

## **PLANNING COMMITTEE**

Monday 4 December 2017

### **Present:**

Councillors Lyons, Bialyk, Denham, Edwards, Mrs Henson, Morse, Prowse and Sutton

### **Apologies:**

Councillors Gottschalk, Foale, Harvey and Newby

### **Also Present:**

Corporate Manager Democratic and Civic Support, City Development Manager, Principal Project Manager (Development) (MH), Principal Project Manager (Development) and Archaeology Officer

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### **CHAIR**

In the absence of Councillor Gottschalk, the meeting was chaired by Councillor Lyons.

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### **DECLARATIONS OF INTEREST**

Councillor Denham declared a non-pecuniary interest in respect of Min. No. 97.

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### **PLANNING APPLICATION NO. 17/1360/FUL AND 17/1361/LBC - 16/17 CATHEDRAL YARD AND ROYAL CLARENCE HOTEL, CATHEDRAL YARD**

The Principal Project Manager (Development) (MH) presented the application for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel.

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

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

- the design of the proposed building has been developed in extremely close consultation with the City Council as well as many external organisations so that it was respectful to that which was present before the fire;
- that 98% of the public who had expressed an opinion on the proposals, had done so in a positive manner;
- that the proposed new roofscape was designed so that it sympathetically blended in with its surroundings; and
- that those parts of the original building which had been salvaged would form a focal part in the new hotel.

During discussion, the Committee congratulated the applicants for the way in which this matter has been dealt with including their commitment for the proposed building to be respectful to that which preceded it; the restoration of some element of the previous building; and the speed in which this matter has been brought to the Committee following, what had been, a devastating fire.

The recommendation was for approval, subject to the conditions as set out in the report, and amended, where appropriate, via the late list.

**RESOLVED** that planning permission for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- (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 19<sup>th</sup> October, 22<sup>nd</sup>, 24<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013 , (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20\_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21) 004) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason for pre-commencement condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- (4) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with

appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. 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) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be completed strictly in accordance with the approved drawings referred to in condition 2 and the following documents submitted as part of the application –
- a. Architectural Restoration Specification Fabric Repair Works Ref 8404RS dated August 2017
  - b. Schedule of Works Fabric Repair Works Ref 8404SoW dated August 2017
  - c. Window Schedule dated August 2017, and
  - d. Door Schedule dated August 2017.

**Reason:** To protect and preserve the character of the listed building.

- (6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

- (7) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of residential amenity.

- (8) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, the kitchen ventilation system for the premises shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

**Reason for pre-commencement condition:** In the interests of the amenity of the area, especially nearby residential uses.

- (9) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall be designed such that the cumulative façade noise level at 1 m from the worst affected windows of nearby noise sensitive premises does not exceed  $L_{Aeq,15min}$  39 dB during the daytime, and  $L_{Aeq,15min}$  29 dB during the night as set out in Section 7 Conclusion of the Environmental Noise Survey Report ref 17262-R01-A dated 26 June 2017 prepared by Sandy Brown and submitted in support of the application. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by

the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

- (10) Details of the height, position, appearance and materials to be used in the construction of the proposed roof plant enclosure shall be submitted to and be approved in writing by, the Local Planning Authority prior to the installation of this element of the scheme.

**Reason:** To ensure that the details of the roof plant enclosure are appropriate in the interests of the character and appearance of the building and the wider locality.

- (11) Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details of the lighting scheme including the design, siting, illumination type and intensity shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall subsequently be installed on the premises.

**Reason:** To ensure that the impact of any lighting installed on the premises is acceptable in terms of its impact on the character and appearance of the listed building and the wider conservation area.

- (12) Prior to the installation of any new fenestration (doors/windows) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the works shall be carried out strictly in accordance with the approved details.

**Reason:** To protect and preserve the character of the listed building.

- (13) Prior to the commencement of the tanking works to the basements details, including sections to a scale of not less than 1:20, demonstrating the method of fixing and installation of the proposed membrane to existing built fabric shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the tanking works shall be carried out strictly in accordance with the approved details.

**Reason:** To protect and preserve the character of the listed building.

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**PLANNING APPLICATION 17/1361/LBC - 16/18 CATHEDRAL YARD AND ROYAL CLARENCE HOTEL, CATHEDRAL YARD**

The Principal Project Manager (Development) (MH) presented the application for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create a 74 bedroom hotel.

