

PLANNING COMMITTEE

Monday 7 October 2024

Present:-

Councillor Paul Knott (Chair)

Councillors Asvachin, Atkinson, Banyard, Bennett, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M, Pole and Rolstone

Apologies

Councillors Hughes and Patrick

In attendance

Councillors Bialyk and Wood

Also Present

Strategic Director for Place, Head of Service - City Development, Planning Solicitor and Democratic Services Officer (PMD)

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MINUTES

The minutes of the meeting held on 29 July 2024 were taken as read, approved and signed by the Chair as a true and accurate record.

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DECLARATIONS OF INTEREST

Councillors Hussain and Miller-Boam chose to recuse themselves for agenda item no. 5, having previously attended residents' meetings on the application in question. Consequently, they left the meeting for the duration of the item.

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PLANNING APPLICATION NO. 24/0655/FUL - 21 HUNTSHAM ROAD, EXETER EX1 3GH

Once Councillors Hussain and Miller-Boam had left the meeting, the Head of City Development presented the application for Change of use from residential dwelling (Use Class C3) to a residential children's home (Use Class C2).

Members received a presentation which included:-

- site location plan;
- aerial views;
- photographs of 21 Huntsham Road (outside and inside);
- floor plans;
- proposal overview;
- key planning issues; and
- officer recommendation.

The Head of City Development clarified that:-

- the fire service was erroneously referred to in the report as the "Devon and Cornwall Fire and Rescue Service" instead of its correct name "Devon and Somerset Fire and Rescue Service";

- despite correspondence received by officers which questioned the validity of the application, the Planning Solicitor was satisfied that the application was valid; and
- it was not felt that there would be any serious health and safety concerns arising from traffic movements, which would be similar to those of a five-bedroom family home.

The Head of City Development responded to questions from Members as follows:-

- the covenant on the residential area was not a relevant material matter for the Planning Committee;
- previous occupation would not be a determining factor;
- the driveway was shared between two properties, with right of way;
- the Certificate B notice had been correctly served;
- there was no access to the back of the property; and
- there was no statutory requirement for Devon County Council Social Services to be consulted.

Speaking under Standing Order 44, Councillor Wood made reference to:-

- his duty to speak on behalf of a large number of residents;
- the 56 objections received and the 153 petition signatures;
- residents' 'fear of the unknown';
- the obligation for a local authority to take residents' view into consideration;
- the narrowness of the load and lack of pavement;
- the potential of additional cars parked in the direct neighbourhood;
- the constrained streets;
- concern about emergency vehicles;
- the absence of concerns raised by Devon and Cornwall Police;
- the walk-through at the back of the property; and
- overall concern that children were being put in a setting where they were not wanted.

In responses to questions from Members, Councillor Wood made the following further comments:-

- the children's home should have a community liaison person / single point of contact;
- while parking issues would not necessarily be more significant than for a five-bedroom family home, shift-work would be an issue;
- parking was under pressure in Pinhoe;
- the process for introducing residents' parking was arduous and not guaranteed;
- the house was suited to the scheme presented but only in isolation;
- the established community in Huntsham Road had raised concerns about covenants as well as parking; and
- ultimately, the scheme being presented was a business.

Members responded to Councillor Wood's statement and subsequent answers as follows:-

- the fact that there was no access to the property from the garden and that the property was in a cul-de-sac made it an ideal location;
- Devon County Council had not raised any issue;
- children's homes were regulated by OFSTED;
- residents who were concerned about parking should contact Devon County Council;
- there was nothing radical about this particular proposal;

- there was an assumption on Councillor Wood's part that the shift-workers would be using a car; and
- if a couple moved into the property and decided to foster three children, no permission would be needed, and in actual fact the proposal at hand had more safety measures in place.

In further comments:-

- the Head of City Development confirmed to Councillor Wood that the Green Travel Plan was conditioned;
- Councillor Wood had no additional information to give about the petition.

Mr Omar Salam, speaking against the application, made the following points:-

- he was addressing the Planning Committee on behalf of the 158 signatories of the petition;
- some of the information in the officer report was materially misleading;
- the Planning Officer had failed to liaise with the land owner;
- it was inaccurate to refer to the proposal as a "haven for children";
- Devon & Cornwall Police had requested additional information, which the Planning Officer had not provided;
- there had been examples of children escaping from another home run by the applicant;
- there were seven residential gardens neighbouring the property, through which children could potentially escape;
- staff changeover would be considerable and would cause disruption;
- the shared driveway was narrow and the lack of sufficient space would cause congestion; and
- the proposal contravened policies H14 and H11 of the Exeter Plan.

Mr Salam responded to questions from Members as follows:-

- concerns had been raised by a member of Exeter City Council's Health & Safety team (whose name eluded him);
- the neighbourhood had been designed as a purely residential area, and covenants had been put in place for pertinent reasons;
- he was not opposed to children's homes per se but found the proposal was not suited to the neighbourhood;
- the nature of the profile of the children who would be staying in the home ought to be recognised;
- the Planning Officer had removed from their report a paragraph from Devon & Cornwall Police expressing concern about children running away and requesting additional information;
- the location for a proposal of this type should be a detached property;
- this was an opportunistic endeavour in which the applicant had wilfully chosen to target children with mental health and substance abuse issues;
- he was one of the originators of the petition, and had not come across anyone who supported the proposal;
- at another home run by the applicant (in Burrator), a resident had escaped 22 times in nine weeks;
- the prospect of a 17-year-old high on cocaine escaping through neighbours' gardens was terrifying; and
- any Councillor with experience of working with children in care would be predetermined in the decision-making on the proposal.

