

PLANNING COMMITTEE

Monday 21 July 2014

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Denham, Edwards, Lyons, Mitchell, Mottram, Raybould, Sutton,
Williams and Winterbottom

Apologies:

Councillors Choules and Newby

Also Present:

Assistant Director City Development, Area Planner (PJ), Forward Planning Officer (FP) and
Democratic Services Officer (Committees) (HB)

75

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

76

PLANNING APPLICATION NO. 14/0899/03 - ROUGEMONT TELEPHONE EXCHANGE, QUEEN STREET, EXETER

The Principal Project Manager (Development) (PJ) presented the application for student accommodation comprising 130 studio rooms and associated works in former car park.

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

Councillor Mrs Brock, having given notice under Standing Order No 44, spoke on the item. She raised the following points:

- despite the amended plans concerns remain regarding the height of the development and the impact it will have on Marcus House, the height exceeding policy guidance. The building would be too high and appears too dominant and oppressive to the street frontage. The amended design does not address residents' concerns;
- the residential amenity of all will be affected particularly the residents on the lower floor of Marcus House;
- one unit is particularly small with only one window and access to fresh air and light will be affected;
- to compensate for loss of additional floor space at front of building an additional storey has been added so there is no overall reduction;
- detrimental impact on neighbouring residents through loss of light, outlook and dominance of the building;
- loss of privacy;
- proposal contrary to the Council's Residential Design SPD; and
- 50 letters of objection.

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

- St David's is already saturated with student accommodation. Local residents are concerned regarding the need for additional purpose built student

accommodation given the strong growth recently in this sector of the housing market and particularly in this area. The Core Strategy Policy CP5 text states that 75% of additional student numbers should be accommodated in purpose built accommodation to help reduce the impact on the private sector housing market but further purpose built student housing will impact adversely on the area;

- the City Council established the Article 4 Directive to limit conversion of HMO's to 25%. At present 23% of residents in the ward are students and this will increase further with this proposal. In addition, two hotels in Bystock Terrace and Queen Terrace are likely to convert to student accommodation;
- community imbalance due to the increased number of students; and
- too many student blocks being built in this area and the City as a whole;

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

- support points made by other Councillors attending under standing orders;
- with some 130 young people set to occupy the flats there will be an increase in problems of noise and disturbance. A similar development at Thornton Hill, where a tennis court rather than an unused car park was built over to provide student accommodation. Here the on-going problems of noise, especially during the summer when windows are left open, are yet to be resolved;
- highway safety concerns through increased pedestrians - the development will increase problems of road safety in and around the clock tower area. Although the County Council are seeking a contribution of £35,000, no details have been provided of the traffic management measures proposed for the area. The likely desire line of pedestrian flow will be across Queen Street and there have been previous concerns regarding the movement of pedestrians between Queen Street and Elm Grove Road via New North Road. The existing zebra crossing on New North Road is approximately 40 metres from the Clock Tower junction and as a result pedestrian and cyclist cross on the roundabout exit where there are no formal facilities. The traffic flow out of Elm Grove Road will also be compromised. The public safety will therefore be compromised; and
- recommend refusal of the application.

Mr Yat-Yin spoke against the application. He circulated photographs and raised the following points:-

- planning policies are inappropriate and should not be applied with regard to this application
- significant amount of University owned land is available which should be used to provide student flats rather than in this location. If this University owned land was maximised for student development up to 16,000 flats could be provided - the equivalent of housing students of an entire University
- loss of existing open gap in the street-scene;
- loss of existing trees which are important in visual and environmental terms and loss of trees will affect the amenities of residents; and
- existing open space provides valuable sunlight to the residents and helps keep the properties warm in the winter.

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

- Omni Developments Ltd. are a socially and environmentally responsible developer that has built neutral carbon developments. They volunteer time and support the National HMO Lobby and ensure their developments positively contribute to protecting existing family housing around Universities by building high quality purpose built student accommodation;

- the site is in proximity to the University, city centre location and a mix of uses surrounds the site. Consequently this is not a typical student scheme;
- high quality materials, large windows and larger social spaces are proposed;
- the original massing strategy was presented at pre-application and there was no negative feedback;
- as this is a city centre development, generic policy regarding height and massing - which is more relevant to sub-urban locations - is subject to and generally superseded by a contextual analysis;
- as the proposed scheme is more comfortable in its relationship with neighbours than Marcus House is to Constantine House and favourably comparable to Portland House and aspects of Richmond Court and Princesshay Mall it is felt that the initial site analysis and design approach is acceptable;
- when informed that residents of Marcus House were unhappy with the relationship of the proposed scheme, a negotiation process was commenced with the Planning Officer, and developed a number of design solutions, all of which were compliant with policy and supported by approved precedent in the City;
- an independent daylight consultant was appointed to assess the original scheme and advised the removal of four units to achieve almost full compliance - his appointment was extended to assess the design options;
- actively listened and looked for a lateral solution that would ensure the scheme remained deliverable while providing a dramatic reduction in scale to the rear building massing. By removing 10 units from the rear and adding 12 units to the roof, the impact of these changes has a neutral effect on deliverability. The two extra units subsidise the increase in construction cost;
- believe the solution is a very balanced result; it retains the quality and deliverability of the original scheme and as noted in the daylight analysis, provides a compliant level of daylight as defined by BREEAM guidance; and
- have taken the comments of the local residents very seriously and have significantly revised the scheme to ensure the impact of this development site is minimised as much as possible.

He responded as follows to Members queries:-

- the management plan differs from site to site and it is proposed that the reception is staffed until 6-7pm and then monitored by CCTV from a remote site. This remote site will monitor a number of different developments and security staff will be sent to sites if problems occur. This site is too small for around the clock cover hence coverage from a remote site. Discussions have been held with the Police Liaison Officer regarding security;
- the daylight and sunlight assessment was in compliance with guidance document with only a 0.2% loss of visible skyline for the development as a whole; and
- the development will be naturally ventilated and acoustic measures will be undertaken to reduce noise of traffic. The projecting framework will help deflect noise there will also be an element of self policing by the students if their neighbours are playing music too loudly for example.

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

Members sought assurances in respect of night-time security of the building and pedestrian safety in the area.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a financial contribution towards pedestrian safety improvements and a Student Management Plan to address a desire for an onsite presence until 3.00am, delegated authority be given to the Assistant Director City Development, subject to prior consultation with the Chair of Planning Committee and Ward Councillors, to **APPROVE** the application for student accommodation comprising 130 studio rooms and associated works in former car park, subject also to 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) No part of the development hereby approved shall be brought into its intended use until the disabled parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that adequate facilities are available for traffic attracted to the site.
- 7) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for traffic attracted to the site.
- 8) At the commencement of use of the development the Travel Plan shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To maximise the opportunities for sustainable travel to and from the site, in accordance with paragraph 36 of the National Planning Policy Framework.
- 9) No development shall take place, including earth removal, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.
- 10) 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 interest of residential amenity.
- 11) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been 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 the preservation and enhancement of biodiversity in the locality.

- 12) Prior to the commencement of the development a scheme for protecting the proposed development from noise shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be completed in accordance with the approved details prior to first occupation.

Reason: To ensure that appropriate provisions are incorporated into the design of the building to minimise the impact of existing noise on potential occupants of the buildings.

- 13) If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating compilation of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution.

77

PLANNING APPLICATION NO. 14/0491/01 - BRICKNELLS BUNGALOW, OLD RYDON LANE, EXETER

The Principal Project Manager (Strategic Infrastructure Planning) presented the application for 50 dwellings (including affordable housing) with associated open space and access (the proposed development includes the demolition of existing outbuildings).

Members were circulated with an update sheet - attached to minutes. The Project Manager also reported that the Masterplan should read 63 dwellings rather than 70 and that Newcourt Drive should read Riverplate Road.

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

- objecting on basis of location of the proposed access road and the safety implications the road will cause in Old Rydon Lane. Representing a number of Old Rydon Lane residents plus walkers and cyclists;
- the proposed access is too close to a blind bridge and the new steps to Newcourt Halt.
- the approved Newcourt Masterplan shows that the access to development area (f) would be beyond any existing houses, towards the Rugby Ground. allowing construction traffic initially and residents, once houses are built, to access the site to the north and south of Old Rydon Lane via a new purpose-built road system via Sandy Park roundabout onto a new road junction onto the A379. This application bypasses this plan with the result that there would be two entrances to area (f), one at Bricknells and one further down the lane for a future development.
- the County Highways Department are aware that Old Rydon Lane is not suitable for construction traffic and identified a desire to make Old Rydon Lane attractive to cyclists. Two HGV vehicles cannot pass in a lane that is a maximum of 4.8m wide. Pedestrian and cyclist safety is further compromised when HGV's try to reverse into residents drives as there are no designed passing points in the lane. There is also no footpath between Old Rydon Lane and the M5 bridge so pedestrians and cyclists are always at great risk;

- the applicants 'Transport Statement' states that Old Rydon Lane is 'lightly trafficked and only provides access to residential properties situated along it'. This is incorrect - on 17 July between 4pm and 5pm there were 178 road users of which 25 were cyclists and 16 walkers (4 pushing buggies and 5 walking dogs). The applicant's survey, which states traffic flows in the order of 100 vehicle movements during peak times is not correct;
- Old Rydon Lane is used as a 'rat run' from Topsham to Tesco's and from Newcourt to west bound M5; and
- request rejection of application on the basis of access and road safety, until the correct road infrastructure is in place as per the publicly reviewed and Council Approved Newcourt Masterplan.

Ms Roberts spoke in support of the application. She raised the following points:-

- key principles of the development accord with the Newcourt Masterplan;
- outline provides for 10% open space;
- highway consultants revised original proposals to meet concerns of Devon County Council;
- scheme is capable of further enhancement and this will be undertaken after outline permission had been obtained;
- further consideration will be given to the residential design SPD; and
- following questioning, stated that insufficient time had been accorded to demonstrating an acceptable design was deliverable.

The Project Manager asked whether there were revised highway proposals. He confirmed that an email had been addressed to the Highway Authority for comment. It was not taken as a formal submission to the Planning Authority. Informal discussions with the Highway Authority had confirmed that they did not consider the revised information would overcome all of their objections even if it had been submitted.

The recommendation was for refusal.

RESOLVED that planning permission for 50 dwellings (including affordable housing) with associated open space and access (the proposed development including the demolition of existing outbuildings) be **REFUSED** for the following reasons:-

- 1) Insufficient information has been provided to satisfy the Local Highway Authority that a safe and suitable access for all users can be achieved to the site and to public transport facilities in the vicinity of the site.
Policy: Core Strategy CP19 (point 7); Local Plan First Review Policy T3 (a)(e)(f) and Paragraph 32 of the NPPF.
- 2) Information has not been provided to demonstrate that the proposed development could be designed to achieve the following in combination:
 - (i) private gardens that allow residents to feel at ease.
 - (ii) adequate car parking.
 - (iii) well located public open space that is subject to effective surveillance and forms part of an attractive townscape.

Policies:

Core Strategy Policy CP17

Exeter Local Plan First Review Policy DG4(b), and section 7 of the Residential Design SPD

Section 6 of the residential Design SPD

Local Plan First Review Policy DG5; and section 5 of the Residential Design SPD

- 3) The proposed development would not achieve the highest appropriate density compatible with the proposed development site and adjoining land that forms part of the Newcourt Strategic Allocation.
Policies: Core Strategy CP4; and Paragraph 58 NPPF (points 1 and 3)

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

79 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

80 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party be held on Tuesday 19 August 2014 at 9.30 a.m. The Councillors attending will be Choules (Spackman – substitute), Edwards and Raybould.

81 **PLANNING APPLICATION NO. 13/3822/03 - EXETER GOLF AND COUNTRY CLUB, TOPSHAM, EXETER**

The Assistant Director City Development reported that although it was understood that the Club were in discussions with Persimmon no further information had been received on any progress made.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.55 pm)

Chair