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

The recommendation was for approval, subject to the conditions as set out in the report and amended, where appropriate, via the late list.

**RESOLVED** that listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric)

following extensive fire damage to create a 74 bedroom hotel be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- (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 19<sup>th</sup> October, 22<sup>nd</sup>, 24<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013 , (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20\_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21) 004) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
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development works are properly considered and addressed at the earliest possible stage.

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**Reason:** To protect and preserve the character of the listed building.

(NOTES: At this point in the meeting, Councillor Denham declared a non-pecuniary interest in the following item and left the meeting during consideration thereof, and did not return.

Councillor Edwards also left the meeting at this point)

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**PLANNING APPLICATION NO. 17/1086/FUL - EXETER COLLEGE OF FURTHER EDUCATION, HELE ROAD**

The Principal Project Manager (Development) (MD) presented the application for the construction of a 60 bed student accommodation building on the corner of St David's Hill and Howell Road, with new pedestrian access on St David's Hill, footpath and landscaping. He also referred to a late drawing submitted by the applicants which had been drawn up to show proposed emergency access to the site for the Fire and Rescue Service. He indicated that, due to its late receipt, the views of both the Devon and Somerset Fire and Rescue Service and Highway Authority had not yet been received.

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

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

- objecting to this proposal on the grounds that there had been a lack of community consultation in respect of the application and its impact on the local neighbourhood;
- the 200+ signature petition which had been received;
- the lack of a noise assessment;
- the significant disruption there would be in the vicinity during the construction period and the impact this would have; and
- concerned at the level of supervision there would be in place for the occupants of the accommodation.

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

- the significant harm that the proposed development would have on the historic environment and character and appearance of the conservation area and adjoining listed buildings;
- no clear and convincing justification (as required by the National Planning Policy Framework) for harm to a heritage asset;
- alternative sites were available elsewhere on the college campus which would have a lesser impact; and
- suggestions of alternative uses such as a gateway feature or tourist attraction into the City.

Christine Fraser spoke against the application. She raised the following points:-

- she supported the comments already made by the local councillors about the impact on harm to this historic area of the City;
- the lack of consultation with the local community;
- the imbalance to the local community that this further educational accommodation would bring; and
- the breakdown of the local community at the expansion of the business priorities of the college.

She responded as follows to Members' queries:-

- the inadequate level of supervision proposed compared to the number of students who it was proposed would be housed in these blocks;
- degradation of this important green space; and
- the lack of public consultation undertaken by the college in respect of this application.

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

- the college had a property masterplan and a desire to remain a City Centre College;
- with the on-going success of the college there was a need to invest to meet the needs of learners from both Exeter and the wider south west area. The most critical element was that the College builds out to the extremity of the Hele Road site;
- application was part of the first phase of the masterplan development and looks to cater for an existing demand, a varying cohort including small numbers of sixth form, Higher Education, International, Exeter Chiefs Academy students

and Haven Banks summer course customers. Some of these currently reside in homestay facilities across the city and beyond which are not sustainable;

- the building is not a typical student residential application as it is on College land, is of relatively small scale (61 units) and will be self-contained, with no offsite parking requirements. In terms of management, the staffing structure includes a student residential manager and a pool of live in wardens to ensure 24 hour cover for the property. There will also be an evening curfew of 11pm for the majority of learners. As well as significant management plans and policies, the 16 to 18 age group attracts a separate Ofsted inspection, to ensure that the highest standards are adhered to;
- a key element was to open up a gateway between the two main college sites and the bounding Exeter St Davids and Exeter Central railways stations. The landscape plan accompanying this application included a new routeway with amphitheatre social spaces with the aim of reducing pressure on other footpaths in the St Davids area and providing spaces, sympathetic to the conservation area surroundings, for students to meet in;
- have listened to community feedback and statutory consultation and amended both the design and the management arrangements. The core funding is 21% less than a school receives for young people up to the age of 16, so it is critical to enhance our current offer; and
- the site provides a challenging topography, but believe proposal meets student requirements, while being sensitive to the local needs. This is not an application by a third party commercial provider but by the city's college servicing a local demand.

