

PLANNING COMMITTEE

Monday 4 December 2017

Present:

Councillors Lyons, Bialyk, Denham, Edwards, Mrs Henson, Morse, Prowse and Sutton

Apologies:

Councillors Gottschalk, Foale, Harvey and Newby

Also Present:

Corporate Manager Democratic and Civic Support, City Development Manager, Principal Project Manager (Development) (MH), Principal Project Manager (Development) and Archaeology Officer

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CHAIR

In the absence of Councillor Gottschalk, the meeting was chaired by Councillor Lyons.

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DECLARATIONS OF INTEREST

Councillor Denham declared a non-pecuniary interest in respect of Min. No. 97.

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PLANNING APPLICATION NO. 17/1360/FUL AND 17/1361/LBC - 16/17 CATHEDRAL YARD AND ROYAL CLARENCE HOTEL, CATHEDRAL YARD

The Principal Project Manager (Development) (MH) presented the application for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel.

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

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

- the design of the proposed building has been developed in extremely close consultation with the City Council as well as many external organisations so that it was respectful to that which was present before the fire;
- that 98% of the public who had expressed an opinion on the proposals, had done so in a positive manner;
- that the proposed new roofscape was designed so that it sympathetically blended in with its surroundings; and
- that those parts of the original building which had been salvaged would form a focal part in the new hotel.

During discussion, the Committee congratulated the applicants for the way in which this matter has been dealt with including their commitment for the proposed building to be respectful to that which preceded it; the restoration of some element of the previous building; and the speed in which this matter has been brought to the Committee following, what had been, a devastating fire.

The recommendation was for approval, subject to the conditions as set out in the report, and amended, where appropriate, via the late list.

RESOLVED that planning permission for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 19th October, 22nd, 24th, 29th and 30th November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013, (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21) 004) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- (4) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with

appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- (5) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be completed strictly in accordance with the approved drawings referred to in condition 2 and the following documents submitted as part of the application –
- a. Architectural Restoration Specification Fabric Repair Works Ref 8404RS dated August 2017
 - b. Schedule of Works Fabric Repair Works Ref 8404SoW dated August 2017
 - c. Window Schedule dated August 2017, and
 - d. Door Schedule dated August 2017.

Reason: To protect and preserve the character of the listed building.

- (6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- (7) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- (8) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, the kitchen ventilation system for the premises shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

Reason for pre-commencement condition: In the interests of the amenity of the area, especially nearby residential uses.

- (9) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall be designed such that the cumulative façade noise level at 1 m from the worst affected windows of nearby noise sensitive premises does not exceed $L_{Aeq,15min}$ 39 dB during the daytime, and $L_{Aeq,15min}$ 29 dB during the night as set out in Section 7 Conclusion of the Environmental Noise Survey Report ref 17262-R01-A dated 26 June 2017 prepared by Sandy Brown and submitted in support of the application. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by

the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

- (10) Details of the height, position, appearance and materials to be used in the construction of the proposed roof plant enclosure shall be submitted to and be approved in writing by, the Local Planning Authority prior to the installation of this element of the scheme.

Reason: To ensure that the details of the roof plant enclosure are appropriate in the interests of the character and appearance of the building and the wider locality.

- (11) Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details of the lighting scheme including the design, siting, illumination type and intensity shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall subsequently be installed on the premises.

Reason: To ensure that the impact of any lighting installed on the premises is acceptable in terms of its impact on the character and appearance of the listed building and the wider conservation area.

- (12) Prior to the installation of any new fenestration (doors/windows) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the works shall be carried out strictly in accordance with the approved details.

Reason: To protect and preserve the character of the listed building.

- (13) Prior to the commencement of the tanking works to the basements details, including sections to a scale of not less than 1:20, demonstrating the method of fixing and installation of the proposed membrane to existing built fabric shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the tanking works shall be carried out strictly in accordance with the approved details.

Reason: To protect and preserve the character of the listed building.

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**PLANNING APPLICATION 17/1361/LBC - 16/18 CATHEDRAL YARD AND
ROYAL CLARENCE HOTEL, CATHEDRAL YARD**

The Principal Project Manager (Development) (MH) presented the application for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create a 74 bedroom hotel.

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 and amended, where appropriate, via the late list.

RESOLVED that listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric)

following extensive fire damage to create a 74 bedroom hotel be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 19th October, 22nd, 24th, 29th and 30th November 2017 (including dwg. nos. (04)018 Rev A, (04) 016 Rev A, (04) 017 Rev A, (04) 000 Rev J, (04) 001 Rev H, (04) 002 Rev H, (04) 003 Rev H, (04) 005 Rev H, (04) 006 Rev H, (04) 007 Rev C, (04) 050, (05) 000 Rev E, (05) 002 Rev G, (05) 008, (06) 010 Rev A, (06) 011 Rev A, (06) 013, (06) 014, (06) 015, (06) 016 Rev A, (06) 017 Rev A, (06) 018 Rev A, (06) 019 Rev A, (06) 021 Rev A, (06) 022 Rev A, (06) 0236 Rev B, (06) 024, (06) 025, (06) 026, (06) 030 Rev B, (06) 031 Rev A, (06) 032 Rev A, (06) 033, (20) 101 Rev C, (20) 102 Rev C, (20) 103 Rev B, (20) 104, (20) 105, (20) 106, (20) 108, (20) 109, (20) 110, (20) 111, (20) 200, (20) 201, (20) 301, (20) 302, (20) 401 Rev B, (20) 402 Rev B, (20_) 403 Rev B, (20) 404 Rev B, (20) 405 Rev C, (20) 406 Rev B, (20) 407 Rev A, (20) 408 Rev B, (20) 409 Rev A, (20) 410 Rev B, (20) 411 Rev B, (20) 412 Rev B, (20) 413 Rev A, (20) 414 Rev C, (47) 001, (20) 310, (20) 311, (20) 314, (21) 000, (21) 001 Rev A, (21) 002, (21) 003 and (21) 004) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
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Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the

development works are properly considered and addressed at the earliest possible stage.

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Reason: To protect and preserve the character of the listed building.

(NOTES: At this point in the meeting, Councillor Denham declared a non-pecuniary interest in the following item and left the meeting during consideration thereof, and did not return.

Councillor Edwards also left the meeting at this point)

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PLANNING APPLICATION NO. 17/1086/FUL - EXETER COLLEGE OF FURTHER EDUCATION, HELE ROAD

The Principal Project Manager (Development) (MD) presented the application for the construction of a 60 bed student accommodation building on the corner of St David's Hill and Howell Road, with new pedestrian access on St David's Hill, footpath and landscaping. He also referred to a late drawing submitted by the applicants which had been drawn up to show proposed emergency access to the site for the Fire and Rescue Service. He indicated that, due to its late receipt, the views of both the Devon and Somerset Fire and Rescue Service and Highway Authority had not yet been received.

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

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

- objecting to this proposal on the grounds that there had been a lack of community consultation in respect of the application and its impact on the local neighbourhood;
- the 200+ signature petition which had been received;
- the lack of a noise assessment;
- the significant disruption there would be in the vicinity during the construction period and the impact this would have; and
- concerned at the level of supervision there would be in place for the occupants of the accommodation.

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

- the significant harm that the proposed development would have on the historic environment and character and appearance of the conservation area and adjoining listed buildings;
- no clear and convincing justification (as required by the National Planning Policy Framework) for harm to a heritage asset;
- alternative sites were available elsewhere on the college campus which would have a lesser impact; and
- suggestions of alternative uses such as a gateway feature or tourist attraction into the City.

Christine Fraser spoke against the application. She raised the following points:-

- she supported the comments already made by the local councillors about the impact on harm to this historic area of the City;
- the lack of consultation with the local community;
- the imbalance to the local community that this further educational accommodation would bring; and
- the breakdown of the local community at the expansion of the business priorities of the college.

She responded as follows to Members' queries:-

- the inadequate level of supervision proposed compared to the number of students who it was proposed would be housed in these blocks;
- degradation of this important green space; and
- the lack of public consultation undertaken by the college in respect of this application.

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

- the college had a property masterplan and a desire to remain a City Centre College;
- with the on-going success of the college there was a need to invest to meet the needs of learners from both Exeter and the wider south west area. The most critical element was that the College builds out to the extremity of the Hele Road site;
- application was part of the first phase of the masterplan development and looks to cater for an existing demand, a varying cohort including small numbers of sixth form, Higher Education, International, Exeter Chiefs Academy students

and Haven Banks summer course customers. Some of these currently reside in homestay facilities across the city and beyond which are not sustainable;

- the building is not a typical student residential application as it is on College land, is of relatively small scale (61 units) and will be self-contained, with no offsite parking requirements. In terms of management, the staffing structure includes a student residential manager and a pool of live in wardens to ensure 24 hour cover for the property. There will also be an evening curfew of 11pm for the majority of learners. As well as significant management plans and policies, the 16 to 18 age group attracts a separate Ofsted inspection, to ensure that the highest standards are adhered to;
- a key element was to open up a gateway between the two main college sites and the bounding Exeter St Davids and Exeter Central railways stations. The landscape plan accompanying this application included a new routeway with amphitheatre social spaces with the aim of reducing pressure on other footpaths in the St Davids area and providing spaces, sympathetic to the conservation area surroundings, for students to meet in;
- have listened to community feedback and statutory consultation and amended both the design and the management arrangements. The core funding is 21% less than a school receives for young people up to the age of 16, so it is critical to enhance our current offer; and
- the site provides a challenging topography, but believe proposal meets student requirements, while being sensitive to the local needs. This is not an application by a third party commercial provider but by the city's college servicing a local demand.

He responded as follows to Members' queries:-

- that the college had sent letters to 120 local residents in the immediate vicinity;
- his view that the proposed amendment to the plans to include an additional access to the site which would be restricted to the Fire and Rescue Service was adequate;
- that the students for whom this accommodation was proposed were already housed elsewhere in the community, and that the proposed accommodation would be more suitable and viable than that currently used;
- that the college was committed to remain city centre based, but only if it were able to build up to the extremities of the existing site; and
- that the level of warden provision had been increased to meet concerns previously expressed. He also commented that the college now employed a small mental health support team to support its students' community.

The recommendation was for approval, subject to the conditions as set out in the Update Sheet and a Section 106 Agreement under the Town and Country Planning Act 1990/Unilateral Undertaking to ensure the accommodation is only used by students of Exeter College and securing a student management scheme.

During discussion, the following points were raised:-

- concern at the lack of support for the application from the Devon and Somerset Fire and Rescue Service;
- similar lack of comment from the Highways Authority on the revised fire access proposals;
- the impact on the historic environment of the area;
- a number of councillors stated that they were not against the concept of development on this site, but that the type and scale of that proposed was inappropriate; and

- the large number of additional conditions which were proposed and were included on the late list, and the fact that Members had not been given the opportunity to consider these in any detail.

A proposal to defer the matter so as to allow time to receive the comments of the Highway Authority on the fire access arrangements was put to the vote and declared **LOST**.

A recommendation for approval (as per the agenda and late list) was put to the vote and **LOST**.

RESOLVED that the application be **REFUSED** for the following reasons:-

- (1) the proposed development would harm the character and appearance of St David's Conservation Area and the setting of the Grade II* listed Imperial Hotel, due to the loss of open space and trees on the site to built development, which are integral to the character of the area, contrary to saved Policies L3, C1 and C2 of the Exeter Local Plan First Review 1995-2011, and paragraphs 126, 131 and 132 of the NPPF. In addition, the proposed development through its massing, form and external appearance is considered to lack the design quality and distinctiveness to justify the development of the site taking into account the historic context and its prominence in the public realm, and to outweigh the harm that would be caused to the heritage assets. Therefore, it is considered to be a poor design for the site, contrary to Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 56, 58, 60, 61, 64, 66, 126 and 131 of the NPPF. For the same reasons as above, the proposed development is considered to conflict with emerging Policies DD12, DD25 and DD28 of the Development Delivery Development Plan Document - Publication Version (July 2015);
- (2) a Section 106 Agreement under the Town And Country Planning Act 1990 or Unilateral Undertaking had not been prepared in accordance with the Planning Obligations Supplementary Planning Document and emerging Policy DD12 of the Development Delivery Development Plan Document - Publication Version (July 2015) to ensure that the proposed accommodation was only occupied by students of Exeter College and to secure a student management scheme, including: staff to manage the welfare and behaviour of the students; no car parking on the campus for occupiers of the accommodation; no issuing of parking permits in relation to any residents' parking scheme in force in the area to the occupiers of the accommodation; measures to manage the move-in and collection process; and provisions for monitoring and enforcement. The Local Planning Authority considers that the design of the proposed development and its location on the College campus means that it would only be suitable to be occupied by students, and the student management scheme is necessary in the interests of local amenity, sustainability and highway safety. The Local Planning Authority considers that it would be inappropriate to secure the above provisions by any method other than a legal agreement; and
- (3) an informative be added that, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However, the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

101

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 December 2017 at 9.30 a.m. The Councillors attending will be Edwards, Foale and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 7.45 pm)

Chair