

PLANNING

Date: Monday 7 January 2019
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Sutton (Chair), Lyons (Deputy Chair), Bialyk, Branston, Edwards, Foale, Harvey, Mrs Henson, Morse, Prowse, Sheldon, Thompson and Vizard M

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 3 December 2018.

(Pages 5 -
20)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).

5 **Planning Application No. 18/1641/FUL - Clock Tower Hotel, New North Road**

To consider the report of the City Development Manager. (Pages 21 - 32)

6 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 33 - 56)

7 **Appeals Report**

To consider the report of the City Development Manager. (Pages 57 - 58)

8 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 29 January 2019 at 9.30 a.m. The Councillors attending will be Bialyk, Prowse and Morse.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 11 February 2019** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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PLANNING COMMITTEE

Monday 3 December 2018

Present:-

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Branston, Edwards, Foale, Harvey, Mrs Henson, Prowse, Sheldon, Thompson and Vizard M

Apologies

Councillor Morse

Also Present

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

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MINUTES

The minutes of the meeting held on 29 October 2018 were approved, taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 18/0873/FUL - LAND AT RIBSTON AVENUE

The Principal Project Manager (Development) (MH) presented the application for the construction of a 54-bed independent hospital with access, car parking, landscaping/open space and associated works.

The Principal Project Manager (Development) (MH) detailed the consultations undertaken, relevant planning policies and advised that over 200 objections had been received originally, which were summarised in the report. A further seven had been submitted and included in the update report with another 12 objections received since the update. He outlined the content of one letter of support received.

Members discussed the application and asked questions for clarification to the Principal Project Manager (Development) (MH). In response, he explained that:-

- a change of class from residential institution (C2) to Secure Residential Institution (C2a) would require specific planning permission;
- Ofsted had been consulted but had not responded;
- the Committee are required to address land use and other planning matters and should not take the specific operator of the facility into consideration;
- the use as a hospital and its co-existence in the area was not deemed an issue;
- there were no specific planning guidelines for this type of building;
- the facility would enable the treatment of patients locally; and

- the application was for the provision of care and treatment to patients falling in the 'Acute to Low Secure' range. Given the profile and needs of the intended patients, the nature of the proposed facility was necessary to ensure the safety of the patients as people vulnerable to exploitation by others, and to prevent them from harming themselves, rather than the patients presenting a danger to society generally.

Councillor Holland, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- the unmet demand for mental health facilities is recognised;
- residents welcomed a possible relocation of the Exeter Deaf Academy, and as a brownfield site, it offers an opportunity for housing;
- NHS England guidance indicates that the unit will provide services to patients who are a threat to others which will present a risk;
- a pathway running next to the school field could lead to patients engaging with children of the St. Nicholas Primary School through a chain link fence;
- the development will have an adverse effect on the character of the area and a detrimental effect on amenity value; and
- parking problems in the area will be exacerbated as the majority of staff will travel to work by car. County Council trip figures are questionable.

Councillor Holland summarised further issues he wished to detail as those of communication, community impact, the applicant, material considerations including threat, fear and safeguarding. He provided details of each.

Communication

- Leith/Cygnet had not been open in the consultation with inadequate communication with local Members and local groups including Residents' and Community Associations. A meeting at Whipton Village Hall had been insufficiently promoted; and
- the end use has been shielded from residents because of its contentious nature and proximity to the school and sheltered housing.

Community Impact

- the original plan of a nursing home for patients with eating disorders not a secure unit for people with psychological problems. A significant number of Cygnet Units are inadequate with Police called on multiple occasions; and
- the head teacher of the school and the Governing Body state that the hospital poses a significant risk to the well-being of children.

Material Considerations

Threat

- strong enough material considerations can outweigh policy grounds and the safeguarding of children is a material consideration. The Care Quality Commission (CQC) report that many Cygnet facilities are inadequate or require improvement, particularly with regard to safeguarding. The emotional effect of seeing escapees/the police being called out etc. could disturb young people;
- the unit conforms to Section 17 of the Mental Care Act governing the type of provision and medical sign-off for patients receiving Community

Treatment Orders from the primary admission hospital. Such a facility next to the school is inappropriate and the risks need to be known at the decision stage; and

- Cygnet Healthcare's current and past standards and Devon and Cornwall police concerns that the facility needs to be well managed are evidence of threats. The Police have asked Cygnet for design improvements.

Fear

- fear is also a material consideration. Having regard to the NHS booklet outlining low secure mental health services in the UK there is concern from the local community for the safety of the 340 children at the school;
- currently, 10 of Cygnet's 19 facilities are failing as assessed by the CQC. Fearfulness of a 54-Bed secure mental health unit operated by Cygnet is a clear reason for the application to be rejected especially considering fear from a child's perspective. There are a number of concerns about this provider relating to criminal activity of patients and violent acts carried out shortly after release into the community which is also a material planning consideration.

Safeguarding

- approval would be contrary to the Council's safeguarding policy which includes a duty to co-operate with the County Council in discharging duties in respect of the wellbeing of children and adults;
- two OFSTED Inspectors, the Director of Education for Warwickshire and the National Association of Headteachers all express serious reservations;
- none of the 500 Devon schools are sited next to a prison or secure unit and the care provider has no other facilities adjacent to a primary school;
- as a former Head of three different primary schools in Central Devon, he believed that granting planning permission for a secure unit in such close proximity to a school with 350 pupils compromises the safety of children; and
- the benefits attributed to the provision do not outweigh the considerable negative impact of such a development in a densely populated area.

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

- Leith Planning claimed that the proposal had been subject to an extensive consultation exercise, which the residents feel was not the case;
- clear evidence that the facility will impact on Police resources;
- the report misleads on parking, accessibility and traffic;
- residents and parents are deeply concerned about children's welfare;
- choosing a suitable location is vital when considering building a mental healthcare facility, with special emphasis on nearby schools and domestic dwellings;
- a report issued by the National Health Development Unit stated that a mental health facility did present a risk to the public. Evidence shows that more than 31% of Cygnet facilities require improvement to their security;
- residents had strong reason to believe that the facility could hold people from the criminal justice system, with the potential to increase the crime level in the area;
- more than 95% of the Hill Barton Community Association and the 230 objectors opposed the development of the facility in the location; and
- there was clear evidence of residential fears about the proposal going

forward, and that it should be rejected on the grounds of being incompatible with the area and for over use.

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

- World Health Organisation highlight the widespread misunderstanding surrounding mental ill health and there remains the belief that mental issues are untreatable leading to abuse and isolation. People are too often treated in institutions which resemble human warehouses rather than places of healing;
- “MIND” state that 1 in 4 people in the UK will experience a mental health problem every year;
- every “mental health patient” treated at the proposed facility is a family member, neighbour or work colleague and mental health remains the Cinderella service;
- the report states that there are no outstanding matters from statutory consultees and covers residents’ concerns, including local concerns around fear and public safety; and
- an independent hospital is proposed providing mental healthcare to NHS patients in a community setting and the recommendation is for approval. The assurances of protections in the Use Classes Order and within the report should be accepted.

Some Members expressed concerns with the application. One did not feel that such a facility was appropriate next to a primary school, another felt that the arrival of vehicles with patients could be alarming to the school children and that the consultation process had been inadequate with another being of the view that the unit could not co-exist with existing activities in this community setting. Both Members also stated that they objected to the Chair’s decision not to permit Members to ask questions of the speakers. Another Member noted that the risk and perception of anti/social behaviour arising from the proposed use was capable of being a material consideration in the assessment.

Other Members supported the application as it was not thought that the fears referred to were based on sound reasons and that case law had established that unfounded fear in itself would rarely or if ever be a reason to justify the withholding of planning permission. It was also stated that the facility would enable local people to be treated locally and that the patients were vulnerable and not those who would require treatment in a secure institution as defined within Class C2a. One Member, who had worked in the sector, did not believe that problems could occur. She referred to patients previously released into the community from mental health institutions that had not resulted in difficulties, some of whom reside close to other City schools.

The City Development Manager advised that the difference with a C2a use was that the main purpose was to keep persons under control who were a potential danger to society at large as opposed to residential institutions whose primary function was the provision of care to people in need of care but where ancillary security measures were provided as part of the delivery of that care. Consequently, it was considered that, in planning terms, the proposal would be a Residential Institution falling within Use Class C2 rather than a Secure Residential Institution within Use Class C2a. As such, it was considered appropriate for the residential institution proposed in the application to be located within the residential context of the application site.

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

report.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the provision of public open space including access and maintenance arrangements and a contribution of £3,000 toward traffic order planning permission for the construction of a 54-bed independent hospital with access, car parking, landscaping/open space and associated works be **APPROVED**, subject also 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 and 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 5th June, 11th and 19th October 2018 (including dwg. nos. CYG-PHS-XX-ZZ-DR-A-90-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-003 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6, CYG-PHS-XX-00-DR-A-22-001 Rev P2, CYG-PHS-XX-01-DR-A-22-002 Rev P2, CYG-PHS-XX-ZZ-DR-A-27-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-20-001 Rev P5, CYG-PHS-XX-ZZ-DR-A-90-005 Rev P2, Landscape General Arrangement 001F, Landscape Design 003 and Landscape Site Sections 002D) 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: - 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 be kept clear of graffiti and fly-posting.
 - 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 and vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.
- k) 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 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) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- (6) The building hereby approved shall not be brought into use until the landscaping has been completed in accordance with the approved plans and a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved maintenance schedule shall be adhered to.

Reason: In the interests of the visual amenity of area and to ensure appropriate maintenance measures are implemented to secure the longevity of the implemented landscaping scheme.

- (7) No part of the development hereby approved shall be brought into its intended use until the vehicular parking, on-site turning area, vehicular and pedestrian access points onto Ribston Avenue as indicated "Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a safe and suitable access is achieved, in accordance with paragraph 108 of the National Planning Policy Framework.

- (8) No part of the development hereby approved shall be brought into its intended use details of the pedestrian/cycle access to the adjacent residential site (to the south of Ribston Avenue) have been approved in writing by the Local Planning Authority and the pedestrian/cycle access has been provided, surfaced and marked out in accordance with the approved plans. Thereafter the said access shall be retained for those purposes at all times.

Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraphs 108 and 110 of the NPPF and CP9 of the ECC Core Strategy

- (9) Prior to the development hereby approved being brought into use secure cycle parking provision and staff changing facilities to serve the

development shall be provided and made available for use in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said facilities shall be maintained at all times for the intended purpose.

Reason: To provide adequate facilities for sustainable transport.

- (10) No development shall take place until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

- (11) A comprehensive Travel Plan in line with the proposals mentioned in the submitted Travel Plan Statement (June 2018) and Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The Travel Plan measures and Car Park Management Plan shall thereafter will be implemented in accordance with the approved details. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority as part of the Travel Plan thereafter.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

- (12) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 and 2 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 has been complied with in relation to that contamination.

1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme

works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance, and where remediation is necessary an updated remediation scheme must be prepared in accordance with the requirements of part 1, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved updated remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 2.

Parts 1, 2 and 3 must all be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: In the interests of the amenity of the occupants of the building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- (13) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit 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. The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

Reason: In the interests of protecting the residential amenity of the occupants of surrounding properties.

- (14) Noise levels at the boundaries of the site associated with plant forming part of the development hereby approved shall not exceed the limits specified in figure 1 attached to the WSP memo dated 21st September 2018 ref WSP-APM001 submitted in support of the application.

Reason: To protect the residential amenity of the occupants of surrounding properties.

- (15) Prior to the development hereby approved being brought into use boundary treatments to all 4 external boundaries of the site, and between the hospital and the open space, shall be erected in accordance with further detailed specifications that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the boundary treatments specified on the approved landscaping plans and comprise detailed specifications for each boundary. Thereafter the said

boundary treatments shall be maintained at all times.

Reason: In the interests of the visual amenities of the area, and the security of the site.

- (16) 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.

- (17) The detailed design of the proposed surface water drainage scheme to serve the site, including the associated maintenance and management arrangements, shall be submitted to and be approved in writing by the Local Planning Authority prior to the installation of the said drainage facilities. Thereafter the drainage shall be implemented and managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.

191 **PLANNING APPLICATION NOS. 15/0640/OUT AND 15/0641/OUT - ALDENS FARM, ALPHINGTON**

The Principal Project Manager (Development) (PJ) presented two applications for residential development including new access onto Chudleigh Road and Dawlish Road (15/0640/OUT) and Shillingford Road (15/0641/OUT) and associated infrastructure. (All matters reserved for future consideration except access). Details of the applications were provided as follows:-

Application ref 15/0640/OUT - outline planning permission for development for up to 234 dwellings with associated infrastructure. The application is for all matters reserved except for access, which is proposed from Chudleigh Road and Dawlish Road using an improved existing vehicular and pedestrian access. The site comprises an area of land of 8.07 hectares in total comprising open fields to the south of existing residential properties located in Steeple Drive, Pulpit Walk, Lichgate Road and Tower Walk.

Application ref 15/0641/OUT - outline planning permission for development up to 116 on land between Chudleigh Road and Shillingford Road together with a new vehicular access to Shillingford Road with other all matters reserved matters. The site comprises an area of land of 4.1 hectares in total comprising of open fields to the south of existing residential properties located in Veitch Gardens and Royal Close.

In view of the two applications, two individuals spoke separately on each. They spoke objecting to the proposals.

The Principal Project Manager (Development) (PJ) referred to the objections received from the Alphington Village Forum and local residents and to some updated reports provided by the applicant which had been submitted with the application in 2015. He referred to a proposed Section 106 Agreement relating to affordable housing, district heating connection and traffic management and transport improvements. He advised that a late representation from the Council for the Protection of Rural England had raised the following issues:-

- the design and access statement is inadequate and is noncompliant with the National Policy Framework 2018;
- independent studies show that the number of new houses required in Devon did not reflect the real housing need in the County; and
- lack of a strategic goal and failure to build safe and well-designed homes.

He reported that the proposed condition 24 in respect of education would be deleted as the County Council, as Education Authority, had confirmed that an all through school would be provided within the Teignbridge boundary as part of the Bovis housing development which would also serve the two developments at Aldens Farm.

In respect of affordable housing, the Principal Project Manager (Development) (PJ) referred to the proposed Section 106 Agreement to secure a contribution of 30%. He reported that, although the applicant had initially considered their affordable housing provision should be 10% in line with that agreed by Teignbridge District Council within the outline planning application submitted by Bovis Homes, this had not been considered acceptable as it fell below the Exeter development plan policy requirement. The difference in opinion regarding the provision of affordable housing explained the reason for the delay in the submission of the applications in 2015. Following the submission of viability information and subsequent discussions with the applicant, it had been agreed that both developments would provide 30% affordable housing.

Councillor Musgrave, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- as with the Alphington Village Forum, do not object to the developments in principle but to the overall strategy;
- the Alphington Development Brief sets out a number of the requirements relating to highways and traffic concerns but these are not being addressed;
- an Environmental Impact Assessment is required in line with the Council's Core Strategy CP17 and 19 and Development Brief to ensure an acceptable green infrastructure and high quality green spaces;
- both the Council's Development Brief and Core Strategy CP17 refer to the goal of retaining and enhancing biodiversity but the absence of a green infrastructure framework means that there is no guarantee that existing trees, hedges and habitats and species will be protected - in some parts of the developments the developer will remove some hedgerows and trees;
- the applicant's Landscape and Visual Assessment states that the South West Masterplan "notes that the existing green infrastructure does not currently feature strongly around Alphington with limited existence of public open space located to the north of the village and play areas only located to the north and east";
- building houses on open fields will worsen the lack of public open space in Alphington and the lack of sufficient public open space is a serious concern;
- Core Strategy Policy CP17 requires the development to "retain and

enhance the biodiversity of the site and adjacent areas” and the Development Brief requires that the site must be developed as a place which provides for a net gain in biodiversity;

- the bat population will be affected by the removal of their habitat and disturbed by lighting from the new houses and mitigation measures are inadequate;
- the findings from the traffic assessment in relation to air quality are questionable and existing poor air quality in the area and along Alphington Road will be exacerbated. Church Road and the northern section of Chudleigh Road already exceed or are just below the legal acceptable limits;
- sites will be developed but both applications should be deferred for further assessment of material considerations including a requirement for an environmental impact assessment.

Councillor Warwick, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- Alphington is a semi-rural suburb, with a village culture, which would be lost by any new development;
- local concerns about building on agricultural land to generate income for shareholders rather than genuinely addressing local housing needs;
- there was a considerable traffic issues in the area, which was near the A30, with Alphington Road a major gateway into the city;
- the Traffic Assessment Report had been written in 2014 and was out of date and could not refer to recent delays caused by traffic incidents. There is also an increase in farming vehicles using the roads during certain periods;
- of the 2,500 homes agreed for construction, 2,000 had already been agreed by Teignbridge District Council which would be a vast increase in homes to the area and which also had not been covered by the Traffic Assessment Report;
- the Traffic Assessment Report suggested alternative transport arrangements for Alphington, however the two important transport options had not happened. The Marsh Barton rail station was due to open in 2015, but the latest report showed the station may not have the funding to be opened. The second arrangement was the Alphington Park and Ride which had also been delayed. The traffic assessment did not align with the current circumstances;
- clarification is required from Devon County Council on infrastructure proposals and on negotiations with developers on transport arrangements;
- time for locals to walk to the local doctor surgery and school, has been referred to. However, both are full and these issues have not been taken into consideration;
- the A30 is also a tourist route from Cornwall and, during summer months in particular, an element of that traffic heads for the city centre further increasing pollution; and
- the Traffic Assessment Strategy must be revisited before any permission is granted.

Ms Meadowcroft spoke against the application. She raised the following points:-

- Alphington Village Forum had held five workshops to produce a Development Brief to serve as a Supplementary Planning Document for the future development of Aldens Farm East and West. Had made clear that

- the development was part of the South West Exeter Urban Extension adjoining land to the south within the Teignbridge District, comprising 2,500 new houses, of which approximately 350 would be in Alphington village;
- the Forum had pointed out that the outline plans were unfit for purpose with 12 points of concern. The most important one was the lack of evidence of a co-ordinated approach to the plans by the two councils on either side of the Exeter/Teignbridge administrative boundary. There was a lack of provision for community facilities; open space; protection of existing trees and hedgerows and there is no integrated approach to cycleway and bus route provision and traffic generation from the Teignbridge District Council development in the calculation of traffic and road junction capacity;
 - the County Council, in its response to the proposal, had referred to the lack of joined-up thinking and awareness of the future impact from the whole site. Half of the whole South West Exeter development was going to be built between the A379 and Alphington;
 - much of Alphington Village is a Conservation Area especially along Chudleigh and Church Roads, which is the route already used by a large volume of traffic for access to the City Centre and is frequently congested;
 - the South West Exeter Access Strategy is out of date and there is no agreed methodology for Transport Assessments for the whole site. The junctions on to the Shillingford Road are dangerously sited and should be moved to the entrance to Markham Lane, where it could meet up with the road from the Bovis development in Teignbridge, avoiding the access for buses across this historic lane, which was to be a high-quality cycle and pedestrian route as set out in the Development Brief.

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

- Alphington Village Forum is not against the development and are supportive of good development which enhances the quality of life for the occupiers of the new homes;
- the objection is that the application under consideration is not fit for purpose and does not demonstrate that the proposed development is viable;
- compromises will be required and therefore the Forum assisted in the production of the Alphington Development Brief to show how issues can be addressed;
- the applicant has no interest in identifying the conflict and how they may be overcome due to extra cost and any restrictions on the development, in particular number of dwellings. The developer will look to maximise profit for an unhindered site. It is believed that the constraints arising from the conditions will restrict the developable area, reduce the number of dwellings and reduce viability leading to the developer applying to increase the density with three and four storey buildings and/or reduce the number of affordable homes;
- Devon County Council will get what they want, but Alphington will suffer with imposition of poor development and Exeter City Council will not get the affordable homes needed; and
- urge refusal of consent or deferral until the applicant has submitted an indicative proposal showing compliance with the Alphington Development Brief. There are many technical reasons to refuse or defer the decision on this application until the applicant has demonstrated the viability of the site.

