

PLANNING COMMITTEE

Monday 9 January 2017

Present:

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Edwards, Foale, Gottschalk, Harvey, Morse, Newby, Prowse and Spackman

Apologies:

Councillors Denham and Mrs Henson

Also Present:

Chief Executive & Growth Director, Assistant Director City Development, City Development Manager, Principal Project Manager (Development) (PJ) and Democratic Services Officer (Committees) (HB)

1

MINUTES

The minutes of the meetings held on 31 October and 5 December 2016 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 16/1210/03 - HONITON INN, PARIS STREET, EXETER

The Principal Project Manager (Development) (PJ) presented the application for the demolition of the former Honiton Inn to build a mixed use development scheme comprising of a ground floor cafe bar for public use (Use Class A4) with 107 bed space student accommodation above including common room, gym, cinema, laundry, office and bike stores.

Members were circulated with an update sheet - attached to minutes and updated on the number of representations.

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

- Will focus on some of the 25 objection issues received;
- suggestions of alternative uses such as a gateway feature or tourist attraction into the City Centre, hotel, hostel for the homeless or affordable housing are not in accord with Government legislation and are not grounds for a refusal;
- valid planning objections have been made in respect of the height of six/seven floors and the density of an overbearing featureless monolith, unflattering architecture and a soulless modern husk which is inappropriate and oppressive;
- Historic England have stated that the lack of space and limited articulation makes an uninspiring building and that the gateway to the City Centre should at least have some reference to better quality and do not feel that this design

would make a positive contribution to the character and appearance of the Conservation Area;

- a similar application for the Radmore and Tucker site was refused on grounds of height and density;
- the statement that the site is removed from residential areas is not correct as directly opposite on the corner of Western Way is Eaton House, Eaton Drive and Sir John Hannam House which provides accommodation for 104 elderly residents including 23 disabled residents;
- application includes a gym, cinema and public cafe and bar which will be used by students located at the St Lukes Campus, Rowancroft and the new student accommodation next to Waitrose returning at night and will walk past the accommodation for the elderly at Eaton House etc.;
- objections 16, 18 and 19 all contain objections from local residents on the impact on their quality of life;
- anti-social behavior has occurred in Western Way near the Printworks and Kingfisher accommodation blocks, most recently on 3 December, but the University have stated that it is not the responsibility of the estate patrollers to deal with incidents outside the student blocks;
- with a goal of securing 75% student accommodation in purpose built accommodation on or close to the City Centre, the University is not prepared to accept responsibility for off campus students and concerns are raised that the City Centre is becoming a university campus – the University should provide accommodation on its own campus;
- this block could become a popular late night venue and impact adversely on the quality of life of elderly residents;
- this gateway city centre site so close to residential accommodation is unsuitable for a student development;
- the Honiton Inn is an iconic landmark building and its demolition would lead to the loss to the City history of a building that survived World War Two bombing – it remains one of the few historic buildings that still exist in the City;
- the building is listed in the Southernhay Conservation Area report as one which makes a positive contribution and it is suggested that its demolition would be more likely to amount to substantial harm to the conservation area;
- Historic England state that the historic Paris Street is all but lost and that the Honiton Inn with its windows and timber framing provides a distinctive frontage and that its survival at the corner of the Conservation Area would have been the reason for the designated boundary line. It is recognised by Historic England as having heritage value;
- student developments are always contentious - 2,297 objections show that local residents believe that the height and design do not meet planning criteria. Historic England also object to the demolition and the proposal for a café and bar would impact adversely on the quality of life of elderly residents in the area;
- there is already an over concentration of student accommodation in the area including the Printworks, James Owen, Kingfisher and at the Football Club and City Council policy states that there should be no over concentration in any one area; and
- application should be refused.

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

- the design of the proposed building has developed in extremely close consultation with the planning department. During design development the scheme was reduced in terms of the overall height and number of student bedrooms to respond directly to the input of the planning team. This reduction in the overall size of the development was contrary to the recommendations of an

independent RIBA design review panel which suggested a taller building would be more appropriate;

- the proposed design is of a high quality which has been achieved through numerous iterations. The scheme has been considered both in terms of its surroundings, overall form and at a detailed level. Much care has been taken to consider the building both in its immediate context and how it is viewed in its wider surroundings. The specific materials chosen will complement the existing family of buildings within Southernhay;
- the scheme has been developed to reflect the importance of keeping in line with the Leisure Complex and Bus Station Scheme opposite, taking the opportunity to revitalise a site which is in a poor state and has long since ceased to be an economical going concern;
- photographs taken in the 1960s show the Honiton Inn was originally part of a remaining terrace of buildings which survived the Blitz. When the inner bypass was developed and the adjoining buildings were demolished this was when the Honiton Inn became an isolated building. The original street pattern upon which the Honiton Inn was originally built has been irrevocably changed;
- the option simply to leave the existing building and develop behind would only compound the mismatch between the Honiton Inn and its surroundings. The exposed flank walls of the old inn should not be visible as it was not conceived as a free standing building, hence it now looks sad and brutalised, simply not a building worthy of its setting. This area is a significant entry point to central Exeter as proven by the council's own plans for the Leisure Complex and Bus Station Scheme opposite. It deserves a building which relates positively to the location and the Southernhay Conservation Area;
- the construction period for the proposed building will allow an opportunity for the site to be properly investigated from an Archaeological perspective rather than merely allowing anything to remain buried beneath a deteriorating unused building; and
- a direct comparison of the front-of-house areas of both the existing Honiton Inn and the proposed cafe/bar shows the proposed cafe bar is 95m², whereas the existing Honiton Inn is only 68m². The new cafe will relate strongly to the public realm with much glass and an open inviting aspect. This will contribute in a positive way in comparison to the existing older building.

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 County Planning Act 1990 securing a student management plan and a financial contribution towards the delivery of district heating in the area and a traffic regulation order, planning permission to demolish the former Honiton Inn to build a mixed use development scheme comprising of a ground floor cafe bar for public use (Use Class A4) with 107 bedspace student accommodation above including common room, gym, cinema, laundry, office and bike stores be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C57 - Archaeological Recording
- 5) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this

planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.

Reason: In the interests of the appearance of the Conservation Area.

- 6) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.
- 7) No part of the development hereby approved shall be brought into its intended use until the loading bay as indicated on *Drawing Number 1188/PL05 Rev B* (of at least 2.5m in width) on Paris Street, and raised pedestrian crossing at the vehicular access have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: To provide suitable facilities for the traffic attracted to the site.
- 8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities as indicated on *Drawing Number 1188/PL05 Rev B* and an external door into the cycle store, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site,
- 9) No development shall commence until a noise assessment report, including noise from the any plant machinery has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.
- 10) No development shall take place, including any works of demolition, 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) the parking of vehicles of site operative and visitors
 - b) loading and unloading of plant and material;
 - c) storage of plant and materials used in the constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h) construction 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 interests of the occupants of nearby buildings.

- 11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the cafe/bar use shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be thereafter be operated and maintained in accordance with the manufacturer's instructions.
Reason: To protect the amenity of nearby occupants.
- 12) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.
- 13) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 14) C70 - Contaminated Land
- 15) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy Statement (Report Ref. -, Rev. P01, dated November 2016) and the Strategic SW Drainage Layout Drawing (Drawing No. 1004, Rev. P01, dated 28th November 2016).
Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 16) No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- 17) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the cafe/bar refuse area have been provided has been submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details:

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

- 18) No development shall commence until an air quality assessment report, has been submitted to and approved in writing by the Local Planning Authority providing details of any mitigation measures required and shall thereafter be provided in accordance with such details:

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

4

PLANNING APPLICATION NO. 16/1505/03 - HERITAGE HOMES, TOPSHAM ROAD, EXETER

The Assistant Director City Development presented the application for the construction of seven residential units (flats), access and associated infrastructure works.

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

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

- the objections are from 129 separate individuals regarding land where previous applications have been refused because of the adverse impact on the Topsham Gap;
- the size and scale of this application differs little from the previous applications other than it is for housing;
- this application is the final phase of a three phase history of this and two adjoining sites, all strategically important in terms of the Topsham Gap open space which should be considered as a whole and not as isolated applications. It is therefore “creep”;
- Heritage Homes circulated an information leaflet as part of its public consultation, for the land fronting Exeter Road (Phase I) stating that it would provide affordable, eco-friendly homes, taking account of the character and local distinctiveness of the Gap and that the frontage would be screened by semi mature trees and would enhance the area;
- following the granting of permission for Phase I, in which the number of homes increased from 23 to 28, Phase II, where the number of homes increased from nine to 22 was also granted permission – a play area was not included on the grounds that open space would be provided throughout the site to give the requisite 10%;
- now have a further seven units bringing the total to 57 all without the play area needed;

- this four storey block is next to the M5 motorway, the top floor being close to the height of the motorway. Although environmental health state that the quality of life will not be affected road traffic noise and pollution will affect the health of the residents;
- an objector has stated that the noise assessment is inaccurate and the appropriate information has not been fed into the acoustic modelling – also stating that the development is too close to the motorway;
- Retreat Road is used by commercial vehicles so parking of vehicles associated with this development will be hazardous;
- The application should be refused as the density is greater than the initial proposals and the lack of open space provision;
- the previous application for an office block was refused as it was contrary to policies LS1 and CP16 and this application should be refused on similar grounds; and
- a four storey block is unsuitable and a far cry from the original concept and is in a sensitive environmental location.

