

PLANNING COMMITTEE

Monday 28 October 2013

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Choules, Denham, Edwards, Mrs Henson, Mitchell, Newby, Owen, Sutton, Tippins and Winterbottom

Apologies:

Councillor Prowse

Also Present:

Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and Democratic Services Officer (Committees) (HB)

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MINUTES

The minutes of the meetings held on 22 July, 2 September and 30 September were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Councillors Choules and Sutton declared disclosable pecuniary interests and withdrew from the meeting during consideration of the item below:-

Councillors Denham and Spackman declared other interests and withdrew from the meeting during consideration of the item below:-

COUNCILLOR	MINUTE
Councillor Choules	92 (macebearer at the University)
Councillor Denham	92 (lives close to the application site)
Councillor Spackman	92 (lives close to the application site)
Councillor Sutton	92 (employee of the University)

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PLANNING APPLICATION NO. 13/0042/03 - CORNER OF SUMMERLAND STREET AND RED LION LANE, EXETER

The Senior Area Planning Officer presented the application for re-development to provide five storey building with 28 flats and retail/restaurant unit at ground floor and associated works.

Members were circulated with an update sheet - attached to minutes. The Senior Assistant Planner reported that the applicant had agreed to provide two affordable units with a lease of 25 years.

Mrs Taverner spoke against the application. She circulated photographs and raised the following points:-

- the development is over bearing and will block out natural light particularly to her living room via the front windows and Juliet balcony
- the development will increase parking problems in the area

- the area suffers from anti social behaviour associated with the nearby Arena nightclub. These problems could be reduced if a proposal for a pavement cafe was put forward instead.

In response to Mrs Taverner's comments, some Members expressed the view that the introduction of more residents to the area might help reduce anti-social behaviour.

The recommendation was for approval subject to the completion of a Section 106 Agreement under the Town and Country Act 1990 to secure items identified in the report, and subject also to the conditions as set out in the report.

RESOLVED that:-

- (1) planning permission for re-development to provide a five storey building with 28 flats and retail/restaurant unit at ground floor and associated works be **APPROVED** subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing the following items:-
 - the development to be designed and built so as to be compatible with the Council's proposed Local Energy Network (LEN) scheme for the City Centre, and a payment prior to occupation towards the scheme;
 - payment towards a new community centre in Belmont Park;
 - a contribution towards the provision of, or improvements to, an indoor swimming pool, sports hall or other indoor sporting facilities in the City of Exeter;
 - a contribution towards the provision of, or improvements to, sports pitches;
 - payment to Devon County Council towards off-site pedestrian/cycleway/urban realm improvements in the area bounded by, and inclusive of, Western Way, Sidwell Street, and Summerland Street;
 - a contribution towards mitigation of impact on Natura 2000 sites; and on-site provision of affordable units.

and subject also 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 level of noise emitted from fixed plant and equipment on the site shall not exceed a rating noise level of 42dB (07:00-23:00) and 29dB (23:00-07:00), (measured in accordance with BS4142:1997) at the nearest residential receptors (or other surrogate point with appropriate distance corrections). The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.

Reason: In the interests of local residential amenity.

- 6) Construction/Demolition work shall not take place outside the following times 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity
- 7) No development shall take place on site until a full investigation has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority
- 8) Full details of the kitchen extraction system shall be submitted for approval in writing prior to commencement of the development. The agreed equipment shall be installed in full prior to the commencement of any restaurant use, and operated as agreed thereafter. (For further guidance, see annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems').
Reason: In the interests of local amenity.
- 9) No deliveries shall be taken at or dispatched from the site outside the hours of 7am to 11pm Monday – Saturday nor at any time on Sundays, Bank or Public Holidays. **Reason:** In the interests of local amenity.
- 10) 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, 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 emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular liaison with residents and the Local Authority during the development, in order to discuss forthcoming work and its impact.
Reason: In the interests of local amenity.
- 11) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including as to access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.
Reason: To encourage travel by sustainable modes in accordance with Local Plan Policy T3.
- 12) No part of the development shall commence until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with the approved Plan unless, otherwise agreed in writing by the Local Planning Authority. The plan shall include:
(i) the timetable of the works;
(ii) hours during which construction vehicles will be present at the site;
(iii) the routing of vehicles to and from the site;
(iv) the methods of traffic control at the site and / or at any other location if required;
(v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; (vi) the compound / location where all building materials will be stored during the demolition and construction phases;

Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress.