The Principal Project Manager (Development) (PJ) commented that a screening opinion had been taken which concluded that an environmental statement would not be required. An environmental assessment requirement would only result in the re-packaging of the existing reports already provided to Members and not offer any

new information. Where appropriate, older reports had been updated, which included the Transport Assessment, which had been updated in 2017. Devon County Council had been given the opportunity to comment further on the updated reports but did not wish to amend their original comments. The air quality reports had been assessed by the Environmental Health Officer and were deemed appropriate.

Whilst welcoming contributions to bus services, Members expressed concerns in respect of a number of issues which they felt should be further considered. They felt that, because of the scale of growth proposed in the South West Exeter urban extension, a coordinated, comprehensive approach was required to successfully create a sustainable community. They were concerned about the ability of the County Council to take on the delivery of infrastructure, as it would be dependent on sufficient developer contributions being collected. They felt that, because of the scale of the development, an updated Transport Assessment was necessary particularly regarding the uncertainty over Park and Ride provision and the rail halt at Marsh Barton. The comments on differing affordable housing provision associated with the proposed developments in the area were reiterated and it was felt that the policy requirement should be met.

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

RESOLVED that planning permission for a residential development including new access onto Chudleigh Road and Dawlish Road and associated infrastructure. (All matters reserved for future consideration except access) be **DEFERRED** for discussions to be held at Member and Officer level with Devon County Council to reconsider both of the applications and assess the many issues of concern raised including:-

- the failure to adequately meeting requirements of the Alphington Brief;
- the percentage of affordable housing proposed;
- uncertainty about health/school provision
- lack of sufficient community infrastructure;
- the failure to bring forward a Park and Ride facility for this side of the City;
- need for greater open space;
- the stalled progress on the delivery of a Marsh Barton Rail Halt; and
- an outdated Transport Plan for the area given both of these development and that proposed within the Teignbridge boundary.

192

PLANNING APPLICATION NO. 18/1088/FUL - MALLISON BRIDGE, EXETER QUAY

The Principal Project Manager (Strategic Policy) (PJ) presented the application for the replacement of Mallison Bridge with elevated boardwalk over riverside walkway to link to existing foot/cycleways at Cricklepit Bridge. He advised of four objections, two of which from the Exeter Civic Society and Historic England had been withdrawn following the submission of amended plans. The revised plans increased the bridge width from 2 metres to 3.5 metres and provided a much enhanced facility for this historic Conservation Area.

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

RESOLVED that planning permission for the replacement of Mallison Bridge with elevated boardwalk over riverside walkway to link to existing foot/cycleways at

Cricklepit Bridge 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 ss 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 12 July 2018 (including drawing number MBB – LD/3.1, the Preliminary Ecological Appraisal Report and the Flood Risk Assessment), on 7 November 2018 (including drawing number MBB-LL/05.1) and on 14 November 2018 (including drawing numbers MBB-LL/1.0, LD/01, LD/05, LD/06, LD/07, LD/08, and LD/09) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) 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.
- (4) No works shall take place until the local planning authority have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) any road closure;
 - (c) hours during which delivery and construction traffic will travel to and from the site
 - (d) the number and sizes of vehicles visiting the site;
 - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored;
 - (f) confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (g) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (h) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Highway Authority to establish a safe means of progress. The approved Construction Management Plan shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity
- (5) No development shall take place until a detailed Construction Methods Statement is submitted to and agreed in writing by the local planning authority. This includes the construction methods within the river corridor.

Thereafter the development shall be carried out in accordance with the approved Construction Methods Statement and any subsequent amendments shall be agreed in writing with the local planning authority.
Reason: To ensure flood risk is not increased for others.

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

194 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

195 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 December at 9.30 a.m. The Councillors attending will be Edwards, Harvey and Prowse.

(The meeting commenced at 5.30 pm and closed at 8.25 pm)

Chair

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Agenda Item 5

COMMITTEE DATE: 07/01/2019

APPLICATION NO: 18/1641/FUL
APPLICANT: Exeter College
PROPOSAL: Change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2).
LOCATION: Clock Tower Hotel, 16 New North Road, Exeter, EX4 4HF
REGISTRATION DATE: 09/11/2018
EXPIRY DATE:

SITE HISTORY

Reference	Proposal	Decision	Decision Date
17/1596/FUL	Change of use from hotel (C1 Use) to 18 be house in Multiple Occupation	REF	31.01/2018
16/1661/FUL	Change of use from C1 (Hotel) to (18 Bed HMO)	WDN	07.03.2017
14/2082/LPD	Continuation of work authorised by application 98/0965/03. The single storey extension on the west was completed but the three storey extension on the east has yet to be completed	WLU	21.10.2014

DESCRIPTION OF SITE/PROPOSAL

The Clock Tower Hotel is a four storey hotel located within the centre of Exeter. The property is a Grade II Listed Building and is located within the St David's Conservation Area. The property is part of Duryard and St James Ward, and forms part of the area covered by the Article 4 Direction which restricts change of use of C3 dwellings to C4 (HMO for 3-6 residents).

The proposal is for change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2).

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning statement
- Accommodation officer handbook
- Learner and parent guide to residential accommodation for 16-18 students
- Draft Heads of Terms covering staffing, travel, refuse collection and student behaviour

Planning statement

Exeter College provides education for 12,000 students. Its continuing success means the College increasingly attracts students from further afield that require accommodation in the city.

At present, these boarders (approximately 120 students) are either accommodated through Homestay arrangements with existing Exeter residents or subsidised accommodation within a number of leased premises across the city (approximately 20 students). However, the use of leased premises is not financially sustainable and prevents the College offering bursaries to students for accommodation. Furthermore, the leased accommodation is purpose built for older (18+) students attending university within the city and, as such, the College faces competition with higher university accommodation fees. The College has therefore been seeking alternative solutions to accommodate this small, but important, proportion of its academic intake. Alongside the Homestay accommodation (which will remain an important component of the accommodation offer), the College has purchased, subject to planning, the Clock Tower Hotel on New North Road. As part of this application, the College seeks planning permission for the change of use of the Clock Tower Hotel (Use Class C1) to boarding accommodation (Use Class C2) linked to Exeter College. The property is ideally placed close to the Hele Road Campus, the Maths and Science Centre and the Queen Street Campus and would help deliver much needed boarding accommodation for the College's students.

The application seeks planning permission for the change of use of the hotel to boarding accommodation associated with Exeter College, to accommodate between 22 and 25 students and two wardens. There will be a warden on shift at the property 24 hours a day (two wardens sharing shifts). The property would be Ofsted inspected in accordance with Section 87 of the Children Act 1989 and the National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002. The property will comply with the Department of Education's '*Further education residential accommodation: national minimum standards*'.

The existing property contains 18 en-suite bedrooms and a one-bedroom manager's apartment. Most of the rooms are currently used as bedrooms/communal spaces associated with the use of the property as a hotel. The application proposes no change to the general use of these rooms (bedrooms/communal space) in this respect, with the exception of converting an existing lounge to the rear of the property to a bedroom for use by one of the wardens on site.

The NPPF is unequivocal that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80). Furthermore, the NPPF seeks to ensure that all members of the community are adequately housed and the needs of different groups, including students are met (paragraphs 59 and 61).

Exeter College is a highly successful Tertiary College providing education for around 12,000 students. The College plays a critical role in the educational and academic offer within Exeter City. Not only does the College play an important role in the delivery of a skilled workforce to meet the need of the city's economy but the College is a key employer itself. The local economic impact generated by Exeter College in 2016/17 was estimated to be £42.3m, supporting total of 1,107 jobs within Exeter.

It is noted that the proposed use of property for boarding accommodation is comparable to the existing lawful hotel use, both in terms of use of rooms and the number of boarders frequenting the property. Furthermore, as the boarders will not have the benefit of a private vehicle, there will not be any increase in vehicular traffic associated with the property; in fact, there will be an anticipated reduction in car movements. There would not, therefore, be an intensification in the use of the property that would give rise to planning concerns.

It was clear from public engagement that the key concerns of local residents and Members relate to the social and demographic imbalance within the central city wards and the impact this has upon residential amenity and the character of the area. The currently proposed scheme would meet the particular accommodation needs of Exeter College rather than older students (18+). The needs of Exeter College students cannot be adequately accommodated through occupation in HMOs. This specific cohort of the population is different to older students (18+) and would thus introduce a further mix of people of different ages to the area. Furthermore, crucially, in comparison to Houses of Multiple Occupation for older students, there will be a warden on shift at the property 24 hours a day (two wardens sharing shifts) to take care of the boarders. The property would be Ofsted inspected. Local residents will be offered the opportunity to meet with the wardens and provided with the wardens' telephone numbers, to enable close engagement and communication between neighbours.

REPRESENTATIONS

Forty seven objections, issues raised:

- Contrary to Neighbourhood Plan and its vision for a balanced community.
- Contrary to article four direction.
- Amount of student accommodation the area, including purpose built student accommodation creating community imbalance.
- Too much student accommodation.
- There is little difference between this application and a university student HMO
- Twenty five temporary residents will imbalance the community regardless of use class
- Concerned Exeter College management is not sufficient and that Exeter College may stop using the building.
- C2 use is not appropriate for people not on 16-18 courses, age is a highly relevant planning consideration.
- Students bring late night noise, anti-social behaviour, traffic and parking problems
- Concerned about smoking, noise and litter in nearby Bury Meadow Park.
- Concerns about impact on neighbouring properties, including noise, smoking, large gatherings in the garden, residents all having visitors at the same time.
- Accommodation would provide more disruption than hotel which is rarely full as boarding house would be permanently full.
- If approved this would set a precedent for more applications of this type, including future applications for HMO.
- St James is a 'ghost town' during the vacations.
- Need for affordable residential housing/city centre accommodation.
- Property should be converted to family homes to redress community balance.
- Care Home in Powderham Crescent converted to dwellings is evidence of demand for large family homes in this area
- Neighbourhood Plan Policy SD3 supports affordable housing or high quality private residential use if commercial property becomes available.
- Property should be marketed at a realistic price.
- College age students should not be in residential accommodation.
- Would the property be occupied by students aged 18-21.
- Student accommodation should be distributed throughout the city .
- Impact on listed building.
- Victorian property is not suitable for health, safety and wellbeing of 25 young people
- Concerns about maintenance of building/fire risk.