He responded as follows to Members' queries:-

- that the college had sent letters to 120 local residents in the immediate vicinity;
- his view that the proposed amendment to the plans to include an additional access to the site which would be restricted to the Fire and Rescue Service was adequate;
- that the students for whom this accommodation was proposed were already housed elsewhere in the community, and that the proposed accommodation would be more suitable and viable than that currently used;
- that the college was committed to remain city centre based, but only if it were able to build up to the extremities of the existing site; and
- that the level of warden provision had been increased to meet concerns previously expressed. He also commented that the college now employed a small mental health support team to support its students' community.

The recommendation was for approval, subject to the conditions as set out in the Update Sheet and a Section 106 Agreement under the Town and Country Planning Act 1990/Unilateral Undertaking to ensure the accommodation is only used by students of Exeter College and securing a student management scheme.

During discussion, the following points were raised:-

- concern at the lack of support for the application from the Devon and Somerset Fire and Rescue Service;
- similar lack of comment from the Highways Authority on the revised fire access proposals;
- the impact on the historic environment of the area;
- a number of councillors stated that they were not against the concept of development on this site, but that the type and scale of that proposed was inappropriate; and

- the large number of additional conditions which were proposed and were included on the late list, and the fact that Members had not been given the opportunity to consider these in any detail.

A proposal to defer the matter so as to allow time to receive the comments of the Highway Authority on the fire access arrangements was put to the vote and declared **LOST**.

A recommendation for approval (as per the agenda and late list) was put to the vote and **LOST**.

**RESOLVED** that the application be **REFUSED** for the following reasons:-.

- (1) the proposed development would harm the character and appearance of St David's Conservation Area and the setting of the Grade II\* listed Imperial Hotel, due to the loss of open space and trees on the site to built development, which are integral to the character of the area, contrary to saved Policies L3, C1 and C2 of the Exeter Local Plan First Review 1995-2011, and paragraphs 126, 131 and 132 of the NPPF. In addition, the proposed development through its massing, form and external appearance is considered to lack the design quality and distinctiveness to justify the development of the site taking into account the historic context and its prominence in the public realm, and to outweigh the harm that would be caused to the heritage assets. Therefore, it is considered to be a poor design for the site, contrary to Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 56, 58, 60, 61, 64, 66, 126 and 131 of the NPPF. For the same reasons as above, the proposed development is considered to conflict with emerging Policies DD12, DD25 and DD28 of the Development Delivery Development Plan Document - Publication Version (July 2015);
- (2) a Section 106 Agreement under the Town And Country Planning Act 1990 or Unilateral Undertaking had not been prepared in accordance with the Planning Obligations Supplementary Planning Document and emerging Policy DD12 of the Development Delivery Development Plan Document - Publication Version (July 2015) to ensure that the proposed accommodation was only occupied by students of Exeter College and to secure a student management scheme, including: staff to manage the welfare and behaviour of the students; no car parking on the campus for occupiers of the accommodation; no issuing of parking permits in relation to any residents' parking scheme in force in the area to the occupiers of the accommodation; measures to manage the move-in and collection process; and provisions for monitoring and enforcement. The Local Planning Authority considers that the design of the proposed development and its location on the College campus means that it would only be suitable to be occupied by students, and the student management scheme is necessary in the interests of local amenity, sustainability and highway safety. The Local Planning Authority considers that it would be inappropriate to secure the above provisions by any method other than a legal agreement; and
- (3) an informative be added that, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However, the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the City Development Manager 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 INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 19 December 2017 at 9.30 a.m. The Councillors attending will be Edwards, Foale and Mrs Henson.

**Additional Information Circulated after Agenda Dispatched- attached as an appendix**

(The meeting commenced at 5.30 pm and closed at 7.45 pm)

Chair

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**PLANNING COMMITTEE**  
**4 December 2017**

**ADDITIONAL INFORMATION**  
**Correspondence received and matters arising following preparation of the Agenda**

**Items 4 & 5 :**

**Pages 5-44**

**Application Ref: 17/1360/FUL & 17/1361/LBC**

**16-17 Cathedral Yard and Royal Clarence Hotel, Cathedral Yard, Exeter**

One additional representation has been received from the Devon Buildings Group raising the following matters –

