

## **PLANNING COMMITTEE**

Monday 27 April 2009

### **Present:-**

Councillor Mrs Henson (Chair)  
Councillors D J Morrish, D Baldwin, P J Brock, Choules, Edwards, Mitchell, Newby, Newton, Shepherd, Shiel, Taghdissian and Wadham

### **Also Present**

Director Economy and Development, Head of Planning and Building Control, Senior Area Planner, Planning Solicitor, Planning Technician (ID) and Member Services Officer (SJS)

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### **DECLARATIONS OF INTEREST**

Members declared the following personal (\*prejudicial) interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	34 (his wife, his sister-in-law and himself were employees of the University of Exeter) 35 (his wife, his sister-in-law and himself were employees of the University of Exeter)
Councillor Prowse	34 (student landlord and met with Mr Lindley on 17 April 2009)

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### **UNIVERSITY PARTNERSHIPS PROGRAMME - BACKGROUND INFORMATION**

The Senior Area Planning Officer presented the report which updated Members on the background to the two University Partnerships Programme (UPP) applications on the agenda. University Partnerships Programme was a leading provider of on campus managed university accommodation in the UK, with a portfolio in excess of 17,500 rooms across the country. For the projects at Birks and Duryard, UPP had taken responsibility for the design, construction, funding and operation of the development for 35 years. The University would remain freehold owners of the land at all times, with UPP having a leasehold interest for the project period only. At the end of the period the site and buildings would revert back to University ownership.

Members noted the report.

(Report circulated)

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### **PLANNING APPLICATION NO.09/0279/03 - UNIVERSITY OF EXETER, BIRKS HALLS, NEW NORTH ROAD, EXETER**

Councillor Choules declared a personal interest as his wife, his sister-in-law and himself were employees of the University of Exeter.

The Senior Area Planning Officer presented the application for the erection of 10 student accommodation blocks and associated works at Birks Halls, New North Road, Exeter. These were to comprise of three different types of accommodation namely cluster flats, town houses with shared kitchen facilities, and studio flats.

Members were circulated with update and additional information sheets giving details of the changes to the proposals; further representations that had been received including a letter from the Duryard Trust; clarification of the impact on the trees and an additional condition regarding a site-specific Travel Plan. The changes proposed reduced the number of student bedrooms from 844 to 832. The materials to be used were brick, timber and metal cladding with elements of render.

The Senior Area Planning Officer outlined the main issues which included intensity of occupation, traffic, noise and disturbance. He stated that as a result of the on site balloon test which some Members had attended significant alterations had been made to the application and some blocks had been removed altogether.

The recommendation was for approval subject to the completion of a legal agreement to restrict occupation, to require approval of a management agreement and a contribution to a variation to traffic order covering nearby streets; an additional condition regarding a site-specific Travel Plan and conditions as per the circulated report.

Councillor Prowse, having given notice under Standing Order No.44, spoke on this item. He declared a personal interest as a student landlord and he had met with Mr Lindley on 17 April 2009. He raised the following points:-

- concerned about student numbers in the area and highway issues
- the design reminded him of a Barracks
- how would the students get from this site to the main campus?
- would bring the total number of students in the vicinity to 2329
- the balloon test was invaluable and it had resulted in block E being removed
- biggest concerns were highway issues, need for a cycle path and cycle storage
- "Cardiac Hill" was too steep to cycle up and down
- when he was in the Police he attended three fatalities at the New North Road junction; they were all students
- had been to Devon County Council and obtained a copy of a 'cycle strategy for the University'
- there was no safe route for the students to cycle across to the main campus from this site
- there had been 43 letters of objection raising issues that the university could not control their existing students; this development would cause overlooking, its mass was too bulky; drunken students would cause anti-social behaviour; there was a badger sett on the site; would cause disturbance to wildlife; there were no letters of support
- students would bring cars after the first term as there was not enough cycle storage
- there was no balloon test for block A and had received letters of objection from residents stating that they had not been consulted on changes to block A1 and A2
- the application should be deferred to allow a proper cycle route to be agreed.

The Senior Area Planning Officer confirmed that no changes had been made to block A1 and A2. He explained the relationship to a planning permission for a block of accommodation on this site which was a material consideration and that the new design of the blocks had an acceptable relationship to homes in Glenthorne Road.

The Director Economy and Development stated that condition 12 covered the position regarding a cycle route and any re-siting of the badger sett would require a licence from English Nature.

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

- was attending in place of Councillor Noble
- more than one resident should be allowed to make representations in such large applications as this, particularly as it affected two communities
- block A1 and A2 would accommodate twice as many students as the previous planning approval; residents in Glenthorne Road preferred the original application
- needed a firmer commitment for the cycle route
- this was a large and complex development and because there were unresolved issues the application should be deferred.

Mr Earle (representing the Association of Elmbridge and Dunvegan Close) spoke against the application. He raised the following points:-

- the accommodation on the site would increase the student numbers from 361 to 832
- the local infrastructure could not cope with such a large increase in students
- the increase in width of block D2 was unacceptable; blocks D1 and D2 were too high
- condition 4 should be worded strongly to ensure that defensive planting and screening minimised impact on local residents
- there would be a highway hazard with only one main exit on to New North Road
- the steepness of the existing bank made proposals for cycle paths completely unrealistic
- what plans were there to protect the wildlife?
- local residents were not intending to be obstructive to the university but they had deep concerns about this application.

In answer to a Member's question about his experience of the local environment, Mr Earle clarified that he had lived in Dunvegan Close for 21 years and it was a highly desirable environment. He supported the university but did not want the amenity of the area destroyed.

Mr Lindley (Director of Corporate Services – University of Exeter) spoke in support of the application. He raised the following points:-

- this proposal was a car free development
- residents parking permits in the vicinity would be extended to the weekends
- some blocks had been removed and changes to other blocks had been made as a result of residents' and Members' concerns
- there would be 404 cycle parking spaces
- there had been student accommodation on this site for 40 years
- £130 million was being invested in student accommodation over the next 3 years
- the University had undertaken to provide accommodation for 75% of the additional students in purpose built accommodation.

In answer to Members' questions, Mr Lindley stated that the university had a commitment to provide a cycle path to the Streatham campus; the accommodation would be used in the holidays for educational conferences but not vacation lets; and the accommodation could be used by second and third year students.

During discussion Members raised the following points:-

- the details required by the conditions regarding the cycle path (12) and site-specific Travel Plan (14) should come back to Planning Committee to be agreed
- cycle parking should be conditioned
- concern that a cycle path should be provided to the Streatham Campus and not just a feasibility study undertaken
- block A1 was too close to residents on Glenthorne Road and was much larger than the original approved application
- there was no a condition regarding the traffic order for residents parking hours to be extended to cover weekends
- the design was 'cheap and cheerful'.

The Director Economy and Development confirmed that provision for the revision to the relevant traffic order was included in the recommendation.

Whilst some Members felt that the purpose built accommodation would free up much needed houses for families and that the Council should be encouraging the university to develop its own land, other Members felt that with the anticipated increase in student numbers, second and third year students would still continue to occupy houses within the city, particularly in the wards adjacent to the university.

**RESOLVED** that planning permission for the erection of 10 student accommodation blocks and associated works be **approved** subject to the completion of a legal agreement to restrict occupation, to require approval of a management agreement and a contribution to a variation to a nearby traffic order; and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Unless otherwise agreed in writing, a detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) Any trees, shrubs and/or hedges on or around the site (other than those identified to be removed as part of this approval) shall not be felled, lopped or removed without the prior written consent of 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.
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) C57 - Archaeological Recording

- 9) 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 interests of the amenity of occupants of nearby buildings.
- 10) No development shall take place until a scheme to minimise the emissions of noise and dust during construction has been submitted and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of the amenity of occupants of nearby buildings.
- 11) There shall be no amplified music, voice or tannoy system used unless routed through a suitable noise limiter that has been installed, operated and maintained in accordance with details that shall first have been approved in writing by the Local Planning Authority.  
**Reason:** In the interests of local amenity.
- 12) Unless otherwise agreed in writing, prior to the commencement of the development, a technical feasibility study and plan for a cycle link between the site and the centre of the Streatham campus and for cycle parking on the site shall be prepared in consultation with, and submitted for written approval by the Local Planning Authority. Prior to occupation of 50 per cent of the accommodation hereby approved, a cycle link shall be provided in accordance with the details set out in the approved study.  
**Reason:** In the interests of providing a safe and convenient cycle link between the site and the centre of the Streatham campus.
- 13) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-  
a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-  
i ) windows, including colour, materials, cills, headers and reveals;  
ii) the eaves, verges, rainwater goods, canopies and external doors;  
b) external lighting  
**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 14) No development shall take place until modifications to the proposed site-specific Travel Plan have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Director of Environment, Economy and Culture.  
**Reason:** In the interests of ensuring that satisfactory arrangements for pedestrians and cyclists are incorporated into the travel plan.

