



Exeter City Council

To the Chair and Members
of the Planning Committee

Please ask for: Sarah Selway

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Our ref:

Your ref:

A meeting of the **PLANNING COMMITTEE** will be held in the **RENNES ROOM, CIVIC CENTRE, PARIS STREET, EXETER** at **5.30 pm** on **MONDAY 20TH FEBRUARY 2012** to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Member Services Officer on **Exeter 265275**.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

A G E N D A

Part I: Items suggested for discussion with the press and public present

1 **APOLOGIES**

To receive apologies for absence from Committee members.

2 **MINUTES**

To sign the minutes of the meetings held on 5 December 2011, 16 January 2012 and 30 January 2012.

3 **DECLARATIONS OF INTEREST**

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

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11

BUILDINGS AT RISK

To consider the report of the Assistant Director City Development.

49 - 54

(Report circulated)

12

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WITHDRAWN APPLICATIONS**

To consider the report of the Assistant Director City Development.

55 - 80

(Report circulated)

13

ENFORCEMENT PROGRESS REPORT

To consider the report of the Assistant Director City Development.

81 - 82

(Report circulated)

14

APPEALS REPORT

To consider the report of the Assistant Director City Development.

83 - 92

(Report circulated)

15

SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 6 March 2012 at 9.30 a.m. The Councillors attending will be Macdonald, Mrs J Morrish and Spackman.

DATE OF NEXT MEETING

The next scheduled meeting of the Planning Committee will be held on **Monday 19 March 2012** 5.30 pm. in the Civic Centre.

Membership -

Councillors Bialyk (Chair), Macdonald (Deputy Chair), P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs Morrish, Newby, Prowse, Spackman, Sutton and Winterbottom

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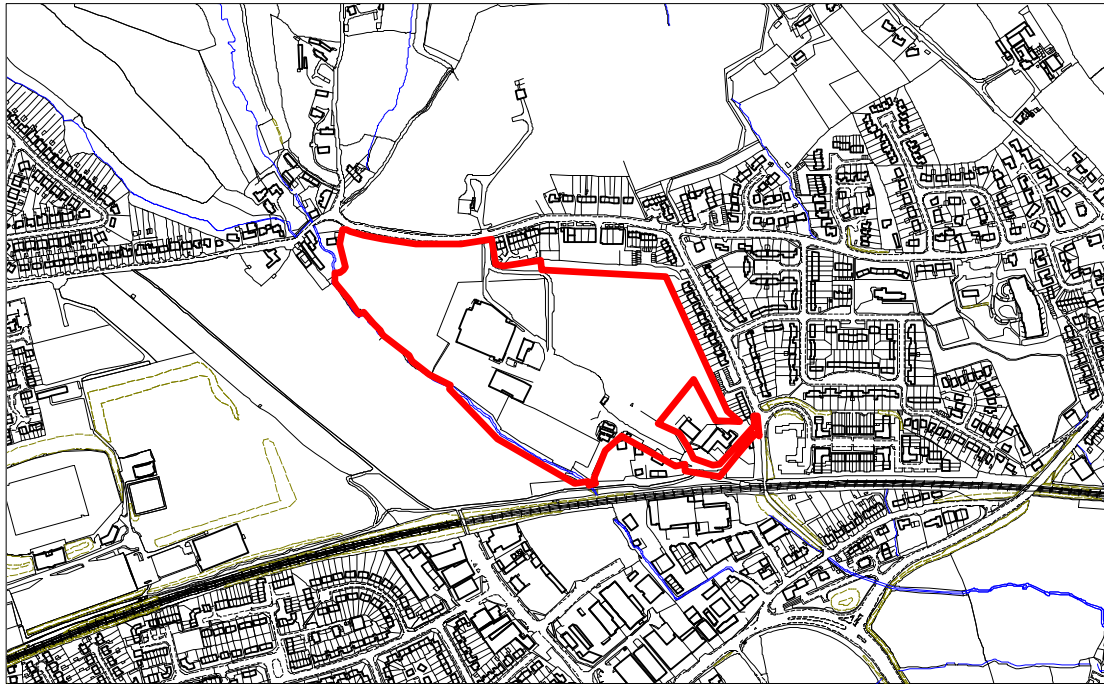
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Agenda Item 5

ITEM NO. 5

COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/1800/03 FULL PLANNING PERMISSION
APPLICANT: Redrow Homes Ltd
PROPOSAL: Residential development of 230 units and care home of 72 beds with roads, open space, landscaping and infrastructure, all following phased demolition of existing buildings
LOCATION: Former Ibstock Brickworks Site, land off Harrington Lane, Exeter, EX4
REGISTRATION DATE: 31/10/2011
EXPIRY DATE: 30/01/2012



Scale 1:10,000

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HISTORY OF SITE

98/1150/03 -	Detached building in centre of existing site for sand storage	PER	10/02/1999
92/0438/03 -	Erection of platform on roof to monitor kiln exhaust	PER	29/06/1992
95/0356/03 -	Extension to grinding section building and construction of two chimneys	PER	07/05/1996
05/0993/03 -	Change of use of former 'Specials' workshop from manufacturing (Class B2) to storage and distribution (Class B8)	PER	18/08/2005
07/0551/03 -	Change of use from industrial (Class B2) to storage and distribution (Class B8)	PER	17/07/2007

DESCRIPTION OF SITE/PROPOSAL

The site covers approximately 9.7 hectares and comprises part of the former Ibstock Brickworks Plant, a former quarry/landfill site and a field. Whilst the Pin Brook roughly marks the south-western boundary of the site, at the south-eastern end, the site extends to the south-western side of Pin Brook. The former Ibstock Brickwork Plant has ceased active manufacturing, although a quantity of bricks are still stored at the site. Access to the site is currently from Harrington Lane to the north and from Chancel Lane to the east.

Although the main character of the area to the north and the east of the site is residential, there are some office developments to the north, along Harrington Lane. To the south east of the site there are a number of employment uses, including an area of land immediately adjoining the site which is used for storage of plant and machinery. On the other side of the railway line to the south of the site, lies Pinhoe Trading Estate, which provides industrial uses. To the west of the site lies Eastern Fields, which is used as an informal recreation area, but is part allocated in the Exeter Local Plan First Review for 3.3 ha of employment development. A public footpath/cycleway runs through Eastern Fields.

The natural topography of the site has been re-modelled in the past to achieve level plateaus to use within the former brickworks. The natural gradient of the site rises towards the north, with the steep vegetative bank dropping away from the rear boundaries of the properties fronting Harrington Lane. The existing access from Harrington Lane also drops deeply down into the site, while the gradients level out to the far northwest corner of the site. The north eastern corner of the site is heavily vegetated with scrub which has grown up over an area of former landfill. The Pin Brook flows south east and is relatively incised with scrub and mature trees along its length. At the south-eastern end, an area of land to the south-western side of the brook is incorporated in the site.

Permission is sought for the phased demolition of the existing buildings on site and the erection of 230 residential units, a 72-bed care home, open space provision and associated infrastructure works.

The proposed scheme design has the following key features:

- Vehicular accesses from Harrington Lane and Chancel Lane
- 173 private 3 and 4 bed houses (generally detached and semi-detached)
- 57 affordable 2, 3 and 4 bed houses and flats (details to be finalised)
- a 72 bed care home along the Harrington Lane frontage
- A strip of public open space along the south-western boundary where the site adjoins Pin Brook
- Sustainable urban drainage including an attenuation area within the open space and swales within the development
- Internal highway arrangement with potential to extend into the adjoining Eastern Fields to provide a link to Exhibition Way.

The proposed residential development is predominantly two storey in scale. There are two apartment blocks which are three storeys high. The style of the dwellings is based on the Arts and Crafts style. The palette of materials includes a mix of buff and red multi stock brick, rough cast cream or off-white render, a mix of red or brown tile roofs, and the use of timber detailing to elements such as canopies. Doors and windows would be UPVC and garage doors would be steel.

The care home is proposed as a split level building to work with the sloping topography on this part of the site. The building is therefore two storey fronting Harrington Lane and three storey to the south side. The range of materials and architectural detailing are proposed to reflect those on the dwellings in the new residential development.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement
- Affordable Housing Statement
- Employment Market Report
- Archaeological Desk Based Assessment
- Air Quality Assessment
- Ecological Assessment
- Flood Risk Assessment
- Outline Drainage Strategy
- Geo-Environmental and Land Contamination
- Noise Impact Assessment
- Statement of Community Involvement
- Transport Assessment including Travel Plan
- Tree Survey and Arboricultural Report
- Site Waste Management Plan
- Sustainability Statement
- Energy Statement
- Design and Access Statement (including Lighting Assessment)
- Design and Access Statement for Care Home

REPRESENTATIONS

Representations received: 61. Comments: 3. Support: 1. Objections: 57. Principal planning issues raised:

- Impact on amenity of future occupants arising from noise and vibration from the adjoining employment land, which is not subject to an hours of use restriction.
- Overlooking of employment land with consequent harm to the working environment and security.
- Insufficient buffer between proposed housing and existing employment land.
- Danger to pedestrians arising from commercial vehicle activity in relation to the adjoining employment land.
- Impact of additional traffic on viability of adjoining employment land.
- Application should provide a double carriageway and safe pedestrian access over the railway. The existing bridge is substandard. The bridge should not be used by construction traffic.
- The applicant should not be offering to contribute to a potential link road across Eastern Fields. This road would disrupt a valued area of local open space and biodiversity.
- There is insufficient open space provided on the site for recreation and wildlife.
- The applicants claim that adjoining open space negates the requirement to provide open space on site, but the adjoining open space may be destroyed by a link road.
- Grouping all the affordable housing in the least favourable location next to the existing employment land is unfair and occupants will have a poor standard of amenity.
- Increased traffic in Harrington Lane and Beacon Heath.
- Insufficient highway capacity to accommodate the development in combination with other residential proposals in the area.
- The Tree Preservation Order close to the rear of properties in Chancel Lane should be made permanent. This is an area of developing woodland with associated wildlife.
- Overlooking of Chancel Lane properties by new development.
- Three storey flats are too high.
- The proposal would bring back into beneficial use an area of under-utilised brownfield land with good transport and communication links. It would supply housing to support emerging employment opportunities (e.g., Skypark and Science Park) in the area, and consequent economic prosperity.

A significant majority of the representations are principally concerned with the implications of a link road across Eastern Fields from Exhibition Way. Local residents object to the perceived loss of amenity space (for dog walking, etc.) and the impact on wildlife.

CONSULTATIONS

Environment Agency - No objection in principle. Conditions are recommended relating to the following:

- Requirement of a foundation risk assessment to ensure that piling does not create new migration pathways for contamination

Devon and Cornwall Police Architectural Liaison Officer - General comments are made and no specific objections are raised.

Devon County Council Education - Contribution of £3,633 per dwelling sought towards school place provision in the area, plus legal costs.

The County Director of Environment, Economy and Culture - The Transport Assessment submitted with the planning application has been considered and both its contents and conclusions are largely accepted and agreed. This was also the case with the application for development of the quarry site but, as with that development, the desirability of ultimately achieving the provision of a vehicular, pedestrian and cycle link from Harrington Lane to Pinhoe Road, via a new route across the railway line is considered a vital element in the acceptability in the long term, in order to alleviate pressure on unsuitable and inappropriate routes elsewhere on the highway network. This also accords with the main tenets of the Pinhoe Area Access Strategy as published in January 2011. For this reason, as with the quarry development, a substantial contribution should be sought from the developer towards the funding of the Exhibition Way link road as well as improvements to and the development of sustainable travel modes, tied to a comprehensive residential travel plan for the site. Further, the development must provide an appropriate internal connection up to the boundary of the site in order to facilitate connection in due course with the proposed link road.

Consequently the County Council as Local Highway Authority raises no objection to the proposed development, subject to an appropriate legal agreement to provide the following;

- (i) A total financial contribution in the sum of £776,081. This equates to £3,375 per dwelling for each residential unit (total units=230) which compares directly with the residential element contribution in respect of the planning application on the Pinhoe Quarry site. The overall contribution also accords with the relevant Strategic Infrastructure Contribution for the development suggested in the Exeter Core Strategy document dated August 2011.
- (i) The above contribution to be apportioned as follows;
 - (a) A sum of £607,750 to be contributed towards the construction of the proposed Exhibition Way link road between the boundary of the site which is the subject of this application and Exhibition Way.
 - (b) The sum of £168,331 to be used towards a package of sustainable transport measures which may include;
 - (i) Service or infrastructure improvements to existing public transport provision.
 - (ii) In respect of an agreed Residential Travel Plan which will be provided under a planning condition sustainable transport measures such as cycle stands, bus passes and a car club contribution (but not exclusively) may be required.

It is also recommended that conditions are attached to any grant of planning permission relating to secure a connection with the proposed Exhibition Way link road, to the submission

of a comprehensive residential travel plan, and to provision of further design and construction details.

Devon Wildlife Trust - comments may be summarised as follows:

- The scale of biodiversity mitigation proposed is disproportionately small when compared with the large amount of habitat (woodland, scrub and grassland) which will be lost. Around 0.4 hectares of wooded habitat, 0.9 hectares of scrub and 1.2 hectares of rough grassland will be lost.
- The linear park will be too narrow and its extent too small. It tapers out towards its northern end and therefore does not adequately make connections to wildlife rich land to the north of Harrington Lane. The wildlife value of this area will be significantly reduced by the pressures that will be exerted by the new residents using the open space for informal recreation.

The following amendments are recommended to mitigate the loss of important features:

- The widening of the linear open space, equal to that currently proposed at its widest width, along its length to Harrington Lane with associated habitat enhancement
- The creation of an area of wildlife habitat, with developer funding, on the triangle of land formed by the proposed access road extension from Exhibition Way (i.e. the land bounded by the new road, the railway and the stream).

East Devon District Council - the cumulative impact of the development in relation to nearby significant development in East Devon should be considered particularly with regard to infrastructure provision.

Exeter City Council Environmental Health - conditions recommended relating to construction hours, deliveries, a Construction Environmental Management Plan, contaminated land, green travel, noise mitigation and CHP plant

Exeter City Council Parks and Open Spaces - the stream planting is important to the local environment and should be enhanced by creating a 10m wide buffer zone between the development and stream. Native species should be planted in this area particularly on the brickworks land that needs greening with suitable landscape planting. Any SUDS proposals for the development should include downstream habitat protection measures.

The existing field hedge along the Harrington Lane boundary and to the side and behind houses along this road must be retained to provide a visual screen to improve biodiversity by providing habitats for birds and mammals that exist in this area. A buffer zone is desirable along this boundary rather than including the hedge in the gardens of new properties.

The landscaping should not be confined to the perimeter of the site. Aesthetically it is very important that space is created throughout the development for large trees that will provide a strong structural element to soften the visual impact of the housing scheme when viewed from other areas of the city. However a large useable open space is preferable to several smaller ones.

The Play provision on this site needs to be considered alongside the nearby proposed development of Pinhoe Quarry and any play facilities that may be provided on that development. This is important as both developments will have major on-site play facilities that will be easily accessible by residents from both new developments and the surrounding areas.

Contribution for play sought of £112,608.

Exeter International Airport - general observations and advice; no safeguarding objections.

Natural England - the application site is within 10km of the Exe Estuary Special Protection Area, Ramsar site and Site of Special Scientific Interest. A proposal of this magnitude is likely to have a significant effect on these protected areas in combination with other developments in Exeter, East Devon and Teignbridge. A contribution of £350 per dwelling is requested, to be spent on measures to mitigate the impact of development.

Network Rail - no objection in principle; general comments.

RSPB - recommend off-site mitigation contribution (Natura 2000 sites) and on-site management/enhancement of biodiversity.

South West Water - insufficient capacity in public foul sewer network; conditions/s106 obligations recommended to prevent development until this is resolved.

University of Exeter Centre for Energy and the Environment - comments may be summarised as follows:

- Renewable energy provision is less than the 10 per cent requirement set out in the Core Strategy.
- The Sustainability Statement states that "it is intended that many of the future residents will work within the care home and employment uses." This is an unfounded claim unless homes are to be specifically allocated to employees.
- The 10 per cent improvement in energy standards above current Building Regulations (required by the Core Strategy) is not currently being met. The reason given is economic uncertainty.
- The Energy Report states that it is unlikely that there will be other local heat networks in the future (despite other significant development in the locality).
- Large energy savings from micro-CHP are claimed for the care home, with no calculations to show how they have been made.
- Costs given as a justification for not providing district heating seem excessive.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
ST3 - Self Sufficiency of Devon's Communities
ST4 - Infrastructure Provision
ST10 - Exeter Principle Urban Area
ST18 - Affordable Housing
ST18a - Mix and Type of Housing
CO6 - Quality of New Development
TR1 - Devon Travel Strategy
TR2 - Coordination of Land Use/Travel Planning
TR5 - Hierarchy of Modes and Transport Assessment
TR7 - Walking and Cycling
TR9 - Public Transport
TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
E1 - Employment Sites
E3 - Retention of Employment Land or Premises
H1 - Search Sequence
H2 - Location Priorities
H6 - Affordable Housing
H7 - Housing for Disabled People
L4 - Provision of Playing Pitches
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
T10 - Car Parking Standards
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN4 - Flood Risk
EN5 - Noise
DG1 - Objectives of Urban Design

- DG2 - Energy Conservation
- DG3 - Commercial Development
- DG4 - Residential Layout and Amenity
- DG5 - Provision of Open Space and Children's Play Areas
- DG6 - Vehicle Circulation and Car Parking in Residential Development
- DG7 - Crime Prevention and Safety

Exeter Local Development Framework Core Strategy (for adoption February 2012)

- CP1 - Spatial Approach
- CP2 - Employment
- CP3 - Housing
- CP4 - Housing Density
- CP5 - Housing Mix
- CP7 - Affordable Housing
- CP9 - Transport
- CP10 - Community Facilities
- CP11 - Air Quality
- CP12 - Flood Risk
- CP13 - Decentralised Energy Networks
- CP14 - Using Low Carbon and Renewable Energy
- CP15 - Sustainable Construction
- CP16 - Protected Sites and Species
- CP17 - Design and Local Distinctiveness
- CP18 - Infrastructure

Exeter City Council Supplementary Planning Guidance

- Car Clubs

Exeter City Council Supplementary Planning Documents

- Residential Design
- Affordable Housing
- Planning Obligations
- Public Open Space
- Trees and Development

OBSERVATIONS

Housing

The application is a “departure application” because it does not conform to the currently adopted Development Plan, which was prepared before the brickworks ceased to operate. Exeter Local Plan First Review allocates 2.1 ha of the site as employment land as an extension to the industrial use taking place at that time. The proposal has therefore been advertised as a departure. However, the emerging Exeter Core Strategy identifies that housing demand in Exeter significantly exceeds the supply of land that is available and suitable for residential development. The development proposed would help short-term housing supply. It is therefore supported in principle.

The proposal is for 230 dwellings on a site of 9.1 hectares (excluding the nursing home). This would give a density of around 25 dwellings per hectare. Government guidance advises that a range of densities may be appropriate. This proposal is at the lower end of the typical range for new developments, although this is not surprising since the proposal is largely for detached and semi-detached family housing.

Exeter Local Plan First Alteration requires the provision of 25 per cent affordable housing in developments of 15 or more dwellings. The provision of affordable housing is discussed further in the section on Planning Obligation Requirements below.

In accordance with Local Plan policy H7 and the Council's Residential Design SPD, 5 per cent of the dwellings are wheelchair accessible.

Loss of Employment

The Exeter Local Plan First Review identifies 2.1 ha of this site as employment land. However, this was before closure of the brickworks. A Planning Member Working Group report in 2007 acknowledged that with the brickworks closure, a mixture of employment and residential use on the site may be appropriate.

Unlike the Local Plan, the emerging Core Strategy does not specify that employment land should be provided on this site. It simply indicates that 5.5 ha of employment land should be provided in the Pinhoe area.

The initial submission of this application included 1 ha of employment land, which was proposed to be used in the first instance by Ibstock for brick storage. However, a revision to the road network configuration within the site led to the removal of this element of the proposal. Given that the land was to be used as brick storage, which is not a labour-intensive use, it is not considered that the loss of this use will have a significantly detrimental impact on employment opportunities in the area.

Furthermore, the proposal includes a care home. Whilst this is regarded as a residential rather than an employment land use, it does provide a significant element of employment. The supporting information accompanying the application indicates that the care home will have 72 full-time-equivalent employees. The brickworks at its peak employed 65 people.

Transportation

The Highway Authority has identified a long term need for a vehicle link to Exhibition Way, "in order to alleviate pressure on unsuitable and inappropriate routes elsewhere on the highway network." This is explained in the County Council's Pinhoe Area Access Strategy (2011). The link is considered by the Highway Authority to be "vital" in the long term. The resolution to grant planning permission for residential development of Pinhoe Quarry to the north includes a financial contribution to the provision of this link. A similar contribution and the potential for the link to connect to Harrington Lane through this development is therefore consistent with the Quarry proposal.

The County has indicated that the provision of the link would become vital once around 300 houses (of a possible total of 610) in the Pinhoe Quarry and Ibstock Brickworks sites are occupied.

The County Council intends to undertake a public consultation on the most suitable route for a link from Exhibition Way across Eastern Fields and through the application site to Harrington Lane and Chancel Lane. The options identified include two possible points across Pin Brook into the Ibstock land. The applicants have accordingly amended their proposed housing layout to accommodate either of the possible options.

Work on the design of the link road is continuing, but the financial contributions sought by the County Council are expected to cover the cost. Notwithstanding the outcome of the consultation or this planning application, a further full planning application, with the requisite public consultation, would be required to consider the proposed link road.

Eastern Fields is currently the subject of an application for Village Green status. This appears to have been made by local residents in response to the prospect of a road being built across the land and the employment allocation. If it is designated as a Village Green, it remains possible for the road to be built, provided that suitable alternative land can be found in the vicinity which can be designated as a replacement for the area of lost Village Green.

The proposed access onto Harrington Lane can operate without conflict with the proposed accesses to the development of Pinhoe Quarry. The Highway Authority is satisfied that the

development can take place without exceeding the capacity of Harrington Lane to accommodate additional traffic.

Pedestrian and cycle connections to the surrounding have been improved as a result of negotiations. A pedestrian link to Harrington Lane, to the east of the proposed care home, was discussed with the applicant, but the Highway Authority has indicated that it would not be adopted due to the changes in level in this area. Consequently the applicant does not wish to provide it. Two links are proposed between the site and Eastern Fields. No link is made between the site and the pedestrian/cycle path which runs along the railway line to the south of the site.

The Highway Authority is satisfied that the development can take place without improvements to the Chancel Lane bridge. Access into the site from Chancel Lane is narrow and, in parts, without a pedestrian footpath. There is little scope within the application site to improve the access for pedestrians due to the limited width of land within the control of the applicants. However, it is recommended that a condition is imposed to secure details of surfacing, with a view to making this route as safe as possible for pedestrians. This condition would also apply to the rest of the site.

Public open space

Local Plan policy DG5 requires that family housing proposals should provide 10 per cent of the gross development area as level open space, including equipped children's play space. The applicants have supplied information to demonstrate that 10 per cent of the site is proposed as usable public open space. The space identified includes a strip of land on the western site boundary, alongside the Pin Brook. It also includes two smaller green areas adjacent to the main spine road running through the housing layout.

Part of land along the Pin Brook is to be used as an attenuation area for sustainable drainage. It is not clear how usable this area will be or whether its design will make it suitable for recreational use. However, the applicants have demonstrated that they can achieve the 10 per cent requirement without including the attenuation area. The applicant has offered to provide pedestrian links from the proposed open space to the adjoining open space in Eastern Fields.