- No objection in principle to rebuilding to previous appearance but considered this approach is marred by the detrimental impact of the additional accommodation at roof level. Consider the visual impact would be significant and that the nature of the roof structure proposed is at odds with the period character of the proposed rebuilt elevation.
- Suggest a traditional roof scape should be reinstated.
- Additional roof structure would have same unfortunate visual impact as the Princesshay buildings which project above the old rooflines.
- Suggest argument could have been made for a high quality modern replacement building. However if general consensus is for reinstatement, which it seems to be, it should a faithful replication not an uneasy hybrid which is what they suggest the current approach results in.
- Potential intrusive light and noise impacts associated with roof level accommodation
- Query visual impact of rebuild viewed over buildings on High Street.
- Question economic justification for roof extension balanced against perceived adverse visual impact.
- Concur with views expressed by SPAB (Society for Protection of Ancient Buildings) relating to replacement of timbers within restored Wellhouse element of scheme.

These comments pick up on those raised in representations summarised in main report. Whilst they are acknowledged it is not considered the points raised alter the officer appraisal of the overall merits of the scheme as set out in the main report.

Updated conditions 2 & 9 and additional condition 13

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 19<sup>th</sup> October, 22<sup>nd</sup>, 24<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013 , (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20\_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21)

004) as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

9) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall be designed such that the cumulative façade noise level at 1 m from the worst affected windows of nearby noise sensitive premises does not exceed  $L_{Aeq,15min}$  39 dB during the daytime, and  $L_{Aeq,15min}$  29 dB during the night as set out in Section 7 Conclusion of the Environmental Noise Survey Report ref 17262-R01-A dated 26 June 2017 prepared by Sandy Brown and submitted in support of the application. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

13) Prior to the commencement of the tanking works to the basements details, including sections to a scale of not less than 1:20, demonstrating the method of fixing and installation of the proposed membrane to existing built fabric shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the tanking works shall be carried out strictly in accordance with the approved details.

**Reason:** To protect and preserve the character of the listed building.

#### Item 6

#### Pages 45-62

Application Ref: 17/1086/FUL

Exeter College of Further Education, Hele Road

The following summarises the comments that have been received from consultees after consultation on the revised plans:

**Arboricultural Officer:** No additional comments other than to request that landscape details are submitted and agreed prior to determination and not left to condition. There is no reason why landscape cannot be agreed at the planning stage, leaving landscape to condition nearly always guarantees an inferior scheme.

**Lead Local Flood Authority (DCC):** No in-principle objection. Due to the change in layout, recommend a condition for a detailed permanent surface water drainage scheme in addition to one for the construction stage previously requested.

**Local Highway Authority (DCC):** The revised layout is preferred – the amphitheatres provide a refuge allowing pedestrians to stop and wait if they wished. Understand that the car park will be compromised further, but given that the College is aiming for a car-free development and a Travel Plan/Management Plan (for pick up/drop off) is a suggested planning condition, there should be no overspill onto the public highway. Note all student parking should be banned. When phase two of the student accommodation comes forward, more details on vehicular parking and cycle parking will be required, and potentially off-site works. An alternative car park could be explored in a later planning application, as a result of phase 2 eliminating the current car park (including the routes taken by cyclists).

**South West Water:** No comment on revised plans.

**Devon & Somerset Fire & Rescue Service:** Made following observations:

- The revised plans appear to show the provision of lobbies to the single staircase demonstrating the intention to provide a protected stair.
- The travel distances within the accommodation appear to be within those recommended by guidance.
- Fire Service vehicular access to the premises does not appear to meet the guidance given under Approved Document B of the Building Regulations.
- Further comments regarding the adequacy of the fire alarm system, fire resistance and general fire strategy cannot be given at this stage until the Fire Authority receives a consultation from the relevant Building Control body under the Building Regulations.

In light of the observation of the Fire & Rescue Service that vehicular access does not appear to meet Building Regulations guidance, the applicant has submitted a sketch showing how fire appliance access is intended to be dealt with. This shows a new path from Howell Road to the building entrance, which “is less than the 18m required from the road to the entry point of the building.” This will necessitate the demolition of a small section of boundary wall on Howell Road. This sketch has been sent to the Fire & Rescue Service for comment.

