

PLANNING COMMITTEE

Monday 23 April 2018

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Harvey, Mrs Henson, Morse, Prowse and Vizard M

Apologies:

Councillors Foale, Gottschalk and Newby

Also Present:

Chief Executive & Growth Director, Assistant City Development Manager, Project Manager (Planning) and Democratic Services Officer

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MINUTES

Subject to the amendment of Min. Nos. 113, 115 and 117 to refer to Councillor Denham declaring personal rather than disclosable pecuniary interests, the minutes of the meeting held on 19 March 2018 were approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Councillor Harvey declared a personal interest in respect of Min. No. 126 and left the meeting during consideration of the issue.

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PLANNING APPLICATION NO. 17/1191/FUL - SOUTHBROOK SCHOOL, BISHOP WESTALL ROAD, EXETER

The Project Manager (Planning) (GM) presented the application for the construction of a building and associated landscaping for three classrooms and staff area.

Sport England had objected to the application as it was considered that it would lead to the loss of or prejudice the use of part of the playing field. Members noted that the playing field would be able to accommodate the same activities and that the development would not result in the loss of, or inability to make use of any playing pitch. Officers would discuss the issues with Sport England and Members supported consultation with the school on whether use could be made of the playing field, for example, by one of the local football clubs. It was noted that the additional capacity sought was not related to increased pupil numbers and that such numbers would fluctuate over time.

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

RESOLVED that, subject to the withdrawal of the current holding objection by Sport England or, consultation with the Secretary of State, and receipt of confirmation that the Secretary of State raises no objection to approval of the application, the City Development Manager be granted delegated authority to **APPROVE** planning permission for the construction of a building and associated landscaping for three classrooms and staff area subject to:-

- (a) demonstration to the satisfaction of the Local Planning Authority that the development can achieve BREEAM Excellent as required by Exeter Core Strategy policy CP15, or an equivalent level of sustainable design; and
- (b) the imposition of appropriate conditions, including conditions relating to the submission of a Green Travel Plan and a Construction Method Statement.

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PLANNING APPLICATION NO. 18/0128/FUL - 16-18 WREFORDS CLOSE, EXETER

The Assistant City Development Manager presented the application for the change of use from dwelling to supported living accommodation for six residents and staff facilities (sui generis use).

Members were circulated with an update sheet.

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

- representing a large number of residents of Wrefords Close objecting to the application;
- application is in conflict with Policy H5 of the Local Plan which requires adequate community and service facilities for occupants with special needs with housing to be located close to local shops and services;
- application also conflicts with Policy CP5 of the Core Strategy which requires a facility of this nature to be easily accessible and close to local facilities;
- the proposal therefore conflicts with both policies;
- the only local shop is a farm shop which is some distance away and is a steep walk up Wrefords Lane;
- Stagecoach have recently reduced the H service in this area;
- the lower part of Wrefords Close is a cul-de-sac and the windows of this development will look directly into the bedroom window of a lower ground floor flat opposite;
- this is an inappropriate location on the edge of Exeter which lacks community facilities, limited shops and a reduced public transport link; and
- the proposal would be a disservice to both the future occupants and the residents of Wrefords Close.

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

- speaking on behalf of Wrefords Close residents;
- the Close is a narrow cul-de-sac and when cars are parked it effectively becomes a one way street;
- the extra traffic generated by the proposal will compromise pedestrian safety and the safety of children using the nearby childrens' play area;
- the proposal will generate additional parking and clarification is required on the exact number of parking spaces being generated;
- the proposal is contrary to Policy H5 of the Local Plan as there is a lack of community facilities in the area, the Policy requiring such a facility to be close to local shops and services;
- a location on the edge of Exeter is unsuitable for social integration and will not be close to the thriving deaf community referred to;

- a further supporting letter refers to full use being made of local facilities but it is unclear what these are;
- Cowley Bridge Road is dangerous to cyclists which will discourage staff from using this mode of transport;
- the farm shop, accessed by a footpath, is some 320 yards away up a steep hill;
- the Local H bus service has been reduced; and
- the windows of 34 Wrefords Close, where children live, will be overlooked and the distance from the proposed development will be 18.5 metres which is below the minimum recommendation of 22 metres. The development does not meet the residential design guidance within Supplementary Planning Guidance.

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

- have valid and substantial reasons why this development should not go ahead in this particular area;
- photo provided of the development is out of date as a side extension has been built;
- the Farm Shop has limited provisions;
- policy H5 was brought in to safeguard vulnerable people. This is a group of adults with complex care needs. The policy clearly states that they need the highest level of accessibility to local amenities, facilities and services. It also states that it must not change the character of the neighbourhood and this development is in clear breach of those principles;
- having a bus route meets policy criteria. However the H bus has been cut and the only buses that run are from Tiverton and Crediton to the bus station, which is now moving. The residents, who have complex needs, might need to get multiple buses?. They could be completely isolated;
- proposal might not be sustainable in the long run;
- the property has already been extended, is larger than any other in the Close making it even bigger by converting the lower ground into yet more living space and would have an overbearing nature to the surrounding properties. The lower ground conversion would look directly into the bedrooms of two houses. This would be a direct breach of their privacy;
- traffic to the area would increase. Six individuals being taken out and having deliveries would generate more traffic. Online shopping would mean six or possibly more deliveries weekly. Six independent people are not the same as two families;
- six adults in one property would increase noise and disturbance to an otherwise quiet neighbourhood;
- it is a narrow cul-de-sac where children play out quite safely with bikes scooter and footballs;
- it is an unsustainable location for the proposed use due to lack of public transport and poor connectivity to services and facilities, which is highlighted by the inability of the proposal to meet Policy H5 criteria and is contrary to this policy and therefore should be refused;
- the quiet residential character of the area would be undermined by the proposed use and associated parking and vehicle movements are above and beyond those required for the existing residential use of the building;
- the proposed physical alterations will result in unneighbourly development, reducing current levels of privacy enjoyed by neighbouring residents. There are just 18.5 metres between the proposed basement accommodation and existing habitable rooms in properties opposite; and

- the alleged benefits of meeting an identified housing need do not outweigh the negative impacts the proposal will have upon the amenities of neighbouring residents or justification to ignore sustainability.

Mrs Lawn spoke in support of the application. She raised the following points:-

- representative of Sense and the views of the six vulnerable people who are hoping to move to the property. Sense supports adults, children and families of people with disabilities live ordinary lives alongside and within their communities;
- the proposal will help to enhance the surrounding environment as the proposed works will ensure that the property, which is currently empty and has undergone a number of ad hoc changes, will be developed to an excellent level of build with the outward features enhanced and the works remain within the current foot print of the existing building;
- the current parking is for four cars and this will remain. Staff are aware of the need to only park in these spaces and will be encouraged to seek alternatives to parking, for example, public transport;
- the six people have all lived in more short term accommodation and wish to make Wrefords Close their longer term home. Currently they live in small shared homes, this means that they don't have their own front doors and have to share a communal bathroom and kitchen. The flats will enable them to live with others they know but have more independence to live their life as they wish. Having lived in shared accommodation with all its limits they now want to have some small space that is their own and by living in a small residential area they will be able to contribute and support the local area;
- with the proximity to the City Centre they can also continue to build on their local social networks, for example, there is a thriving vibrant deaf community in Exeter that is well established;
- other services such as a care home in Exeter do not cause issues for neighbours with their parking, staff and visitors making use of public transport, car share and use pay and display parking;
- aware of concerns not least parking which will not be an issue;
- staff training and other meetings will be carried out in another office in Exeter and so this will not impact on the parking within the local area of Wrefords Close.

She responded to Members' queries:-

- of the six residents two will be deaf and blind and, as with the other residents, will require the help of the support staff. The staff use British Sign Language and work across seven days a week. There will be one person staying in the property overnight in case of emergencies. At other times staff work in ways that support the individuals to have access to work like opportunities, educational classes and attend medical appointments. However; staff are not constantly coming and going but usually would work a full day with an individual;
- the thriving deaf community in the City Centre includes the Deaf Academy;
- the residents will not use mobility scooters and, although staff will provide some help with transport and the residents will also be using public transport. There is no intention to transport the residents by minibus; and
- Sense support independent living and the residents, who will be between 25 and 35 years of age, will have their own front door as opposed to living in shared accommodation. This will help develop their independence together with mutual support between the residents. They will be good neighbours and will not be

noisy with late night parties etc. Wider social interaction will be with the thriving deaf community in the City Centre.

The Assistant City Development Manager advised that Council policy required a distance of 22 metres between the windows of back to back properties but this did not apply to front to front. Regarding parking provision, he confirmed that the three parking spaces at the front and the drop off space to the rear were regarded as four parking spaces in total. He confirmed that planning permission had been granted in 2013 for a side extension but that this had not been shown on the displayed photograph.

Members were supportive of the application and felt that the proposed use of the building would be of mutual benefit to the residents themselves, who possessed varying needs, and the wider community. The occupants would benefit from the independent living offered and it was considered that the concerns raised regarding the number of new residents, parking and privacy issues had been addressed.

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

RESOLVED that, planning permission for the change of use from dwelling to supported living accommodation for six residents and staff facilities (sui generis use) 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 and 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 20 February 2018 (including dwg. nos FP1385-002 PL1) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) The development hereby approved shall not be occupied until details of secure cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority, and the cycle parking has been provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport and to reduce reliance on the private car.

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PLANNING APPLICATION NO. 17/1972/FUL - 6 APPLE LANE, EXETER

Councillor Harvey declared a personal interest and left the meeting during consideration of this item.

The Assistant City Development Manager presented the application for the change of use from commercial building (Use Class B1/B2/B8) to Trampoline Academy (D2).

Mrs Johns spoke in support of the application. She raised the following points:-

- Exeter Trampoline Academy (ETA), a British Gymnastics affiliated club, had been running for 18 months. A mobile club was not sustainable, due to the

one hour set up and pack down time, the size and amount of equipment required and price and availability of hall hire. A permanent base was required to develop;

- the project was in a position to move into a full time facility and offer Exeter an extraordinary facility to provide a service that was in demand to better the mental and physical health of the community whether pre-school tots and mums, disabilities to access rebound therapy or home education groups to have P.E lessons. ETA is inclusive to all;
- a suitable height (minimum of 8m) was required with enough parking, an easily accessed location and suitable price. Unit 6 Apple Lane ticked all boxes. The unit had been empty for two years, Haarer Goss having actively marketed it and it had attracted enquiries from many D2 users but not for B uses. The location of the unit meant that the use of public transport could be promoted as the unit was close to bus, rail and cycle networks. It was not a trampoline park but a safe, educational sporting environment for over 300 ETA members;
- the recommendation of refusal had been based on the retention of employment premises. The club employed 11 part-time coaches, apprentices and administrators. Full-time jobs would automatically be available and a coaching team of 15-20, full-time administration team, cleaners and more apprentices would be required which would only increase employment of the business, the building and Exeter. This was greater than most B employment uses could generate. There were other examples in the other 'employment protected areas' that had been allowed a change of use due to exceptional circumstances;
- there were exceptional circumstances for this sport previously not available in Exeter at this capacity;
- to demonstrate long term protection, a temporary change of use would be acceptable in case the market changed in the future and the demand for B uses returned. A five year lease and change of use was a fair short term period of time to develop as a club and to work with the City Council to find a permanent facility; and
- there would be a huge benefit to people's lives and for the city and community of Exeter. It would be an inclusive sport and help promote health and wellbeing with specialist training in trampolining.

Responding to Members, she stated that she had been searching for a suitable premises for some three years and that, although the Riverside area would have been a suitable location, there were no available buildings of sufficient height. A height of eight metres was the minimum requirement which was met by the proposed unit. She confirmed that a letter of support had been obtained from British Gymnastics who were affiliated to Sport England.

Members, whilst recognising the importance of retaining Class B employment uses and encouraging the establishment of long-term businesses, noted that this unit had remained vacant partly as a result of cheaper units outside Exeter and that businesses seeking premises to occupy were frequently price sensitive and sought lower rents. They felt that the proposed use was suitable and noted the additional employment opportunities the occupation by a trampolining academy as cited by the applicant would bring. They felt that the specific circumstances in this case made approval acceptable but that it should not set a precedent when similar circumstances were being looked at in respect of the same Class Use. In respect of the offer of a five year lease, Members did not feel that a time restriction was appropriate.

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

RESOLVED that the City Development Manager, subject to prior consultation with Chair of this Committee, be granted delegated authority to **APPROVE** planning permission for the change of use from commercial building (Use Class B1/B2/B8) to Trampoline Academy (D2), subject to its use being specific to the trampoline academy and not for any other use within Use Class D2 and the following conditions:-

- (1) the permission not being time limited; and
- (2) the imposition of appropriate conditions, including conditions relating to the standard hours of occupation and appropriate parking.

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**PLANNING APPLICATION NO. 18/0137/FUL - 15-16 RICHMOND ROAD,
EXETER**

The Assistant City Development Manager presented the application for the demolition of an existing garage building to be replaced with two residential units.

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

- the scheme has been developed over the past six months with collaboration from the Council's Planning Officer, the result being a scheme which complied with all planning policies and provided new quality family homes for the city.;
- the Bendene Hotel has been in operation for many years and the current owners were looking to invest in the facilities to ensure that the listed building was well maintained and the hotel could continue to operate. Developing the land at the rear of the site provided income for the hotel and an opportunity for investment;
- the new houses were designed to be built on the same footprint of the existing garage building. The ground floor was the same area as the existing building with the angle squared off at the front to make it slightly smaller, there was no increase in the built footprint. It replaced a post-war building that the planning and conservation team agreed had no historic or Architectural merit. The argument that the approval of this scheme would set a precedent for future development to the rear of Richmond Road was not valid as the other sites did not have existing buildings to be replaced;
- there were some objections by local residents mostly relating to maintaining access to the rear car parks during the construction period. The suggested condition would involve the submission of a construction methodology statement to show how the works would be carried out whilst maintaining access to the other car parks;
- wealth of experience and a track record in designing in sensitive conservation areas, and on difficult urban sites such as this. Have successfully managed and delivered projects in far more difficult city centre locations than this and are very confident that the construction work involved when building this site would not impact the neighbours ability to use this access road;
- the applicant had met with the neighbours on site since the objections were raised. The issue of access was explained and it was also requested by a number of the neighbours that the side windows from the proposed building were removed. This has been done at their request;
- proposing a car free development which is supported by the Highways Officer and the Planning Officer. This approach is perfect for locations such as this, there would be no option for the residents to apply for parking

permits and the central location would not create a need for them to own a car. By removing a garage and replacing it with houses which do not have parking the traffic situation on this road has been removed; and

- no planning reasons to refuse this application.

Responding to Members, he stated that there was limited outdoor space of approximately 15 square metres and that, accordingly, every effort had been made to ensure that the design respected the setting of the hotel which was a Listed Building and its curtilage, the listed terrace as a whole and the Conservation Area.

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

RESOLVED that planning permission for the demolition of an existing garage building to be replaced with two residential units be **APPROVED**, subject to the following conditions;-

- (1) The development to which this permission relates must be begun before 3 years from the date of this consent.
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 24 January 2018 (dwg no. 2184(11) 000 and 23 March 2018 (dwg nos 2184 (21) 000 rev C, 2184 (21) 001 rev C & 2184 (31) 002 rev A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and 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.
- (4) 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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- (5) 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.

- (6) 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.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager 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.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 8 May 2018 at 9.30 a.m.

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

Chair