The decisions of the Local Planning Authority in relation to the submissions made under conditions 12 and 14 are to be made by its Planning Committee.

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to **refuse** permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

**PLANNING APPLICATION NO. 09/0278/03 - UNIVERSITY OF EXETER,  
DURYARD HALLS, LOWER ARGYLL ROAD, EXETER**

Councillor Choules declared a personal interest as his wife, his sister-in-law and himself were employees of the University of Exeter.

The Senior Area Planning Officer presented the report for the erection of a split level student accommodation block and associated works at Duryard Halls, Lower Argyll Road, Exeter. This was a revised design to substitute 2 blocks that already had planning approval.

Members were circulated with update and additional information sheets giving details of illustrative proposals that had been received which made alterations to the design of the scheme and details of a letter that had been received from the Duryard Trust. The revisions to the design of the scheme help to unify the proposal, not only internally, but also with the adjacent approved development. The introduction of pitched roofs and brick elevations accorded with concerns raised by Members in connection with both this proposal and the previously approved scheme.

The recommendation was for approval delegated to the Head of Planning and Building Control in consultation with the Chair of Planning Committee subject to the completion of a legal agreement to secure implementation of a previously agreed wildlife management plan, to restrict occupation and to require approval of a management agreement; the receipt and consideration of formally submitted revised plans and elevations, and subject to no new substantive issues being raised in response to reconsultation of neighbours and other interested parties; an additional condition regarding a site specific Travel Plan; and the conditions as per the circulated report.

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

- should have clearer plans showing the changes
- application should be deferred to allow for further consultation on amended plans
- nowhere in the proposal were details of how students would get to the main campus
- the Planning Committee should determine the application following reconsultations and it should not be delegated to officers.

Members were of the opinion that this application should be deferred to allow further consultation on the revised plans due to be received and that it should be brought back to a further meeting of the Planning Committee.

**RESOLVED** that consideration of this application be deferred to allow sufficient time for submission of and public consultation on the revised plans.

(Report circulated)

**PLANNING APPLICATION NO. 09/0184/03 - QUAY BARN, HOLMAN WAY,  
TOPSHAM, EXETER**

The Head of Planning and Building Control present the application for a two storey extension with juliet balcony and ground floor extension on the north east elevation at Quay Barn, Holman Way, Topsham.

This application was being reported to committee because the Area Working Party had mixed views and the site inspection party had supported the application, although the recommendation was for refusal as officers had concerns regarding the scale and massing of the proposal and the effect it had on the amenity of the neighbours. The application would provide a third bedroom with en-suite at first floor and a kitchen/dinning room on the ground floor.

The recommendation was for refusal subject to the reasons as per the circulated report.

Mr Knowles (applicant) spoke in support of the application. He raised the following points:-

- his family moved into the property 18 months ago
- it was a poorly converted barn
- had consulted with officers on the application and the original application had been withdrawn
- the design reflected the original building
- the neighbours did not object
- had no highway impact
- would enhance the conservation area
- Members who visited the site supported the application.

The Local Ward Member felt that this application would not be detrimental to the conservation area and would tidy up the site. This was a view shared by Members of the visiting party.

The majority of Members were of the opinion that this application should be approved for the reasons that it was not detrimental to the visual amenity of the conservation area and did not have a detrimental impact on the neighbouring property. The approval would be subject to conditions regarding time limitations; materials; in accordance with the submitted plans; obscured glazing to en-suite window and no additional windows in the roof.

**RESOLVED** that planning permission for a two storey extension with juliet balcony and ground floor extension on the north east elevation be **approved** for the reasons above 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 4 February 2009 (dwg. nos. 567/08/10A, 567/08/07B, 567/08/08B and 567/08/09B and Design and Access Statement), as modified by other conditions of this consent.  
**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 and the development shall not be started before their approval is obtained in writing and 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 with the visual amenity requirements of the area.

- (4) The velux window in the roof on the north elevation of the extension shall be fitted with obscure glazing and permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities of the occupiers of the adjacent property.

- (5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no additional window or opening shall be made in the roof on the north elevation of the extension unless an application for planning permission is first submitted to and approved by the Local Planning Authority.

**Reason:** To safeguard the privacy and amenity of the occupiers of adjacent properties.

(Report circulated)

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### **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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### **VARIATION OF SECTION 106 AGREEMENTS**

The Planning Solicitor presented the report to obtain instructions on requests (one from a Housing Association, one from a developer) to vary two section 106 agreements. Members would be aware that applicants for planning permission were frequently required to enter into section 106 agreements, which typically mitigated the effects of the development or control the land uses on the site. Sometimes it was necessary to vary an agreement after it has been entered into.

The Council had received requests to vary the affordable housing provisions in two existing agreements. Where such requests were for minor changes they could be dealt with under delegated powers. The request in respect of the Royal Naval Stores Depot, was being brought to this Committee because of its complexity. The other, in respect of Crossmead, was included because although it was minor in nature, it raised a point of principle that would apply to other agreements.

The Planning Solicitor updated Members on the changes proposed to the Crossmead, Barley Lane section 106 agreement. Tor Homes Housing Association had requested be the agreement be varied to recognise the fact that Housing Association tenants could qualify for a legal right to acquire their homes. The agreement did not restrict this right and it was not something the Council could lawfully prevent but without it being recognised explicitly it might be an obstacle to Tor Homes raising finance to acquire the affordable housing.

Members discussed the proposed change for the section 106 agreement and felt that the change to the legal agreement should reflect any future possible changes to right to buy legalisation.

**RESOLVED** that:-



- (1) the section 106 agreement dated 3 March 2009 relating to Crossmead be varied to recognise the legal right of tenants to buy their homes, as exists from time to time; and
- (2) authority be delegated to the Head of Planning and Building Control in consultation with the Chair of the Planning Committee to vary other section 106 agreements if so requested by the developer or a registered social landlord, to recognise the legal right of tenants to buy their homes, as exists from time to time.

The Planning Solicitor updated Members on the proposed changes to the Royal Naval Stores Depot section 106 agreement. Since the agreement was completed in July 2003 the economic situation and property market had changed completely, and the Homes and Communities Agency was making more money available for Registered Social Landlords to ensure that developments go ahead. The developers had negotiated that Tor Homes would provide some of the affordable housing, at increased levels of grant, so the formula needed to be altered to allow Tor Homes to pay more to Persimmon for the affordable housing. This in turn should make the development more viable as a whole, meaning that the developer would be able to construct the affordable and market housing sooner than would otherwise be the case. The relaxation would be limited to dwellings completed and sold within five years, so as not to benefit the developers if they "mothball" part of the site.

Some local members had expressed concern that if the percentage of affordable housing became too high, or that housing became too concentrated within the site, it would defeat the Council's aim of achieving a mixed development in accordance with government policy. The Head of Housing Services view was that the restriction should apply to social rented housing, so that other tenures such as shared ownership and low-cost market housing, as well as housing for the over-55s, could be included in the overall mix. It was proposed that the upper limit of 50% in the recommendation be amended to 40%.

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

- concerned that the proposed change in the amount of affordable housing would create the equivalent of a new huge council estate
- much happier with the upper limit of 40% proposed
- wanted to see a mixed and sustainable community.

Some Members had concerns regarding an upper limit on the amount of affordable housing and also the increase in the amount of money that the housing association would be paying for the land to the developer.

Members asked that this item be deferred to allow a representative of Housing Services to attend a meeting to address Members' concerns regarding the changes proposed to the section 106 agreement for the Royal Naval Stores Depot.

**RESOLVED** that:-

- (3) consideration of the request to vary the section 106 agreement dated 3 July 2003 relating to the former Royal Naval Stores Depot be deferred for consideration at Planning Member Working Group to allow a representative of Housing Services to advise Members on their concerns regarding the proposed changes.

(Report circulated)

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**ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

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**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

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**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 19 May 2008 at 9.30 a.m. The Councillors attending to be agreed.

(The meeting commenced at 5.30 pm and closed at 9.40 pm)

Chair