

PLANNING COMMITTEE

Monday 18 April 2011

Present:-

Councillor Mrs Henson (Chair)
Councillors Cole, D Baldwin, P J Brock, Edwards, Macdonald, Mrs J Morrish, Newby,
Prowse, Sheldon, Sutton, Wadham and Winterbottom

Also Present

Director Economy and Development, Head of Planning and Building Control, Development
Manager, Trainee Legal Executive, Planning Solicitor and Member Services Officer (SJS)

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MINUTES

The minutes of the meeting held on 21 February 2011 and 21 March 2011 were taken as read and that Council had noted the following amendments to 21 March 2011 minute no.31 to include after understood that 'under the existing planning consent' and also delete 'a new road along Exhibition Way would be required to facilitate this proposal, and insert 'new vehicles movement could be recommended for change under the review with Devon County Council', subject to these amendments the minutes were signed by the Chair as correct.

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DECLARATIONS OF INTEREST

A Member declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Prowse	41 (student landlord) 42 (daughter is a member of Exeter Gymnastics Club) 43 (he knows the applicant and was a former owner of the property)

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PLANNING APPLICATION NO.11/0140/03 - TOWNSEND PRINTERS, WESTERN WAY, EXETER

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the application for redevelopment to provide student accommodation, access to the highway, central open space and associated works at Townsend Printers, Western Way, Exeter.

The application site was currently occupied by Townsends and used as a print works the premises was unsuitable for the business due to its changes in levels, lack of storage and servicing area. The current buildings varied in height from one to three storeys.

Members were informed that the application was for the redevelopment of the entire site to provide purpose built student accommodation comprising 487 bed spaces and associated management and welfare facilities. A range of accommodation was proposed including cluster flats and studio apartments, internal cycle stores,

reception and common rooms. Seven parking spaces were proposed, five disabled spaces and two for management.

The scheme varied in height with a five storey building fronting on to Summerland Street, the Verney Street frontage accommodation extending across four storeys and the Western Way frontage comprising a building that stepped up in height to reflect the gradient of the road and varied between four and five storeys. The materials to be used were red brick with zinc/slate cladding to break up the mass of the building.

The main entrance to the building would be off Western Way and the proposal would incorporate the creation of a new pedestrian link from Western Way through to Verney Street and hence Sidwell Street beyond.

The Head of Planning and Building Control updated Members on the main issues; use of the site for student accommodation, loss of employment land, the scale and massing of the building, and the direct and indirect impact of the building on the neighbours.

Members were circulated with an update sheet giving details of a further four letters of objection, three further letters of support which included a letter on behalf of the Newtown Community Association and a summary of a further Public Exhibition held on 29 March by the applicant.

The recommendation was to approve the application subject to a Section 106 Agreement in relation to contributions towards the provision of a district heating system, community facilities, environmental enhancements, upgrading of Belmont Park, footway works adjacent to the site and implementation of an agreed management scheme for the accommodation and the conditions as set out in the report.

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

- representing the residents of Newtown
- had concerns regarding the shift in the balance of the residents, the increase in noise and the pressure on local amenities
- Newtown had a small town feel and this number of students would effect the balance of residents
- would increase the population of this area by 8%
- there was already problems with late night noise in the area caused by the 'Arena' nightclub
- the proposed Section 106 monies would help towards improvements in Belmont Park and a new hut but what about the on-going costs of maintenance?
- the no car policy would not stop students from bringing cars to the city as it only imposed a one km exclusion zone; this could mean that students who bring cars decide to park in Polsloe where there were not many enforceable parking restrictions increasing the parking problems in Polsloe
- the building was too large and over bearing
- the land should be retained for potential employment use as stated in the Council's Employment Land Review
- local residents were concerned that that this proposal would have a major change on the population of the area
- this proposal would over stretch local amenities; design was unsuitable due to scale and massing and questioned if the accommodation was needed.

In answer to a Members question, Councillor Spackman clarified that the Newtown Community Association did not represent the views of all the residents of Newtown.

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

- his ward residents would not be directly affected by the proposal but he did have concerns
- this proposal would considerably increase the number of students in a small area
- this proposal would exacerbate the parking problem in Polsloe due to the one km parking restriction
- there was limited parking restrictions in place in Polsloe therefore people park their cars in Polsloe and then walk to other areas of the city causing problems for local residents; the one km restriction could mean that students might park their cars in Polsloe
- there should be a condition on any approval requesting that the developer contribute towards any enforceable parking restrictions needed in the Polsloe area as a result of this application
- the number of students would impact on local facilities and the developer should be requested to contribute towards any improvements.

In answer to a Members question, Councillor Taghdissian stated that he was of the view that second and third year students preferred to live in the community rather than purpose built accommodation.

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

- local residents had serious concerns regarding this proposal
- was a member of Newtown Community Association and was not aware of the association's support for the proposal
- if this application was approved with existing student accommodation and the recently approved application at Stoneman & Bowker there would be over 1,000 students in a 100 metres radius; this would create an imbalance which the recent Article 4 directive sought to address when considering applications for student HMO's
- was contrary to the Council's Employment Land Review of 2009
- this land was of high commercial value and should be retained for employment use
- would result in the loss of over 70 jobs in Exeter.

Mr Whittle (representing the applicants) spoke in support of the application. He raised the following points:-

- Exeter was one of a group of leading Universities
- since 2007, there had been an increase of 4,364 full time students
- the University was expected to continue to expand
- the Council's Supplementary Planning Guidance directs student accommodation to the city centre
- the new buildings would improve the vitality of the area
- would be a sustainable development
- would contribute financially to local amenities
- give returning students alternative choice
- equated to 150 family homes that would otherwise be occupied by students
- understand local residents concerns but the accommodation would be managed and conform to the National Code of Practice for student accommodation
- there would be planning conditions enforceable by the Council
- Newtown Community Association supported the application

- would ease the pressure on private sector housing.

In answer to Members' questions, Mr Whittle stated that the Section 106 Agreement would cover the management of the site; the developer would not be investing in this proposal unless there was a need and take up of this type of student accommodation; there would be a secondary access off Summerland Street; materials to be used would be brick, zinc and slate; the glass areas at the front of the building would be communal areas; and the building would have on-site management during office hours and a 24 hour phone line to report any incidents which took place outside of office hours.

During discussion Members raised the following points:-

- concern regarding loss of employment land
- concern that there would be too many students in the area
- local residents had concerns regarding the possible increase in anti social behaviour
- this application would free up family homes in the city
- would be a managed development
- would provide safe student accommodation
- was not close to many residents
- would provide safe clean accommodation for students where they could undertake their studies
- the University had its own sports facilities that students would use as well as local amenities
- should be provision in the Section Agreement 106 for traffic orders in Polsloe if they were needed
- the design of the building was out of balance with the area
- could not stop students bringing cars to the city
- local amenities did have the capacity to take extra people
- the University brought jobs and money to the City and there was a need to provide accommodation for the students
- the need for a cycle route from the city centre to the University and for the developer to contribute towards this provision.

In answer to Member's questions, the Head of Planning and Building Control stated that the Section 106 Agreement could include a provision for monies for traffic orders in Polsloe if required. Discussion would shortly take place with the University regarding the updating of its Green Travel Plan and at this meeting officers would pursue the issue of a cycle route from the city centre to the University, provision for the developer contribution towards any cycle route could be included in the Section 106 Agreement.

RESOLVED that the application for redevelopment to provide student accommodation, access to highway, central open space and associated works be delegated to the Head of Planning and Building Control in consultation with the Portfolio Holder for Sustainable Development and Transport to **approve** subject to a Section 106 Agreement in relation to contributions towards provision of a district heating system, community facilities, environmental enhancements, upgrading of Belmont Park, footway works adjacent to the site, implementation of an agreed management scheme for the accommodation, and such contributions towards a traffic order(s) for Polsloe and a cycle route from the city centre to the University as may be agreed and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings

- 3) C17 - Submission of Materials
- 4) The landscaping scheme (both hard and soft) indicated on drawing nos 31509_P116 Rev A, 31509_P117 Rev A, 31509_P118 Rev A and 31509_P119 shall be fully implemented in accordance with a timeframe and on-going management scheme that shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.
Reason: To ensure that the agreed landscaping scheme is implemented appropriately in relation to the relevant planting season, and thereafter maintained in an appropriate manner in the interests of the character and appearance of the area.
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain and that the site is fit for the proposed purpose.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution.
- 9) No part of the development hereby approved shall be brought into its intended use until the car parking spaces indicated on drawing no. 31509 P105, and the cycle parking facilities indicated on drawing nos. 31509 P103 and P104, have been provided and made available for use of the occupants. Thereafter the said facilities shall be permanently retained and made available for their intended use unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate provision is made for parking facilities to serve the development.
- 10) The development hereby approved shall be managed in accordance with the submitted Framework Travel Plan, and within 3 months of the first occupation of any part of the development, and at periods not exceeding 12 months thereafter, a responsible person shall be appointed to update and circulate amendments to the Travel Plan with a view to implementing and encouraging sustainable modes of transport.

Reason: To ensure that the Green Travel Plan is implemented and updated in the interests of promoting the use of sustainable travel choices by occupants of the building.

- 11) Prior to the commencement of the development a scheme for the installation of swift nesting boxes, specifying the number, type, position and timing of the installation of the boxes, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: To ensure that the opportunity to enhance the ecological contribution of the site is maximised in accordance with the advice of the Royal Society for the Protection of Birds.

- 12) The developer shall fully implement the risk mitigation measures identified in the 6 Alpha Associates Limited report reference P2360. Prior to the commencement of the development the developer shall submit a report to the Local Planning Authority which describes how the measures will be implemented, including copies of any documentary procedures developed.

Reason: In order to ensure that the potential risk in relation to unexploded ordnance on the site is fully appraised and if necessary mitigated to minimise the risk to the public and property in the area.

- 13) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 14) Prior to the first occupation of the accommodation hereby approved all boundary treatments shall be erected strictly in accordance with the detailed drawings hereby approved.

Reason: In the interests of the character and appearance of the area and to provide appropriate defensible space between the buildings and the public realm.

- 15) The development hereby approved shall not commence until details of the proposed finished floor levels and overall heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 16) Prior to the commencement of the development a scheme for protecting the proposed development from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the finalised structural and glazing design for all facades and where possible be compared to octave or third octave band noise levels to demonstrate the internal levels which will be achieved. Comparison should also be made to Lmax data where available. Thereafter the scheme shall be completed in accordance with the approved details prior to first occupation.

Reason: To ensure that appropriate provisions are incorporated into the design of the building to minimise the impact of existing noise on potential occupants of the buildings.

- 17) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and

mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

Reason: To minimise the potential for disruption during the construction process.

(Report circulated)

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**PLANNING APPLICATION NO.10/2029/03 - EXETER GYMNASTICS CLUB,
BULL MEADOW PARK, BULL MEADOW ROAD, EXETER**

Councillor Prowse declared a personal interest as his daughter is a member of Exeter Gymnastics Club.

The Development Manager presented the application for conversion of store to a dance studio and infill extension on the east elevation at Exeter Gymnastics Club, Bull Meadow Park, Bull Meadow Road, Exeter.

The application site was situated in the Southernhay and Friars Conservation Area and the building was noted within the appraisal as making a negative contribution to the character of the area. The building was situated to the south of Bull Meadow Park and access was gained via the park, either coming from Lansdown Terrace or Bull Meadow Road or across the park from Temple Road. Below the site was Lansdown Terrace which were Grade II listed buildings.

The application was for the conversion and extension of the existing store into a dance studio and to provide a new entrance point by extending the main building in the form of an infill between the existing building and the outbuilding.

The Development Manager updated Members on the main issues; the potential noise impact, pressure on parking in the area and the effect on the mature Copper Beech tree close to the boundary. He stated that the Head of Environmental Health and the County Director of Environment, Economy and Culture had no objections and a Tree Specialist's report stated that there was no immediate impact on the tree.