The applicant has indicated that the developer will provide and equip the public open space, and also provide for long-term management. The financial contribution identified by the City Council's Parks and Open Spaces Manager is therefore not required. However, it will still be necessary to secure the design and ongoing management of the space through a legal agreement.

The current housing layout does not allow for biodiversity enhancements along the Pin Brook, as identified in consultation responses from Devon Wildlife Trust and the City Council's Parks and Open Spaces Manager. However, it is considered that subject to the result of the Village Green application, biodiversity enhancements could be made on the other side of the brook, on Eastern Fields land, using part of the community contribution of £625 per dwelling being offered by the developer. The idea of the creation of an area of wildlife habitat, with developer funding, on the triangle of land on Eastern Fields formed by the proposed access road extension from Exhibition Way is supported by Devon Wildlife Trust.

Trees

Trees within the proposed open space to the western boundary of the site would be retained. The only other area containing any significant trees is to the east of the site, close to the rear boundaries of dwellings in Chancel Lane, and in an area formerly used for landfill. These trees are the subject of an unconfirmed Tree Preservation Order. The applicant has indicated that it will be necessary to remove all of the trees to provide protection against gas migration from the former landfill site. In its place, a buffer area of new trees will be planted, providing a visual and noise barrier to protect the amenity of residents of existing and

proposed dwellings. The Tree Officer raises no objection to the proposal. The proposed buffer area is considered acceptable to protect residential amenity.

Amenity of future occupants

A planted buffer is proposed around the existing employment land, together with an acoustic fence. Further details of this fence have been requested. Subject to receipt and consideration of the details, this is considered to provide adequate protection from activities within the employment land, and this has been confirmed by the Head of Environmental Health.

Recent amendments to the proposals have reconfigured the housing layout so that the orientation, height and window positions of houses and flats have reduced any potential for unacceptable overlooking of the employment land. This is not considered to be of concern.

Design

The applicants have not followed the City Council's preferred design approach in formulating their proposals for the site. As a consequence, there are some aspects of the layout which do not meet the requirements of the Residential Design SPD. Furthermore, the scheme does not score well when assessed against Building for Life criteria - it achieves 8 out of 20, which is classed as poor, the worst of the four classes. The assessment was undertaken by an accredited assessor. Specific issues raised by the assessment which are disappointing are:

- The proposal has poor pedestrian and cycle links to the surrounding area.
- Some garden sizes do not meet amenity standards. The two flats over garages have no amenity space at all.
- Affordable housing types do not meet local need and some are clustered in areas of poorer amenity.
- Not all of the scheme meets Code for Sustainable Homes level 3, as required by the Core Strategy.
- The design is not specific to the scheme and site. Standard house types are used, and streets and spaces are dominated by highway. The 'garden suburb' concept which the developer argues is the basis for the development does not follow through into the site layout.
- No detail of landscape design. Lack of definition of public/private space.
- Definition of boundary treatments unclear and inconsistent.
- Care home is not integrated into the site.
- Cycle parking is substandard.
- Poor quality link to Chancel Lane through the existing employment area (N.B., this is largely outside the applicant's control).
- Substandard internal space in some of the units (especially the smaller ones).
- Limited evidence of commitment to use sustainable materials.
- No evidence that the scheme exceeds statutory requirements of the Building Regulations.

There are also concerns about the proposed care home. It is a very large building sited on the highest and steepest part of the site. It is considered that there would have been better locations for it elsewhere in the site, but the applicants have declined to engage in significant discussions about alternatives. The impact of the development on Harrington Lane and on the remainder of the development itself will be heavily dependent on the amount and type of landscape planting proposed. To date, the applicants have failed to demonstrate that this impact will be acceptable. Further details are awaited.

Whilst the poor Building for Life score is very disappointing and could have been improved if the applicant had been prepared to work more closely with Officers at the pre-application stage, there are some positive aspects to the proposed design and layout, including:

- Accessibility to public transport.

- Most streets have an active frontage, and public spaces and pedestrian areas are overlooked.
- There is a clear 'Arts and Crafts' approach to architectural detailing, and some consideration of use of high quality materials.

The elements of three storey development are a small proportion of the overall scheme. It is not considered that they will create unacceptable amenity or townscape problems.

The applicant has made some modifications to the layout and details in response to concerns raised by Officers. The design and sustainability concerns must be considered against the benefits of achieving housing development on this site, which include bringing disused land back into beneficial use, and providing much needed additional housing within the city. On balance it is considered that the benefits outweigh the design concerns in this instance.

Planning Obligation requirements

If Members are minded to approve the application, the following contributions will be required and secured by a s106 legal agreement:

Exhibition Way link and sustainable transport	£3601 per dwelling
Education	£3633 per dwelling
Community facilities	£625 per dwelling
Natura 2000	£350 per dwelling

In addition, affordable housing provision will be required with an appropriate number of units, mix of dwelling types and distribution. The Core Strategy specifies that a minimum of 35 per cent of the units should be affordable, but it is recognised that this may be less during the transition from 25 per cent (as required in the current Local Plan) and as a consequence of the current financial climate. The precise details of the affordable housing provision have not yet been finalised with the applicant. It has been agreed that 25 per cent will be affordable, and that 70 per cent of those will be social rented housing, with the remainder being shared ownership housing. There will be no houses offered at affordable rent. Matters including the mix of houses types and the clustering/distribution of dwellings throughout the site are still under discussion.

The legal agreement will also secure:

- The design and ongoing management of the public open space within the application site;
- The provision of the Eastern Fields road link to the boundary of the application site; and,
- Timing of the provision of the care home.

NORTHERN AREA WORKING PARTY (14 November 2011)

Members noted the details of the scheme and requested that a site inspection take place to enable them to view the site.

They also noted that the proposal would be reported to the Planning Committee in due course.

SITE INSPECTION (22 November 2011)

Members walked the perimeter of the site and noted the relationship with its surroundings. They noted the position of the proposed accesses, trees and details of adjoining uses.

RECOMMENDATION

Subject to the receipt and consideration of the arrangements for provision of affordable housing and any consequential design amendments (including reconsultation with neighbours if necessary), the Assistant Director of City Development in consultation with the Chair of Planning Committee be authorised to grant **APPROVAL** subject to the completion of a Section 106 Agreement securing the matters referred to in the summary above, and subject to the following conditions.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director, City Development to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development aside from that contained within Part 40 shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 5) C35 - Landscape Scheme
- 6) C36 - No Trees to be Felled
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) Prior to the commencement of development, a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Ecological Assessment dated October 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document.
Reason: In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site
- 10) Prior to the commencement of development, the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts, and to identify any other badger activity on the site such as feeding/foraging patterns, and the survey shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until details have been approved writing by the Local Planning Authority that clearly demonstrate how the findings of the survey in respect of habitat/feeding/movement of badgers on the site have been protected/enhanced within the design/layout proposed.
Reason: To ensure that the potential impact of the proposal upon badgers is

appropriately addressed and mitigated

- 11) C70 - Contaminated Land
- 12) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
- 1) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. In addition, to prevent pollution, any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Reason: To protect controlled waters.

- 14) No development shall take place until a foundation risk assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the conclusions of the assessment.

Reason: In order to ensure that piling does not create new migration pathways for contamination.

- 15) A connection from the internal road network within the site shall be provided up to the site boundary in whichever of the two locations proposed by the applicant is considered appropriate to facilitate direct connection with the proposed Exhibition Way link road.

Reason: To ensure that a vehicular and all more connection can be facilitated between the internal development site roads and the proposed Exhibition Way link

road.

- 16) A comprehensive residential travel plan, to be agreed in writing by the Local Planning Authority, in relation to development of the site should be provided, operated and maintained.
Reason: To ensure that sustainable (non private car) trips to and from the site are maximised.
- 17) The proposed estate roads, footways, footpaths, cycle routes, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture as appropriate shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals
- 18) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises (including the care home) in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.
Reason: To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 19) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
(a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;
(b) a programme for implementation synchronised with the progressive occupation of the development; and
(c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.
The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.
Reason: To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 20) No building shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network rendered necessary by the development have been completed and confirmed in writing by the Local Planning Authority (in consultation with South West Water) as being satisfactory.
Reason: To ensure that the public foul sewer network has sufficient capacity to serve the proposals.
- 21) No development shall take place until details of the sustainable urban drainage design have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.
Reason: In the interests of sustainability, and visual and local amenity.
- 22) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to

1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of the residential amenity of the occupants of surrounding property.

- 23) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
- Reason:** In the interest of the environment of the site and surrounding areas.
- 24) Prior to the commencement of any development, detailed plans, including sections, of the proposed noise attenuation feature along the eastern boundary with the adjoining employment land along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.
- Reason:** In the interests of the residential amenity of the future occupants of buildings within these phases of the development
- 25) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.
- Reason:** In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy.
- 26) Prior to commencement of the development a scheme for generating a minimum of 20% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.
- Reason:** To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

**Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:**

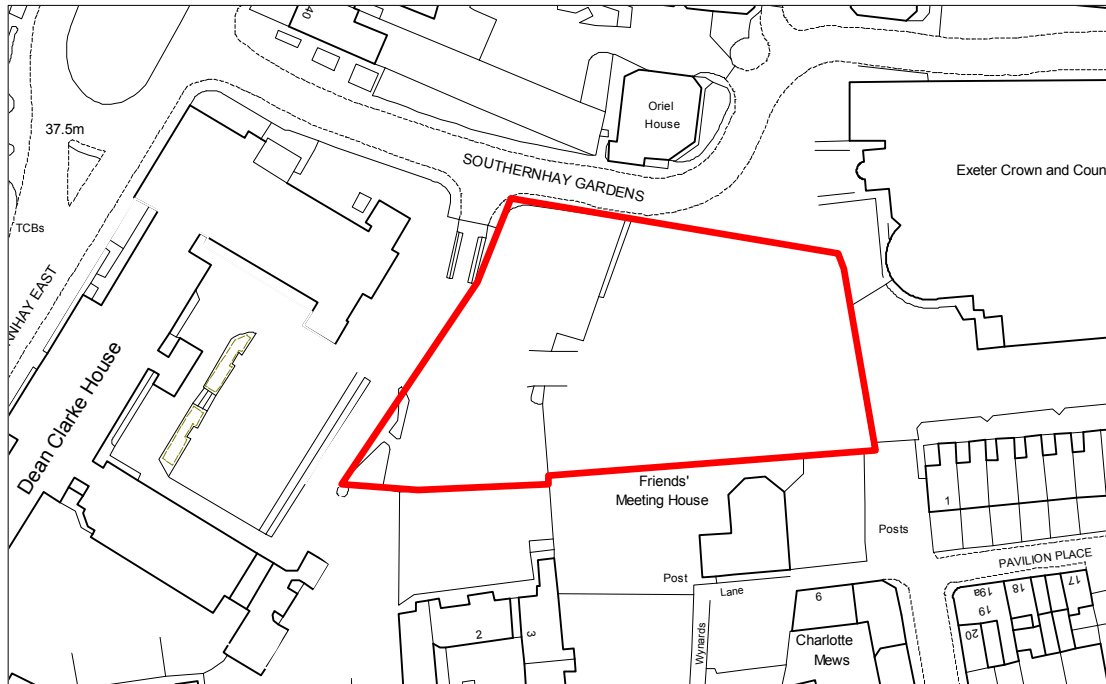
Files of planning applications available for inspection from the Customer Service Centre,
Civic Centre, Paris Street, Exeter: Telephone 01392 265223

Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/1816/03 FULL PLANNING PERMISSION
APPLICANT: Trathern Properties Ltd
PROPOSAL: Construction of mixed use 120-bed hotel, offices, cafe/restaurant and basement parking on two levels.
LOCATION: Land to the east of Dean Clarke House, Southernhay East, Exeter, EX1
REGISTRATION DATE: 23/11/2011
EXPIRY DATE: 22/02/2012



Scale 1:1250

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HISTORY OF SITE

Planning approval was granted in 2008 (08/1736/03) for the construction of a new office building with basement parking, new access road into the site and a centrally located courtyard garden. The proposed office building sought to provide a total of 6,538 square metres of office space arranged over five storeys with two level of basement car parking providing a total of 90 spaces. This permission elapsed on the 14 November 2011.

