

PLANNING COMMITTEE

Monday 7 January 2019

Present:-

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Branston, Edwards, Foale, Harvey, Morse, Prowse, Sheldon, Thompson and Vizard M

Apologies

Councillors Mrs Henson

Also Present

Assistant City Development Manager, Project Officer (Planning) (LD) and Democratic Services Officer

1 **MINUTES**

The minutes of the meeting held on 3 December 2018 were taken as read, approved and signed by the Chair as correct.

2 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

3 **PLANNING APPLICATION NO. 18/1641/FUL - CLOCK TOWER HOTEL, NEW NORTH ROAD**

The Assistant City Development Manager presented the application for the change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2). It would accommodate between 22 and 25 students and two wardens. There would be a warden on shift at the property 24 hours a day (two wardens sharing shifts).

The Assistant City Development Manager reported that three late letters of objection had been received largely covering matters relevant to a proposed management plan including the age limit of occupants, arrangements for visitors, use of the garden area and general disturbance. He also advised that the property already had planning permission for a three storey extension and, in response to a Member, confirmed that it could still be implemented by a new occupier. He also stated that a fire report had been received confirming that the property was suitable for the proposed use with minor modifications.

Responding to further Member queries, the Assistant City Development Manager stated that residents of the proposed boarding school would typically be aged 16-18, who, at weekends and during the holidays, would return to their family homes and that the age range would be stipulated within the management agreement. The college were in loco parentis, acting as parents and guardians, and the property would be Ofsted inspected. The management plan would impose a strict curfew, registering with the resident warden throughout the day, agreeing visitors with the accommodation officer, and a sign out procedure for leaving the accommodation between 7pm and 10pm. On this basis, conduct would be

controlled and students would not contribute to late night noise and anti-social behaviour. The applicant would need to enter into a legal agreement to secure this management scheme which would also cover use and occupation out of term time. On the basis of the care provided, and the age of the occupiers, the Council was satisfied that the proposal met the C2 use.

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

- this is another application which will greatly impact on the character of the St. James neighbourhood in spite of the St. James Neighbourhood Plan, the aim of which is to maintain a balanced community. The Plan has been consistently given little weight and/or ignored since its adoption in 2013;
- before the adoption of the Plan, the number of Council tax exemptions was 760 which has risen to 910 in 2018;
- although Councillors have been quoted as seeking to ensure that the area does not become a student village, planning decisions have shown that not enough regard has been given to the Plan;
- the College references to the proposal being beneficial to the City in economic terms and to its excellent reputation are not planning considerations;
- no reference is made to national living standards;
- boarding schools are normally located within a School/College campus and, as the College is reluctant to agree an age limit, the impact of student occupation will be greater than that of a House in Multiple Occupation (HMO);
- the 2001 census showed that the number of under 25's living in St. James was the highest in the City and has subsequently increased;
- previous planning decisions including that in respect of conversion of Braeside support refusal of this application; and
- with reference to previous planning decisions, previous planning appeal decisions and the Article 4 Direction, the contrary nature of the proposal to Local Plan Policy H5 and Neighbourhood Plan Policy SD3 and in support of the overarching aim of the St James Neighbourhood Plan, the application should be rejected.

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

- reference to the local and national reputation of Exeter College and the origin and current living arrangements of students are not material planning considerations;
- the proposal is contrary to planning policy, particularly the St. James Neighbourhood Plan, which seeks to create a balanced community by increasing permanent, full time residents. Boarding school students will be temporary, part time residents with no investment or commitment to the community. Exeter has a housing shortage and this property should be used to provide homes for local residents and their families;
- there are seven children living in the five properties adjacent to the hotel, with an eight child family to the rear in an Elm Gove Road property, all of whom are likely to be disturbed by noise etc. from the 25 plus student occupants;
- further clarification of the proposed management plan is necessary. It should cover the extension of the on-campus no smoking policy to the premises, clearly set out curfew times including both the building and garden, commit to a two warden support regime for the long term future and set out strict arrangements in respect of visitors. The arrangements for occupation out of term time should also be clearly stipulated. If these cannot be established to

the satisfaction of ward Councillors and residents, the application should be deferred;

- the unavailability of the Fire Officer's report is also grounds for deferral;
- amenity space for 25 students is inadequate and the shoehorning of students will impact adversely on their quality of life. Facilities should match those provided in Unite residences;
- clarification on the number of students who will be over 18 years of age is necessary;
- parking arrangements are unclear as, whilst the original College statement was that there would be no parking permits provided, the latest proposal indicates that permits will be available for the wardens and, possibly, for students with disabilities; and
- alternative interest such as for residential property has been shown.

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

- this proposal is contrary to the St. James Neighbourhood Plan, the overriding objective of the Plan being to seek better community balance as some parts of the Ward are at a tipping point and may lose many more permanent residents. The St. James area needs to increase the percentage of residents who will invest for the long term;
- application should be rejected on basis of Policy H5 of the Local Plan Review as well as Policy C1 of the Neighbourhood Plan as it would increase the imbalance in the local community;
- the Forum also objected to an earlier proposal, the City Council also being of the view that there was insufficient justification for a departure from the adopted Exeter St James Neighbourhood Plan and an appeal against a refusal was withdrawn;
- this application is for a property in multiple occupation by unconnected persons and is contemptuous of the Neighbourhood Plan and the residents of St. James who worked on the Plan for it to be part of Exeter's Planning Policy guidelines;
- the application is inchoate, incomplete and muddled. The College submitted late documents lacking relevant details which have significant implications for the local amenity. The fire report also arrived late;
- given the level of objection from the immediate neighbours the application should be deferred to enable familiarisation with the new documentation and to seek further consultation with the applicant on the management plan and fire safety requirements as well as detail on how the applicant will comply with statutory obligations to protect vulnerable children; and
- the Braeside appeal decision stated that a proposal for occupation by students will have a harmful effect upon the balance of property uses within the locality which runs contrary to the overall thrust of the Local Plan.

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

- representing WYG planning consultants;
- the College, although not required to provide a management plan, has submitted a bespoke plan relevant to the requirements of the property and with regard to the needs and concerns of the community;
- no intention to utilise the existing planning permission relating to a three storey extension;
- the proposal complied with the St. James Neighbourhood Plan which seeks to improve the identified social imbalance of the 19-25 cohort in the immediate area as the scheme is mainly targeted at the 16-18 years cohort. It is estimated that over 90% of the students would be under 18 years of age;

- 24 hour supervision will be provided for the students as they will be under 18, through on-site wardens and the proposition is Ofsted registered. This will also ensure proper safeguarding measures are in place as well as protecting local residential amenity;
- the management incorporates some flexibility with regard to parking arrangements should it be necessary to cater for any students with disabilities; and
- a Fire Safety Audit concludes that the building and the proposed use as boarding accommodation (use class C2) meets all fire regulations and is further mitigated through 24 hour warden supervision.

A member moved and two Members seconded deferral of the application for further consideration of some of the issues raised. The deferral was put to the vote and lost.

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

Some Members did not support the recommendation, one seeking further information on the operation of the boarding school and expressing concern that community views had not been fully taken into consideration, another referring to general traffic issues in the area. Other Members were supportive of the application and felt that concerns referred to would be addressed by the management plan and were also satisfied that the recommendations of the fire officer would be taken on board. Cognisance was taken of the St. James Neighbourhood Plan and of the concerns regarding community balance and it was stated that a previous application for a HMO had been refused. Given the 16-18 age group cohort differing from that of 18 plus independent student living in shared residences and the Ofsted inspection regime, one Member was satisfied, on balance, that the proposal should be supported.

RESOLVED that, subject to the completion of a Section 106 Agreement/Unilateral Undertaking under the Town and Country Planning Act 1990 to ensure the student accommodation would only be for use by students of Exeter College and securing a student management scheme, planning permission for the change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2) be **APPROVED**, subject also 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 09 November 2018 (including proposed floor plans) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to

occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

- (4) The use hereby permitted shall be carried on only by Exeter College and shall cease at such time as the aforementioned College cease to occupy the site.

Reason: The proposed use is only acceptable due to the specific needs of Exeter College with a suitable management plan, and to enable the Local Planning Authority to retain control over the use.

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

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

5 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

6 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 29 January 2019 at 9.30 a.m. The Councillors attending will be Bialyk, Prowse and Morse.

(The meeting commenced at 5.30 pm and closed at 6.44 pm)

Chair