Members were circulated with a revised update sheet giving details of the revised plans referred to in the circulated report and amending the comments of an objector.

The recommendation was to approve the application subject to the conditions as set out in the report.

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

- the Gymnastics Club undertook great work within in the community
- the impact on the boundary wall with 12 Lansdown Terrace had been reduced
- disagreed with Devon County Council regarding the impact on street parking in the area; there were already problems with parking in the area and this proposal would increase the problems

- concerned that the fire exit door would be left open for ventilation causing a noise nuisance as there was no form of ventilation on the building.

During discussion Members raise concerns regarding adequate ventilation and the possible opening of the fire door for ventilation causing noise nuisance for local residents.

In answer to Members' questions, the Development Manager stated that any form of ventilation required would be determined by Building Regulations and that the fire door could be tagged to ensure that it was only open in an emergency. He confirmed that officers would take forward Members concerns regarding adequate ventilation and the tagging of the fire door.

RESOLVED that the application for conversion of store to dance studio and infill extension on east elevation be approved subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 8 December 2010 together with the site location plan and one drawing numbered 20:282-02 Revision D, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) The use of the converted outbuilding hereby approved shall not be carried on other than between the hours of 09:00 - 21:00 Mondays to Fridays and 09:00 - 18:00 on Saturdays, Sundays and public or Bank Holidays.
Reason: So as not to detract from the amenities of the near-by residential property.
- 5) The increase in height of the northern boundary wall will incorporate brick coursing to match the existing wall and the existing coping stones will be retained and reused.
Reason: To protect the character and appearance of the Conservation Area.
- 6) Prior to the commencement of the development hereby approved, full details of glazed screen shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the character and appearance of the building and the wider Conservation Area.
- 7) The existing timber barge boards shall be retained and reused unless otherwise agreed and approved in writing by the Local Planning Authority.
Approve: To protect the character and appearance of the building and the wider Conservation Area.
- 8) The works hereby approved shall be carried out in accordance with the recommendations contained within the Trees Report dated 1 July 2010 and written prior approval shall be gained from the Parks Department of the Local Authority prior to works commencing.
Reason: To protect the health of the Copper Beech and its contribution to the wider area.

- 9) T05 - Trees - Quality
- 10) C38 - Trees - Temporary Fencing
- 11) Prior to the commencement of the use hereby approved the sound insulation works detailed in the Noise Impact Assessment received 28 February 2011 shall be implemented in full and maintained thereafter.
Reason: To protect the amenity of neighbouring residents.
- 12) There shall be no amplified music, voice or tannoy system used unless routed through a suitable noise limiter. The noise limiter, its installation and operation shall be approved in writing prior to use of the hereby approved development by the Local Planning Authority. It shall be operated and maintained as approved thereafter.
Reason: To protect the amenity of neighbouring residents.

(Report circulated)

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PLANNING APPLICATION NO.11/0333/37 - 11, SUMMERWAY, EXETER

Councillor Prowse declared a personal interest as he knows the applicant and was a former owner of the property.

The Development Manager presented the application for amendment to a door on the south east elevation and new door on south west elevation (Non Material Minor Amendment Ref No. 10/1050/03 granted 10 September 2010) at 11 Summerway, Exeter.

The recommendation was to approve the application subject to the conditions as set out in the report.

RESOLVED that the application for amendment to door on south east elevation and new door on south west elevation (Non Material Minor Amendment Ref No. 10/1050/03 granted 10 September 2010) be approved subject to the following condition:

- 1) 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 the 1 March 2011, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

(Report circulated)

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SECTION 106 AGREEMENT MONITORING

The Head of Planning and Building Control presented the report to update on the progress of implementing Section 106 agreements and on the expenditure of financial contributions received.

RESOLVED that the report be noted.

(Report circulated)

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**PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND
WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

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ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters. He updated Members on the position with regards to Route 2, 1-2 Monmouth Hill Topsham and the prosecution of the Vapormatic Company Limited regarding the unauthorised removal of a oak tree.

RESOLVED that the report be noted.

(Report circulated)

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APPEALS REPORT

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 14 June 2011 at 9.30 a.m.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair