

PLANNING COMMITTEE

Monday 3 September 2018

Present:-

Councillor Sutton (Chair)

Councillors Bialyk, Branston, Denham, Edwards, Harvey, Mrs Henson, Morse, Prowse, Thompson and Vizard M

Apologies

Councillors Lyons and Foale

Also Present

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

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WEBCAST OF MEETING

A Member referred to the webcasting and use of Facebook Live of the meeting and the fact that, because of the position of the cameras, she did not feel that all Committee Members would be visible at all times.

The Chair explained that webcasting of Planning Committee meetings had only been recently introduced and was experimental and a work in progress at this stage. She asked that the difficulty referred to be addressed for the next meeting.

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MINUTES

The minutes of the meetings held on 23 July and 13 August 2018 were approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Councillor Morse declared interests and left the meeting during consideration of Min. Nos. 167 and 168 below.

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PLANNING APPLICATION NO. 18/0998/RES - SANDY PARK ROAD, OLD RYDON LANE

The City Development Manager presented the application for a 250 bed hotel with reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26 June 2018, reference 17/0665/OUT).

Both the Chair and City Development Manager advised that all access issues relating to this development had been previously determined by this Committee in October 2017 as part of outline planning permission.

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

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

- local residents are not anti-hotel and many are very pleased for the success

of the Club. They are concerned about accessibility issues and need reassurance that the necessary measures will be put in place to ensure safety and reduce traffic flow along the roads leading to the stadium and hotel both during and after construction;

- other developments in the area including 20 houses at Bricknells and a further 380 homes anticipated for a neighbouring area of land will also exacerbate concerns regarding access and traffic issues generally for the residents of Old Rydon Lane and the Rydons; and
- a major issue is the need for better consultation from the Club and the example of both the Ikea and Aldi developments should be followed - both have been proactive in consulting local residents with Ikea circulating a newsletter.

John Campbell spoke against the application. He raised the following points:-

- local residents do not oppose the hotel development but have not been adequately consulted;
- support the 'no entry' Traffic Regulation Order of westbound traffic beyond the hotel but such restrictions may be ignored;
- residents support the inclusion of a traffic island to stop eastbound traffic turning right into the hotel;
- staff car parking should be within stadium parking facility;
- signs showing 'no access to hotel' should be erected at west end of Old Rydon Lane on Newcourt Way, and 'access to hotel only' at Clyst Road end of Old Rydon Lane;
- access for staff and commercial vehicles from Newcourt Way, along Old Rydon Lane is unacceptable as it is unsafe;
- major fire issues have not been addressed;
- an alternative, as circulated, would have minimal impact on current residents and which would offer better access, bringing staff and commercial traffic to the hotel from the roundabout within the Sandy Park Complex;
- a further alternative would be to ensure that commercial and staff access could be from Clyst Road, not bringing traffic through a residential area; and
- approval for, and work on the hotel, should not commence until these traffic flow, fire and safety issues have been fully addressed and a formal consultation with local residents has been held.

Tony Rowe, Chair of Exeter Chiefs RFC, spoke in support of the application. He raised the following points:-

- believe the Club have addressed all concerns regarding access. Service vehicles will access the hotel from the west along Old Rydon Lane and construction vehicles will access the site via Clyst Road;
- Exeter Chiefs is a member owned club and promotes Exeter throughout the British Isles and Europe, notably through its recent success as English Champions in 2017 and Runners Up in 2017. The most recent match against Leicester Tigers, the first of the season, was screened on live television and potentially viewed by 70 million households worldwide;
- the stadium holds 12,000 with many visiting the City, either as Chiefs fans or those of the opposition contributing to the local economy; and
- the club's survival depends on commercial viability and future plans also include a conference and exhibition centre. The four star Marriot Hotel is therefore crucial to the overall development and to support the business.

He responded as follows to Members' queries:-

- the club have liaised with Devon County Council on the Traffic Regulation Order to ensure safe road conditions;
- the club is happy to meet with residents and the hotel architect has already met the Chairman of the Newcourt Residents' Association to discuss the proposal and allay fears;
- the club will own the hotel with Marriot managing under a 30 year lease; and
- note that the Traffic Regulation Order will be subject to confirmation by the Exeter Highways and Traffic Orders Committee when the public can again comment.

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

Responding to a Member, the City Development Manager further advised that the Traffic Regulation Order was required via a condition agreed as part of the outline permission granted by the Committee and that the funding would be met through a Section 106 Agreement. Issues raised by the Devon and Somerset Fire and Rescue Service would be addressed as part of the building control application. Members welcomed the proposal, commending in particular the hotel's design which was considered of appropriate scale and massing next to the Sandy Park Stadium, overlooking the M5 and providing a visible and attractive landmark and a gateway into the City from the east.

RESOLVED that planning permission for a 250 bed hotel with reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26 June 2018, reference 17/0665/OUT) be **APPROVED**, subject 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 28th June, 14th, 24th, 29th, and 30th August 2018 (including dwg. nos. 1632 L01.04 Rev A, SP-KT-XX-XX-DR-A-IE-1632-SK100-P3, SP-KT-XX-XX-DR-A-IE-1632-SK102-P5, SP-KT-XX-B3-DR-A-IE-1632- SK200-P1, SP-KT-XX-B2-DR-A-IE-1632- SK201-P1, SP-KT-XX-B1-DR-A-IE-1632- SK202-P1, SP-KT-XX-00-DR-A-IE-1632- SK203-P1, SP-KT-XX-01-DR-A-IE-1632- SK204-P1, SP-KT-XX-02-DR-A-IE-1632-SK205-P1, SP-KT-XX-03-DR-A-IE-1632- SK206-P1, SP-KT-XX-04-DR-A-IE-1632- SK207-P1, SP-KT-XX-05-DR-A-IE-1632- SK208-P1, SP-KT-XX-06-DR-A-IE-1632- SK209-P1, SP-KT-XX-XX-DR-A-IE-1632- SK500-P1, SP-KT-XX-XX-DR-A-IE-1632- SK300-P2, SP-KT-XX-XX-DR-A-IE-1632-SK301-P2, SP-KT-XX-XX-DR-A-IE-1632- SK302-P2, SP-KT-XX-XX-DR-A-IE-1632- SK303-P2, SP-KT-XX-XX-DR-A-IE-1632- SK400-P1, SP-KT-XX-XX-DR-A-IE-1632- SK401-P1, 528/01 Rev A, 528/02 Rev B, and 528/03 Rev B) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (2) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. (*The applicant should be advised that 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 amenity of the area, especially nearby residential uses.

- (3) No part of the development hereby approved shall be brought into its intended use until the emergency access/staff car park accesses crossing of the proposed footway/cycleway that runs adjacent to Old Rydon Lane as indicated on *Drawing Number SP-KT-XX-XX-DR-A-IE-1632 SK102-P5*, have been provided in accordance with detailed construction plans that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

- (4) No part of the development hereby approved shall be brought into its intended use until the traffic island on Old Rydon Lane, visibility splays, secure covered cycle parking (for both staff and visitors), staff parking facilities and associated turning area for all vehicles as indicated on *Drawing Number SP-KT-XX-XX-DR-A-IE-1632 SK102-P5*, have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said facilities shall be retained for their intended purpose at all times. **Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

- (5) No part of the development hereby approved shall be brought into its intended use until suitable changing facilities/lockers for staff members have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the said facilities shall be retained for use by staff members at all times.

Reason: To provide adequate facilities for sustainable transport.

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PLANNING APPLICATION NO. 18/0884/ECC - GARAGES BETWEEN 28 AND 36 ANTHONY ROAD, EXETER

The City Development Manager presented the application for the demolition of 13 no. garages and construction of three, three bed terraced houses and associated parking and access.

The garages were City Council owned and he confirmed that notice to quit had been given to those who were renting, although it was believed that most garages were being used for storage purposes. The car parking provision was consistent with Council policy. He also advised that a condition prevented construction on Sundays and Bank Holidays. Some Members expressed their concern that the properties would not be available to rent but would be sold on the open market. It was however noted that the threshold for requiring affordable housing was ten and other Members also remarked that Government policy restricted the ability of Council's to build homes for rent. It was noted that residents' parking permits would not be available.

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

RESOLVED that planning permission for the demolition of 13 no. garages and

construction of three, three bed terraced houses and associated parking and access 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.
- (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 7th June and 9th August 2018 (*dwg. nos. AL (0) 10/501 Rev C2, AL(0)101 AR Rev P3, LL(0) 400-AR Rev PT2, E1206-GSA-TR-DR-A-2206 Rev C1, 170501/AR/110, 170501/AR/100 and 170501/AR/101*, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- (4) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- (5) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. AL(0)10/501 Rev C2, 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.
- (6) Construction Environment Management Plan (CEMP) condition.
- (7) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851a, July 2017) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning

Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- (8) 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 local amenity.

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**PLANNING APPLICATION NO. 18/1031/ECC - FORMER RESTAURANT,
MAGDALEN STREET, EXETER**

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and left the meeting during consideration of this item.

The Project Manager (Planning) (GM) presented the application for the change of use to winter night shelter and community facility for homeless people (Sui Generis). He responded to the comments of an objector suggesting issues to be covered by a proposed management plan for the shelter/day centre. The proposal involved renovation, provision of a bathroom and a change of use.

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

The City Development Manager explained that, as a sui generis use, the application was unique and did not fall within any use class. Planning permission was therefore required for all future change of use.

Fiona Darde, the General Manager of Hotel du Vin, spoke against the application. She raised the following points:-

- support need for a winter shelter for the homeless but believe that the location is unsuitable as there will be an adverse impact on the hotel, its visitors and neighbouring residential properties. The facility will overlook the hotel and have an adverse impact on business with problems of noise, disturbance and anti-social behaviour likely;
- the lack of outdoor amenities would result in clients congregating outside the centre causing problems as well as attracting individuals seeking to target vulnerable people;
- as the perimeter is fenced off, hotel guests using the Acorn car park will have to walk past the facility and will also feel intimidated when leaving the hotel to visit the city centre;
- request a deferral for further information on the number of the City's homeless; and
- if approved, a detailed management plan is necessary covering queuing at the entrance, congestion outside the building, security of the car park and storage of belongings and the facility should be closed if the management plan is not adhered to.

In response to a Member, she confirmed that she had met with the housing team at the City Council

Peter Denning, Chief Executive of Julian House, spoke in support of the application. He raised the following points:-

- Julian House wish to support Exeter which had a significant problem with rough sleepers with between 20-30 sleeping rough most nights;
- similar concerns had been raised from the traders in Market Street two winters ago to the night shelter in that street but had not been realised, The facility had been well managed with experienced staff and CCTV with staff meeting regularly with the traders;
- the Acorn site was the best of 18 alternatives examined as it was a relatively anonymous site and close to the city centre. The manager had 15 years of experience having worked at six similar facilities and would meet with those who had expressed concerns including the Hotel management.

He responded as follows to Members' queries:-

- the night shelter would operate between 1 October and 31 March, to be used during the rest of the year as a day centre;
- the Market Street shelter had witnessed a maximum of 29 sleepers in one night with typical figures being in the 20's. Not all rough sleepers had sought to use the facility but many of those who had done so had been successfully moved to permanent accommodation;
- there would be no risk of queuing as there would be a three to four hour window to receive clients; and
- Julian House was responsible for the homeless team at CoLab and there would therefore be a joined up approach with this facility as well as St Petrocks.

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

Members welcomed the proposal as a suitable solution to the significant problem of homelessness and rough sleeping in the City.

RESOLVED that planning permission for the change of use to winter night shelter and community facility for homeless people (Sui Generis) be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 July as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) The use hereby permitted shall not commence until the Local Planning Authority has agreed in writing a Management Scheme submitted by the applicant and the agreed measures have been put in place. The Management Scheme shall include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise

and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time. Occupation shall be managed in accordance with the approved scheme.

Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

PLANNING APPLICATION NO.18/1032/ECC - HOWELL ROAD CAR PARK, EXETER

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and left the meeting during consideration of this item.

The Project Manager (Planning) (GM) presented the application for the temporary installation of modular building and separate toilet block used as a Winter Night Shelter for Homeless People between 1 October 2018 and 31 March 2019.

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

RESOLVED that planning permission for the temporary installation of modular building and separate toilet block used as a Winter Night Shelter for Homeless People between 1 October 2018 and 31 March 2019 be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 July as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) The use hereby permitted shall not commence until the Local Planning Authority has agreed in writing a Management Scheme submitted by the applicant and the agreed measures have been put in place. The Management Scheme shall include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time. Occupation shall be managed in accordance with the approved scheme.
Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.
- (4) If not otherwise agreed with the LPA development hereby approved shall be designed and built to meet the needs for ambulant disabled people in accordance with M1/M3 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

- (5) The development shall allow South West Water free access to their control apparatus at the north boundary. Before the works with fencing off the site a plan of these works shall be submitted and approved by the LPA.

Reason: In the interest of South West Water and the control in these respects.

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

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

170 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

171 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 September at 9.30 a.m. The Councillors attending will be Morse, Prowse and Vizard.

(The meeting commenced at 5.30 pm and closed at 7.25 pm)

Chair