On the last point, the Chair provided clarification to Mr Salam on the independence of the Planning Committee.

Members made the following further comments addressing the points raised by Mr Salam:-

- any obstruction to the driveway would be a matter for the police;
- Devon County Council Highways had no objection to the proposal;
- any person or business can apply to the Lands Tribunal to have a restrictive covenant removed;
- it was likely that some children in the established neighbourhood would also have mental health and/or substance abuse issues;
- it was felt that assumptions were being made by the objectors; and
- the Committee's decision must be made solely on planning issues.

Speaking in favour of the application, Mr Daniel Robinson made the following points:-

- the application was not merely about a building but about addressing a need;
- the home would provide a safe and nurturing environment for children who sometimes find themselves hundreds of miles away from home;
- his team had worked hard to make the house perfect;
- his intention was for the house at 21 Huntsham Road to act as a model;
- his company was indeed a business but a responsible children care one as opposed to a trading one; and
- he saw the home as working with the community.

Mr Robinson responded to questions from Members as follows:-

- he was a founding director of the company;
- his company had an existing relationship with Devon County Council;
- rigorous risk profiling would be undertaken for each child;
- some children had emotional behavioural difficulties while some had learning disabilities and others had been the victims of abuse or neglect;
- suitability of staff was considered as well as suitability of the children;
- there were no gender restrictions;
- there were no specific or typical duration of stay;
- the terms "escaping" and "running away" used by the previous public speaker were misleading as the home would not be different from a typical family home, except that it would be licensed;
- the project was built on trust first and foremost;
- for some children, running away was part of the coping strategy, and the example referred to by the previous public speaker was that of a resident still getting to learn the place;
- the incident in question had a positive impact in that it helped establish a relationship with the neighbours;
- if the application was successful, he would reach out to all neighbours and invite them in for a visit of the facilities;
- he was currently working with Devon County Council as a primary school placement authority;
- there could be instances where children could be taken in from another authority;
- there were some very good special educational needs (SEN) schools in the area; and
- there would be two cars available for school transport and it would not be any different from a normal family home.

Mr Robinson also provided clarification to a Member on the discrepancy in classification between this property and the children's home in Burrator.

The meeting went into recess at 7:10pm and reconvened at 7:15pm.

The Strategic Director for Place made the following concluding points:-

- in a technical planning context, the proposal was deemed to be generally acceptable;
- any concern raised had been considered;
- no objection had been received from Devon County Council regarding transport or parking;
- the home would be strictly governed by safety regimes;
- the largest part of the conversation was around vulnerable young children;
- a management plan had been submitted, and any approval would be subject to conditions; and
- while there was clear emotion from all sides, only land use could be considered in the decision-making.

The Head of City Development clarified that:-

- the applicant had responded to queries from Devon & Cornwall Police;
- any covenant in place had nothing to do with planning, and could not be enforced by the Council;
- a management plan had been submitted as part of the application;
- while the grass verges either side of the walkway outside the curtilage of the residences was not meant to be parked on, this did not constitute a material consideration for this application; and
- there was no Green Travel Plan in existence, which explains why this was added as a condition.

During debate, Members expressed the following views:-

- it was difficult to find any reasons to refuse the proposal on planning grounds;
- the advice of the Planning Officer was very clear;
- it was felt that the highways issues had been minimised, as had the concerns around movement from children around Exeter; and
- the Planning Committee could consider insisting on an explicit condition around a named liaison person / single point of contact.

The Strategic Director for Place talked the Planning Committee through how conditions could be added and/or amended.

The Chair moved, and Councillor Jobson seconded, that the wording “and submitted management plan as has been received” be added at the end of Condition no. 2. On a vote, this was CARRIED.

A Member requested that a condition be added to support the provision of a named community contact. Another Member clarified that the person in question should be available 24/7. The Head of City Development suggested that the exact wording of this additional condition be delegated to Planning Officers.

It was moved by Councillor Rolstone, and seconded by Councillor Asvachin, that a condition be added to support the provision of a named community contact available 24/7 and that the wording of said condition be delegated to Planning Officers. On a vote, this was CARRIED.

Before the final vote, a Member reminded the Committee of the importance of seeing Community as a wider concept, remarking that a serving Exeter City Councillor had grown up in the care of a Local Authority.

The recommendation was for approval subject to the conditions as amended during the meeting.

The Chair moved and Councillor Atkinson seconded the recommendation, which was voted upon and CARRIED unanimously.

RESOLVED that planning permission for change of use from residential dwelling (Use Class C3) to a residential children's home (Use Class C2) be approved subject to the conditions as amended during the meeting.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

Councillors Hussain and Miller-Boam rejoined the meeting.

The report of the Strategic Director for Place was noted.

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APPEALS REPORT

A Member enquired how Exeter City Council fared in the national Appeals statistics. The Head of City Development replied that he had not yet produced the latest statistics but felt confident that there was no cause for concern.

The report of the Strategic Director for Place was noted.

(The meeting commenced at 5.32 pm and closed at 7.50 pm)

Chair