DESCRIPTION OF SITE/PROPOSAL

The application site (0.29 hectares) is situated within an existing car park located between Dean Clarke House and the Crown Court. The proposal essentially comprises of two phases. The first building phase located on the part of the site closest to Dean Clarke House proposes a hotel with coffee shop (260 sq metres), restaurant (88 covers) and bar (46 covers). The hotel comprises some 120 rooms spread over 6 floors. There is also a office element of 362 sq metres on the ground floor. This building and the Phase 2 of the development would have access to two levels of basement car parking containing a total of 167 car parking spaces which would operate on a pay and display basis. This car park is also available for general public use. To the rear of the building adjacent to the southern boundary is proposed a landscaped area to serve both the hotel and the future office accommodation.

The second building phase is located closest to the existing courts building. This comprises a five storey office building of 352 sq metres of floor space on each floor resulting in a total of 1760 sq metres.

The combined two phase of the building works would result in a five/six storey building constructed of brick and zinc coloured cladding with aluminium window frames and a flat roof. The application is accompanied by landscaping scheme which indicates the intended arrangement of the area in the interim period before phase II is built.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement concludes that the development of a hotel in this location with associated office and active ground floor uses is fully consistent with existing Local Plan policies, the emerging Core Strategy for the City Centre and the Exeter Hotel Study. These proposals are fully in accordance with PPS4 and government strategy with regard to employment provision and economic activity and also the Good Practice Guide on Planning for Tourism.

The proposals have the support of Whitbread as a specific investor in the hotel part of the project and the hotel proposals will replace the consent previously granted but unrealised in Dean Clarke House.

The office supply situation in Exeter as with many other areas is considerably in excess of demand to an extent that banks are currently not prepared to fund office development where there is no pre-let. As a consequence these proposals contain a phasing plan which allow the hotel and cafe/restaurant elements to proceed in advance.

These proposals will add a much needed hotel to the centre of Exeter, provide an active frontage linking Southernhay to the Law Courts and bring about the regeneration of an under utilised site in the City Centre. Furthermore all of the proposed uses have direct employment benefits and wider economic benefits for the City Centre of Exeter beyond the sites' current use as an under utilised car park or an unimplemented office permission.

The Transport Statement concludes that the site is in a highly sustainable location adjacent to the City Centre and has excellent potential for access by a range of sustainable modes of transport.

In total, the proposed development is predicted to generate a total 1,272 person trips and 485 vehicle trips which means that 38% of all person trips will be made by car drivers.

The proposed parking arrangements will operate on a publicly accessible 'pay and display' basis in the manner of the existing facility and although no spaces will be dedicated for use by employees and residents of the development, people who arrive at the site by car will likely park there if spaces are available.

The combination of the proposed mixed land uses will ensure the car park is more efficiently utilised than the existing arrangement due to the opposing tidal flows of traffic associated with each aspect of the development.

The Socio-Economic Study (Turley Associates) concludes that the proposed mixed use development of the car park to the rear of Dean Clarke House would provide hotel and restaurant, office and coffee shop uses on a site that currently provides only car parking. The City Council's emerging Core Strategy proposes that this site and the surrounding area is identified and protected as an employment area. This Assessment demonstrates the significant beneficial impact that will arise as a result of the development, both in terms of employment generation and economic contribution to the local area.

The Assessment demonstrates that when appropriate factors are taken into account (including employment displacement, leakage and multiplier effects), the construction and operational phases of the proposed development would generate an additional 94 permanent full time equivalent positions in the local economy. In addition to the proposal's contribution to the wider strategy for the development of Exeter City Centre, this employment would represent a significant and tangible benefit to the local economy. When compared with the

employment benefit derived from the existing car park use, the clear beneficial impacts can be seen.

In summary, the proposed development will result in the following effects an additional 94 permanent full time equivalent positions; approximately an additional £2.14m per annum economic activity, support for smaller local businesses and suppliers to deliver the uses and services proposed and approximately an additional £1.07m 'spin off' expenditure attracted annually to the local area.

Notwithstanding the emerging Core Strategy policy for the area, the most up to date statement of national planning policy confirms that the uses proposed in the application represent economic development consistent with the site's city centre location. As a result a significant contribution will be made to employment levels and the local economy generally.

Independent Exeter Office Market Study (Croft Surveyors) concludes that there is sufficient amount of office available to accommodate the historic levels of take up in the medium term both within the city centre and out of town space of both second hand and new design. There has been a substantial allocation of development land earmarked for office use which will likely satisfy the historic level of demand for the future.

The general diversification of city centre locations observed nationally has seen the requirement for alternative employment uses. An identified use such as tourism which is established, compatible and important to the whole region in creating and supporting employment in line with social demand, is essential to consider.

It is our opinion that if based on the average take up shown in the historical statistics of the office space for the last 3 years, the amount of current available space of medium to large office suites equates to in excess of 353,000sq ft we would conclude that there is enough provision already constructed to satisfy the equivalent to three years demand.

Independent Office Supply Study (Alder King) concludes that our analysis of the city centre market demonstrates that the current available supply of offices outweighs current annual demand by seven times. Although there is inevitably some stock which is redundant, given likely demand and reasonable recycling and refurbishment of existing stock the current market appears to support likely demand for a long period of time.

The total demand for accommodation within the city centre is finite and the future market is likely to be focused upon recycling and refurbishing the existing stock. Until these cheaper and more economically viable alternatives are exhausted we do not consider that a new large office development site become viable or come forward for development.

The marketing campaign of The Senate, which comprises the principal city centre office new building, demonstrates the lack of demand for new city centre accommodation. This transcends the current recessionary circumstances. Only just over half the building is now let/under offer following a 3 year marketing campaign. This further supports the view that a new site will not come forward under such demand conditions which appear to be entrenched.

The site has been openly marketed for a period of two years. The demand which has been received demonstrates the lack of demand for the site as offices. Potentially viable alternative uses appear to include hotel and student accommodation.

Demand for out of town office accommodation is growing and take up for such office accommodation continues to represent a larger proportion of the annual take up as a whole. Improved road communication, accessibility, car parking and the ability to serve a regional hub are reasons for increasing demand in out of town accommodation.

There is a large supply of out of town office accommodation which will become available over the next few years derived principally from Exeter Business Park and Skypark but also including Cranbrook and the Science Park.

The Heritage Archaeological Statement concludes that the effect of the proposed development on the archaeological resource will be a material consideration in the determination of the planning application. This document has established that post medieval and earlier, undated archaeological features survive across the site sealed beneath post-medieval cultivation soils

Through consultation with the Exeter City Archaeologist, it has been recommended that mitigation should comprise the following elements, secured by a planning condition attached to the issued consent.

- i) a controlled machine removal of modern overburden, probably subsequent to basement sheet pile wall installation;
- ii) archaeological strip map, hand extraction and record of identified archaeological features in areas of survival within footprint of new basement and of any associated ramps.

REPRESENTATIONS

4 letters of objection received concerning:-

- i) Unfair competition with smaller hotel operator;
- ii) Lack of cycle spaces within the site to serve the proposed uses.

Two letters of objection from the Courts covering the following issues:-

1. Part of the access road is private with parking restrictions imposed to maintain the safety and security of court visitors and staff. Additional traffic is likely to pose a threat to the users and staff of the courts.
2. Construction site vehicles will have no turning access on the private roads, and could inappropriately use the pedestrian paved area in front of the courts, with obvious dangers posed to pedestrians.
3. The development plan shows construction very close to the secure car park and prisoner access area, and this may compromise the security of the compound.
4. The plans show pedestrian access from the private road into the development, and this is in the route of heavy vehicles, particularly secure prisoner transport vehicles. This may pose a threat to all users of the area.
5. The road is the only access for the secure prisoner transport vehicles to and from the courts, and any obstruction, delay or increased vulnerability of the vehicles may be a serious matter for the operation of the courts and public safety. The same applies to deliveries and access by court staff to the secure car parking compound.
6. If construction site vehicles use the private road to turn around, there are no parking restrictions enforced by Devon County Council for the hammerhead area between the Court and Western Way, which will make turning virtually impossible. This is likely to cause congestion and delays for all users of the road. Also such traffic is likely to reduce the life of the speed bumps, installed to enhance the safety for users of the area.
7. Contractually we cannot use any external lighting to be on before 7am or after 7pm as this was part of the planning consent for the Courts, and we assume therefore that this will apply to any development.
8. There is a real risk of severe vibration, noise and dust which is likely to interfere with the operation of the courts particularly the hearings. It could also result in the suspension of some court cases.
9. We are very concerned about the real risk of structure damage and additional operating costs associated with airborne debris, air intake and building ventilation systems.
10. The Courts planted a number of trees that could be damaged and killed by the reduction in light.
11. The Courts require privacy, and enhanced security, particularly for judges and jurors, and the works are likely to compromise this through some rooms being overlooked.

3 Letters of support welcoming the development of this existing car park.

CONSULTATIONS

The County Director of Environment, Economy and Culture comments that from highway view, in principle the proposed uses associated with this development are acceptable. However, adequate information has not been submitted to support this application to provide a view of the traffic that is likely to be attracted and/or generated by this proposal. Consequently additional information has been requested in respect of parking provision, the

submission of a Travel Plan, the location of any operational loading and unloading facilities and the location of both visitor and secure cycle parking and associated facilities.

The Head of Environmental Health advises that the applicant undertakes a noise impact assessment for the proposal, which shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, guests and events. In addition, the applicant shall submit full details of the kitchen extraction system including predicted noise levels and odour abatement equipment. Subject to satisfactory receipt of this information recommend approval with conditions relating to hours of construction, noise mitigation measures (if required), implementation of approval kitchen extraction systems, submit details of the ventilation to the underground car park and the submission of a contamination report.

English Heritage's views are awaited

The RSPB considers that there should be a number of opportunities to install nest/roost boxes particularly for swifts on the more sheltered elevations of this development. There are known to be swift colonies within reasonable proximity of the site.

The Police Architectural Liaison Officer comment that they are concerned about basement parking facilities leading to anti social behaviour including damage, theft from vehicles, graffiti and drug use. Clarification is required as to whether the parking facilities are for public use or use by hotel guests and business users only. Further information is required in respect of the barrier /access/exit controls, CCTV systems, and lighting levels.

The Projects and Business Manager previously considers that a condition is imposed which requires details are required in respect of cycle parking for visitors and secure parking, changing, shower and locker facilities for staff in accordance with Local Plan policy T3.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
CO6 - Quality of New Development
C07 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety
T10 - Car Parking Standards
C5 - Archaeology
EN2 - Contaminated Land
E3 - Retention of Employment Land or Premises
TM1 - Hotel Development

Exeter Local Development Framework Core Strategy (for adoption February 2012)

CP1 - Spatial Approach
CP2 - Employment
CP9 - Transport

CP11 - Air Quality
CP14 - Using Low Carbon and Renewable Energy
CP15 - Sustainable Construction
CP16 - Protected Sites and Species
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

OBSERVATIONS

The Local Plan policy E3 and policy CP2 of emerging Exeter Core Strategy are relevant to determine whether the principle of a mixed use development comprising mainly of hotel and office is acceptable in this location. These policies seek to safeguard the area for employment uses, which in this location would primarily be for B1 office use. The supporting information provided by the applicant states that the application will be developed in two distinct phases with the first phase seeking to build the hotel element with associated restaurant, a new coffee shop and some office provision on the ground floor. The second phase would result in the construction of office space within a five storey block to be provided at an unspecified later date. The applicant has submitted substantial supporting documentation which highlights the current low demand for office accommodation which concludes that it is unlikely that the provision of this element of the scheme would be commercially viable in the short term. Conversely the applicant has stated that 'Premier Inn' are looking to develop this site for hotel use in the more immediate future. The application is also supported by a Planning Statement which highlights PPS4 Planning for Sustainable Economic Growth which provides current government guidance with regard to sustainable economic growth including the vitality and viability of town centres. Within paragraph 4 it provides key tests for the acceptability of a scheme namely one which *'provides employment opportunities, generates wealth or produces or generates an economic output or product'*. This guidance recognises the need to sustain development growth within the town centre and therefore is a significant material consideration. However notwithstanding this guidance, the application still needs to be balanced between the short term gain of development, in this case for hotel use, against the longer term desire to safeguard the site for office accommodation as designated by the Local Plan and emerging Core Strategy.

