

PLANNING COMMITTEE

Monday 2 October 2017

Present:

Councillors Lyons, Bialyk, Foale, Mrs Henson, Newby, Prowse, Sutton and Spackman

Apologies:

Councillors Gottschalk, Denham, Edwards, Harvey and Morse

Also Present:

City Development Manager, Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (MH) and Democratic Services Officer (Committees) (HB)

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CHAIR

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

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 17/1091/RES - LAND NORTH OF EXETER ROAD AND ADJACENT TO TOPSHAM RUGBY CLUB, EXETER ROAD

The Principal Project Manager (Development) (MH) presented the application for the approval of details for 54 dwellings, public open space, landscaping and associated highways and drainage infrastructure, i.e. for reserved matters of layout, scale, appearance and landscaping (Pursuant to outline planning permission granted on 27th April 2016, reference 14/2066/01).

The Principal Project Manager reported that details of the surface water drainage scheme would need to be submitted for approval in line with a condition of the outline consent and that cycle storage would be provided for either within garden sheds or garages of those units which had them.

The City Development Manager set out the background to the Inspector's decision upholding the appeal over the original committee refusal at outline stage and the implications for the City's overall housing supply and on the assessment of the impact on the "Topsham Gap".

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

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

- objectors are concerned with what precisely Topsham will end up with in the field next to the Rugby Club. Please reject and back up with rock-solid reasons why it is not an appropriate development for this site;
- the original outline application was approved on the basis of the housing element being age-restricted with small, one or two bedroomed houses suitable for single elderly people or elderly couples. Even if all 55 houses had subsequently been occupied by couples, the total number of new Topsham residents would have been only 110;

- the total number of bedrooms proposed for all the housing on this site is now 171, and many of these will be double bedrooms. This represents an increase in the head count of future residents of at least 50% than that originally outlined;
- if luxury family homes are provided the number of cars per household will also go up;
- the Planning Inspector noted in his report that the “mix of Care Home and Assisted Living and age-restricted dwellings, together with 19 affordable housing units” carried significant weight with him when he decided to uphold the appeal. If the applicant does propose such a fundamental change in basis, should this matter be processed under the Reserved Matters procedure? The original basis of the approval should be robustly implemented;
- the amount of affordable housing included in this proposal appears to be insufficient. Of the 54 dwellings applied for, only 11 dwellings are now designated as “affordable units” (although the Design and Access Statement mentions 13). Exeter City Council normally recommends that 35% of a development be devoted to affordable housing and therefore the figure should be 18 or 19 dwellings;
- Topsham has a particularly acute housing affordability issue. Any developments undertaken in the town should concentrate on affordability for the benefit of local people; and
- the developers should not be permitted to minimise their responsibility to provide policy-compliant levels of Affordable Housing.

She responded as follows to Members’ queries:-

- representing the Topsham Society and some 650 members of the Save Topsham Gap group all of whom are very concerned about this development;
- the surface water system has insufficient capacity to serve the proposals without risk of overspillage onto Exeter Road, the applicant having failed to address this deficiency referring to surface water being discharged to ground (soakaway) or, if this is not practical, being discharged to public sewer - these are not viable. Any approval should require either that surface water should be retained on site or that a Planning Obligation is made for the developers to contribute to an upgrade of the existing infrastructure; and
- although a sum of £850,000 will be provided by the developer which will potentially lead to additional social housing City wide this may not necessarily benefit Topsham residents.

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

- Burrington Estates Ltd. are an Exeter based property company recently having won an NHBC quality award;
- development will provide two, three and four bedroom homes and a community of varying tenure and social groups. A social rented element will provide 13 affordable homes. There will be a financial contribution towards off-site provision in lieu of the shared ownership element of the affordable housing;
- the development will cater for a variety of people as the age restriction has been removed which will also facilitate first time buyers;
- parking and garage provision exceeds standards;
- widespread consultation was undertaken held at the Topsham Rugby Club and included local Councillors;

- should ground conditions be unsuitable for soakaways, the contingency approach would be to substitute the soakaway crates with underground surface water attenuation tanks incorporating a controlled discharge rate to the public surface water sewer. This approach is in accordance with the approved Flood Risk Assessment. Foul sewage will be connected to the public foul sewer network. South West Water have confirmed that there is sufficient capacity in the network to accommodate the drainage associated with this development.

He responded, as follows, to Members' queries:-

- no longer pursuing the age restricted option as the market would be unfavourable as certain individuals would be unable to secure mortgages; and
- houses will be a mix of two and two and a half storey, that is, with a room in the roof.

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

RESOLVED that, subject to the completion of a Deed of Variation to the existing legal agreement covering the matters of the age restriction on occupancy and affordable housing matters, planning permission for details for 54 dwellings, public open space, landscaping and associated highways and drainage infrastructure, i.e. for reserved matters of layout, scale, appearance and landscaping (Pursuant to outline planning permission granted on 27th April 2016, reference 14/2066/01) be **APPROVED**, subject to the following conditions:-

- (1) All conditions imposed on application number 14/2066/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason - To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- (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 23rd June and 14th September 2017 including drawing nos. PL01, PL03 Rev A, PL04 Rev B, PL05 Rev A, PL06 Rev A, PL07 Rev A, PL08 Rev A, PL10 Rev A, PL17 Rev B, PL18 Rev A, PL12, PL14, PL15, PL20, PL21, PL22, PL23, PL24, PL25, PL26, PL27, PL28, PL29, PL50, 450/01, 450/02 Rev A, 450/03, 450/04 Rev A and 450/05 Rev A as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Samples of the proposed bricks to be used in the construction of the dwellings hereby approved shall be submitted to the Local Planning Authority. No brick shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason – in the interests of the visual amenities of the area.
- (4) The development hereby approved shall be completed in accordance with detailed information demonstrating the finished floor levels and overall ridge heights of the proposed dwellings in relation to existing ground levels and properties surrounding the site.

Reason: To ensure that the relative heights of the proposed dwellings in relation to prevailing surrounding land levels and existing properties is acceptable in terms of visual and amenity impact.

- (5) Prior to the commencement of the construction of any individual dwelling comprised in this application details of proposed bat/bird bricks to be incorporated into the building fabric of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To enhance the ecological interest of the site in line with guidelines set out in the Council's adopted Residential Design SPD.

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PLANNING APPLICATION NO. 17/1106/RES - LAND NORTH OF EXETER ROAD AND ADJACENT TO TOPSHAM RUGBY CLUB, EXETER ROAD

The Principal Project Manager (Development) (MH) presented the application for the reserved matters application (pursuant to outline permission granted on 27th April 2016, ref 14/2066/01) for approval of the layout, scale, appearance and landscaping of the Care Home and Assisted Living Apartments.

The Principal Project Manager (Development) stated that the height of the Care Home facing Exeter Road from ground to roof ridge was approximately 11 metres and that it was nine metres from the road side. He confirmed that the drainage would feed into the system provided within the adjoining residential scheme. He also advised that the standard condition to minimise disruption during the construction phase was included in the outline consent and would be in conjunction with that of the residential development.

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

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

- urge refusal with reasons given;
- the Planning Inspector's report after the Public Inquiry focused principally on strategic issues, and as the proposal under consideration was an outline application, little attention was given to the form, massing or scale of the development;
- the Topsham Society has urged this committee not to be steamrollered into "rubber stamping" this application, simply because the original outline application appeal was lost, and to give it full and proper scrutiny;
- the frontage of the Care Home onto Exeter Road, which is the back of the building, is large and continuous with only uncharacteristic broad gables to break up the monolithic form. It is wholly out of character with the scale and grain of the surrounding small individual houses and terraces. The architects have provided an "off-the-peg" Care Home designed in London by people who have never been to Topsham - or possibly even Exeter;
- the Assisted Living block behind is simply colossal, up to four storeys high, of proportions, scale and architectural detailing fundamentally at odds with that of the town, especially at its fringe. If approved it will blight the entrance to the town, not form a "gateway" as claimed by the applicant;
- the proposals should be significantly reduced in scale, but also any larger floorplate monolithic blocks moved to the core of the site so the site fringes may be mitigated by smaller scale general housing; and