The following comments have been received from one of the occupiers of The Lodge who previously objected after reconsultation on the revised plans:

*“Thank you for sending this over. I have had a look and am struggling to see the difference. It still looking like a massive tower block overlooking my property and St David’s Hill unless I am looking at the wrong plans? In which case my objection still strongly stands. This is a clear infringement of my privacy. Value of my property seriously depreciates. My daylight is taken away. The volume of people using that entrance will also be an issue with noise pollution 24 hours a day. I have enough issues with students as it is leaving the Imperial grounds coupled with the new block of accommodation now built on St David’s Hill, is utter chaos at times.”*

A complete set of conditions has been prepared below. These have been sent to the applicant for comment.

**1. Standard Time Limit – Full Planning Permission**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

**2. Approved Plans**

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- Location Plan ref. 1259/PL01 Rev A (received 22.11.2017)
- Site layout As Proposed ref. 1259/PL03 Rev B (received 22.11.2017)
- Floor Plans as Proposed Basement to Second Floor Plan ref. 1259/PL04 Rev C (received 22.11.2017)
- Floor Plans As Proposed Third to Roof Plan ref. 1259/PL05 Rev C (received 22.11.2017)
- Elevations As Proposed ref. 1189/PL06 Rev B (received 22.11.2017)
- Sections As Proposed ref. 1189/PL07 Rev B (received 22.11.2017)

- Site Sections As Proposed ref. 1189/PL08 Rev B (received 22.11.2017)

**Reason:** For the avoidance of doubt and to ensure a satisfactory completion of development.

### 3. Contamination

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(s) 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:** To ensure the site is suitable for the use in accordance with Policy EN2 of the Exeter Local Plan First Review and paragraph 121 of the NPPF, taking into account the recommendation in the submitted Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation (Geo Consulting Engineering Ltd, June 2017) for groundwater sampling from the existing standpipes and testing for banded petroleum hydrocarbons. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

### 4. Archaeology

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

### 5. Badger Sett – Mitigation/Compensation Plan or Licence

No development (including ground works) or vegetation clearance works shall take place until either a mitigation/compensation plan dealing with the affect of the proposed development, including construction, on the badger sett on the site has been submitted to and approved in writing by the Local Planning Authority, or the Local Planning Authority has been provided with a copy of the relevant wildlife licence issued by Natural England authorising the closure of the sett. The mitigation/compensation plan shall be implemented as approved.

**Reason:** To ensure that badgers (a protected species) are not harmed by the development in accordance with Policy LS4 of the Exeter Local Plan First Review and paragraph 118 of the NPPF, taking into account the recommendation in the submitted Extended Phase 1 Ecological Assessment (Encompass Ecology Ltd., April 2017). This information is required before development commences to ensure that badgers are not killed or otherwise harmed by building operations.

### 6. Construction Method Statement

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.
- 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, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses, and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

#### 7. Surface Water Drainage Management System (Construction)

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

**Reason:** To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.) These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the construction stage.

#### 8. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall accord with the principles of sustainable drainage systems, and those set out in the submitted Drainage Statement Rev P01 (Sands, June 2017). The scheme shall include a detailed plan showing the size and location of all parts of the surface water drainage system, and confirm the outfall and discharge rate. It shall also include the arrangements for ongoing maintenance and the management responsibilities for all parts of the site's surface water drainage system. The development shall not be occupied until the permanent surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter in accordance with the approved details.

**Reason:** To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the development and there will be no increased risk of flooding to surrounding buildings, roads and land.

#### 9. Tree Protection 1 – Service Runs

Prior to the commencement of the development, details of all service runs to the development (not including surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority, including depth and any necessary easements. The service runs shall be implemented as approved.

**Reason:** To ensure the protection of the trees to be retained and new trees. These details are required pre-commencement as specified, as the location of the service runs may influence the construction of the development or conflict with other conditions of this consent.

#### 10. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of the building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason:** To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

#### 11. Tree Protection 2 – Tree Protection Measures

No materials shall be brought onto the site or any development commenced, until the tree protection fencing and other measures shown on the Tree Protection Plan (drawing number TH/X1548/0317 Rev 1.0) attached to the Exeter College – Effect of Proposed Development on Trees letter/report (Advanced Arboriculture, 19<sup>th</sup> May 2017) submitted with the application have been erected/implemented. The developer shall maintain the fencing and measures to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced areas, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason:** To ensure the protection of the trees to be retained during the carrying out of the development.

#### 12. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If breeding birds are found or suspected during the works, the works will stop and not start again until the ecologist is satisfied that breeding is complete.

**Reason:** To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review and paragraph 118 of the NPPF, taking into account the submitted Extended Phase 1 Ecological Assessment (Encompass Ecology Ltd., April 2017).

#### 13. Ecological Mitigation – Badgers

Overnight all excavated holes associated with the construction of the development shall be covered and all trenches shall have sloping planks placed in them.

**Reason:** To avoid trapping badgers and to provide a means for escape in accordance with the recommendations of the submitted Extended Phase 1 Ecological Assessment (Encompass Ecology Ltd., April 2017).

#### 14. Tree Protection 3 – Arboricultural Method Statement

The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/X1548/0317 Rev 1.0) within the Exeter College – Effect of Proposed Development on Trees letter/report (Advanced Arboriculture, 19<sup>th</sup> May 2017) submitted with the application shall be implemented in full and strictly adhered to during the construction phase of the development.

**Reason:** To ensure the protection of the trees to be retained during the carrying out of the development.

#### 15. Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of design and the character of the area, including the setting of the nearby heritage assets, in accordance with Policy CP17 of the Core Strategy, Policies DG1, C1 and C2 of the Exeter Local Plan First Review, and paragraphs 58 and 131 of the NPPF.

#### 16. Building Details/Obscured Glazing

Prior to the construction of the external walls of the building hereby permitted, details of the following, including confirmation of colour, shall be submitted to and approved in writing by the Local Planning Authority:

- (1) External doors
- (2) Windows, including depth of reveals
- (4) Rain water goods
- (5) Fascia, soffit and barge boards

The north facing, corner windows of the east block and northeast facing windows and glazing of the west block shall be obscured glazed and permanently retained in that condition.

The building shall be constructed in accordance with the approved materials/details.

**Reason:** In the interests of design and the character of the area, including the setting of the nearby heritage assets, in accordance with Policy CP17 of the Core Strategy, Policies DG1, C1 and C2 of the Exeter Local Plan First Review, and paragraphs 58 and 131 of the NPPF, and to protect the privacy of the dwellings to the north of the site.

#### 17. Noise Impact Assessment – Plant

Prior to the occupation of the development hereby permitted, a noise impact assessment for the building services plant shall be submitted to and approved in writing by the Local Planning Authority. If, following the above assessment, the Local Planning Authority concludes that noise mitigation measures are required, the developer shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the Local Planning Authority and shall be implemented prior to and throughout the occupation of the development.

**Reason:** In the interests of the amenity of the area, especially nearby residential uses.

#### 18. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including details of the stepped footpath from St Davids Hill

and amphitheatres. It shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of design and the character of the area, including the setting of the nearby heritage assets, in accordance with Policy CP17 of the Core Strategy, Policies DG1, C1 and C2 of the Exeter Local Plan First Review, and paragraphs 58 and 131 of the NPPF.

#### 19. External Lighting Scheme

Prior to the occupation of the development hereby permitted, an External Lighting Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the location and specification of external lighting and be designed to minimise harm to neighbouring properties and biodiversity. It shall include a bespoke lighting/public art strategy for the stepped pathway. The External Lighting Scheme shall be implemented as approved prior to the occupation of the development. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on the site or as part of the development.

**Reason:** In the interests of design, local amenity, local character and biodiversity in accordance with Policy CP17 of the Core Strategy, Policies LS4, DG1 and DG7 of the Exeter Local Plan First Review, and paragraphs 58, 109, 118 and 125 of the NPPF.

#### 20. Bird and Bat Boxes – biodiversity enhancement

Prior to the occupation of the development hereby permitted, four swift boxes and two bat tubes shall be installed in accordance with the recommendations of the submitted Extended Phase 1 Ecological Assessment (Encompass Ecology Ltd., April 2017).

**Reason:** To enhance biodiversity in accordance with Policy LS4 of the Local Plan First Review, and paragraphs 109 and 118 of the NPPF.

#### 21. Cycle Parking

Prior to the occupation of the development hereby permitted, design details of the two cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores shall be provided in accordance with the approved details prior to the occupation of the development.

**Reason:** To provide suitable cycle parking in accordance with the Sustainable Transport SPD.