

PLANNING COMMITTEE

Monday 27 June 2016

Present:

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

Apologies:

None.

Also Present:

Assistant Director City Development, City Development Manager and Corporate Manager Democratic and Civic Support Councillors D Henson, Leadbetter, Mitchell, Owen and Robson (all speaking under Standing Order No. 44).

41

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

42

PLANNING APPLICATION NO. 15/0436/01 - LAND ADJOINING THE WEST OF ENGLAND SCHOOL, TOPSHAM ROAD, EXETER

The Assistant Director City Development reported that, as formal comments from the Highways Authority were still awaited, this application should be deferred until such time as the comments were received. This, it was hoped, would be in time for presentation to the next meeting of this Committee.

RESOLVED that, this application be deferred.

43

PLANNING APPLICATION NO. 16/0603/03 - 36-38 WELL STREET, EXETER

The City Development Manager presented the application for the demolition of the existing garage buildings on site to construct a 68 bedroom student accommodation development, split into one three storey block with under storey to rear and one two storey block separated by an open courtyard. Associated facilities including common areas, waste and cycle storage, offices and plant were included.

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

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

- support for the officer's recommendation for refusal;
- contrary to Policy C2(a) of the Exeter St James Neighbourhood Plan;
- imbalance between student accommodation and non-student accommodation within the Duryard and St James ward and how this application, if approved, would further add to this imbalance;
- contrary to Policy H5 of the Local Plan;
- paragraph 5.1 of the Student Accommodation Developments in Residential Areas Supplementary Planning Guidance; and
- the exacerbation of already difficult parking within the area and the effect this may have on adjoining areas.

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

- support for the officer's recommendation for refusal;
- the application being contrary to the Exeter St James Neighbourhood Plan;
- the current imbalance between student and non student accommodation within the Duryard and St James ward and how approval of this application would further add to this;
- the character of Well Street and the effect approval of this application would have on it; and
- the need for a more mixed type of housing within the area;

He responded to a Member's query that he would have been happy to accept this application if it had been for social housing.

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

- support for the officer's recommendation for refusal;
- application is contrary to the Exeter St James Neighbourhood Plan;
- the imbalance currently experienced between student and non-student accommodation within the area and how this application will increase this imbalance; and
- the change in character of Well Street due to the amount of student accommodation within it and how this application would increase this further.

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

- the scheme, as submitted, was as a result of discussions with the Council's Planning Officers, although he stated that he had found an inconsistent and unclear view amongst officers with whom he had worked; and
- a rigorous design process had been followed to ensure that the scheme was, in his opinion, of a sustainable design, met the Council's criteria for purpose built student accommodation and was appropriate for the location within Well Street.

Responding to Members' queries he advised that the scheme in front of the Committee was for student accommodation and not social housing.

The recommendation was for refusal for the reason as set out in the report.

RESOLVED that planning permission for the demolition of the existing garage buildings on site to construct a 68 bedroom student accommodation development, split into one three storey block and one two storey block separated by an open courtyard be **REFUSED** as:-

- (1) the application site forms a significant part of an intact street (Well Street), which is characterised by traditional terraced and semi-detached properties. As such, the scale and function of the proposed development would therefore be contrary to, and would be prejudicial to the achievement of, the objectives as set out in Policy C2 (a) of the Exeter St. James Neighbourhood Plan; and
- (2) the use of the site for student housing would not be appropriate within the St James Ward as it would lead to a further concentration of this use in this particular area of the city, resulting in a further imbalance of population

within the local community, contrary to Policy H5(b) of the Exeter Local Plan First Review 1995-2001.

44

PLANNING APPLICATION NO. 16/0483/03 - 4 GARDEN CLOSE, EXETER

The City Development Manager presented the application for the demolition of the existing double garage and erection of a two bedroom dwelling.

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

The City Development Manager advised that there had been some confusion as to the ownership of some of the land contained within the application. Whilst this was not a material planning matter (as applications could be submitted on land not owned by the applicant), this would have an impact on the private amenity space for both the proposed and existing dwellings. A decision on the application needed to be deferred until notice had been properly served on Western Power Distribution (WPD) and a period for comment had elapsed. If the land known as the Western Power Distribution land was not in the ownership of the applicant at the time of development (if the application were approved), the private amenity space for both properties would fall short of the Council's requirements. He therefore suggested that the application be delegated to the Assistant Director, City Development, subject to prior consultation with the Chair of this Committee, with an additional condition as follows – "that planning consent would only be implemented if the land known as the Western Power Distribution land was included in the private amenity space for both the proposed and existing dwellings".

Responding to Members' queries' he advised that the requirement for private amenity land was a minimum of 45 metres square per property, this was only achieved if WPD land was available.

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

- the overbearing nature of this development on the surrounding area, particularly with regards to overlooking, lack of parking and the development of a corner plot; and
- requested that a site inspection be undertaken.

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

- the application site was too small for the development as proposed;
- car parking was an issue within the area, particularly as some of the properties had drives which, in her opinion, were impossible to use for the parking of vehicles; and
- there was a concern regarding a mains sewer which it was believed ran through the application site.

Mr Teague spoke in support of the application. He clarified that he would not be looking to purchase the land known as the Western Power Distribution land as he believed that amenity land for each dwelling would be in excess of the Council's requirements.

The recommendation was for delegation to the Assistant Director City Development, subject to prior consultation with the Chair of this Committee.

RESOLVED that the application be delegated to the Assistant Director City Development, subject to prior consultation with the Chair of this Committee.

45

PLANNING APPLICATION NO. 16/0481/03 - RENSLADE HOUSE, BONHAY ROAD, EXETER

The Assistant Director City Development presented the application for the change of use from office to student accommodation of the eastern and western podiums and construction of extension and two additional floors of student accommodation comprising 247 units, cycle parking, hard and soft landscaping and associated facilities. (Amended Description)

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

The Assistant Director reported the following as additions to the circulated report:-

- that following receipt and approval of an application for prior notification for the conversion of the existing tower block from office accommodation to student accommodation, the Highway Authority had requested that the redevelopment and the one which is the subject of this application, be tied together by an appropriate condition; and
- an additional heritage statement had been submitted and Heritage England were now positive about this current application identifying less than substantial harm.

He responded as follows to Members' queries:-

- that the two additional floors to the podium, together with the extensions thereto and their conversion would raise approximately £1.8 million in New Homes Bonus (over a 6 year period) as well as £600,000 in Community Infrastructure Levy (CIL). With regards to the latter, the Committee was reminded of the Council's procedures for consideration and allocation of CIL monies;
- that there would be no residential accommodation within the ground floor of the buildings due to the potential risk of flooding;
- that an archaeological assessment had been included with this application, which had addressed various issues including the leats which run through the site; and
- that issues raised by Devon and Somerset Fire and Rescue Service would be addressed as part of the Building Regulation requirements.

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

- that the car park associated with the Fitness First building was not part of the application site;
- the scheme before Members had been developed in consultation with officers;
- that, in his opinion, the development satisfactorily met the Council's policy on the development of student accommodation, particularly the spread of such accommodation more widely across the City;
- that there was an over supply of office accommodation within the City, some of which was of a more modern design etc than the accommodation forming the application which had, in his opinion, seen its time, leading to under occupancy and difficulty in retaining tenants; and
- that the development of this site would see an investment of between £12 - £13 million.

He responded as follows to Members' queries:-

- that he would meet with the Leader of the Council to discuss improvements to amenities in the vicinity, but that any financial contributions attributable to this development would be bound by legal tests governing a Section 106 Agreement under the Town and Country Planning Act 1990;
- that he believed that this development would encourage other accommodation in the City currently being used for students to be released elsewhere in the City;
- that improvements to the façade of the central tower were not a part of this application; and
- that the scheme would be a well-managed, good quality scheme of student accommodation.

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

An amendment to the recommendation, which included the delegation of any final approval to the Assistant Director City Development, subject to prior consultation with the Chair of this Committee, and which included an additional negotiation regarding discussions on support for local amenities was proposed and seconded and, on being put to the vote, was declared **LOST** on the Chair's casting vote.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, securing a Student Management Plan, planning permission for change of use from office to student accommodation of the eastern and western podiums and construction of two additional floors of student accommodation comprising 247 units, cycle parking, hard and soft landscaping and associated facilities. (Amended Description) be **APPROVED**, subject also to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) The development shall proceed in accordance with the recommendations of the Jubbs Consulting Engineers Flood Risk Assessment P1516/G501/A dated April 2016 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of flood mitigation and protection.
- 8) No part of the development hereby approved shall be occupied until the steps connecting the footway on the north of Frog Street to New Bridge Street, as indicated on Concept Design Drawing SK003_Rev P1, have been provided in accordance with details approved in writing by the Local Planning Authority and made available for public use for that purpose at all times.
Reason: To ensure safe and suitable access to the site for pedestrians, in accordance with paragraph 32 of the NPPF.

- 9) No part of the development shall be brought into its intended use until the amendments to Tudor Street access, pedestrian cycle route along the north of the site to Bonhay Road, as indicated on the proposed Ground Floor Plan Drawing 1953.PP100 Rev A, and dropped kerbs on Bonhay Road have been provided and maintained in accordance with details approved in writing by the Local Planning Authority and retained for that purpose at all times.
Reason: To provide safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site.
- 10) No part of develop shall commence until a Car Park Management Plan outlining how adequate car parking will be provided for the onsite office uses will be maintained following commencement on site shall be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate on-parking provision is provided for the existing office uses
- 11) No part of the development shall be commenced until details of the secure cycle parking arrangements have been submitted to and agreed in writing by the Local Planning Authority. No part of the site shall be occupied until the cycle parking facilities have been provided in accordance with the approved details and maintained for those purposes at all times.
Reason: To provide adequate facilities for sustainable transport.
- 12) C70 - Contaminated Land
- 13) No development, including any works of demolition shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
a) There shall be no burning on site during demolition, construction or site preparation works;
b) Unless otherwise agreed in writing, no construction or demolition works shall be
c) Dust suppression measures shall be employed as required during construction
d) Details of access arrangements and timings and management of arrivals and departures of vehicles;
e) Adequate areas shall be made available within the site to accommodate operatives' vehicles, construction plant and materials;
f) Details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works.
The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the occupants of nearby buildings.
- 14) Prior to the occupation of any part of the development the applicant shall submitted a written report which states that the sound insulation measures as specified in the Jubb Consulting Engineers Ltd Noise Assessment Statement W15156-REP02-Rev A dated 2016 and Noise Assessment report reference W15156-REP01-P15-518-R01 dated November 2015 have been implemented unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate mitigation from noise for future occupant.

**PLANNING APPLICATION NO. 16/0618/03 - LAND TO THE EAST OF DEAN
CLARKE HOUSE, SOUTHERNHAY, EXETER**

The City Development Manager presented the application for the erection of a six storey building for hotel use comprising 102 bedrooms to replace the previously approved office accommodation (Phase II of the mixed use development planning ref:11/1816/03).

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

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

- that, in his opinion, the development adversely affects the Quakers' Meeting House;
- that insufficient time had elapsed for attempts to find an office use for this site; and
- that the proposal to extend the hotel could create a continual use of the site rather than one concentrated around normal office hours.

Responding to Members' queries' he was of the opinion that the availability of office accommodation within the City was constantly changing, particularly as a consequence of the prior notification requirements.

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

- that the application before Members was as a consequence of discussions with officers;
- that, in his opinion, demand for office accommodation in the City was low;
- that any overlooking of the Quakers' Meeting House had been restricted by angling of windows in that elevation, together with the use of obscure glazing; and
- that in overall terms, a mixed use development of the wider site had been delivered but that there had been no interest in the use of the site for office accommodation.

Responding to Members' queries he advised that he understood that, if approval was forthcoming for the application, the Court Service would not impede access to the site for its development.

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

RESOLVED that planning permission for the erection of a six storey building for hotel use comprising of 102 bedrooms to replace the previously approved office accommodation (Phase II of the mixed use development planning ref:11/1816/03) 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 13 May 2016 (dwg no. 1893 026; 1893-21 A; 1893-22 rev D; 1893-23 rev D & 1893-23 rev 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) Prior to any works commencing on site, a Construction Environmental Management Plan (CEMP) which shall include details of construction traffic management relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 5) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 6) No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To maximise the opportunities for sustainable travel to and from the site, in accordance with Paragraph 36 of the National Planning Policy Framework.
- 7) Prior to commencement of the development a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, guests and events. If, following the above assessment further noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the Local Planning Authority and shall be implemented prior to and throughout the occupation of the development.
Reason: In the interests of residential amenity and to safeguard the working conditions of employees working in the vicinity of the site
- 8) 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 and maintained for those purposes thereafter.
Reason: To provide adequate facilities for sustainable transport.
- 9) The building shall not be used for intended purpose until the details of the non-opening obscure glazing to be installed within the north east elevation of the proposed building has been submitted to and agreed in writing with the Local Planning Authority and thereafter maintained in accordance with these details at all times.
Reason: To safeguard the amenities of the nearby Courts building and prevent overlooking and loss of privacy.
- 10) Notwithstanding the requirements of Condition 2 of this planning permission, no work shall commence on either phase of development hereby approved until full details of the following, insofar as they relate to that phase of development, have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - a) windows to include materials, means of opening, reveals, cills and headers;
 - b) external doors;

- c) rainwater goods;
- d) lighting;
- e) treatment of boundaries;
- f) refuse storage;
- g) CCTV cameras and location;

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 11) No development shall take place unless and until details of bat and swift boxes have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.

47

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

48

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted. The Assistant Director City Development referred to an appeal on non-determination at Countess Wear and judicial review of the decision at Exeter City Football Club.

RESOLVED that the report be noted.

49

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 12 July 2016 at 9.30 a.m. The Councillors attending will be Lyons, Denham and Edwards.

50

PLANNING MEMBERS' BRIEFINGS

The Chair asked Members to consider the current arrangements for Member Planning Briefings with a view to there being a discussion on this in due course.

(The meeting commenced at 5.30 pm and closed at 8.35 pm)

Chair