Responding to a Member's question, she confirmed that, contrary to the original claim of the applicant, there had been no consultation with the local community, on the proposed use of a commuted sum for open space provision.

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

- Members previously refused development of this land on the basis of the LS1 designation, Heritage Homes clear manipulation of the application process and the earlier Section 106 legal under the Town and Country Planning Act 1990 agreement prohibition of development of this land;
- the applicant has previously stated that this site is unsuitable for recreation use. How can it be suitable for housing? Both the air quality and noise surveys are based on highly dubious data as set out in a detailed objection by Dr Graham-Cumming;
- the proposal is highly urban and significantly taller/bulkier than the majority of the previously approved adjoining Exeter Rd houses. It is an ugly, brutal "lump" and grossly unsuitable for this small town fringe location;
- whilst the application creates housing, numbers are so insignificant that they do not offset the risk to City Council policy arising from development of LS1 land and the likelihood of encouraging applications on other city gap and fringe sites;
- the applicant may return in a few months time saying that he doesn't want to build that replacement golf range on the North Gap land, but 150 houses instead;
- the developer is attempting to completely avoid any affordable housing provision - in contrast to the original poster claiming *affordable homes for local people* - by artificially separating this application from previous approvals;
- bearing in mind the LS1 designation, whilst the Topsham Society believe that there are strong reasons to resist, if Members feel compelled to acquiesce to the councils inability to provide a 5 years housing allocation, it should only consider a scheme in scale with the road frontage buildings, accessed off Exeter Road and for 100% affordable housing for people within the Topsham Parish - on similar grounds to rural exception schemes adopted by other authorities; and
- the principal of this proposal is the same as that previously refused and Members should maintain their previous position and refuse this application.

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

- despite backing from the Design Review Panel for the previous office proposal, and the single reason for refusal, Members mostly found the design of the building and particularly its proposed use, unacceptable;
- a smaller residential building is now proposed for just seven modest two bed apartments, which we hope you will find more acceptable. It is 1.4m. lower and set further back from the junction with Exeter Road allowing for a substantial screen of semi mature trees and shrubs along the frontage which will largely hide the building;
- both the ridge height of the building and the eaves height of the third floor are now the same as the apartments being built opposite;
- when Members granted consent for the adjoining development which extends 167m. along the Exeter Road frontage, both the SHLAA and the Committee Minutes stated very clearly: *"It is not considered that development of this small area would significantly harm the landscape setting of Exeter or Topsham"*. Similarly the SHLAA for the Aldi site approved on the other side of the Motorway, also states: *"Its future role in providing landscape setting to the City is limited. Therefore the site is not discounted on landscape grounds."* Given that this site has a frontage of only 28m, just one 1/6th of the frontage of the adjoining site, and the urban characteristics of the Aldi site are also reflected here, the same conclusions must apply to this small piece of land sandwiched between the two much larger sites and the motorway embankment;
- the site is so narrow as to make little or no difference to the open aspect of the Topsham gap on the northern side of the Exeter Road. In fact the proposed tree planting where none currently exists, will enhance the landscape setting;
- the NPPF makes it clear that in the absence of a five year land supply, relevant housing policies are deemed to be out of date and the presumption in favour of residential development should be applied. The Council does not even have a three year land supply;
- the proposals will add seven inexpensive two bed homes to the five year land supply, which are needed in Topsham. In this context, given this proposed scheme has virtually no impact upon the Topsham Gap and the precedent for development of the land on this side of Exeter Road has been established, the Council's Countryside Policies must be given little, if any weight, and the presumption in favour of residential development must apply to this application; and
- ask that the Committee's applies the same reasoning to this application as applied to the two adjoining sites and approve in accordance with the recommendation and the NPPF rules.

Responding to a Member, he stated that in the event of the application being refused he would not offer this area of land to the local community for use as open space instead of the commitment within a previous application for play area/open space elsewhere in Topsham.

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

Some Members were of the view that, although the application had changed from that previously refused, the principle of utilising this area of land and further impacting on the Topsham Gap remained and was not outweighed by NPPF guidance in favour of consent and that, on this basis, the reasons for refusal should mirror that of the previous application also refused.

RESOLVED that planning permission for the construction of seven residential flats, access and associated infrastructure works be **REFUSED** because of the adverse impact on the landscape setting and the impact on the strategic Topsham Gap.

5

PLANNING APPLICATION 16/1488/03 - ARTHUR ROBERTS HOUSE, 121 BURNTHOUSE LANE, EXETER

The City Development Manager presented the application for the demolition and refurbishment of part of existing building to create 12 new residential apartments and construction of 28 new residential apartments and associated car parking, cycle parking, access road and landscaping.

He stated that negotiations were continuing in respect of affordable housing provision and proposed that it would be appropriate to delegate this aspect of the application to the Assistant Director City Development or City Development Manager in consultation with the Chair.

Responding to a Member on the issue of parking spaces for the disabled, the City Development Manager advised that parking spaces were to be allocated for each unit and that there would not be shared parking spaces and he undertook to clarify whether any designated disabled spaces were to be provided. He also reported that the County Highway Authority had proposed two additional conditions which were detailed on the late list. In addition, they had requested that provision for pedestrian/cycle access from the rear of the site to the car park for Wonford Sports Centre be made. He stated that he considered such provision unnecessary given the relatively short walking distance from the front of the site to the sports centre and felt that it would compromise the security of the site.

Members felt that there was insufficient detail regarding the provision of affordable housing and that the application could not be considered until it was clear what the affordable housing offer was. They therefore requested that the application be deferred.

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

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

RESOLVED that the application for the demolition and refurbishment of part of existing building to create 12 new residential apartments and construction of 28 new residential apartments and associated car parking, cycle parking, access road and landscaping be **DEFERRED**, in order for more information to be obtained on the proposed provision of affordable housing.

6

PLANNING APPLICATION NO. 16/1379/03 - 35 SYLVAN ROAD, EXETER

The City Development Manager presented the application for the construction of a detached residential dwelling with associated access, landscaping and amenity space.

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

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

- unsafe access - share the Members' serious concerns regarding suitability and safety of using the alleyway for vehicular access. These concerns are well

summarised in the Council's refusal in 2003 when it was noted that "vehicular traffic from this alleyway would be to the detriment of highway safety". There is restricted visibility from both the approach to the alleyway and within. Further, due to the narrow width of the lane, vehicles may not turn into the lane in one movement, necessitating multi-point manoeuvres within Sylvan Road on a bend with limited visibility. The alleyway is currently used by cars on average four times a month and the Highways' assessment of six plus movements per day means the development will create a 50 fold increase in usage, significantly increasing the hazards;

- poor sewerage arrangements and drainage - the report cites only the opinion of the agent on the important matters of drainage. As a matter of law, such disposal is a material planning consideration due to the potential effect on public health, the local environment and public amenity. Both foul and surface issues arise in respect of this proposal. The Council cannot properly make its decision today when insufficient information has been provided or sought. Full details should be ascertained as to the possibility of a mains sewer connection and as to the feasibility of use (and potential consequences) of a septic tank and soakaway at this urban location;
- adverse effect on local neighbourhood - the proposed dwelling is within 20 metres of the rear gardens of 44 and 46 Lower Kings Avenue and the viewpoint from the second storey window into No. 44 is only 34 degrees (a slight turn of the head). There is also direct inter-visibility into No. 92 Union Road due to the inadequate screening of the deciduous trees. There has been significant local upset and concern at the loss of privacy and likely negative impact on local residents, whose enjoyment of their properties will be affected significantly;
- the proposed development is contrary to the 2012 National Planning Policy Framework (paragraph 53), to resist the inappropriate development of residential gardens. Not only would there be a loss of wildlife (which the Exeter Civic Society agree is unacceptable), this development of a single unit would be to the detriment of many in the local community and would set a precedent of sub-dividing garden land in this locality;
- the proposal should be rejected on the basis of relevant material planning considerations, if given the correct weight. If despite the material objections, you are not minded to reject the proposal, we submit that you cannot be in a position lawfully to make a decision today due to the insufficient information presented; and
- if this proposal is to be granted at all in the future, as neighbours we would need to be satisfied that all material planning considerations have properly been taken into account by your council (based on current legal advice, we would also appreciate sight of draft Planning Conditions, to demonstrate how all known and potential adverse effects of the proposal may hope to be ameliorated).

Responding to a Member, the City Development Manager advised that the main sewer ran down the full length of the back garden and that the previously refused application proposed pedestrian access only to the site with parking provision adjacent to No. 35 Sylvan Road. He also stated that drainage matters would be dealt with through any subsequent building legislation application.

Members felt that, notwithstanding its status as a public highway the proposed access was completely unacceptable because of its narrowness and poor visibility onto and from Sylvan Road. They noted that it could not be used by larger vehicles such as refuse lorries and fire engines and that any work to those properties on either side of the lane would prevent access even for smaller vehicles. Visiting site Members had identified a potential alternative access which would be more appropriate.

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

RESOLVED that planning permission for the construction of a detached residential dwelling with associated access, landscaping and amenity space be **REFUSED** as the access was neither safe nor suitable as evidenced by the visibility splay and the difficulty of accessing the alleyway.

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

8 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

9 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 31 January at 9.30 a.m. The Councillors attending will be Bialyk, Morse and Prowse.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair