

PLANNING COMMITTEE

Monday 5 December 2016

Present:

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

Apologies:

None received

Also Present:

Assistant Director City Development, City Development Manager and Democratic Services Officer (Committees) (HB)

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DECLARATIONS OF INTEREST

Councillor Morse declared a disclosable interest in Min No 97 as, in her capacity as Portfolio Holder for Customer Access, she had been consulted on the proposal for using Former Richards Aquatics for the Safe Sleep initiative.

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PLANNING APPLICATION NO. 16/1376/03 - FORMER RICHARDS AQUATICS, MARKET STREET, EXETER

Councillor Morse declared a disclosable interest and left the meeting during consideration of this item as she had been consulted on the proposal for using the Former Richards Aquatics for the Safe Sleep initiative in her capacity as Portfolio Holder for Customer Access.

The Assistant Director City Development presented the application to change the use from A1 to temporary night shelter (sui generis) until end of March 2017. He reported further representations that had been received in support and objection.

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

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

- speaking as Lead Councillor for Neighbourhoods and Communities on behalf of the street homeless, a hidden and voiceless community, and some 860 signatories to an online petition in support of this Safesleep application;
- rough sleeping is not the problem but the result of a problem since those in this need do not choose to live on the streets but find themselves there through circumstances;
- the average life expectancy of the homeless is 47 for males and 43 for females, Citizens Advice Bureau stating that some others are only three payslips away from the same fate;
- a similar facility the previous winter had provided 1,235 bed spaces over 91 days for 82 homeless, 45 of whom had secured more settled accommodation thereafter as a result of engagement with voluntary partners

who help to turn around chaotic lives. Safesleep can help today, tomorrow and into the future;

- a City Centre location is necessary as rough sleepers would not seek the use of any out of centre facility;
- Julian House has extensive experience in working with the homeless and can help ensure minimum impact on the surrounding and wider neighbourhood and harm to local amenities such as through noise, smell, litter and late night activity. Will work with the Police and through the Street Homeless Outreach Team (SHOT) to minimise anti-social behaviour;
- Julian House will work with the Council, other housing agencies and volunteers all coming together in a real sense of community to help this voiceless community. There will be close liaison with local residents and businesses to reassure them over their concerns; and
- this facility will contribute to the wider City Council objectives and, crucially, result in zero loss of life.

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

- working closely with Exeter City Council and responding to the numbers of people identified nightly by the Julian House outreach team and verified by the formal rough sleepers count and, in particular, the high numbers of women sleeping on the streets of Exeter, the case for providing emergency accommodation which is safe, warm and supervised is overwhelming;
- the building itself has the size to make it work well, and it is open plan allowing observable and safe operation. There have been a number of comments recognising the need for a winter shelter, but seeking an alternative location. A shelter well outside the city centre would have lower take-up and therefore be less effective in achieving its purpose;
- the main issue is the impact of the shelter on crime in the immediate area and concerns have been raised locally. The comments from local residents and traders have shown that there is a high level of anti-social behaviour now. By bringing people out from shop doorfronts and other city centre locations offering a safe, warm and supervised environment and, ideally doing this in partnership with the local community, all ingredients will be in place for anti social behaviour to reduce;
- Market Street is an area not free from anti social behaviour now, and an initiative like this, will not solve the underlying problems, but should see anti social behaviour reduce during the time it is in operation. The shelter will have two experienced staff on duty at all times and the building inside, as well as the area immediately outside, will be covered by networked high definition CCTV; and
- the rear entrance will not be accessible by visitors.

He responded to Members' queries:-

- enhanced CRB checks are carried out on all Julian House staff;
- high definition CCTV cameras will monitor any individuals hanging around this facility. Any issue of anti-social behaviour can be followed up by the SHOT;
- are links to agencies who also offer support to women and those with mental health and substance abuse issues;
- any aggressive clients will be barred from Safesleep;
- three staff will be employed during the day and two between 12 midnight and 08.00 hours, assistance also available if necessary for the latter shift from outreach workers in the City Centre who work for Julian House.

Although the night shift workers may not have a male/female split, again females from the outreach team can be called upon;

- will be a contact number available for residents and businesses to raise concerns, a closed Facebook Group set up to receive feedback and Brett Sentence has met with the owners of the DanSci Dance Studio; and
- Safesleep is set to open on 12 December for 90 days over December, January and February and will remain open in March if the weather remains cold.