- Young people of any age are unlikely to contribute positively to community.
- Traffic and pedestrian safety.
- Concerns about summer schools, potentially for over 18s.

One letter of support

- Proposal is a positive response to an issue faced by Exeter College
- The college serves a wide area and travel is not easy
- Its residents would be mostly children who have specific accommodation needs and this application should not be treated as though it were for university students
- It is making sensible use of an existing building and does not reduce places for non-students

One representation of comment

- The College is increasing degree courses implying potential for older occupants. A constraint should be imposed limiting occupation to Sixth form (<18 years) students only

CONSULTATIONS

Devon County Council Highways

New North Road is classified road with double yellow lines on one side of the road and restricted parking areas on the other. As the site is situated in an existing residents parking area (H) where there is high demand for on street spaces, the applicant is advised that in accordance with current policy additional on street resident parking permits will not be issued to serve this development. However, there are a number of pay and display parking bays situated nearby on Queen Street/Queens Terrace. Therefore a car free development is acceptable in this city centre location.

It is understood that cycle parking would be provided in the existing bike shed area to the rear of the property, but exact details to the type or quantum have yet to be provided. Details of the appropriate levels of cycle parking are set out in the ECC Sustainable Transport Supplementary Planning document.

It is recommended that a condition is attached to the granting of any permission to ensure that appropriate provision is agreed prior to commencement and that this is provided in accordance with the approved details prior to the site is brought into its intended use.

Exeter St James Forum

Raise three areas of concern:

Contrary to Neighbourhood Plan

- Overriding objective to seek better community balance. Seek a rise in the percentage of residents who live and work in the area. This application will not achieve that objective, but create further community imbalance.
- Policy H5 of the Local Plan Review applies to the conversion of dwellings into houses of multiple occupation. In so far as this policy is relevant then it is submitted that Policy H5(b) should be considered and that this application should be rejected on the basis that approval would result in an over-concentration of use in the St James area of the City and will create an imbalance in the local community.
- Policy C1 of the NP should be considered and this application should be rejected on the basis that approval would contravene Policy C1.

- Policy SD3 of the NP should be considered. The Clock Tower site, it is suggested is one that would fit the criteria for this policy.
- Similarity of this application to others that have been dismissed or withdrawn
- There is no distinction at all between this application and the previous applications. The current proposal is to provide residential accommodation for young people.
- Simply changing the class of use as is attempted with this application shows that this proposal displays utter contempt for the Neighbourhood Plan and the residents of St James
- There remains an expression of interest to purchase this property to convert back in to residential use
- It is believed that this application is for over 18's – the same age as students at the University. For the avoidance of doubt the Forum does not accept in any event that even if aimed at a younger cohort that this proposal would not be in direct conflict with the Neighbourhood Plan.
- Inadequate communal space
- Likely to be a significant increase in general litter, recyclable litter, glass and food waste, with no additional provision detailed
- Consideration continues to need to be given to the Braeside Appeal. The applicant fails to give it any consideration or reference it at all.
- No draft Management Plan has been included with the application which is a serious omission as were this application to be granted such a plan would be required and it is not sufficient to leave this to post planning discussion.

Muddled and confusing planning statement

- Accommodation would need to comply with national minimum standards. Proposal does not comply and should be rejected
- Lack of clarity about current provision of accommodation
- Lack of clarity of age of proposed residents
- One warden does not provide sufficient care to residential students
- Given the age of the building, a full fire risk report should be submitted

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2018

Exeter Local Development Framework Core Strategy

CP1 – Spatial approach

CP5 – Meeting housing needs

CP10 – Community facilities

CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 – Design and location of development

H5 – Diversity of housing

C1 - Conservation Areas

C2 - Listed Buildings:

CS5 – Education and training facilities for adults

Exeter City Council Supplementary Planning Document
Houses in Multiple Occupancy SPD (adopted January 2014):

Exeter St James Neighbourhood Plan (ESJNP) (adopted March 2013):

D1 - Good quality design
C1 - Houses in Multiple Occupation:
SD3 - Infill/Windfall Sites:
H1 – Heritage
T1 – Sustainable transport

Exeter Development Delivery Document – Publication Version 2015

DD11 – Residential Conversions and HMOs

Conservation Area Appraisals and Management Plans

St. David's 2005

OBSERVATIONS

The key issues are the differences between the previous applications for house in multiple occupation (HMO) and the current application for boarding accommodation, the acceptability of the proposed boarding accommodation use, the impact on the surrounding area, residential amenity and community balance, potential for alternative residential use, and effect on listed building.

While some of the objections discuss the need of the application, and the absence of current 16-18 year old provision in published documents, the need of the college is not a planning consideration and does not need to be justified. Equally, the Department of Education standards are not a planning matter. Confirmation that there is no fire risk from the proposed use has been sought from the applicant, and will be reported at planning committee.

Proposed use, impact on amenity and community balance

Previous planning applications have been submitted for change of use from hotel to a sui generis HMO to provide accommodation for unrelated people, whose key consideration was the impact of a further HMO in this part of the city. The previous application was refused as a further HMO property in this area would further imbalance the local community, in which there is already an identified over-concentration of HMOs. This application, although providing accommodation for young people, is for a boarding school accommodation under planning use class C2.

Planning use classes are the legal framework which determines what a particular property may be used for by its lawful occupants. A C2 use is for residential institution including residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Planning policies regarding conversion to HMO, including H5, DD11, C1, and the article four restriction on change of use from dwelling to HMO for up to six people, are therefore not directly applicable for this proposed C2 use. Local Plan policy H5 on provision of specialist accommodation does still apply.

The accompanying text of Policy H5 of the Local Plan requires specialist accommodation to have the highest level of accessibility that is reasonable and practical. While the council will promote greater diversity of housing provision, the Council will also consider the impact of the proposal on the residential environment and the character of the street, and the effect on amenity space, parking and traffic safety. In close proximity to Exeter College city centre locations, the proposal would add to mix of uses found in the area, and is situated in a highly accessible and sustainable

location in the city centre, with no car ownership allowed. It would also support the City's community and educational facilities in accordance with the Core Strategy vision, Objectives 2, 3, 5, 6, 8 and 9, CP5 and CP10; and Local Plan policies H5 and CS5.

Some of the objections have compared the proposed residents to university students, the proposal is different as university students are over 18 and living independently, typically in HMOs, self-contained studio flats or small cluster flats. Comparisons on use can also be made to a hotel (C1 use) in its operation as it includes management personnel and on site facilities such as laundry, reception and common rooms, along with Student Halls of Residence that generally contain a significant number of bedrooms and are catered, although there may be some communal facilities (kitchens, common room etc).

Residents of the proposed boarding school would typically be aged 16-18, who at weekends and during the holidays will return to their family homes, providing short term accommodation, similar to a hotel, with no intensification of the current hotel capacity. The college are in loco parentis, acting as parents and guardians, and the property would be Ofsted inspected. A management plan used at other properties indicates a strict curfew, registering with the resident warden throughout the day, agreeing visitors with the accommodation officer, and a sign out procedure for leaving the accommodation between 7pm and 10pm. On this basis, students would not contribute to late night noise and anti-social behaviour. The applicant will need to enter into a legal agreement to secure a management scheme. On the basis of the care provided, and the age of the occupiers, the Council are satisfied the proposal meets the C2 use.

Some of the objections have raised the current management of the hotel and its current more limited impact on residents, however the hotel could be used more intensively, with no age restriction or management on comings and goings, and could continue to use a considerable amount of parking permits. Marketing material submitted with the previous application indicates four king size bedrooms, five single bedrooms, five double bedrooms, two twin bedrooms, and two family bedrooms, indicating an approximate occupation of 33 guests could be achieved.

Although many of the objections raise the issue of community balance, this is described in the policies as being associated with conversion to HMOs, particularly for residents aged 19-25. While the majority of the terrace of building on New North Road are in residential use, other nearby premises include an office, dentist and B&B. Further along New North Road, other non-residential uses include the prison, pubs, beauty spa, offices and Exeter College buildings.

While objectors have raised concerns regarding anti-social behaviour in the area, particularly Bury Meadow Park, there is insufficient evidence to suggest this matter would warrant refusal of the application, and would be a matter for local civil or police enforcement. Based on the proposed management it is considered that there will be no harm to residential amenity, and an improvement on the unmanaged hotel guests coming and goings.

On the basis of the proposed C2 use, and securing a management plan to protect amenity, the Council is satisfied that the proposed use is sufficiently different from an HMO use and policies controlling conversion from dwelling to HMOs, and along with the benefits to the wider areas educational facilities, it is considered that the C2 use for Exeter College is acceptable in this location, and complies with Local Plan Policy H5 and Core Strategy Policy CP10.

Alternative residential use

Some of the objections include a preference for the hotel to be converted to residential accommodation in keeping with the area, and in line with St James Neighbourhood Policy SD3.

Policy SD3 supports small infill and windfall sites for residential use, including those sites that may arise due to the closure of commercial premises. It has been noted in the previous officer reports that the council would support the principle of residential accommodation in this location, however the Council can only determine the application submitted. While the policy encourages residential use, the policy does not restrict any other uses.

Impact on listed building and conservation area

The proposal maintains an active use of this listed building with no structural changes, with only a minor change to provide another bedroom in the previous managers flat for a warden. It is considered that the proposal does not harm the streetscene or conservation area in accordance with policies C1, C2, and DG1 of the Exeter Local Plan, and D1 and H1 of the St James Neighbourhood Plan. The minimal alterations required by the college would not prejudice a residential use in future.

S106

A s106 legal agreement/Unilateral Undertaking is required to ensure the accommodation is only occupied by students of Exeter College and securing a student management scheme.

A draft heads of terms for this management agreement has recently been submitted covering: maximum of 25 student bed spaces; staffing by two accommodation officers, from Sunday evening to Friday morning during term times, with weekend use allowed under exceptional circumstances and with staff supervision; travel arrangements providing cycle spaces on site and at the Hele Road site, parking permits restricted to the accommodation officer if required, and provision of drop off parking at the start and end of term at the Hele Road site; refuse and recycling collection; and student behaviour including a 10pm evening curfew for 16-18 students.

