

Partial victory for residents as Planning Committee vote to refuse 26 bed Purpose Built Student Accommodation (PBSA) in Howell Road

We are pleased to report that the 26 bed PBSA application on the site of the closed Maximum Motors garage was refused at Planning Committee on 27 March, though it is unlikely that this will be the end of the matter as an appeal is expected. The planning officers had been minded to approve the application under delegated powers, but our councillors' request that the application should be brought to Planning Committee was agreed, in no small part because of the large number of objections that had been received. Well done to all who made their views known and brought about this action! According to the Planning Officer's Report a total of 77 of the 80 representations submitted during the original or subsequent consultation period were objections, two neutral and only one in support.

Addressing the original Planning Committee meeting on 8 February, Robyn Connett, who spoke on behalf of the Trust in defence of the Neighbourhood Plan (NP), and our three city councillors each expressed their own dismay and bemusement at the Officer's Report. Using various arguments, they made it clear to the Meeting that the proposals, which had been drawn up without any attempt to consult with Exeter St James Forum (or subsequently the Trust) or Bury Meadow Residents Association, flew in the face of residents' clear wish for a sustainable balanced community, embedded within the Plan, and explicitly expressed by many of the individual objectors. After deliberation, Members responded by rejecting the Officers' recommendation, voting overwhelmingly to defer the decision till their next meeting, when the application would be formally refused. In the interim the planning officers were instructed to prepare appropriate wording for the refusal and revise their Report accordingly.

While it is pleasing that Committee Members saw that the Officers' recommendation failed to give necessary recognition to the NP with its overarching aim of creating a balanced community, the attitude and conclusions of the planning officers are a huge concern. In the 3 minutes allocated to her, Robyn Connett explained that the Report revealed that the planning officers had failed to adhere to statutory regulations and the Report was not fit for purpose as the required reliable, unbiased professional assessment against pertinent policy.

The Report's blatant omission of the NP as one of the three policy documents comprising Exeter's statutory Development Plan according to which planning applications in St James must be determined by law, instead listing it under '*Other Material Considerations*' alongside non-statutory documents such as the University Supplementary Planning Guidance of 2007, and the Longbrook Conservation Area Appraisal 2005, is surely an extraordinary professional failing. This omission was also reflected in the specific policy clauses listed in the Report as those which were considered pertinent to the application and later with which the officer concluded the application's compliance, leading to his recommendation for approval.

The overarching aim of the NP received no mention, and although the NP's Policy C2, relevant to any application in St James involving PBSA of 10 or more beds, *was* inserted, inexplicably despite its omission from the officer's list of pertinent policies, this was only to draw the comment that '*the applicant has demonstrated compliance*'! This reliance on the applicant's assessment, instead of the result of professional analysis of the officer, would have been inappropriate in any case, but the comment was even more extraordinary as there had been no reference whatsoever to NP Policy C2 in any of the published documentation supplied by the applicant or his agent.

However, when the item was brought back to Members on 27 March, the Report had not been amended at all. It was simply appended in its original form, with a separate form of words set out for use within the formal decision notice. This statement explained that Planning Committee was

minded to refuse the application, citing grounds of non-compliance with Local Plan Policy H5b, and the overarching aim of the St James Neighbourhood Plan. Robyn Connett spoke again, asking that specific pertinent NP policy clauses be cited in addition to its overarching aim, to make the refusal more robust, but the planning officer was adamant that no NP policy was relevant. He did, however, respond to her repeated point regarding the Report's failure to recognise the statutory status of the NP, by saying he would 'be happy' for the Report to be amended by moving the NP from the non-statutory to statutory list of planning documents.

Members proceeded to vote decisively to refuse the application on the basis of the statement provided. However, anyone seeking in future to understand the rationale behind the refusal decision by accessing the Report (admittedly the latter's surprising absence from the published documentation under application 21/1014/FUL doesn't facilitate this) will be bemused to find that the Report claims compliance with Local Plan H5, and fails to recognise the NP as pertinent to the application, presenting the opposite view to the refusal statement!

We are concerned that this confusion and the failure to consider specific NP policy clauses, not least C2a which we continue to believe is highly relevant, may well jeopardise the dismissal of the appeal that the owner and developer of the Maximum Motors' site has already stated he will submit. We shall need to present our case very carefully, so that the Planning Inspector is aware of the perceived failings of the planning officers, and gives particular scrutiny of the Officer's Report, assessing our claims before accepting it, too readily, as the professional, reliable document expected of a Local Planning Authority.