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

RESOLVED that, subject to an additional condition requiring a management plan, planning permission to change the use from A1 to temporary night shelter (*sui generis*) until end of March 2017 be **APPROVED**, subject also to the following conditions:

- 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 4 November 2016 (*Site Location Plan, Planning Statement, Floor Plan as Existing and Floor Plan as Proposed*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings and details.
- 2) The use hereby approved shall cease on or before 31 March 2017.
Reason: To ensure that the use ceases when no longer required as part of Safe Sleep.
- 3) The use hereby permitted shall be carried on only by the organisation Julian House and shall cease at such time as the aforementioned person(s) cease to occupy the site.
Reason: To enable the proposed use by the applicant to be monitored.

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PLANNING APPLICATION NO. 16/0864/03 - LAND TO REAR OF CRAWFORD HOTEL, ALPHINGTON ROAD, EXETER

The Assistant Director City Development presented the application for four new dwellings.

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

- serious reservations on behalf of residents relating to access, parking in the neighbourhood and insufficient parking for the new development, noting that the four properties could generate up to four vehicles each, including visitors;
- the local community works with the Police over the problem of illegal parking which is a safety issue and which will be exacerbated should this development be brought forward;
- residents acknowledge need for housing but believe that an access off Retail Park Close would be preferable which would help mitigate parking problems in Percy Road;
- appreciate developer need to maximise profit but commercial drivers should not trump public safety and quality of life; and
- application should be rejected as the development will have a real and negative impact on residents.

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

- a month or so ago the merits of this planning application were considered when the only concerns related to highway safety and car parking and it was suggested that the officers' report and other specialists had "got it wrong"
- suggest that this isn't the case as the facts are clear. Highways Officers have looked at this scheme twice and decided that it is acceptable. City Council Planning Officers have assessed the scheme on two occasions and came to the same conclusion. Furthermore, a Planning Inspector has determined an appeal which also concluded that the scheme is safe in highway terms. It is suggested therefore that there is significant evidence to demonstrate that the scheme is acceptable;
- as requested, the applicant was asked about changing the layout and access design but instructed to proceed with this scheme. The applicant is not a developer, they have spent considerable time and resource to progress an application for much needed housing and now wish to dispose of the surplus land to allow it to be productively used. It is not believed that the alternative access is suitable or preferable and the highways officers support this opinion; and
- is suggested that the application is wholly acceptable as demonstrated by technical evidence and the advice of officers; and
- the applicant is minded to appeal should the application be refused on the basis that there is no technical evidence to suggest that this application should not be approved.

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

RESOLVED that, subject to the addition of an informative that the Council's preferred option would be an access off Retail Park Close and it would therefore be likely to make any necessary land in its ownership available to any future developer to enable this access to be realised, planning permission for four new dwellings 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 11 July 2016 (dwg. nos. 0-0002 Revision A and 1-0003 Revision B, and Design and Access Statement) and 10 October 2016 (dwg. no. 0-0001 Rev. A), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.
- 3) C17 - Submission of Materials
- 4) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 5 (Zero Carbon) in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 5) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (CSH) assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard in relation to the energy

elements the developer must provide details of what changes will be made to the development to achieve the minimum standard in respect of those elements of the code, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 in respect of the energy elements has been achieved as required above.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 6) Unless otherwise agreed with the Local Planning Authority, the development shall be carried out in line with the recommendations contained in submitted Ecological Appraisal and the Flood Risk Assessment.
Reason: To ensure that opportunities for wildlife enhancements are maximised and in the interests of minimising flood risk over the lifetime of the development.
- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: In the interests of amenity.
- 8) 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: In the interests of amenity.
- 9) 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: To protect neighbouring residential amenities.
- 10) The applicant shall undertake a noise assessment to determine whether noise from plant, equipment and deliveries at the adjacent retail store would be likely to cause disturbance and annoyance to residents of this site. The assessment shall be submitted for approval in writing by the Local Planning Authority prior to commencement of the development. If, following the above assessment, the Local Planning Authority concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed development from noise from the adjacent store. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the approved development is occupied.
Reason: To protect the residential amenities of future occupants of the dwellings.

- 11) 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.
Reason: To protect the health and safety of future occupants of the dwellings.
- 12) No part of the development hereby approved shall be occupied until the amendments to Percy Road boundary wall, dropped kerb vehicular access, on site layout, footpaths, car and cycle parking facilities, as outlined in Drawing 1-0003 Revision B, have been provided and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site
- 13) No more than three of the dwellings hereby approved shall be occupied until a shared use pedestrian/cycle connection to the eastern boundary of the site with Retail Park Close, as indicated on drawing 1-0003 Revision B, has been provided and made available for public use in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the National Planning Policy Framework.
- 14) The development shall incorporate into the fabric of the buildings nesting opportunities for swifts. Details of how this shall be achieved must be submitted to, and approved by, the Local Planning Authority. The development shall thereafter be built in accordance with these approved details.
Reason: In the interests of providing biodiversity enhancements on the site.

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PLANNING APPLICATION NO. 16/1068/03 - HOPE COURT, PRINCE OF WALES ROAD, EXETER

The Assistant Director City Development presented the application for the construction of a six bed annex to the existing Hope Court Student Accommodation block.

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

- the Exeter St James' Forum does not necessarily speak for the entire St. James Community. Am speaking on behalf of the neighbours of this development who disagree with the Forum's interpretation of the St James Neighbourhood Plan's policies;
- the description of the original application was that of a house in multiple occupation rather than an annexe to the current building, a description which is more accurate in terms of design and use when the building will possess its own kitchen and bathroom and is separate from Hope Court. The management arrangements are also similar to that of a HMO;
- with regard to Policy C3 of the Neighbourhood Plan believe that the scale and intensity of use will harm the character of the building and locality and will cause an unacceptable reduction in the amenity of neighbouring occupiers and result in on-street parking problems;

- in respect of policy H5 of the Neighbourhood Plan, the proposal will create an overconcentration in this area of the city and change the character of the neighbourhood and create an imbalance in the local community. Although the development will see a student increase of about 0.1%, further developments of this nature could see a 2% increase in the area which will impact on the balance;
- the history of the site shows permission granted in 2006 for the demolition of the existing building and provision of 14 student cluster flats, in 2007 for 12 student cluster flats and, subsequently, in 2009, in addition to the 12 flats, a flat for nursing support taking the total to 13. The current application for six flats will bring the total to 19, higher than the original 12 flats granted permission. Such an incremental increase in development should not be permitted; and
- request rejection of this application.

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

- careful consideration has been given to the impact on the neighbourhood, its relationship to existing buildings and regard to the St James Neighbourhood Plan;
- the land is currently raised and has always been outside the amenity space available to the students, due to its elevated nature and associated health and safety risk;
- more than adequate amenity space within the curtilage of the site of both hard and soft landscaping;
- the planning department was consulted on the design and the intention has always been that this unit would be managed by the existing management team as part of the whole entity within the curtilage of Hope Court and be connected to existing services all of which sit behind the existing controlled entrance gate;
- after meeting the Forum it was agreed that the description be changed to construction of a six bedroom annexe of the existing Hope Court student accommodation;
- a meeting with the Forum was requested to overcome any objections that might arise from their aims. A Forum member had stated that, on policy grounds, no objection would be met but asked that the design be looked at again which was agreed;
- it was suggested by the agent that the corner be rounded off where it faced onto Lower St. German's Road;
- the planning department agreed with the agent that the building should relate to the existing Hope Court building. The proposal retains the existing stone wall but not the beech hedge but has the desirable effect of placing windows and the light emanating therefrom onto Lower St German's Road, improving the security aspect of that dark area and increasing the safety of students etc.;
- in the Design and Access statement it is stressed that the proposed additional accommodation will be managed and covered by the same rules applying to those which appertain to the main block;
- Hope Court is well managed and maintained and this proposal will help alleviate of the pressure of the demands for student accommodation elsewhere;
- the managing agent has stated that no complaints have been received in connection with this student development.

He responded to Members' queries:-

- there is a health and safety issue on site in respect of any use of the raised grassed area; and
- students of Hope Court are required to sign an agreement that they will not bring cars to Exeter.

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

RESOLVED that planning permission for the construction of a six bed annex to the existing Hope Court Student Accommodation block 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 26 August 2016 and the revised plans received on 01 November 2016 (*dwg. no(s).2022/16/001, 2022/16/010 Rev D, 2022/16/011 Rev D, 2022/16/002*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details and drawings.
- 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the student residential use of the dwelling known as Hope Court and shall not be run as a separate facility.
Reason: To prevent the creation of an additional separate dwelling and to ensure that the new accommodation is run in accordance with the existing conditions and management plan for Hope Court.
- 4) C75 - Construction/demolition hours

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

101 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

102 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 20 December at 9.30 a.m. The Councillors attending will be Mrs Henson, Edwards and Foale.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.07 pm)

Chair