Reason: To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.

- 13) A framework Travel Plan for the site is produced incorporating all elements of the development hereby permitted. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development and shall include, but not exclusively, the following elements;
- The facilities for sustainable travel.
 - The incentives for promoting sustainable travel, including details on residential travel packs.
 - Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
 - Mechanisms to secure variations to the Travel Plan following monitoring and reviews

A review of the targets shall be undertaken within 6 months of occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car.

- 14) Prior to occupation of the development hereby permitted, secure cycle parking for residents and staff shall be provided in accordance with details (including as to access arrangements) previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.

Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 15) C35 - Landscape Scheme

- 16) C37 - Replacement Planting

- 17) The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points on the site boundary agreed in writing by the LPA.

Reason: In the interests of sustainable development.

- 18) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason: In the interests of sustainable development.

- 19) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage CSH assessment including the score expected to be achieved and which standard this relates to. Where

this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- (2) in the event that the Section 106 Agreement is not completed by 30 November 2013, the Assistant Director City Development be authorised to negotiate an appropriate level of affordable housing and any other necessary contributions following the application of the relevant CIL charge.

(Report circulated)

92

PLANNING APPLICATION NO. 13/4170/03 - SOUTH CLOISTERS, ST. LUKES CAMPUS, HEAVITREE ROAD, EXETER

Councillor Sutton declared a disclosable pecuniary interest as an employee of the University of Exeter and withdrew from the meeting during consideration of this item.

Councillor Choules declared a disclosable pecuniary interest because of his paid role as macebearer at the University of Exeter and withdrew from the meeting during consideration of this item.

Councillors Denham and Spackman declared other interests as they lived close to the application site and withdrew from the meeting during consideration of this item.

The Senior Area Planning Officer presented the application for conversion from student accommodation to office space for medical department and four storey extensions on east and west elevations and an additional storey.

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

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

- in view of the objections received, the University should consider alternative, less controversial sites, for the scheme
- the loss of student accommodation which would result if this scheme were to proceed is contrary to the University's policy of providing sufficient accommodation in the City for students. Although the University stated that there is decline in demand for catered accommodation, no evidence is provided to back this given that the total number of students is now 18,793
- an alternate option is to extend College House which, given its distance from College Road would be an ideal solution and will have minimum impact on Magdalen Road
- the development will have an adverse impact on the St Leonards Conservation Area
- oppose the loss of existing trees with inadequate replacement. These trees have a positive impact on the area
- the development will lead to an increase in on-street parking in an area where controls are necessary to ensure residents have parking spaces.

- There are 75 unlimited parking bays in the area, 12 adjacent to the College in College Road and College Avenue and 7 immediately outside the College
- in spite of the University's commitment to transport sustainability, insufficient regard has been given to the impact on traffic movement in the area. In particular, the University, to date, has failed to provide a traffic impact assessment relating to this scheme. This should cover issues such as parking in the area and on the campus, car sharing and single occupancy car journeys and how these as well as other elements of a Transport Plan will be monitored and enforced. This is important given the number of establishments in the area which generate significant traffic movement including the Police Station, Waitrose, Pyramids Swimming Pool, St Leonards and Newton Primary schools and Exeter School
 - number of employees will increase from 338 to 488 and students from 768 to 1,318, the overall total therefore rising to 1,806. This will significantly increase the impact on the area
 - the statement that the servicing activity is likely to be less intrusive can not be accepted as the increase in staff and students will lead to an increase in servicing. Already, service vehicles reverse through no entry signs on Raleigh Road which is illegal and which the University have failed to address.
 - the development will lead to increased traffic and therefore increased pollution. This would be contrary to the City and County Councils' policies for reducing carbon emissions in the City
 - although the number of objections received is relatively small, the impact on residents and the surrounding area will be significant. In the application the University states that the development will be a "landmark building" and a "signpost". A landmark feature would impact adversely on the St Leonards Conservation Area and the Conservation Area Appraisal/Management Plan published in 2008 refers to the importance of ensuring that there are no unsympathetic additions to the St Luke's campus
 - the Southern Area Working party expresses similar concerns regarding the impact on the townscape
 - ask the Committee to refuse the application which is contrary to the Core Strategy.

Ms Mallett spoke against the application. She raised the following points:-

- object to the proposal which is overbearing, overlooking and will result in the loss of privacy.
- the introduction of top floor and balcony are particularly intrusive
- incongruity of scale and character of the proposal in relation to existing residential neighbours.
- loss of light and light pollution/nuisance, particularly if stairwell/other lights are permanently on
- the loss of trees, contrary to tree survey
- adverse impact on the Conservation Area
- footfall, traffic, parking demand and deliveries/waste collections with associated decrease in highway safety
- alternative, less intrusive locations on the campus for this development do not appear to have been explored
- the University statement that it will be a landmark development and a signpost contradicts its statement that it will endeavour to reduce impact on the area

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

- the College has existed since 1854 since when the residential area has grown around it

- the previous use of the South Cloisters was for the accommodation of students but these are no longer fit for purpose and they are now vacant
- the University wishes to expand the Medical School which is important for both teaching and research and it works closely with the RD&E Foundation Trust
- the University has worked closely with the City Council's Development Department and because of the concerns of residents of College Road, agreed to reduce the bulk of the top floor by three metres
- the University had full regard to its Sustainable Transport Strategy in developing this proposal which will encourage car sharing and use of public transport
- because of the loss of trees, following consultation with the Tree Officer, new trees will be planted and the two trees on the College Road/Raleigh Road junction retained

He responded as follows to Members' queries:-

- although public consultation was initially considered, the University did not consult with neighbours prior to submitting the application but, following the receipt of objections, held an open night at St Luke's two weeks ago to explain the plans to the public
- a Master Plan for the St Luke's campus had previously existed and the consultant's, Terence O' Rourke, had reported back on updated proposals for the site which had been publicised in the Express and Echo in May and, it was hoped, would be finalised before the end of the year.
- included in the Plan is the further development of the St Luke's Campus including College House, although this particular site might not be re-developed for another 10 or 15 years
- the University operates a Sustainable Transport Strategy which is updated on a rolling basis. As part of the Strategy, it subsidises bus routes to the University including additional services in the evening. It also operates a shuttle bus service from St Luke's to St David's Station and the Streatham Campus.

RESOLVED that the application for the conversion from student accommodation to office space for medical department and four storey extensions on east and west elevations and additional storey be **DEFERRED** for further consideration with regard to the overall Master Plan for the St Luke's campus, materials, the submission of a Traffic Statement, negotiations on a Section 106 Agreement under the Town and Country Planning Act 1990 and meaningful consultations with neighbouring residents.

(Report circulated)

93 **PLANNING APPLICATION NO. 13/4435/03 - PORTLAND HOUSE, LONGBROOK STREET, EXETER**

The Senior Area Planner presented the application for variation of condition two of the existing permission (Ref. No. 11/0895/03 granted 16-01-2012) to approve amended drawings showing additional accommodation at level six.

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

RESOLVED that planning permission for variation of condition two to approve amended drawings showing additional accommodation at level 6 (Ref No 11/0895/03 granted 16-01-2012), be **REFUSED** because of increased massing and

having an unacceptable impact on the residential properties opposite and on the adjacent Conservation Area.

(Report circulated)

94 **PLANNING APPLICATION NO. 13/4541/03 - CATHEDRAL GREEN, CATHEDRAL CLOSE, EXETER**

The Assistant Director City Development presented the application for an annual Christmas market of up to 30 days to run for 4 years (revised site area).

Members were circulated with an update sheet - attached to minutes. The Assistant Director City Development advised that the market would terminate on 19 not 15 December 2013 and that the Conservation Officer was satisfied with the proposals.

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

- representing the Planning Sub Committee of the Civic Society
- not opposed in principle to the re-packaging of the market but have very strong concerns about the impact on the west front of the Cathedral
- the market should remain on the open grassed area on the south side of the Cathedral
- the West front represents the historic heart of Exeter and the existing open space is vital for the Cathedral to maintain its strong visual impact on the area. The location of the cabins in this area will obscure this iconic facade and will be visual vandalism
- the application has been submitted too late and does not allow for adequate consultation and negotiation regarding the most acceptable layout

He responded as follows to Members' queries:-

- objection is on aesthetic grounds
- application for the additional area should be refused, the five year permission granted for the area, the first year being 2012, to continue and, should the Cathedral still wish to extend the area, a further application be submitted in 2014, preferably in the summer for adequate time to be given to consider any further suggested changes

RESOLVED that, subject to no significant objections on material matters not already considered being received prior to the end of the consultation period, **APPROVAL** of the application for a temporary period of 30 consecutive days during November and December for the four years starting with 2013 be delegated to the Assistant Director City Development, subject also to the following conditions:-

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 October 2013, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) The use hereby approved shall only be carried out for a single period of not more than 30 consecutive days during the months of November and December in the four calendar years commencing with 2013.
Reason: The use is unsuitable on a permanent basis or for a longer period in this locality.

- 3) The use hereby approved shall not be carried on other than between the hours of 10:00 to 21:00 Mondays to Saturdays and between the hours of 10:00 to 18:15 on Sundays and public or Bank Holidays, with the exception of the first day the market operates each year when the use may carry on until 22:00 unless that day is a Sunday.
Reason: So as not to detract from the amenities of the near-by residential property.
- 4) The works associated with assembling, dismantling and servicing of the Market shall not be carried out outside the hours of 08:00 and 22:00.
Reason: To safeguard the amenities of nearby occupiers
- 5) Notwithstanding condition no. 1, the use hereby permitted shall not commence on site in any given year 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 for that years market event:
- The laying out of the market area including the position of the toilets, stalls and the area(s) given over for selling and of hot food and drink.
 - A scheme for the collection and disposal of waste and the cleaning of the market area.
 - Details of means of power supply (including locations and sound levels of any generator(s))
 - Details of any general or flood lighting scheme.
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) Following the cessation of the market operation in each year all temporary structures associated with the market shall be removed and the condition of the surfaces and street furniture in Cathedral Green shall be reinstated to their condition prior to the commencement of the works associated with the market that year to the satisfaction of the Local Planning Authority.
Reason: To protect the appearance of the Cathedral Green.

(Report circulated)

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

It was noted that the issue of new regulations in respect of prior approval works had been raised at a meeting of the Planning Member Working Group on 10 September 2013 with specific reference to 48 Whipton Village Road and flats at Pembroke House, Southernhay.

Although introduced by the Government to help boost local economies, prime office accommodation was being lost and, in some cases, sub standard housing was being provided with poor amenities such as lack of parking and gardens as was the case with the former, which had previously been refused and dismissed on appeal.

RESOLVED that:-

- (1) the report be noted; and

- (2) the Chair write to Nick Boles MP, Minister for Planning and Development, to advise of this Council's concern regarding the impact of developments proceeding as a result of the new regulations.

(Report circulated)

96

ENFORCEMENT PROGRESS REPORT

The Assistant Director City Development presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

97

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

98

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 November 2013 at 9.30 a.m. The Councillors attending will be Edwards, Mitchell and Winterbottom.

**ADDITIONAL INFORMATION CIRCULATED AFTER AGENDA DISPATCHED -
circulated as an appendix**

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

Chair