

PLANNING COMMITTEE

Monday 21 May 2007

Present:-

Councillor Rachel Lyons (Chair)

Councillors Choules, P Brock, Mrs Henson, Mitchell, Moore, D J Morrish, Newby, Robson, Shepherd, Shiel and Wadham

Also Present

Director Economy and Development, Head of Planning Services, Planning Solicitor, Planning Technician (CJ) and Member Services Officer (SJS)

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ELECTION OF CHAIR

RESOLVED that Councillor Lyons be elected Chair for the ensuing Municipal Year.

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ELECTION OF DEPUTY CHAIR

RESOLVED that Councillor Choules be elected Deputy Chair for the ensuing Municipal Year.

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DECLARATIONS OF INTEREST

Members declared the following personal (*prejudicial) interests:-

COUNCILLOR	MINUTE
Councillor Choules	66 (Employee of Exeter University)
Councillor Lyons	70 (Trustee of Exeter Municipal Charities)
Councillor D.J. Morrish	70 (Trustee of Exeter Municipal Charities)

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PLANNING APPLICATION - 07/0424/03 - LAND AT ROWANCROFT, FORE STREET, HEAVITREE, EXETER, EX1 2QQ

Councillor Choules declared a personal interest as an employee of Exeter University.

The Head of Planning Services presented this application for a development to provide 61 self-contained flats for students in 3 storey blocks, providing a total of 219 bed spaces.

The development was in a conservation area and in the grounds of a locally listed Victorian House. The site adjoined 6 Bicton Place and had views towards hills north of Exeter.

Two previous applications had been refused on the grounds of the scale and massing being inappropriate in the locality.

The Head of Planning Services reported that in response to concerns highlighted in the report regarding impact on trees, revised plans had been submitted which reduced the size of the proposed building closest to Rowancroft and deleted the parking spaces and cycle parking along the boundary of the site with the Roman Catholic Church and in the southeast corner of the site. This resulted in a reduction in the number of parking spaces to serve the site as a whole to 20. The revised plans were considered to overcome the concerns regarding proximity of the development to existing trees and vegetation.

The formal comments of the County Director of Environment, Economy and Culture had not been received. However it was understood that notwithstanding the reduction in the level of parking provision on the site there would not be any objection on highway grounds.

A further representation had been received on behalf of the Bicton Place Residents Association relating to the late submission of revised plans, lack of consultation over such plans with local residents and consequent denial of opportunity for further comment. The representation requested that consideration of the application was deferred to allow for re-consultation to facilitate comment on the changes by local residents.

The development was to be in the form of traditional 3 storey buildings and the materials proposed to be used were zinc cladding with brick and render, with a grey concrete tiled roof.

The Head of Planning Services stated that the main issues with this development were the design in a conservation area, relationship to adjoining properties (in particular 6 Bicton Place) and the density. The proposal was now 41 metres from the boundary with 6 Bicton Place, an internal street scene had been created and two internal open areas, one retaining the openness and the views to the hills north of Exeter and the roof was now pitched instead of flat therefore reducing the bulk and the number of student beds had been reduced to 219.

The Head of Planning confirmed that this development would bring the total number of student bed spaces in the entire complex at Rowancroft to about 370.

The Planning Solicitor reported that due to concerns regarding the management of the proposed scheme, the applicants had confirmed their agreement to enter into a Section 106 Agreement. A draft had been agreed which provided for the following:-

- the development would be restricted to student accommodation to be managed by resident staff;
- the development would be run according to a management scheme to be approved in advance by the Council, with students being bound to it by their tenancy agreements;
- a contact number would be displayed publicly and responded to at all times;
- parking permits would only be issued for the number of spaces provided, and no one without a permit would be permitted to park on site, or bring a vehicle to the development.

The recommendation was for approval subject to no objection being received from English Heritage and from the County Director of Environment, Economy and

Culture, completion of the Section 106 Agreement, and additional conditions regarding refuse storage arrangements, archaeology and provision of nesting boxes.

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

- 370 students on this site was too many
- this proposal would increase traffic in an area of Exeter where pollution was already high
- students would bring cars to the site and thus exacerbate the parking problem in Heavitree
- mass and scale was too large and not suitable for a conservation area
- as Homefield Road was on lower ground, the proposal had an overbearing effect giving the impression of a 4 storey development
- residents of Heavitree had serious concerns regarding this development
- would the accommodation be used for holiday lets as St Luke's was?
- asked the Committee to refuse this application.

The Director Economy and Development confirmed that the Section 106 Agreement would restrict use of the accommodation to students use only.

Mr A Kerswell (representing local residents) spoke in opposition to the application. He made the following points:-

- special attention should be placed on the fact that the development was in a conservation area
- the footprint was larger than the previous refusals
- the development would cause noise pollution
- students would bring cars and cause parking problems in the surrounding roads
- access and egress would be difficult due to the narrow access
- the amount of lighting would cause light pollution
- if this was social housing and not student accommodation it would not be given permission
- asked the Committee to refuse the application

Mr D Allen (Registrar of Exeter University) spoke in support of the application. He made the following points:-

- the proposal had been reduced to 220 bed spaces; this was a reduction of 25% from the original application
- it was the council's policy to encourage university controlled accommodation
- it was the intention of the university to retain St Luke's campus
- the existing student accommodation housing 150 students would be refurbished, therefore bring the total number of students on the site to 370
- parking would only be allowed if a student was granted a permit
- the university would do all in its power to prevent students from bringing a car to the city
- there would be a senior mentor for students on site and a disciplinary code
- the Section 106 Agreement prevented the accommodation being let in holiday time for conferences.

In answer to Members questions Mr Allen confirmed that unless a student had an allocated parking permit they would be effectively barred from bringing a car and that the university had powers under the licence agreement with students to enforce this ban. He confirmed that the university had a Green Travel Policy, which all students were made aware of and encouraged to take part in. The university had a target of reducing its carbon footprint by 2% a year and it subsidised the D route bus service.

Mr Allen confirmed that they do take action against students who cause anti social behaviour and had the power to evict students. Most of the students accommodated at this new development would be studying at St Luke's and this accommodation would not be used for summer schools.

The Local Ward Member recognised that there should be student accommodation on this site and that the scheme had been reduced. However he felt that it was still out of keeping with the conservation area and was unsympathetic to the surrounding locality. It would increase the parking problems in the vicinity as with only 20 parking spaces on site students would look to park their cars in the surrounding area.

Some Members were of the opinion that the development was not in keeping with the setting and questioned the materials to be used in particular the concrete roof tiles. Other Members of the Committee welcomed this revised application. They felt that it was quality purpose built managed student accommodation that would be virtually car free and in an ideal location near to St Luke's campus.

The Head of Planning Services confirmed that the roof materials to be used would be conditioned to secure a natural material.

RESOLVED that planning permission for development to provide 61 self-contained flats for students in 3 storey blocks, alteration to parking layout, pedestrian access to highway and associated works be approved subject to no objection being received from English Heritage and the County Director of Environment, Economy and Culture, a Section 106 Agreement restricting the scheme to student accommodation and setting out arrangements for management and policy, and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) 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 scheme will be expected to maximise the wildlife potential of the site through the creation of

appropriate environments and selection of plants in the light of the Extended Phase 1 Habitat Survey submitted as part of the application. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 6) C36 - No Trees to be Felled
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) C70 - Contaminated Land
- 10) No construction works shall take place within the site before 07.30 hours on weekdays, and 08.00 on Saturdays nor after 18.30 hours on weekdays and 13.00 hours on Saturdays nor at any time on Sundays or Bank or Public Holidays.
Reason: To protect the amenities of nearby residents.
- 11) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwelling/building(s), in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 12) Prior to the commencement of the development hereby approved detailed plans to a scale of not less than 1:50 of the proposed layout, landscaping, street furniture and lighting of the proposed new open space in front of Rowancroft shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter this space shall be completed strictly in accordance with the approved drawings and within a timeframe that shall also be previously agreed in writing by the Local Planning Authority.
Reason: To ensure that the quality of the new open space is appropriate and makes a positive contribution to the character and appearance of the Conservation Area.
- 13) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, 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.
- 14) Prior to the commencement of the development hereby approved detailed plans of the proposed refuse storage facilities to serve the development shall be submitted to, and be approved in writing by, the Local Planning

Authority. The approved refuse storage facilities shall be provided prior to first occupation of any part of the buildings and thereafter be retained to serve the development at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate refuse storage facilities are provided to serve the development.

- 15) Prior to the commencement of the development hereby approved plans/details depicting the incorporation of bird/bat nesting boxes within the scheme shall be submitted to, and be approved in writing by, the Local Planning Authority. The agreed provisions shall then be erected prior to the first occupation of any part of the building and thereafter be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the scheme makes appropriate provision to maximise the wildlife value of the site.

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PLANNING APPLICATION & LISTED BUILDING CONSENT- 07/0520/03 & 07/0521/07 - ST ANNES WELL BREWERY, 18 LOWER NORTH STREET, EXETER, EX4 3ET

The Head of Planning Services presented these applications for planning permission and listed building consent for change of use to a hotel and restaurant.

This was a Grade II listed building in the St David's conservation area. The proposal was for a 33 bedroom hotel with restaurant and conference facilities. The building was in 3 parts of varying heights and it was proposed to link these by glazed walkways.

The Head of Planning Services reported that discussions had been held with the applicant's agent concerning the impact of the proposed alterations on the fabric of the building. As a result of clarification, the Council's conservation officer was now satisfied that the proposal did not have an adverse impact on the building's historic and architectural importance. As a result of this an additional condition was recommended on both applications regarding submission and approval of works details.

The County Director of Environment, Economy & Culture raised no objection to the proposal subject to the addition of two conditions on the planning application regarding a basic travel plan and off-street parking facilities.

A site layout plan had been received showing an acceptable level of cycle parking and refuse storage provision. However, this plan only showed the situation if the proposed residential accommodation on the brewery car park was constructed. It was recommended that a plan showing the layout if the car park was not developed should be secured prior to approval of the scheme. It was therefore requested that approval of the scheme be delegated to the Head of Planning Services subject to receipt and consideration of this plan.

The recommendation was for approval of the planning application to be delegated to the Head of Planning Services subject to receipt and consideration of plan regarding cycle parking and refuse storage provision should the adjacent scheme not take place

and the additional conditions as requested by the conservation officer and the County Director of Environment, Economy & Culture.

The recommendation for the listed building consent was approval subject to an additional condition as requested by the conservation officer.

Members' felt that this was a positive scheme, although they raised concerns regarding the hours of construction and asked that as the building was of historic interest a plaque should be placed in the building to inform visitors of its history.

The Head of Planning Services confirmed that an hours of construction condition would be placed on any approval and that he would pass the Members request on to the applicants regarding the erection of some interpretation material.

RESOLVED that planning permission for change of use from office, gymnasium and residential (Classes B1, D2 & C3) to hotel and restaurant (Classes C1 & A3), alterations to include roof extension for link at second floor level, rooflights on north elevation, glazed enclosure on upper ground floor on north & west elevations, window on lower ground floor on west elevation and associated works be delegated to the Head of Planning Services subject to the receipt and consideration of a plan showing the layout of cycle parking and refuse storage if the adjacent car park was not developed and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
 - a) full details of how existing cast iron columns will be integrated into the design and layout of the building;
 - b) full details of the glazed screen to the upper ground floor level, including materials and glazing pattern;

Reason: Insufficient information has been submitted with the application and in the interests of the character and appearance of the grade II listed building.
- 7) No part of the development hereby approved shall be commenced until a basic Travel Plan with a view to reducing dependence for access by private motor car has been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: To reduce dependency on access by private motor vehicles in view of the location of the site.

- 8) No part of the development hereby approved shall be brought into its intended use until the off-street parking facilities have been identified and marked out in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 9) No construction works shall take place within the site before 07.30 hours on weekdays, and 08.00 on Saturdays nor after 18.30 hours on weekdays and 13.00 hours on Saturdays nor at any time on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of nearby residents.

RESOLVED that listed building consent for external alterations to include window, glazed enclosures, roof extension, rooflights and internal alterations to walls be approved subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C15 - Compliance with Drawings
- 3) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

a) full details of how existing cast iron columns will be integrated into the design and layout of the building;

b) full details of the glazed screen to the upper ground floor level, including materials and glazing pattern;

Reason: Insufficient information has been submitted with the application and in the interests of the character and appearance of the grade II listed building

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**PLANNING APPLICATION - 07/0322/03 - 95 ALPHINGTON ROAD,
EXETER, EX2 8JD**

The Head of Planning Services presented this application for change of use to one, one bed flat and one, two bed flat.

The proposal included the erection of a rear exterior staircase.

The Head of Planning Services stated that the existing use was as a single dwelling house and there was no record of the property's use being changed to a house in multiple occupancy (HMO). He confirmed that the applicant should establish the use as a HMO by obtaining a certificate of lawful use.

He reported that the County Director of Environment, Economy & Culture recommended that the permission be refused for the reason of inadequate parking provision.

The recommendation was for refusal.

In answer to a Member's question, the Head of Planning Services confirmed that the onus was on the applicant to provide the evidence that was needed to apply for a certificate of lawful use.

Miss Wetherell (applicant) spoke in support of the application. She circulated a certificate and photographs in support of the application to Committee Members and raised the following points:-

- did not understand the need to apply for a certificate of lawful use
- the information circulated demonstrated that the property had been used as an HMO since 1993
- the previous owner would be willing to sign a declaration to confirm the property had been a HMO since 1993
- the property was very run down
- parking would not be an issue as there was not any parking in the locality
- the house was large enough to accommodate two flats.

The Head of Planning Services advised Members and the applicants of the options available when taking a decision on this application.

The applicant confirmed that she would withdraw the application.

Members noted that the application was withdrawn.

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PLANNING APPLICATION - 07/0473/03 - 19 FOX ROAD, EXETER, EX4
8NB

The Head of Planning Services presented this application for a conservatory. This application had been deferred from the last Planning Committee to allow the applicant to submit revised plans.

The recommendation was for approval.

RESOLVED that planning permission for white PVCu conservatory on rear elevation 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 (as amended).
- 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 18 April 2007 (*dwg. nos.099-49361 A*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) The conservatory hereby approved shall not be occupied until all windows on the southern elevation of the conservatory have been fixed and obscure glazed to a level of obscurity equivalent to Pilkington Level 5. The windows shall be permanently retained as such at all times thereafter.
Reason. In the interests of residential amenity.

**PLANNING APPLICATION - 07/0052/07 - LIVERY DOLE ALMSHOUSES,
MAGDALEN ROAD, EXETER, EX2 5DT**

Councillors Lyons and D.J. Morrish both declared a personal interest as Trustees of Exeter Municipal Charities.

The Head of Planning Services presented this listed building application for a replacement sign. Vandals had damaged the previous sign and the material proposed to be used would be aluminium, which was a more robust material than wood.

The recommendation was for approval.

RESOLVED that planning permission for external alterations to provide sign on south boundary wall 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 9 January 2007, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) The lettering and colour shall match the previously approved sign (Ref. 04/2176/07) unless otherwise agreed in writing with the Local Planning Authority.
Reason: To allow the Local Planning Authority to assess the detailed aspects of the scheme and to ensure that local distinctiveness and good design are maintained in the locality.

**PETITION TO COUNCIL REQUESTING SUPPLEMENTARY PLANNING
GUIDANCE RESTRICTING MULTI OCCUPANCY IN PARTS OF ST
JAMES WARD**

The report of the Head of Planning was submitted, informing Members of a petition presented to Council on 17 April 2007 by Councillor Mitchell.

Members noted the report.

**PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND
WITHDRAWN APPLICATIONS**

The report of the Head of Planning Services was submitted.

RESOLVED that the report be noted.

(Report circulated)

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ENFORCEMENT PROGRESS REPORT

The Head of Planning Services presented the report updating Members on enforcement matters. He confirmed that the play equipment at 51 Beacon Heath had been moved from the paddock area to the garden.

RESOLVED that the report be noted.

(Report circulated)

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

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SITE INSPECTIONS – ROTA FOR VISITS

RESOLVED that the circulated rota of site inspections, be approved.

(Schedule circulated)

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AREA WORKING PARTIES – SCHEDULE OF DATES

The Chair reminded Members that if they were unable to attend a meeting of an Area Working Party in order to ensure a quorum it was important to arrange an exchange with another Member of the Committee.

RESOLVED that the following appointments to Area Working Parties, together with the circulated schedule of meetings, be approved:-

- (a) **Northern** - Councillors Brock, P.J, Mrs Henson. Mitchell and Moore.
- (b) **Southern** - Councillors Lyons, Newby, Morrish, Robson and Shepherd
- (c) **Western** - Councillors Choules, Fullam, Shiel and Wadham.

(Schedule circulated)

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PLANNING MEMBER WORKING GROUP -SCHEDULE OF DATES

The schedule of the Planning Member Working Group was presented.

Members noted the schedule.

(Schedule circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 12 June 2007 at 9.30 a.m. The Councillors attending will be Fullam, Mrs Henson and Lyons.

DATE OF NEXT MEETING

The next meeting of the Planning Committee will be held on Monday 25 June 2007 at 5.30pm.

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

Chair