Delegation Briefing 20 December

The Project Officer (Planning) (LD) explained that the application would be going to Planning Committee for consideration, following receipt of 46 objections. She requested Member guidance on the potential age restrictions of the occupants. Residents had concerns that the student ages would be over 18, but the Project Officer (Planning) (LD) stated that management was the key concern rather than specific age concerns.

The Project Officer (Planning) (LD) explained the development would provide onsite management, operating a curfew system, making it differ from a standard HMO property. Members discussed the application and some considered that a suitable age restriction for residents would be ages 16-19 years, other views varied, with some commenting that no age restriction is necessary.

In response to Member questions, the Project Officer (Planning) (LD) and the Assistant City Development Manager explained that the Management Plan was normally a condition or legal agreement of planning permission approved by officers. However for this application, the main themes of the management plan would be reported to Members for agreement. Confirmation that there is no fire risk will be sought from the applicant.

The application would be taken to the next available Planning Committee meeting.

Summary

In summary, the change of use is acceptable subject to agreed conditions on personal consent to Exeter College and a legal agreement securing a management plan. Any other occupier or use would need consent, and the Council therefore retains control over any future use or occupier. The proposal will support the education provision offered by Exeter College and provide

accommodation for young people who would otherwise be travelling a significant distance every day. It is considered that there will be no harm to the streetscene, conservation area, listed building or neighbour amenity, and the proposal is recommended for approval.

RECOMMENDATION

APPROVE subject to the completion of a Section 106 Agreement/Unilateral Undertaking under the Town and Country Planning Act 1990 to ensure the student accommodation is only used by students of Exeter College and securing a student management scheme, and subject to the following conditions:

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 and 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 09 November 2018 (including proposed floor plans) as modified by other conditions of this consent.

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

3) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

4) The use hereby permitted shall be carried on only by Exeter College and shall cease at such time as the aforementioned College cease to occupy the site.

Reason: The proposed use is only acceptable due to the specific needs of Exeter College with a suitable management plan, and to enable the Local Planning Authority to retain control over the use.

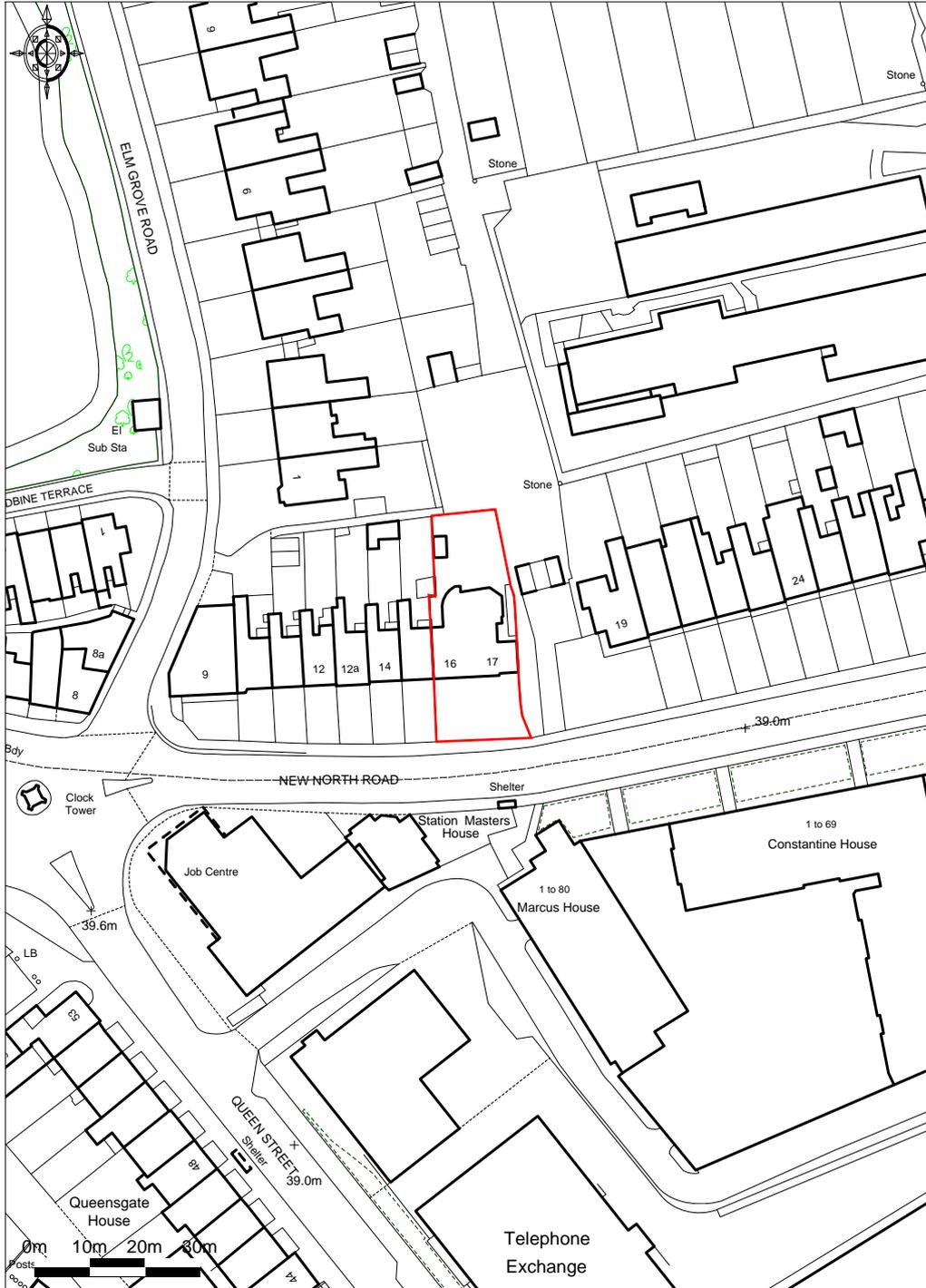
Local Government (Access to Information) 1985 (as amended),

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223

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Site Location Plan 16 and 17 New North Road



Promap
LANDMARK INFORMATION GROUP

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 7 JANUARY 2019

Report of: City Development Manager

Title: Delegated Decisions

1 WHAT IS THE REPORT ABOUT

1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by Ward.

2 RECOMMENDATION

2.1 Members are requested to advise the Asst City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to Planning Committee meeting.

2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

3.1 The latter part of the application reference number indicates the type of application:

OUT	Outline Planning Permission
RES	Approval of Reserved Matters
FUL	Full Planning Permission
TPO	Works to Tree(s) with Preservation Order
ADV	Advertisement Consent
CAT	Works to Tree(s) in Conservation Area
LBC	Listed Building Consent
ECC	Exeter City Council Regulation 3
LED	Lawfulness of Existing Use/Development
LPD	Certificate of Proposed Use/Development
TEL	Telecommunication Apparatus Determination
CMA	County Matter Application
CTY	Devon County Council Application
MDO	Modification and Discharge of Planning Obligation Regulations
NMA	Non Material Amendment
EXT	Extension to Extant Planning Consent
PD	Extension - Prior Approval
PDJ	Office to Dwelling - Prior Approval

3.2 The decision type uses the following codes:

DREF	Deemed Refusal
DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
REF	Refuse Planning Permission
RNO	Raise No Objection
ROB	Raise Objections
SPL	Split Decision
WDN	Withdrawn by Applicant
WLU	Was Lawful Use
WTD	Withdrawn - Appeal against non-determination

**ANDY ROBBINS
CITY DEVELOPMENT MANAGER**

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**All Planning Decisions Made and Withdrawn Applications
between 22/11/2018 and 20/12/2018**

Alphington

Delegated Decision

Application Number:	18/0562/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	Matford Green Business Park Yeoford Way Marsh Barton Trading Estate Exeter Devon EX2 8LB		
Proposal:	Discharge of Condition 3 (external materials) of planning application 16/1596/FUL granted 5 October 2017.		

Delegated Decision

Application Number:	18/0820/FUL	Delegation Briefing:	16/08/2018
Decision Type:	Refuse Planning Permission	Date:	07/12/2018
Location Address:	36 Cowick Hill Exeter Devon EX2 9NG		
Proposal:	Extension and alteration to dwelling.		

Delegated Decision

Application Number:	18/0857/FUL	Delegation Briefing:	01/11/2018
Decision Type:	Permitted	Date:	26/11/2018
Location Address:	2 Rectory Drive Exeter Devon EX2 8XJ		
Proposal:	Construction of orangery and demolition of existing outbuilding		

Delegated Decision

Application Number:	18/0858/LBC	Delegation Briefing:	01/11/2018
Decision Type:	Permitted	Date:	26/11/2018
Location Address:	2 Rectory Drive Exeter Devon EX2 8XJ		
Proposal:	Construction of orangery and demolition of existing outbuilding		

Delegated Decision

Application Number:	18/0865/FUL	Delegation Briefing:	30/08/2018
Decision Type:	Permitted	Date:	22/11/2018
Location Address:	Unit 9 Ashton Business Centre Ashton Road Marsh Barton Trading Estate Exeter Devon EX2 8LN		
Proposal:	New principle access door.		

Delegated Decision			
Application Number:	18/1436/VOC	Delegation Briefing:	
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	Your Store Powlesland Road Exeter Devon EX2 8TT		
Proposal:	Variation of Condition 3 to allow for additional stacked containers. (Ref 01/1656/03 granted 15-01-2002)		

Duryard And St James

Delegated Decision			
Application Number:	17/1056/VOC	Delegation Briefing:	12/10/2017
Decision Type:	Withdrawn by Applicant	Date:	30/11/2018
Location Address:	67 Howell Road Exeter Devon EX4 4LZ		
Proposal:	Minor material amendment to pp. 17/0088/03 (Change of use from public house to single family dwelling, with external alterations) in order to substitute timber louvre screen for approved glazed screen on roof deck.		

Committee Decision			
Application Number:	17/1198/FUL	Delegation Briefing:	24/08/2017
Decision Type:	Permitted	Date:	17/12/2018
Location Address:	Land At Glenthorne Road Exeter Devon		
Proposal:	Construction of student accommodation including the creation of access and associated infrastructure		

Delegated Decision			
Application Number:	18/0415/FUL	Delegation Briefing:	09/08/2018
Decision Type:	Permitted	Date:	22/11/2018
Location Address:	36-37 Well Street Exeter Devon EX4 6QQ		
Proposal:	Change of use from mixed use including MOT testing, vehicles sales and repairs to a mixed use including MOT testing, vehicle repairs and car wash on forecourt		

Delegated Decision			
Application Number:	18/1137/FUL	Delegation Briefing:	25/10/2018
Decision Type:	Permitted	Date:	04/12/2018
Location Address:	17 West Avenue Exeter Devon EX4 4SD		
Proposal:	Enlargement (height and width) of existing garage, with storage above.		

Delegated Decision			
Application Number:	18/1186/FUL	Delegation Briefing:	23/08/2018
Decision Type:	Permitted	Date:	30/11/2018
Location Address:	East Park - Southern Access Enabling Works University Of Exeter Streatham Campus Exeter EX4 4QJ		
Proposal:	Temporary construction road, improvements to southern access and associated infrastructure works.		
Delegated Decision			
Application Number:	18/1369/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	28/11/2018
Location Address:	East Park University Of Exeter Streatham Campus Exeter Devon EX4 4QJ		
Proposal:	Discharge of Condition 4 (FFL □ roof heights); 5 (LEMP); 7 (CEMP); 8 (Construction Traffic Management Plan); 9 (Contamination); 10 (Noise Impact Assessment); 11 (External lighting); 12 (Air Quality Assessment) 13 (Cycle Parking); 14 (Pedestrian/Cycle route); 15 (Archaeology); 16 (District Heating Network); 17 (BREEAM); 22 (Percolation tests); 23 (Permanent Surface Water Strategy) and 24 (Construction Phase Surface Water Strategy) of planning 16/1232/01 granted 5 July 2017.		
Delegated Decision			
Application Number:	18/1421/FUL	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	10/12/2018
Location Address:	6 Hillcrest Park Exeter Devon EX4 4SH		
Proposal:	Patio/decking with balustrading and walls on South West elevation		
Delegated Decision			
Application Number:	18/1510/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	Spreytonway House University Of Exeter St Germans Road Exeter EX4 6TJ		
Proposal:	Discharge of Conditions 9 (BREEAM) and 16 (noise impact assessment) relating to planning permission 17/0727/FUL granted 2 February 2018.		

Delegated Decision			
Application Number:	18/1511/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	Moberly House Lower Argyll Road Exeter Devon EX4 4PQ		
Proposal:	Discharge of conditions 10 (BREEAM); 14 (noise impact assessment) and 15 (external lighting) relating to planning permission 17/724/FUL granted 2 February 2018.		

Delegated Decision			
Application Number:	18/1690/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/12/2018
Location Address:	19 Ridgeway Exeter Devon EX4 5AR		
Proposal:	Non-material amendment sought on approved scheme (Ref. 17/1888/FUL) to increase roof height by 100mm and alter materials.		

Delegated Decision			
Application Number:	18/1822/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	Exeter City Afc Ltd St James Park Stadium Way Exeter Devon EX4 6PX		
Proposal:	1 x Stagecoach logo to rear of stand (above main entrance & below club crest); 1 x Stagecoach/Adam Stansfield Stand sign above turnstiles; 1 x Stagecoach logo on externally facing end of stand.		

Exwick

Delegated Decision			
Application Number:	18/1397/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	22/11/2018
Location Address:	25 Palmerston Drive Exeter Devon EX4 2JA		
Proposal:	Loft conversion with rear box dormer and single velux to principal elevation to form master bedroom with en-suite. Box dormer to be clad with Marley Cedral lap horizontal cladding. Double glazed windows in white UPVC to match existing. New dormer provides additional 10m3 volume to existing loft.		

Heavitree

Delegated Decision

Application Number:	18/1216/FUL	Delegation Briefing:	01/11/2018
Decision Type:	Permitted	Date:	05/12/2018
Location Address:	6 Homefield Road Exeter Devon EX1 2QS		
Proposal:	Change of use from GP Surgery (D1) to house in multiple occupation (C4)		

Delegated Decision

Application Number:	18/1549/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	03/12/2018
Location Address:	16 South Lawn Terrace Exeter Devon EX1 2SW		
Proposal:	Single storey rear extension		

Delegated Decision

Application Number:	18/1722/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	19/12/2018
Location Address:	35 Anthony Road Exeter Devon EX1 2SS		
Proposal:	Rear dormer and front roof lights		

Delegated Decision

Application Number:	18/1745/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	05/12/2018
Location Address:	17 Hamlin Lane Exeter Devon EX1 2SB		
Proposal:	Non-material amendment to planning approval 18/0458/FUL granted 19 October 2018 to change roof material		

Mincinglake And Whipton

Delegated Decision

Application Number:	18/1407/FUL	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	04/12/2018
Location Address:	117 Sweetbrier Lane Exeter Devon EX1 3AP		
Proposal:	Single storey rear extension.		

Delegated Decision			
Application Number:	18/1747/CTY	Delegation Briefing:	
Decision Type:	Raise No Objection	Date:	06/12/2018
Location Address:	Land To The North Of The Railway Line Adjacent To Summer Lane Exeter		
Proposal:	Proposed pedestrian/cycle bridge forming section 8 of the E4 cycle route, including associated approach ramps, planting, relocation of the Western Power Distribution compound and realignment of school running track		

Delegated Decision			
Application Number:	18/1751/CTY	Delegation Briefing:	
Decision Type:	Raise No Objection	Date:	14/12/2018
Location Address:	Cycle And Pedestrian Path Adjacent To Railway Line South Of Bettysmead Playing Fields Exeter		
Proposal:	Improvements including widening and resurfacing to the existing cycleway/footpath with Bettysmead Playing Field which will form section 7 of the E4 cycle route.		

Delegated Decision			
Application Number:	18/1754/CTY	Delegation Briefing:	
Decision Type:	Raise No Objection	Date:	14/12/2018
Location Address:	Cycle Route At Entrance To Bettysmead Playing Fields From Beacon Lane, Exeter		
Proposal:	Proposed improvements including widening of the existing cycle/footpath at the entrance to Bettysmead Playing Fields from Beacon Lane forming Section 6 of the E4 cycle route		

Newtown And St Leonards

Delegated Decision			
Application Number:	18/0815/FUL	Delegation Briefing:	16/08/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	1 St Leonards Place Exeter Devon EX2 4LZ		
Proposal:	Enlargement and remodelling of existing single storey rear extension to coach house to provide enhanced domestic workshop/garden store and provision of 3 no. roof lights to rear roof slope (North-East) of principle residence.		

Delegated Decision			
Application Number:	18/0816/LBC	Delegation Briefing:	16/08/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	1 St Leonards Place Exeter Devon EX2 4LZ		
Proposal:	Enlargement and remodelling of existing single storey rear extension to coach house to provide enhanced domestic workshop/garden store and provision of 3 no. roof lights to rear roof slope (North-East) of principle residence.		
Delegated Decision			
Application Number:	18/0830/FUL	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	College House St Lukes Hall Heavitree Road Exeter Devon EX1 2LU		
Proposal:	New first floor extension over existing flat roof area; improvements to main entrance door, access ramp and first floor escape stair; new plant machinery and flue on flat roof to rear.		
Delegated Decision			
Application Number:	18/0851/FUL	Delegation Briefing:	30/08/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	9 St Leonards Road Exeter Devon EX2 4LA		
Proposal:	To modify and renovate the existing garage structure.		
Delegated Decision			
Application Number:	18/0852/LBC	Delegation Briefing:	30/08/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	9 St Leonards Road Exeter Devon EX2 4LA		
Proposal:	To modify and renovate the existing garage structure.		
Delegated Decision			
Application Number:	18/0967/FUL	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	12 Buckerell Avenue Exeter Devon EX2 4RA		
Proposal:	Single storey rear extension and landscaping works		

Delegated Decision			
Application Number:	18/1173/RES	Delegation Briefing:	06/09/2018
Decision Type:	Permitted	Date:	13/12/2018
Location Address:	Land Adjacent To Pocombe Grange House Pocombe Bridge Exeter Devon EX2 9SX		
Proposal:	Construction of three detached dwellings, garages and associated external works.		
Delegated Decision			
Application Number:	18/1420/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	147 Magdalen Road Exeter Devon EX2 4TT		
Proposal:	Discharge of condition 9 of planning application 17/1953/FUL granted 31 July 2018 and Condition 3 of listed building consent application 17/1954/LBC granted 31 July 2018.		
Delegated Decision			
Application Number:	18/1489/FUL	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	The Flat 4 Roberts Road Exeter Devon EX2 4HB		
Proposal:	Replace 6 timber windows and front door with PVCu		
Delegated Decision			
Application Number:	18/1520/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	30/11/2018
Location Address:	St Leonards Practice Athelstan Road Exeter Devon EX1 1SB		
Proposal:	Change of use on first floor of Building B from office to Use Class D1 (medical centre)		
Delegated Decision			
Application Number:	18/1536/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	13/12/2018
Location Address:	Gourmet Burger Kitchen Unit 13 Queen Street Dining Guildhall Shopping Centre Exeter EX4 3EB		
Proposal:	2 sets of halo illuminated panel and text - to replace existing Retention of existing internally illuminated menu		

Delegated Decision			
Application Number:	18/1539/VOC	Delegation Briefing:	01/11/2018
Decision Type:	Permitted	Date:	28/11/2018
Location Address:	Newtown Community Association Gordon Road Exeter Devon EX1 2DH		
Proposal:	Variation of condition two of 17/0747/FUL to approve minor revisions to window/roof layout including incorporation of solar panels		
Delegated Decision			
Application Number:	18/1562/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	35-37 Sidwell Street And Land To The Rear Of 32-34 Sidwell Street Exeter EX4 6NS		
Proposal:	Non-material amendment to approved permission 16/1530/FUL to re-orientate the proposed external staircase		
Delegated Decision			
Application Number:	18/1616/FUL	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	19 Alexandra Terrace Exeter Devon EX4 6SY		
Proposal:	Loft conversion including gable roof and two front dormers.		
Delegated Decision			
Application Number:	18/1744/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	Land Adj Piazza Terracina Haven Road Exeter		
Proposal:	Non-material amendment to introduce spandrel panels within parts of the elevation relating to planning application 17/0453/03 dated 25 May 2017.		
Delegated Decision			
Application Number:	18/1789/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Mallard Road Junction With Kestrel Way Sowton Exeter EX2 7LD		
Proposal:	Install electronic communications equipment.		