- also under question is the fact that the Care Home frontage is now significantly closer to Exeter Road than shown in the outline application and the destruction of the Devon Bank which I believe has already been implemented.

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

- Octopus Healthcare (OH) believe this site provides the perfect location for a new care and assisted living development, OH being a long-term investor in all forms of healthcare related activities with three primary healthcare facilities in the wider south west area. Looking to invest approximately £25 million into the local economy with 100 jobs created during construction;
- Aura Care Living will operate and manage the development, seeking to deliver a market leading service through age appropriate design coupled with market leading customer service;
- the development will benefit the local area as the assisted living development could enable people to down size which will free-up a wide number of family sized houses. It will offer excellent accommodation for the residents of Topsham who require care and support in their old age;
- after consultation at the rugby club and following comments from local residents, the layout of the site was re-designed by locating the care home on the frontage, two storeys in height, thus mitigating the larger mass fronting onto Exeter Road;
- the care home is set back nine meters from the site boundary, 12 meters from the edge of Exeter Road and is located more than 30 meters away from the front of the dwellings on the opposite side of the road. This will serve to retain the wide and open nature along Exeter Road;
- privacy is further enhanced with the inclusion of a “buffer zone” and private garden along the edge of Exeter Road. A varied building line will also help to break up the façade and, combined with balconies, provides interest and activity to the building;
- the assisted living scheme is set behind the care home, much further into the site and, as such, creates a hierarchy in scale with the bigger part of the development set away from the frontage of Exeter Road and largely screened by the care home;
- the assisted living supports an active lifestyle with good levels of amenity, including private gardens and large balcony areas. There are also communal living spaces to improve social interaction amongst the residents;
- the design creates high quality living space and encourages social interaction; and
- the proposals are in line with the outline planning approval.

He responded, as follows, to Members’ queries:-

- it was not an “off the shelf” scheme and the London based architects had visited the site on a number of occasions and were familiar with the locale. The company had a wide portfolio of homes and the Exeter Road site will be of a very high standard;
- it was not considered that the floodlights on the adjoining rugby club site would be an issue as they were infrequently used and faced away from the development. Rugby activity on a Saturday will be of interest to some residents; and
- no advice had been received from any consultees that the Devon Hedge along the boundary was protected.

Members welcomed the provision of a high standard facility for the elderly offering a range of care options although it was remarked that the care home itself would be somewhat overbearing fronting onto Exeter Road. They noted the proposals in respect of drainage and it was commented that the scheme was very well designed. In light of the recent Grenfell Tower tragedy, Members raised issues relating to fire safety. In particular, they referred to the likely use of mobility scooters and the possibility that they would be left in the corridors creating a hazard should a fire occur causing people to fall on trying to leave as well as obstructing fire fighters. In some developments, mobility scooters were known to be charged within corridors, in some cases with leads trailing into flats themselves.

The Principal Project Manager (Development) reported that part of the scheme would include sprinklers. With regard to mobility scooters, both parking spaces and charging points were to be provided in the underground car park.

Members, whilst commenting that regulations would change after Grenfell, felt that any concerns over fire safety should be addressed as a priority. They particularly referred to the need to ensure that quick evacuation in the event of fire would not be compromised and that the highest standard of escape routes were provided. This was important for this development and should also be a paramount consideration as further schemes were brought forward.

The recommendation was for approval, subject to the conditions as set out in the report and the additional condition set out in the update sheet.

RESOLVED that, planning permission for the reserved matters application (pursuant to outline permission granted on 27th April 2016, ref 14/2066/01) in respect of the layout, scale, appearance and landscaping of the Care Home and Assisted Living Apartments be **APPROVED**, subject to the following conditions:-

- (1) All conditions imposed on application number 14/2066/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- (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 23rd June and 14th September 2017 including drawing nos. APL001 Rev B, APL 003 Rev B, APL004 Rev B, APL006 Rev B, APL007 Rev B, APL008 Rev B, APL009 Rev B, APL010 Rev B, APL011 Rev B, APL012 Rev B, APL013 Rev B, APL020 Rev A, APL021 Rev A, APL022 Rev A, APL023 Rev A, APL014 Rev A, APL015 Rev A, APL016 Rev A, APL017 Rev A, APL018 Rev A, APL019 Rev A, APL024 Rev A, APL025 Rev A and APL005 Rev B.
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. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason - To ensure that the materials conform to the visual amenity requirements of the area.

- (4) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the buildings, 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. Thereafter the development shall be completed in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- (5) Prior to the commencement of the construction of any of the buildings comprised in this application details of proposed bat/bird bricks to be incorporated into the building fabric shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To enhance the ecological interest of the site in line with guidelines set out in the Council's adopted Residential Design SPD.
- (6) Prior to the installation of any mechanical building services plant, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).
Reason: In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.
- (7) Before the development commences, a scheme for the installation of equipment to control the emission of fumes and smell from kitchens serving meals to residents and visitors at the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions thereafter. (Further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems').
Reason: In the interests of the residential amenities of the future occupants of the buildings.
- (8) Prior to commencement of the development, the applicant shall submit for approval in writing a scheme for the ventilation of the underground car park area. The approved scheme shall be implemented in full prior to first use of the car park, and maintained thereafter.
Reason: In the interests of the health and residential amenities of the occupants of the building and users of the associated underground parking facilities.
- (9) Prior to commencement of the construction of any buildings comprised in this development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development and be maintained thereafter. (*The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA*

and CIEH) describes the expected content and approach of an Acoustic Design Statement.)

Reason: In the interests of the residential amenities of potential occupants of the development.

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**PLANNING APPLICATION NO. 17/0750/FUL - THE KING BILLY, 26-28
LONGBROOK STREET, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for Demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (Use Classes A1, A3 and A4) with 108 bed space student accommodation above over six and seven storeys.

The Principal Project Manager (Development) advised that the applicant had provided an access statement covering existing and future use of the area to the rear of the flats yard for deliveries and dropping off and picking up of students and that this had been developed in consultation with the adjoining commercial operators. He stated that the location of these student flats was appropriate in that it was both within the city centre so that students would not be passing through residential areas after nights out and was also close to the campus. He also advised that travel plans for student accommodation blocks were addressed by the County Council travel team and were unique to each site.

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

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

- the Inspector's decision that student housing cannot be included in the assessment of the five year housing supply placed the Council in a difficult position when considering planning applications for housing developments. Believe that sites such as this would more appropriately suit housing or flats for the general market;
- Policy H5 of the Local Plan states that there should not be an over concentration of use in one area such that the character of the neighbourhood is changed or an imbalance created - this development will change the balance of the community. The main thrust of the St. James Neighbourhood Plan is to maintain a community balance;
- there is no evidence that the provision of purpose built student accommodation frees up houses for family occupation. The number of houses in multiple occupation in St. James is increasing inspite of additional purpose built accommodation;
- the application should be considered with regard to policies within the St. James Neighbourhood Plan;
- a decision should not be made until up to date information on current student numbers are available and the University plans for accommodating them in the future are clear; and
- request deferral of the application for a report on student housing in the City.

The City Development Manager stated that it was not appropriate to defer applications for policies to be reviewed but that they should be considered on their merits. Furthermore, the existing policy was that a minimum of 75% of the student population should be accommodated in Purpose Built Student Accommodation (PBSA), with the inference that as much as possible should be accommodated in this way.

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

- Exeter St. James Neighbourhood Forum urge the rejection or deferral of an application for yet more PBSA in the ward;
- the plans are contrary to the overriding objective of the St. James Neighbourhood Plan to create a better community balance between the settled and student population;
- the development is out of character and will overshadow the adjacent residential accommodation on Longbrook Street;
- the Neighbourhood Plan became approved planning policy some three to four years ago. At that time, just under 50% of the residents of the ward were students;
- in spite of the Article 4 direction, the settled residents are fast becoming a shrinking minority. The residents are not opposed to students living in the ward but there are an increased number of houses in multiple occupation (HMO's) in the ward and the need for community balance should be recognised and further erosions in this balance prevented;
- there are in excess of 5,000 people looking to be housed in Exeter and, an unknown number of people who work and who would like to live in the City, but who cannot find affordable housing (either rented or purchased);
- most PBSA cannot be converted into residential accommodation;
- John Lewis raised a number of concerns and the risk relating to cladding has not been resolved;
- there is doubt as to whether the quoted number of 1,900 additional units reflects the current situation and a deferral is requested until the report as to precise numbers required is available together with reports as to the number of HMO's in St. James and the current occupancy rate of the existing PBSA; and
- this parcel of land should be developed for the long term and for the benefit of the settled residents and those who would like to be settled in Exeter.

In light of the recent Grenfell tower tragedy, Members raised issues relating to fire safety. Notwithstanding that new buildings could be built abutting others, they noted that the windows to the rear of some of the flats would be very close to the John Lewis building. These would have a limited view only overlooking a car park but the real concern was that fire could easily jump from the store building to the flats particularly as it was unclear whether the cladding materials on the John Lewis building were non-combustible. Although the advice given was that it was non-combustible, it was unclear if the cladding was either "tight" or "loose" in relation to the building's internal structure and that, if the latter, the danger of a fire developing because of a "chimney" effect was still possible. Further information was sought on this issue as well as whether the developer proposed to provide sprinklers within the flats.

A Member also referred to the retail and pub element proposed for the ground floor which it was considered was very important to provide interest along this part of the street and stated that a reassurance was required from the developer that there remained a commitment to providing this element.

Another Member asked that an update on the University's vision should again be requested to include information on its future expansion plans, the current and intended student numbers and how many would require accommodation in Exeter, what the current accommodation supply was and whether there was a shortfall.

The City Development Manager advised that any application to change the use of the ground floor away from retail/commercial would come back to this Committee. He also stated that the application should not be deferred to investigate fire safety and structural issues as they were covered by other legislation.

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

RESOLVED that the application for the demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (Use Classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys be **DEFERRED** for further information to be provided on the following issues:-

- (i) clarity on the testing of the cladding on the John Lewis building and whether any test had been limited to the material itself and not on the structure as well and whether the cladding was “tight” or “loose”; and
- (ii) whether the student block itself would be clad and if sprinklers were to be provided.

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

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

81 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

82 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party be held on Tuesday 17 October at 9.30 a.m. The Councillors attending will be Harvey, Prowse and Spackman.

83 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

84 **ARTICLE 4 REPORT**

The City Development Manager presented a report proposing an Article 4 Direction (under the Town and Country Planning (General Permitted Development) Order 2015, as amended), to remove the permitted development right for demolition of a property with immediate effect.

RESOLVED that as the demolition of the property set out in the report without the benefit of planning permission would be prejudicial to the proper planning of the Council's area or constitute a threat to the amenities of the Council's area and that it is expedient that such demolition should not be carried out unless permission is granted for it on an application to the Council, the City Development Manager, subject to prior consultation with the Portfolio Holder for City Development, be authorised to make an Article 4 Direction relating to this property in the form (or substantially in the form) of the draft Direction in Appendix 2 of the report, and to consider any representations as well as deciding whether to confirm the Direction with, or without, amendments.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair