescent above

The other key factor is the present openness of the Piazza and of the informal grassed area to the east (the application site) and the contribution this makes to the character and appearance of the CA. The key space is the Piazza itself that is sited centrally to the head of the basin and which forms the immediate setting of the locally listed electricity building and of the basin itself together with the listed buildings that front it. This is noted in the CA appraisal both as a positive, potentially attractive and important open space and as being poorly enclosed and lacking cohesion.

The relatively lightweight design of the new building does not dominate the nearby historic buildings fronting the basin or the piazza and is clearly a modern addition. It is somewhat more sensitive to its maritime historic context than the much higher and bulkier late 20C Haven Banks residential and retail development that dominates the northern side of the Piazza.

The principal heritage related – and interrelating - issues are therefore:

- a) whether the loss of a popular informal grassed space and the views at ground level to and from the Piazza are balanced by the greater sense of enclosure with the increased activity and overall viability that the development would potentially bring, consequently making it more likely that the remaining historic buildings continue to be maintained and used in a viable manner consistent with their character, and
- b) whether the loss of a relatively modern space and view(s) within the Conservation Area can be defined as representing harm to the latter, and whether this element of harm is counterbalanced sufficiently by the likely wider public benefit.

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