Delegated Decision			
Application Number:	18/1790/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Bad Homburg Way Marsh Barton Exeter EX2 8EX Exeter		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1791/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Rosemoor Court Pynes Hill Exeter EX2 5TU Exeter		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1792/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	15 Outside Swan Units Heron Road Sowton EX2 7PH Exeter		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1793/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Emperor Way Sowton Exeter EX1 3QS		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1795/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Heron Road Sowton Exeter EX2 7NR		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1796/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Budlake Road Marsh Barton Exeter EX2 8PY Exeter		
Proposal:	Install electronic communications equipment		

Delegated Decision			
Application Number:	18/1797/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Kestrel Way Junction Moor Lane Sowton Exeter EX2 7LA		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1798/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Outside School Falcon Road Sowton Exeter EX2 7LB		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1799/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Eagle Way Sowton Exeter EX2 7HY		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1800/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Hennock Road Marsh Barton Exeter EX2 8LL Exeter		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1801/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Bittern Road Sowton Exeter EX2 7LT		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1802/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Osprey Road Junction Avocet Road Sowton Exeter EX2 7LH		
Proposal:	Install electronic communications equipment		

Delegated Decision			
Application Number:	18/1803/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Exeter Business Park Oberon Road Junction Ambassador Drive Sowton Exeter EX1 3QS		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1804/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Ambassador Drive Sowton Exeter EX1 3FD		
Proposal:	Install electronic communications equipment		
Delegated Decision			
Application Number:	18/1805/TELN	Delegation Briefing:	
Decision Type:	Permission not required	Date:	30/11/2018
Location Address:	Falcon Road Junction Harrier Way Exeter EX2 7LB		
Proposal:	Install electronic communications equipment		
Pennsylvania			
Delegated Decision			
Application Number:	18/1375/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	23/11/2018
Location Address:	9 Collins Road Exeter Devon EX4 5DQ		
Proposal:	Loft conversion including rear dormer		
Delegated Decision			
Application Number:	18/1680/LED	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	26/11/2018
Location Address:	32 Rosebarn Lane Exeter Devon EX4 5DX		
Proposal:	Certificate of Lawfulness for existing use as a 4 bedroom HMO (C4 Use).		

Pinhoe

Committee Decision

Application Number:	17/1320/FUL	Delegation Briefing:	15/03/2018
Decision Type:	Permitted	Date:	20/12/2018
Location Address:	Land At Sandrock Gipsy Hill Lane Exeter EX1 3RP		
Proposal:	Construction of 62 dwellings with associated public open space, infrastructure and landscaping. (Revised)		

Delegated Decision

Application Number:	18/0921/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2018
Location Address:	Emperor House Grenadier Road Exeter Devon EX1 3WW		
Proposal:	1 x non-illuminated external sign (3.6m x 1.1m) on front elevation		

Delegated Decision

Application Number:	18/0957/FUL	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	84C Whipton Village Road Exeter Devon EX4 8AL		
Proposal:	First floor side and single storey rear extensions.		

Delegated Decision

Application Number:	18/0975/FUL	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	04/12/2018
Location Address:	41 Park Lane Exeter Devon EX4 9HL		
Proposal:	Two storey front extension to create bay windows (Retrospective)		

Delegated Decision

Application Number:	18/1404/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/12/2018
Location Address:	Beacon Rise Cottage Park Lane Exeter Devon EX4 9HR		
Proposal:	Rear extension to the property and alteration to vehicle access.		

Delegated Decision

Application Number:	18/1414/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	04/12/2018
Location Address:	1 Vicarage Lane Exeter Devon EX4 9HJ		
Proposal:	Side extension		

Delegated Decision			
Application Number:	18/1427/FUL	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	12/12/2018
Location Address:	10 Honey Lane Exeter Devon EX1 3TB		
Proposal:	Dormer roof extension		
Delegated Decision			
Application Number:	18/1560/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	03/12/2018
Location Address:	58 Langaton Lane Pinhoe Exeter Devon EX1 3SL		
Proposal:	New timber entrance gates on front boundary to reinstate drive and parking area in front garden		
Delegated Decision			
Application Number:	18/1672/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	30/11/2018
Location Address:	18 Sheridan Road Exeter Devon EX4 8EY		
Proposal:	Single storey rear extension.		
Delegated Decision			
Application Number:	18/1750/CTY	Delegation Briefing:	
Decision Type:	Raise No Objection	Date:	14/12/2018
Location Address:	Cycle And Pedestrian Path Along Northern Side Of The Railway Line, South Of Exeter Arena Car Park And Exhibition Fields Exeter		
Proposal:	Proposed improvements including widening of the existing cycle/footpath south of Exeter Arena car park and Exhibition Fields forming Section 9 of the E4 Cycle route and associated works.		
Priory			
Delegated Decision			
Application Number:	18/1400/FUL	Delegation Briefing:	04/10/2018
Decision Type:	Refuse Planning Permission	Date:	23/11/2018
Location Address:	Almernes Bridge Road Exeter Devon EX2 7AA		
Proposal:	Retrospective permission for dormer extension, single storey extension and associated works		

Delegated Decision			
Application Number:	18/1463/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	18/12/2018
Location Address:	33 Attwyll Avenue Exeter Devon EX2 5HW		
Proposal:	Single storey side and rear extension		
Delegated Decision			
Application Number:	18/1501/FUL	Delegation Briefing:	25/10/2018
Decision Type:	Permitted	Date:	07/12/2018
Location Address:	189 Topsham Road Exeter Devon EX2 6AN		
Proposal:	Roof extension and terrace		
Delegated Decision			
Application Number:	18/1502/LBC	Delegation Briefing:	25/10/2018
Decision Type:	Permitted	Date:	07/12/2018
Location Address:	189 Topsham Road Exeter Devon EX2 6AN		
Proposal:	Roof extension, roof terrace, and internal alterations		
Delegated Decision			
Application Number:	18/1587/LBC	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	183 Topsham Road Exeter Devon EX2 6AN		
Proposal:	Demolition of detached store at rear of property		
St Davids			
Delegated Decision			
Application Number:	17/1894/FUL	Delegation Briefing:	18/01/2018
Decision Type:	Permitted	Date:	05/12/2018
Location Address:	Uavend Exeter Ltd Renslade House Bonhay Road Exeter Devon EX4 3BY		
Proposal:	Cladding of exterior walls of central section of the building.		
Delegated Decision			
Application Number:	18/0630/FUL	Delegation Briefing:	12/07/2018
Decision Type:	Permitted	Date:	22/11/2018
Location Address:	Ground Floor Flat 78 Topsham Road Exeter Devon EX2 4RS		
Proposal:	Proposed rear extension and loft conversion		

Delegated Decision			
Application Number:	18/0671/FUL	Delegation Briefing:	19/07/2018
Decision Type:	Permitted	Date:	13/12/2018
Location Address:	First And Second Floor 83 Fore Street St Davids Exeter Devon EX4 3DN		
Proposal:	Change of use from class B1 Business (Offices) under the Town and Country Planning (Use Classes) Order 1987 (as amended) to Class D2.		
Committee Decision			
Application Number:	18/1088/ECC	Delegation Briefing:	19/07/2018
Decision Type:	Permitted	Date:	04/12/2018
Location Address:	Land/pathway To Rear Of Samuel Jones Pub And Puerto Lounge Exeter Quay Exeter		
Proposal:	Replacement of Mallison Bridge with elevated boardwalk over riverside walkway to link to existing foot/cycleways at Cricklepit Bridge.		
Delegated Decision			
Application Number:	18/1125/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	07/12/2018
Location Address:	25 Princesshay Exeter Devon EX1 1GE		
Proposal:	1 no surface mounted internally illuminated fascia sign		
Delegated Decision			
Application Number:	18/1262/FUL	Delegation Briefing:	13/09/2018
Decision Type:	Permitted	Date:	22/11/2018
Location Address:	2 Bedford Street Exeter Devon EX1 1LT		
Proposal:	Like for like swap of existing through the glass ATM for new model of ATM.		
Delegated Decision			
Application Number:	18/1434/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	07/12/2018
Location Address:	16 Princesshay Exeter Devon EX1 1GE		
Proposal:	1no. 'OLIVER BONAS' internally illuminated fascia sign to Shop Front glazing on retail unit. 2063w 170h overall. White LEDs embedded in opal perspex with white painted sides. Surface fixed to internal face of glazing with 3M awesome clear tape. 5mm opal perspex to outside of glazing with standard 3M sheet tape.		

Delegated Decision			
Application Number:	18/1746/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	Renslade House Bonhay Road Exeter Devon EX4 3AY		
Proposal:	Discharge of conditions 3 (Materials) and 14 (Swift Boxes) of planning application 17/0001/FUL granted 7 April 2017.		
Delegated Decision			
Application Number:	18/1817/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	18/12/2018
Location Address:	Renslade House Bonhay Road Exeter Devon EX4 3AY		
Proposal:	Discharge of condition 3 of planning application 16/0481/03 granted 14 February 2017		
St Loyes			
Delegated Decision			
Application Number:	18/1217/FUL	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	9-11 Heron Road Exeter Devon EX2 7LL		
Proposal:	Retrospective application for use of the site as a highways maintenance depot including installation of 2 no. modular units, 59 no. car parking spaces, 18. no lorry parking spaces and 10 no. 8m lighting columns.		
Delegated Decision			
Application Number:	18/1373/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	26/11/2018
Location Address:	39 Warwick Road Exeter Devon EX1 3HB		
Proposal:	Rear single storey extension		
Delegated Decision			
Application Number:	18/1430/FUL	Delegation Briefing:	25/10/2018
Decision Type:	Permitted	Date:	27/11/2018
Location Address:	19 Sullivan Road Exeter Devon EX2 5RA		
Proposal:	Single storey rear extension		

Delegated Decision			
Application Number:	18/1633/FUL	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	11 Grecian Way Exeter Devon EX2 5PF		
Proposal:	Proposed rear ground floor extension and first floor extension over existing garage		

St Thomas

Delegated Decision			
Application Number:	18/0936/FUL	Delegation Briefing:	30/08/2018
Decision Type:	Permitted	Date:	07/12/2018
Location Address:	27 School Road Exeter Devon EX2 9AF		
Proposal:	Roof space conversion		

Delegated Decision			
Application Number:	18/1347/FUL	Delegation Briefing:	04/10/2018
Decision Type:	Permitted	Date:	23/11/2018
Location Address:	14 Alphington Road Exeter Devon EX2 8HH		
Proposal:	Basement extension		

Delegated Decision			
Application Number:	18/1521/FUL	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	06/12/2018
Location Address:	Barley Lane School Barley Lane Exeter Devon EX4 1TA		
Proposal:	3m extension for a toilet facility.		

Delegated Decision			
Application Number:	18/1554/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	14/12/2018
Location Address:	20 Kerswill Road Exeter Devon EX4 1NY		
Proposal:	Two storey side extension and replacement ground floor rear extension		

Delegated Decision			
Application Number:	18/1608/LPD	Delegation Briefing:	
Decision Type:	Was not lawful use	Date:	30/11/2018
Location Address:	15 Union Street Exeter Devon EX2 9BA		
Proposal:	Construction of small single storey extension		

Delegated Decision			
Application Number:	18/1695/FUL	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	14/12/2018
Location Address:	31 Dorset Avenue Exeter Devon EX4 1NB		
Proposal:	Replacement Conservatory Roof.		
Topsham			
Delegated Decision			
Application Number:	18/0897/FUL	Delegation Briefing:	20/09/2018
Decision Type:	Refuse Planning Permission	Date:	07/12/2018
Location Address:	Rydon House 20C High Street Topsham Exeter Devon EX3 0EA		
Proposal:	The alteration, conversion and extension of the existing structure to provide 3 private dwellings (C3).		
Delegated Decision			
Application Number:	18/1164/FUL	Delegation Briefing:	27/09/2018
Decision Type:	Permitted	Date:	18/12/2018
Location Address:	41 Blakeslee Drive Exeter Devon EX2 7FN		
Proposal:	Single storey rear extension		
Delegated Decision			
Application Number:	18/1204/FUL	Delegation Briefing:	06/09/2018
Decision Type:	Permitted	Date:	22/11/2018
Location Address:	Land Off Newcourt Road, Exeter		
Proposal:	Works including 10 car parking spaces and associated landscaping and infrastructure associated with the use of land as allotment gardens, with (existing) access from Newcourt Road.		
Delegated Decision			
Application Number:	18/1423/LBC	Delegation Briefing:	18/10/2018
Decision Type:	Permitted	Date:	23/11/2018
Location Address:	7 Monmouth Street Topsham Exeter Devon EX3 0AJ		
Proposal:	Remodelling of dressing room spaces on second floor, to include two en-suites.		

Delegated Decision			
Application Number:	18/1448/FUL	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	03/12/2018
Location Address:	16 Majorfield Road Topsham Exeter Devon EX3 0ES		
Proposal:	Demolition of existing rear extension and replacement single storey rear extension		
Delegated Decision			
Application Number:	18/1449/LBC	Delegation Briefing:	08/11/2018
Decision Type:	Permitted	Date:	03/12/2018
Location Address:	16 Majorfield Road Topsham Exeter Devon EX3 0ES		
Proposal:	Demolition of existing rear extension and replacement single storey rear extension		
Delegated Decision			
Application Number:	18/1496/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	14/12/2018
Location Address:	40 Retreat Road Topsham Exeter Devon EX3 0LF		
Proposal:	Rear flat roof dormer, 2 front rooflights and lean-to roof to replace the existing flat roof to the existing rear extension.		
Delegated Decision			
Application Number:	18/1518/LBC	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	2 Monmouth Street Topsham Exeter Devon EX3 0AJ		
Proposal:	Dormer window and conservation roof light on rear elevation, internal timber partitions to form entrance and en-suite in loft.		
Delegated Decision			
Application Number:	18/1553/LED	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	19/12/2018
Location Address:	The Flat 62 Fore Street Topsham Exeter Devon EX3 0HL		
Proposal:	Certificate of lawfulness for an existing use of the upper floors of 62 Fore Street, Topsham as a dwelling.		

Delegated Decision			
Application Number:	18/1596/FUL	Delegation Briefing:	22/11/2018
Decision Type:	Permitted	Date:	19/12/2018
Location Address:	2 Monmouth Street Topsham Exeter Devon EX3 0AJ		
Proposal:	Flat roofed dormer on rear elevation		

Delegated Decision			
Application Number:	18/1709/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	18/12/2018
Location Address:	20 Riverside Road Topsham Exeter Devon EX3 0LR		
Proposal:	Replacement single storey rear extension, max. projection 5.9 metres, height to eaves 2.8 metres and max. overall height 3.9 metres		

Ward Not Found

Delegated Decision			
Application Number:	18/1770/TDC	Delegation Briefing:	
Decision Type:	Raise No Objection	Date:	14/12/2018
Location Address:	Springwell Nursery Old Ide Lane Ide Devon		
Proposal:	Construction of a new garden sales area building including cafe/restaurant, storage/warehouse, new public car parking area and turning area. (Teignbridge Ref:18/01024/MAJ).		

Total Applications: 105

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 7 JANUARY 2019
Report of: City Development Manager
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions Received

3.1 17/1244/VOC – 1 Tresillian Gardens

The application sought to alter and extend 1 Tresillian Gardens in Topsham. The property dates back to the 1920s and is one of a group of four properties that have common characteristics – not least large gable features in the roof and tightly packed small roof tiles. Whilst No.1 had been extended and altered somewhat in the past, with timber cladding on the gables and concrete tiles rather than clay, the Council considered that its core character remained intact. This scheme was the subject of lengthy pre-application discussion, negotiation and redesign. Eventually, the Council agreed that it would grant permission for a proposal that involved raising the roof by 1 metre so long as the materials remained broadly similar to those already present on the building. At that point, the appellant agreed to drop the idea of using slate and permission was duly granted (Ref. 16/1205/FUL). Subsequently, the appellant stated that there was no intention to use anything other than slate and therefore an amending application was submitted. The Council concluded that the combination of the increased height and massing of the building, and the proposed materials to be used, would harm the character and appearance of the dwelling, the group to which it belongs and the wider Topsham Conservation Area. It therefore refused consent.

In determining the appeal in favour of the appellant, the Inspector gave weight to the fact that the property could not be seen from many public vantage points, that three of the properties within the group of four had already lost their original roofing tiles and that newer buildings had been built in the street that did not draw on the character of these buildings. Indeed, the “considerable variety in the character of nearby properties” appears to have been the crucial factor in allowing the appeal. Because he concluded that the local character and historic integrity had already been undermined, he did not consider that there was anything of significance that should be protected here.

3.2 18/0701/FUL – 19/20 High Street, Topsham

The application sought to remove a section of wall on the boundary of No.20 High Street, Topsham from Greatwood Terrace, to create two new car parking spaces.

The main issue is whether or not the proposed development would preserve or enhance the character of the Topsham Conservation Area. In considering this, the Inspector refers to paragraph 196 of the updated National Planning Policy Framework. The Inspector concluded that the wall is both an aesthetically pleasing feature in its own right, and the demolition of this section of boundary wall would harmfully diminish the sense of enclosure within the streetscene and compromise an attractive historic feature which currently separates distinct phases in the evolution of the settlement. It was recognised that the proposal would introduce a new, potentially attractive, feature but this would not share the prominence of the existing boundary wall nor mitigate the harm identified.

The harm was categorised to be less than substantial. The proposal sought to resolve a lack of parking that the Inspector considered a legitimate inconvenience for the occupants of both properties. However, it was agreed that this is a private benefit and the Framework requires the identification of public benefit and the small scale reduction in traffic congestion that would arise

from the proposal was considered to be of limited public benefit not outweighing the identified harm. For these reasons, it was concluded that the appeal should be dismissed as the proposed development was found to fail to preserve or enhance the character and appearance of Topsham Conservation Area.

Of additional note, the Inspector responded to the inclusion of details of previous planning consent for the removal of boundary walling elsewhere in the Conservation Area and concluded that the information provided does evidence that there were individual circumstances in those cases which differentiate them from this appeal. Notably case 1 recognised the difference in heritage value of purported comparative boundary walling, and case 2 was assessed within a different policy context.

3.3 17/1924/ADV – Renslade House, Bonhay Road

The appeal against a condition that required a number of advertisement signs on Renslade House to be non-illuminated has been dismissed. The application sought consent for 11 advertisements on and around the building and consent was granted subject to conditions, the third of which was to prevent illumination. The Council was concerned that by virtue of their location near a Conservation Area and Listed Building, that the illuminated signs would have detrimental impact to their setting and character. The Council also raised concern in regard to neighbouring amenity more generally due to the visual impact from illuminated signs. The Inspector stated that whilst the building itself obscured most of the signs from the Conservation Area, there would be harm to settings of both the Listed Building and when crossing the river on Exe Bridge where there is a sense of approaching the more historic part of the city.

The appellant had argued that there was a commercial need for the proposed illumination stating that those staying at the hotel would not be able to find the premises during the hours of darkness. The Inspector understood this but stated that regulations require decisions to be made in the interest of amenity, which was the decisive factor.

4. New Appeals

4.1 17/1970/FUL – Mowbray Cottage, Butts Road

The application sought a single storey dwelling with 3 bedrooms.

4.2 18/0611/FUL – 550 Topsham Road

The application sought the construction of a single detached two storey dwelling house (re-submission of refused scheme 17/1324/FUL).

4.3 18/0534/FUL – Land West of Ringswell Avenue

The application sought 48 dwellings, means of access, public open space and associated infrastructure.

4.4 18/0555/FUL - 20 Victoria Street

The application sought ground and first floor extensions.

5. Public Inquiry

5.1 17/1148/OUT – Land to the west of Clyst Road, Topsham

The Public Inquiry into this appeal which sought outline planning permission for up to 155 residential units and a 64-bedroom residential care home took place on 4/5/6 December.

CITY DEVELOPMENT MANAGER

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Room 2.3. Tel: 01392 265275