The employment generating potential for the hotel and associated uses as stated within the applicant's supporting information are noted although it is recognised that it would not generate the number of jobs which would be created by a wholly office scheme. The main benefit would be that development of the site would be realised in a more immediate time scale. This is an important material planning consideration and accordingly warrants a more flexible approach to be taken in respect of Local Plan Policy E3 and the emerging Core Strategy Policy CP2. This approach is considered appropriate within the guidance provided by PPS4. Whilst it is anticipated that the hotel use would stimulate economic growth in the area, it would be unreasonable to require the construction of the second phase office scheme within a defined time period as this will be dictated by the demand for office accommodation. However commencement of the hotel element would secure this significant area of office accommodation (1750 sq metres) within the city centre without the need for the submission of a further planning application. This may be attractive to developers of this area of the site as it provides certainty as to the development potential and value. However the short term benefits of economic development and employment creation must be considered against the detailed assessment of the built form of the scheme and in particular its height, scale, massing and elevational treatment.

The site is located within Southernhay Conservation Area and situated to the rear of Dean Clarke House a Grade II* listed building. The site is clearly visible from Southernhay and any new building would be viewed alongside the existing Courts building. In addition, the site can be seen from Western Way and surrounding residential streets in particular Pavilion Place which lies adjacent to the site. Consequently the site requires a well designed building to accord with its Conservation Area designation and setting in relation to the nearby existing buildings. Members were briefly shown initial designs for the proposed building at the

Western Area Working Party and during a site inspection visit in respect of the neighbouring Dean Clarke House. Whilst Members expressed differing opinions regarding the proposed design, the common consensus was that it was bland in appearance and too dominant in terms of height and scale particularly in relation to Dean Clarke House and accordingly would have a detrimental impact on the character and appearance of the area. Consequently amended plans were sought from the architect to address these fundamental concerns.

The revised plans indicate a reduction in the height of the main body of the building from that previously submitted by 3.4 metres. This has resulted in the fifth floor bedrooms being recessed from the parapet edge to lessen the overall visual impact of the building. It is considered that this has significantly improved the previously unacceptable relationship with the Halford Wing of Dean Clarke House and the Courts building. In addition, substantial areas of glazing at the ground and first floor has created a more active frontage at pedestrian level and reduced the bland facade that the previous scheme presented. The introduction of glazing within the stairway which runs through the complete height of the building has also visually helped to break up the building's overall massing and appearance. In addition, the upper floor fenestration has been redesigned to create a less uniform plan within the front elevation and accordingly this adds visual interest to the building's facade. Another significant change has been the corner elevation when viewed from Southernhay which has been changed from a brick dominated appearance to a combination of glazing and cladding which it is considered creates a more appropriate treatment for this location. The change in the principal elevational material for this part of the building from brick to a lightweight contemporary cladding whilst acceptable in principle does require careful assessment to ensure its compatibility within the Conservation Area. Accordingly it is considered that a specific sample to show precisely the quality of the finish is required prior to the determination of the application. In conclusion, it is considered that the changes main are in principle acceptable although given that the plans have only recently been received further more detailed assessment is required and further comments on design issues may be reported verbally to Members at Committee.

The concerns raised by the Courts and the Police Liaison Architectural officer require specific attention. Many of the Courts concerns relate to potential increased levels of parking in the highway and possible incidents of restricted access to their rear car parking area are beyond the control of the future occupier of the building. However further advice is sought from the Highway Officer as to whether additional measures are necessary to mitigate against these matters. In addition, the concerns raised regarding problems created during construction can either be addressed through a specific construction management condition or through further separate agreement between the respective landowners. In respect of the loss of privacy from overlooking from the future phase office development towards the Courts this has been raised with the applicant. Further clarification of what measures are proposed will be reported to Members at Committee. The agents have also been requested to provide details of lighting and CCTV cameras within the basement car parking area as this has been highlighted as a potential area of anti-social behaviour by the Police Architectural Liaison officer. This matter can also be address through the imposition of a relevant condition requiring details of these measures to be supplied prior to occupation of the building.

In conclusion, it is considered that the proposal represents an opportunity to provide a mixed use development which is compatible with its City Centre location. Whilst it is acknowledged that the main office element may not be provided for some time, the proposed application will realise the development opportunity of the site. The revised scheme has resulted in a building which is appropriate within its Conservation Area setting and in respect of adjoining buildings. Accordingly subject to clarification of the outstanding issues raised in this respect the application should be approved.

WESTERN AREA WORKING PARTY

13 December 2011 - Members were shown the initial plans of the proposed new building and the issues regarding the proposals compatibility with the Exeter Local Plan. Members

expressed differing opinions as to the quality of the building proposed but it was generally considered that improvements in the design should be made. Members were advised that the matter would be reported to Planning Committee.

RECOMMENDATION

Subject to the receipt of comments from English Heritage, revised consultation response from the Executive Director of Environment, Economy and Culture, the Head of Planning Services be delegated to **APPROVE** subject to the following conditions:

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.
Reason: In the interests of sustainable transport.
- 9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.
Reason: To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.
- 10) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 11) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.

- 12) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following, as it relates to the office or residential building, have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
- a) windows to include materials, means of opening, reveals, cills and headers;
 - b) external doors;
 - c) rainwater goods;
 - d) lighting;
 - e) treatment of boundaries;
 - f) refuse storage;
 - h) CCTV cameras and location
 - i) kitchen extraction units and
 - j) ventilation systems for basement car park.
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 13) No development shall take place unless and until details of bat and swift boxes have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
- Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 14) Within 3 months of the occupation of the first phase of development the interim landscape scheme as shown within M D Landscape Architects drawing no. 818/PA/01D shall be implemented and maintained in accordance with the approved details at all times thereafter until building works in connection with Phase 2 commences..
- Reason:** In the interests of visual amenity.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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Agenda Item 7

ITEM NO. 7

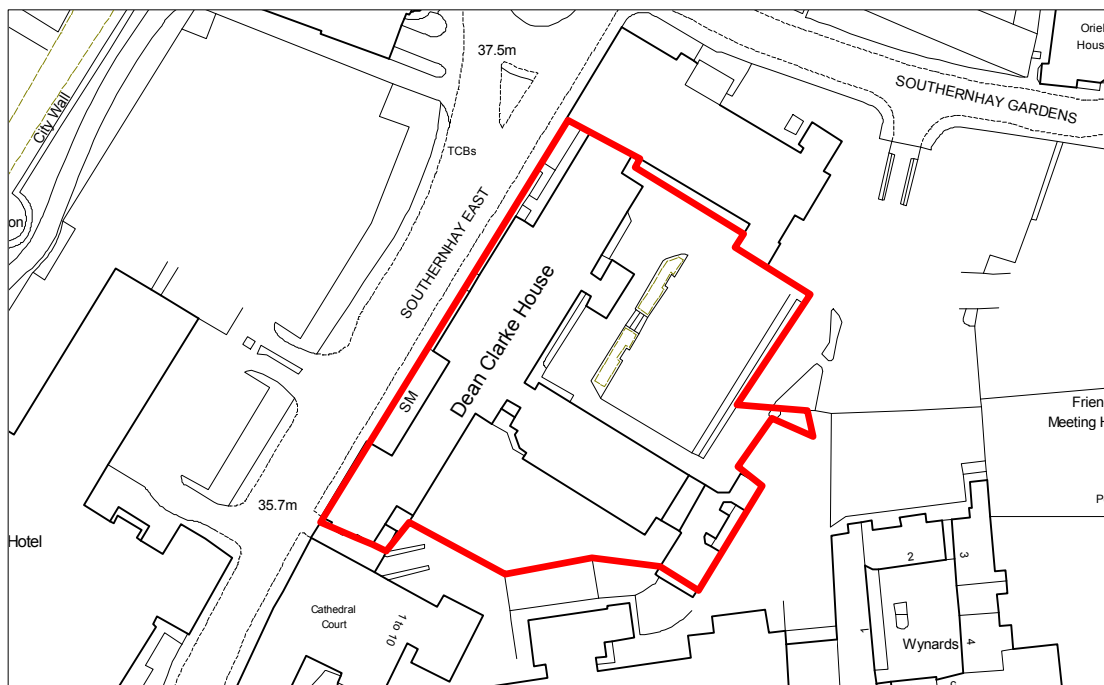
COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/1951/03 FULL PLANNING PERMISSION
APPLICANT: Mr M Trathen
Devon Lifestyles (Exeter) Ltd
PROPOSAL: Change of use from offices to 24 flats and 6 office suites
LOCATION: Dean Clarke House, Southernhay East, Exeter, EX1 1PQ
REGISTRATION DATE: 30/11/2011
EXPIRY DATE: 29/02/2012

ITEM NO. 7

COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/1949/07 LISTED BUILDING CONSENT
APPLICANT: Mr M Trathen
Devon Lifestyles (Exeter) Ltd
PROPOSAL: Alterations to provide 24 flats and 6 office suites
LOCATION: Dean Clarke House, Southernhay East, Exeter, EX1 1PQ
REGISTRATION DATE: 30/11/2011
EXPIRY DATE: 25/01/2012



Scale 1:1250

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HISTORY OF SITE

In 2008 planning and listed building consent was granted to convert the former administration centre for the NHS Dean Clarke House, the Halford Wing and the Victoria Wing (all Grade II * listed) located on the eastern side of Southernhay within the Southernhay and Friars Conservation Area into a 49 bedroomed hotel, office suite, leisure and restaurant/bar facilities with associated basement parking. (Planning and listed building consent no. 08/1860/03 & 08/1861/07).

In January 2011 planning and listed building consent applications (10/1688/03 & 10/1689/07) for the change of use to 27 residential units and 3 offices suites was refused for the following reasons:-

1) The proposed use is contrary to Policy E3 of the Exeter Local Plan First Review as the scheme would result in the loss of an employment use.

2) The application relates to a building included on the Statutory List of Buildings of Special Architectural or Historic Interest (Grade II) and located within Southernhay Conservation Area. The proposal is contrary Policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, and policies DG1, DG4(b), C1 and C2 of the Exeter Local Plan First Review 1995-2011 because:-*

i) there would be an unacceptable loss of historic floorplan, in particular the main internal entrance and former board room to the detriment of the character and appearance of the listed building resulting in a loss of significance of the asset;

ii) the restricted number of openings and limited outlook proposed would not represent a form of development compliant with the requirements of DG4 (b) due to the poor level of amenity which would be provided for any future occupants of the proposed apartment.

3) The application site forms part of a wider site for housing development which is required to include provision for affordable housing in accordance with the requirements of H5 of the Exeter local Plan First Review and the Supplementary Planning Document 'Affordable Housing'. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for a contribution towards affordable housing the proposal is contrary to Policy H6 of the Exeter Local Plan First Review and the Supplementary Planning Document 'Affordable Housing'.

DESCRIPTION OF SITE/PROPOSAL

The scheme involves the conversion of the Dean Clarke House and Victoria Wing which is located on the eastern side of Southernhay opposite the Southgate Hotel into a combination of office and residential uses. Limited external changes are proposed as part of this application, although the rear service area will be lowered to enable the basement areas to become useable and receive natural light.

In total the scheme provides 24 residential units; 8 in the main Dean Clarke House and 16 in the Victoria Wing along with 6 office suites.

The basement level seeks to provide 2 No. office units immediately adjacent the Halford Wing with access gained from the rear of the building. This will involve the insertion of new windows and the widening of the rear access walkway which is located adjacent to the building. The remainder of the basement level is proposed to be converted to 6 No. two bedroomed flats with all but one accessed from the rear of the building.

The ground floor level provides the upper floor for the two office units newly created below. In addition, a further office unit is to be created at the opposite end of the building close to Cecil Boyall House and accessed directly from Southernhay. Three additional office units make use of the Dean Clarke House's main entrance and former board room. The remainder of the building comprises of 4 No. two bedroomed flats and 1 No. three bedroomed units

The first floor level would provide a continuation of the office units located adjacent to the Halford Wing and the one located close to Cecil Boyall House. The remainder of this level comprises of 7 No. two bedroomed flats all accessed via stairs or lift to the rear of the building.

The second floor continues the office units creating a total of four levels of office accommodation adjacent to the Halford Wing and three levels close to Cecil Boyall House. In addition, a further 7 No. two bedroomed flats are proposed.

A total of 29 car parking spaces are proposed to the rear of the building in association with this scheme.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design and Access, Planning Statement and Heritage Statement have been submitted with this application

REPRESENTATIONS

No letters of representation have been received in connection with this application.

CONSULTATIONS

The County Director of Environment, Economy and Culture comments that the proposed uses are acceptable from a highway view. The provision of 29 on site parking spaces to serve 24 flats at one space per flat plus five spaces for office operational purposes is considered adequate for a City Centre location, close to public transport, cycle/pedestrian links and parking facilities. On-street parking is restricted and 'pay and display' by a Traffic Order in the area close to the site. The information submitted with this application supports the provision of Green Travel Plans for the occupiers of each office, which are to be agreed at a later date. The provision of both visitor and secure cycle parking and associated facilities are recommended and to be secured by condition. Accordingly conditional approval is recommended.

The Head of Environment Health Services comment that conditions should be imposed in respect of hours of construction/demolition, the need for a contamination survey, a noise assessment and predicted noise levels from any service plant for the building.

English Heritage recommend that the application should be determined in accordance with national and local policy guidance and on the basis of the Local Authorities expert conservation advice.

The Head of Housing Services comment that whilst the emerging Core Strategy requires the provision of 35% affordable housing given the lengthy negotiations, viability issues and existing Section 106 Agreement for this site, a 25% provision is required in this instance. It is noted that 13 residential units have already been approved within the Cecil Boyall House and the Victory Wing within the overall 'Dean Clarke House' site. The addition of these units to the 24 units proposed results in an affordable housing requirement of 9 units (25% of 37). The planning application states the provision of 5 affordable units on the site which falls below the requirement of 9. It has been indicated in discussion with the applicant that the 5 wheelchair accessible units could form part of the affordable housing allocation and this is supported as this will meet a real need in the city as there is currently a shortage of this type of accommodation.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

PPS1: Delivering Sustainable Development
PPG13: Transport
PPS 15: Planning and the Historic Environment
PPG 16: Archaeology and Planning
PPS24: Planning and Noise

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
CO6 - Quality of New Development
CO7 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
C1 - Conservation Areas
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety
T10 - Car Parking Standards
C5 - Archaeology
H5 - Diversity of Housing
E3 - Retention of Employment Land or Premises

Exeter Local Development Framework Core Strategy (for adoption February 2012)

CP1 - Spatial Approach
CP2 - Employment
CP3 - Housing
CP4 - Housing Density
CP5 - Housing Mix
CP7 - Affordable Housing
CP9 - Transport
CP11 - Air Quality
CP14 - Using Low Carbon and Renewable Energy
CP15 - Sustainable Construction
CP16 - Protected Sites and Species
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

Supplementary Planning Guidance 'Residential Design'

Supplementary Planning Guidance 'Affordable Housing'

Southernhay & The Friars Conservation Area

OBSERVATIONS

The redevelopment of the Dean Clarke House complex represents an important regeneration project for this section of Southernhay. The Conservation Area setting and listed building status coupled with the prominent location of the buildings necessitates that a sensitive approach to future development proposals is carried out. The conversion of the Victory Wing and Magdalen House to townhouses and office accommodation is almost complete and predominantly occupied, as is the development work within Cecil Boyall House for residential flats and two office units. The Member's site inspection in December acknowledged that these works have been carried out sympathetically and to a high standard.

It is clearly beneficial that a significant amount of appropriate development work is being carried out at these sites which ensures that the buildings are restored and brought into effective use. Dean Clarke House represents the most significant building within the whole site. Consequently as a central focus for all the development it is essential that any external changes to the building are carried out sympathetically and that the use of the building is compatible within the area. However the building has remained empty for several years and it is noticeable that it is falling into disrepair which has led to the building's inclusion on the

Buildings at Risk Register. Given its prominent location within the City, the early renovation and refurbishment of the building is considered to be of significant importance and accordingly this is a relevant planning consideration.

The previous application was refused in January 2011 for three reasons and accordingly it is against the issues which these reasons raised that this proposal is to be assessed. The reasons related to the loss of an employment use; the detrimental impact of the changes on the historic fabric of the building, resultant poor level of amenity to future residents and the insufficient provision of affordable housing within the site.

The previous application (ref. 10/1688/03) proposed a ratio of 3 office suites and 27 residential units. The office element was considered insufficient a level of employment provision to satisfy the requirements of Local Plan Policy E3 which seeks to retain such uses in this location. The current scheme proposes 6 offices suites with a reduction in the number of residential units to 24. It is also significant to note that the main entrance to Dean Clarke House serves only office suites and therefore maintains the character and appearance of 'employment use' fronting onto Southernhay. Whilst it is noted that the whole of Dean Clarke House is not to be used for office use, it is accepted that a significant shift towards employment use provision has been achieved within this submission. It is considered that although the proposal does not wholly comply with the Local Plan policy E3, it is accepted that there is currently a low demand for office use in city centre locations and a scheme which indicates all office use is unlikely to be commercial viable. It is therefore necessary to consider other material consideration applicable to this scheme.

Previous concerns were raised regarding the impact residential use would have on the internal fabric of this Grade II* listed building. It is noted that the functional requirements of self contained residential units can have significant and potentially harmful impacts on the building. Whilst some of these elements were amended during the course of the previous application, the overall number of residential units proposed was considered to be unacceptable both to the building and the required internal amenity levels needed for future residents of these flats. Accordingly the previous application was refused on this basis. The reduction in the number of residential units and rearrangements of some internal areas has resulted in a more acceptable scheme. In particular, the original board room, which represented the most impressive of the rooms within Dean Clarke House on the ground floor, is to be used as an office rather than residential use as no subdivision of this room is now required. This is to be welcomed and removes a specific element contained within the previous refusal reason. Accordingly it is considered that subject to conditions relating to matters of detail the previous refusal reason in relation to impact on the fabric of the building and residential amenity have been addressed.

Since the previous refusal considerable discussion has taken place between the officers and applicant to address the issue of affordable housing provision within the site. To summarise the previous position it should be noted that the original development scheme included a total of 13 residential units within Cecil Boyall House and Victory Wing. Although this fell below the 15 required to trigger the need for affordable housing, the accompanying Section 106 Agreement ensured that any additional residential units within the 'Dean Clarke House' site would include these 13 units within any calculations for affordable housing. Consequently the 24 residential units must be added to the 13 already approved, resulting in an overall requirement of 9 affordable units i.e. 25% of the total. Whilst it is acknowledged that the emerging Core Strategy now requires a 35% total, the requirement for affordable in this instance is derived from the original Section 106 for the whole 'Dean Clarke House' site and therefore 25% is still applicable.

To address the previous refusal reason the applicant has undertaken a viability appraisal to determine what level of affordable housing can delivered whilst maintaining a viable scheme. The applicant's appraisal has concluded that the policy requirement for 9 units is not viable for this site and accordingly has offered a total of 5 units which will be in refurbished and transferred to the Council's housing stock. These units will be accessible for wheelchair use

which the Acting Head of Housing has acknowledged is of particular importance given the current limited provision of this type of accommodation in the city. In principle, the reduction in the number of affordable residential units has been agreed by the Acting Head of Housing as a compromise given the nature of the building and the financial exercise which the applicant has undertaken. Clearly further negotiations will be required to ensure that these 5 units are secured within a favourable time scale in relation to the building programme for the whole site and the units are of an appropriate specification. It is considered that these issues can be secured through a Section 106 Agreement.

Conclusion

It is considered that since the previous refusal of the applicant the applicant has to a certain extent sought to either address or amend the scheme. It should be noted that the full requirements in respect of Local Plan policy E3 or the number of affordable units as required by the Affordable Housing SPD and the original 106 Agreement have not been met. However the previous objective which seeks a complete refurbishment and renovation of Dean Clarke House a Grade II* listed building is of significant importance. Consequently the compromise made in respect of employment use provision and affordable housing as outlined within this report can only be justified if development works commence on the building within an early commencement period. It is therefore recommended that permission is granted for a year to ensure that works to the building are implemented within a time scale beneficial to safeguarding the building's future condition. If consent expires following this one year period, it will be necessary to re-evaluate the compromise that has been made in respect of the employment provision and the affordable housing provision.

WESTERN AREA WORKING PARTY

5 December 2011 - Members were advised that Local Plan Policy states that city centre land and premises should be retained for employment use however it was accepted that there was a need to ensure the long term viability of sites and to bring back buildings into productive use. Members were advised that Dean Clarke House is Grade II* listed and has been empty for the last 4 years. Consequently the physical condition of the building is an important consideration.

SITE INSPECTION PARTY

Members attended a site inspection of the building on 20 December 2011 to assess the layout and condition of the building. They noted that the board room would now be retained.

RECOMMENDATION

Subject to the imposition of suitable conditions and the completion of a Section 106 Agreement in respect of affordable housing and a financial contribution to Natura 2000 of £8,400 (24 units x £350) the application should be **APPROVED**.

In the event that the Section 106 Agreement is not completed within 3 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 within the Section 106 Agreement.

APPROVE subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of one year 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) C15 - Compliance with Drawings

- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
 - i) full details of any new extract vents, including size, height and position
 - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
 - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
 - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
 - v) refuse storage facilities
 - vi) location of site compound
 - vii) lighting
 - viii) parking surface area.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.

Reason: In the interests of sustainable transport.
- 9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.

Reason: To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.
- 10) No part of the development hereby approved shall be commenced until a construction statement, to include details of:
 - a) parking and vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of planting and materials;
 - c) storage of plant and materials;
 - d) programme of works to include measures for traffic management;
 - e) vehicle washdown measures and facilities; and
 - f) provision of boundary hoarding

have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.

Reason: In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 11) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 12) No development shall commence until a noise assessment report to appraise the scheme in respect of protecting the proposed accommodation from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed recommendations.

Reason: To protect the future hotel residents road traffic noise.

- 13) C70 - Contaminated Land

and **APPROVE** application 11/1949/07 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C15 - Compliance with Drawings
- 3) C57 - Archaeological Recording
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details
 - i) full details of any new extract vents, including size, height and position
 - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
 - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
 - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
 - vi) refuse storage facilities
 - vii) location of site compound
 - viii) lighting.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

Agenda Item 8

ITEM NO. 8

COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/1960/03 **VARIATION OF CONDITION**
APPLICANT: MREF II Exeter Property Company Ltd
PROPOSAL: Variation of condition 2 to allow for change of use of 6 store rooms to student accommodation (Ref: 11/0140/03 approved 31/08/2011)
LOCATION: James Townsend Printers, Western Way, Exeter, EX1 2DE
REGISTRATION DATE: 30/11/2011
EXPIRY DATE: 29/02/2012



Scale 1:2500

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HISTORY OF SITE

11/0140/03 -	Redevelopment to provide student accommodation, access to highway, central open space and associated works	PER	31/08/2011
11/1738/37 -	Minor amendment to proposed elevational treatment of building, external finishes, internal layout of building and external site layout (Non-material minor amendment to Planning Permission Ref no. 11/0140/03 granted 30/08/2011)	PER	15/11/2011
11/1739/32 -	Discharge of Conditions 4, 6, 7, 11, 12, 15, 16 and 17 for Planning Permission Ref No. 11/0140/03 granted 30/08/2011	PER	07/12/2011
11/1959/32 -	Discharge of Condition 3 for Planning Permission Ref No. 11/0140/03 granted: 30 08 2011	PER	16/12/2011

DESCRIPTION OF SITE/PROPOSAL

The application relates to the former Townsend Printers site, for which consents exists for redevelopment to provide purpose built student accommodation comprising 487 bed spaces with associated communal areas/floor space in the form of reception, common rooms and laundry facilities. Work on the demolition of the existing structures has commenced.

Consent is now sought for a minor variation to the approved scheme, by way of a variation of condition 2 which specifies the approved drawings that the development shall be constructed in accordance with. The variation comprises the conversion of a number of store rooms on the lower ground floor to an additional 5 bed roomed studio flat. The proposal has no impact on the external appearance of the building.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Supporting letter states - "During the detailed design process it has become apparent that the amount of 'common room' facilities provided within the development exceeds what is required. as such the common room area was amended to storage space under the non-material amendment application (11/1738/37). It is now proposed to change an area of storage on level 0 from storage to 1 no. 5 bed flat, including kitchen. This will provide this part of the facade with activities and offer natural surveillance benefits to Western Way."

REPRESENTATIONS

None received.

CONSULTATIONS

County Director of Environment, Economy and Culture - Comments - " Provided that the agreed highway terms, contributions and conditions are not prejudiced by this proposal, there is no highway objection to this variation of condition 2."

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

PPG13 - Transport

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS5 - Planning for the Historic Environment

PPS5 PG - Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010)

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development

ST10 - Exeter Principle Urban Area

CO6 - Quality of New Development

CO15 - Air Quality

CO16 - Noise Pollution

TR1 - Devon Travel Strategy

TR2 - Coordination of Land Use/Travel Planning

TR3 - Managing Travel Demand

TR4 - Parking Strategy, Stands and Proposals

TR5 - Hierarchy of Modes and Transport Assessment

TR7 - Walking and Cycling

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

E3 - Retention of Employment Land or Premises

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes
T10 - Car Parking Standards
C5 - Archaeology
EN2 - Contaminated Land
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety

Exeter Local Development Framework Core Strategy (for adoption February 2012)

CP1 - Spatial Approach
CP3 - Housing
CP4 - Housing Density
CP5 - Housing Mix
CP9 - Transport
CP11 - Air Quality
CP12 - Flood Risk
CP13 - Decentralised Energy Networks
CP14 - Using Low Carbon and Renewable Energy
CP15 - Sustainable Construction
CP16 - Protected Sites and Species
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

Exeter City Council Supplementary Planning Guidance

Development Related to The University of Exeter

OBSERVATIONS

The approved scheme for redevelopment of this site provides for 487 student bed spaces. The applicant has stated that further detailed design and appraisal work has concluded that the amount of communal/storage space provided for within the originally approved drawings was greater than required. Consequently, it is now proposed to convert the surplus space into an additional 5 bed student flat. No alterations to the external appearance of the building are required to facilitate this as the elevation already incorporated windows to this part of the facade.

The proposal amounts to a 1% increase in the number of bed spaces provided on the site. By virtue of the previous consent the site has already been identified as appropriate for the provision of purpose built student accommodation, and it is not considered that this minor increase in the number of bed spaces accommodated on the site would give rise to any significant adverse impact on the locality.

There are no external alterations to the building as part of this proposal and therefore no adverse visual implications upon the approved external design of the building.

SAWP (01/02/12)

Officers reported that Cllr Taghdissian had submitted a written objection to the proposal by email on the grounds of the increase in number of students to be accommodated in terms of impact upon the locality, and the loss of valuable storage space in terms of the functionality of the development. Members noted officer comments that the applicant was seeking the proposed change following feedback obtained during the detailed design process. Nonetheless they expressed strong concerns regarding any reduction in communal/storage space within this development to provide additional bed spaces. Members noted that in the light of these concerns the application would be placed before Planning Committee for determination.

In response to the concerns expressed by the Working Party the applicant was asked to provide further information on the appraisal of the scheme during the detailed design process that had led to the changes now proposed. The applicant's agent has responded as follows -

"The project team have given very detailed consideration to space planning of the common areas which are of critical importance to the creation of a successful student community and the commercial success of the project.

Further to your request for additional information to support the Committee Report, we have provided a response to the questions posed below:

1. Stakeholder engagement to ascertain appropriate level of communal floorspace

Following detailed concept design work in early 2011, associated with the planning process, as part of the detailed design evolution, a student focus group was held on 28th June with the support of Exeter University and the Student Guild. This was held on campus at the XFi building, lasting for around five hours, with 12 students attending together with Guild officers. The workshop covered a range of issues, from space usage to interior design and the creation of a true community.

We have also spent further time during Q4 2011 in liaising with the proposed building manager, CRM, which manages several thousand student beds across the UK.

The feedback received, including the comments regarding the optimum size and space usage within the common room and management suite areas, has since been used to move the designs to the best possible result for the students who will ultimately live in the building.

2. Demand for storage facilities

The issue of storage was also discussed at the student focus group and with CRM. There are a number of storage areas incorporated into the building design notably to the rear of the substation towards Verney Street, and within the individual blocks. It is considered that these together with surplus space within the management suite which is generously sized, provide ample space for storage.

3. Comparative information

The table below provides a comparison of the provision of communal areas within recently completed student accommodation at Exeter Trust House and Bath Charlton Court.

Student Accommodation	Total Common Area (m2)	Number of bedspaces	Common area floorspace per bedspace
Exeter	82	124	0.7
Bath	101	330	0.3
Western Way – as approved	496	487	1
Western Way - current proposals	393	493	0.8

The total proposed common area (including common room, gym, laundry, storage) is 393m², significantly larger than any of the comparable student accommodation schemes in Exeter and indeed elsewhere. The space on both the main entrance and lower levels

has been divided up into a number of distinct zones, based on student feedback and best practice including: meet, study, socialise and exercise."

CONCLUSION

Many purpose built student accommodation schemes comprising cluster flats rely on the living areas within each cluster flat for the social space and provide no additional scheme wide communal areas. This development has adopted a different approach and has provided two generous areas of scheme wide communal space, one on the ground floor and one on the lower ground floor. This level of provision compares well with other student accommodation schemes where additional communal space outside of cluster flats has been provided.

In the overall context of the redevelopment of this site for the provision of student accommodation, and the absence of any current policy requirements regarding the level of communal/storage space with purpose built student accommodation developments, this minor variation to the previous approval is considered acceptable.

RECOMMENDATION

Approval

APPROVE subject to the following conditions:

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the following submitted details :-
Approved drawings on application no 11/0140/03 - received by the Local Planning Authority on 27th January and 28th March 2011 (dwg. nos. 31509_P001, 31509 P121, 31509 P122, 31509 P123, 31509 P124, 31509 P125, 31509 P115, 31509_P116 Rev A, and 60463(63)001),
Approved drawings on application no 11/1738/37 - received by the Local Planning Authority on 20th October 2011 (dwg. nos. 31509 P103 Rev C, 31509 P105 Rev C, 31509 P106 Rev C, 31509 P107 Rev C, 31509 P108 Rev C, 31509 P109 Rev C, 31509 P110 Rev C, 31509 P111 Rev C, 31509 P112 Rev C, 31509 P113 Rev C, 31509 P114 Rev B, 31509_P117 Rev D, 31509_P118 Rev D and 31509_P120 Rev B), and
31509 P104 Rev E (received on the 30th November 2011), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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Agenda Item 9

ITEM NO. 9

COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/1996/03 FULL PLANNING PERMISSION

APPLICANT: Ms J Lesser

PROPOSAL: Ground floor extension on south elevation of annexe, decking, double and single gate on north east boundary

LOCATION: 16 Thornton Hill, Exeter, EX4 4NS

REGISTRATION DATE: 16/12/2011

EXPIRY DATE: 10/02/2012



Scale 1:1000

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DESCRIPTION OF SITE/PROPOSAL

Thornton Hill, along with West Avenue was developed by John Friendship Bowden, a notable architect of the time and the houses are excellent examples of the revolution in house design arising from the Arts and Craft and Garden City Movements. Each street was planned to a building line and a limited palette of materials has been used. Houses have subtle variations that allow emphasis to bay windows and gable ends that break forward, and recessed porches and extensions. Clay tile roofs combine a variety of hipped and gabled features and long roof slopes. Collectively this has contributed to a very pleasant residential environment.

The property subject to this application, 16 Thornton Hill, is a large mid-terraced property. The property is not a listed building, however, it is recognised as making a positive contribution to the character of the Longbrook Conservation Area. An important feature found at the applicants property as well as its two attached neighbours, 14 and 18 Thornton Hill, is a red-brick outbuilding which extends across the rear gardens of all three properties. The structure in its entirety measures approximately 20.00 metres in length and 3.70 metres in height and can only be seen from the small service lane at the rear. The outbuilding has been split into thirds with the applicant owning the middle section.

Planning Permission is sought for an extension to the rear of the existing outbuilding to create an annexe. The extension has been designed to measure approximately 3.70 metres in width, 6.10 metres in depth and 3.70 metres in height benefiting from a pitched tile roof.

At the time of writing the proposed floor plans show the annexe to have a small shower room/WC, kitchen/dining room, bedroom and study, however, the applicant has agreed to amend the internal layout by omitting the kitchen and integrating the bedroom and study into a single space although the amended drawings have not yet been received. The amendments are being made at the request of the Local Planning Authority to ensure the annexe remains dependent on the host building. It is understood the conversion is being sought for the benefit of the applicants mother.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied with a Design and Access Statement. It surmises the existing courtyard is of sufficient size to accommodate the proposed extension. Further, because the extension faces a south-westerly direction and by reason of its height the extension will have limited impact on the occupiers of either neighbouring property.

REPRESENTATIONS

No representations have been received.

CONSULTATIONS

No consultation responses have been received.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
Devon County Structure Plan 2001-2016
CO6 - Quality of New Development
CO7 - Historic Settlements and Buildings
Exeter Local Plan First Review 1995-2011
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity
C1 - Conservation Areas
Exeter City Council Supplementary Planning Document
Householder's Guide to Extension Design (adopted 16 September 2008)

OBSERVATIONS

As previously advised Thornton Hill is an important residential area, consequently, any new development should be designed sympathetically to ensure the character and appearance of the Longbrook Conservation Area is either preserved and/or enhanced. The Local Planning Authority's Supplementary Planning Document 'Householders Guide To Extension Design' refers to scale and massing and states that extensions should be subservient to the original house. In addition it also states that extensions should respect existing building lines, the pattern of buildings in the street and the spaces between them. Extensions should not project forward of the front main building line and detached garages and should be set back at least 1m from the front main wall of the house to preserve the character of the street.

Having considered the application presented and having regard to existing structures and use of materials already evident along the service lane at the rear it is difficult to identify aesthetic harm with the proposal. The rear access lane is characterised by brick walls, timber cladding, garages and gates, therefore, the inclusion of a brick gable and additional timber gates onto the lane would appear to work well in context. The quality of materials will be key to ensuring the success of the proposal and as a result it is deemed reasonable to condition the submission of materials prior to commencement.

With regard to the impact of the proposed extension on the existing levels of residential amenity currently enjoyed by the occupiers of adjacent units by reason of its siting the

extension will not be detrimental. The proposed structure will only be visible from the service lane at the rear ensuring outlook associated with 14 and 18 Thornton Hill is protected. Furthermore, by virtue of the separation distance between the applicants property and the rear of 15 and 17 West Avenue their outlook will be protected also. Loss of light and overshadowing at any of the abovementioned properties will not materialise due to the restricted size of the structure and its favourable orientation.

When annexes are proposed the Local Planning Authority take the view that they should be designed so that once their use is no longer required they can be easily absorbed back into the original property and that their occupation remains dependent on the host building. Based on the amended design and layout agreed with the applicant the Local Planning Authority are of the opinion both of the abovementioned requirements have been met. The removal of the kitchen ensures a degree of dependency with the host building, with meals having to be taken within the body of the main house, whilst the omission of the small study creates a less complicated footprint. In officer opinion the proposed development will not be tantamount to a self-contained dwellinghouse and is therefore considered acceptable.

NORTHERN AREA WORKING PARTY

Members were informed the application would be presented to full committee as the applicant is an employee of the City Council (30/01/2012).

RECOMMENDATION

APPROVE 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) C15 - Compliance with 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 extension hereby approved shall not be occupied otherwise than in association with the occupation of the main dwelling for the accommodation of a member of the occupiers family or of a domestic staff member and shall not be occupied as a separate residential unit.
Reason: To prevent the creation of an additional separate dwelling.

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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Agenda Item 10

ITEM NO. 10

COMMITTEE DATE: 20/02/2012

APPLICATION NO: 11/3202/04

WORKS TO TREE(S) WITH
PRESERVATION ORDER

APPLICANT: Redrow Homes (South West)

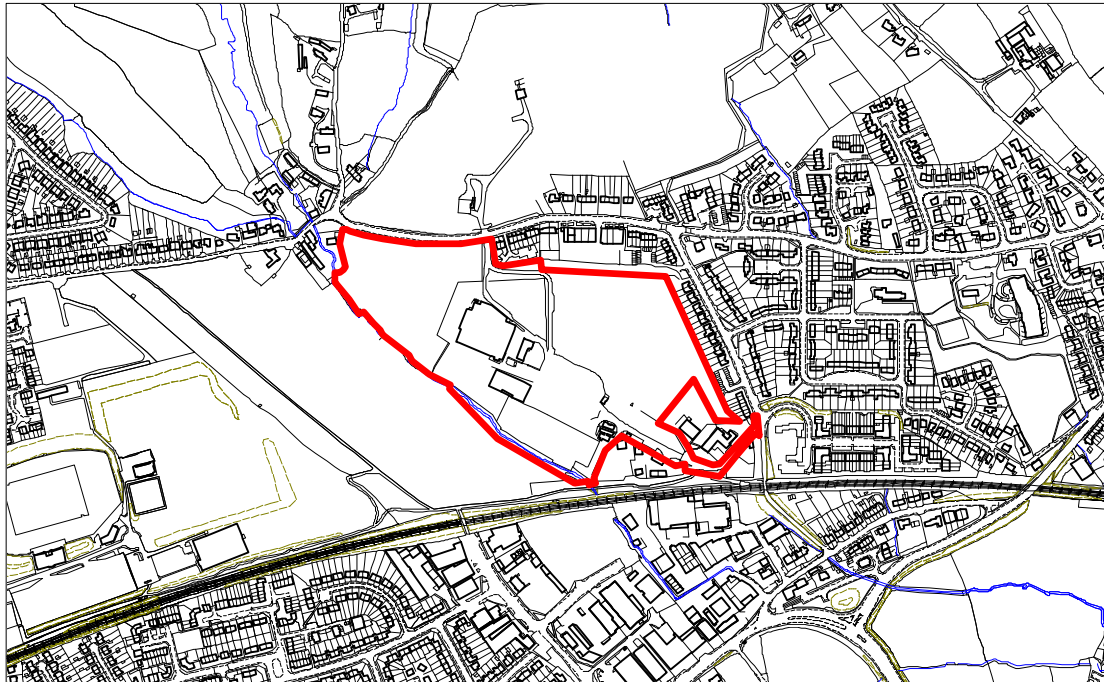
PROPOSAL: Tree No. Species Works

W1 Mixed Lift all trees to 1.5m above ground level

LOCATION: Ibstock Brickworks, Chancel Lane, Exeter, EX4 8DT

REGISTRATION DATE: 06/12/2011

EXPIRY DATE: 31/01/2012



Scale 1:10,000

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HISTORY OF SITE

98/1150/03 -	Detached building in centre of existing site for sand storage	PER	10/02/1999
92/0438/03 -	Erection of platform on roof to monitor kiln exhaust	PER	29/06/1992
95/0356/03 -	Extension to grinding section building and construction of two chimneys	PER	07/05/1996
05/0993/03 -	Change of use of former 'Specials' workshop from manufacturing (Class B2) to storage and distribution (Class B8)	PER	18/08/2005
07/0551/03 -	Change of use from industrial (Class B2) to storage and distribution (Class B8)	PER	17/07/2007

DESCRIPTION OF SITE/PROPOSAL

The site is currently the subject of an application for residential redevelopment. There is an unconfirmed Tree Preservation Order on all trees within a 15m belt of the eastern site boundary, where the site adjoins the rear garden boundaries of houses in Chancel Lane.

This application is for the removal of scrub and crown lifting of all trees to 1.5m above ground level. The justification is to give access to gas monitoring points within the area, some of which cannot be found.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Gas Assessment Works report including tree method statement and protected species survey results.

REPRESENTATIONS

Objections: 4. Principal planning issues raised:

- Proposal will damage smaller trees.
- Proposal will damage wildlife habitat
- Justification that the works are necessary to gain access to gas monitoring points may be deliberately misleading to circumvent the TPO procedure.
- The works are not necessary unless the application to redevelop the site is approved.
- Approval in advance of the approval of the redevelopment of the site could give the impression that the residential proposals have already been accepted.

CONSULTATIONS

Tree Officer - no objections.

OBSERVATIONS

The Tree Officer is satisfied that there are no trees worthy of retention that would be unacceptably damaged by this proposal. The ecological mitigation proposals (which relate to timing of works and translocation of reptiles within a particular area of the site) are considered to be acceptable. It is not considered that this is an attempt to circumvent the TPO procedure. It is accepted that gas monitoring is necessary in relation to the previous use of the site as landfill, and that this cannot take place without some clearance of undergrowth.

The TPO was applied to protect the Council's position in respect of negotiating an acceptable planted buffer along this boundary, in the context of the redevelopment of the site for housing. It has generally been accepted that the existing trees would be removed to facilitate the new development.

NORTHERN AREA WORKING PARTY

Members acknowledged the reasons why the tree works were required and raised no objection to the proposal.

RECOMMENDATION

Approve

APPROVE subject to the following conditions:

- 1) T01 - Tree - Time Limit
- 2) T05 - Trees - Quality

**Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:**

Files of planning applications available for inspection from the Customer Service Centre,
Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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EXETER CITY COUNCIL

PLANNING COMMITTEE 20 FEBRUARY 2012

BUILDINGS AT RISK

1 PURPOSE OF REPORT

- 1.1 To report on progress since the previous Buildings at Risk report in September 2011.

2 BACKGROUND

- 2.1 The condition of buildings is summarised according to the English Heritage priority system of risk categories.

- A. immediate risk of further rapid deterioration or loss of fabric; no solution agreed.
- B. immediate risk of rapid deterioration or loss of fabric; solution agreed but not yet implemented.
- C. slow decay; no solution agreed.
- D. slow decay; solution agreed but not yet implemented.
- E. under repair or in fair to good repair, but no user identified; or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use).
- F. repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented.

3 KEY BUILDINGS

- 3.1 The following sites are dealt with in the report:
- | | Listed Building
Grade | Risk
Category
<i>(see above)</i> |
|--|--------------------------|--|
|--|--------------------------|--|

Proposed buildings to be removed from the Register

2 Elmgrove Road
Episcopal Annexe, Mount Dinham

Buildings remaining on the register

Rectory Barn, Rectory Drive, Alphington	II	B
Thomas Hall, Cowley Bridge Road	II	D
Former Transit Shed, St David's Station	II	C#
Front Wall to 66 Magdalen Road	II	D
Dean Clarke House, Southernhay East	II	C
Wynards Chapel	II	C
Dissenters Graveyard	LL	C
Prezzo, 202 High Street,	II	F#
Wall to alleyway between Notaries House and 10 Cathedral Yard	I	A

Buildings to add to the register

Devon and Exeter Institute, 7 Cathedral Close	I	A
---	---	---

denotes change in risk category since last report

4 BUILDINGS TO BE REMOVED FROM THE REGISTER

4.1 **2 Elm Grove Road**

The restoration works have been completed and the Enforcement Notice complied with. The building has been completely renovated using traditional lath and plaster internal walls, with thermal upgrading using sheep wool insulation.



Exterior after squatters had damaged the building in 2007



Exterior today



Hallway showing extensive damage to staircase



Rebuilt staircase

Number of times on the Register – 5
Enforcement carried out? – Listed Building Enforcement Notice

- 4.2 **Episcopal Annexe, School House & Dinham House, Mount Dinham.**
The restoration of these properties has now been completed and they are being marketed as “The Discovery Quarter”.



In 2010, with conversion abandoned and the developers in administration.



The completed building now, most units are sold.

Number of times on the Register – 3
Enforcement carried out? – None

- 5 THE REGISTER**
(Letters in bracket denotes Risk Category as above)
- 5.1 **Rectory Barn, Rectory Drive, Alphington. Grade II (B)**
The owner has not responded to recent calls. A letter was therefore sent in mid January informing him of our rights to enter the building in order to consider the works that may be required for an Urgent Works Notice. He has been given 28 days to respond.
- 5.2 **Thomas Hall, Cowley Bridge Road. Grade II (D)**
The application for the creation of a Crowne Plaza Hotel has been approved.
- 5.3 **Former Transit Shed, St David's Station. Grade II (C, changed from D in last report)**
Standard Steam Locomotives have undergone some reorganisation that has unfortunately resulted in them pulling away from this project and concentrating their efforts in the Midlands. The building therefore reverts to having no end user or use in sight. We will continue to monitor its condition and continue discussions with Network Rail on possible future uses.
- 5.4 **Front wall to 66 Magdalen Road. Grade II (D)**
The extension at the rear of this property has been completed and the owners have contacted the conservation officer to confirm that repairs to the wall will be carried out shortly.
- 5.5 **Dean Clarke House. Grade II* (C)**
The condition of the building remains poor however a scheme for the conversion to offices and residential is being considered.
- 5.6 **Wynards Chapel. Grade II* (C)**
The owners are discussing the removal of the bells and the work on the windows and hope that these works will all be completed by the Spring. There is no other progress regarding conversion of the chapel, however providing the building is weather tight and not in danger from the potential of the falling bell, there are no further requirements or obligations on the owners.
- 5.7 **Dissenters Graveyard. LL (C)**
Discussions with the owner are continuing to progress a suitable landscape design for the graveyard with a view to it opening as a remembrance garden and repository for interment of ashes with a route through to Bull Meadow Park
- 5.8 **Prezzo, 202 High Street, Grade II (F, changed from A in last report)**
Following the inclusion of this building on the Register in September, the owners have moved quickly in order to secure the repairs. On further inspection from the scaffolding, the building was found to be in a more perilous condition than first thought and all of the plaster from the front and back has been removed in order to repair and replace severely damaged timberwork. Whilst this work is progressing in order to reduce the potential for further damage, listed building consent has also been requested for the works as they are more substantial than simple repairs. This has allowed for archaeological recording of the exposed frame which has helped inform the significance of the structure and the impact of the works.
- 5.9 **Wall to alleyway between Notaries House and 10 Cathedral Yard Grade I (A)**
The owners have written to the conservation officer following the wall being placed on the Register in September, but have not come forward with any proposed dates or specifications for the works to be undertaken. Discussions are continuing to secure these works as soon as possible.

6 BUILDINGS TO BE ADDED TO THE REGISTER

6.1 Devon and Exeter Institution, 7 Cathedral Close. Grade I (A)

The roof of 7 Cathedral Close contains two fine domed lanterns that light the library spaces. Water ingress around the domes led to an inspection by a specialist architect and an English Heritage structural surveyor. They found that the long span beams that support the domes are undersized. In addition, the roof covering was changed in 1994 from copper to lead, which has added extra weight and stress and this has been exacerbated by the heavy snow loading over the past couple of winters. This has led to the beams splitting and has caused the structures to move, dropping into the building by approximately 5 inches.

The alterations required to prevent collapse of the domes include strengthening the existing beams with steel supports and further investigation will require the lead roof covering to be removed.

The architect is in contact with the conservation officer and English Heritage to ensure these essential works are carried out to the highest standards on this important building.



The dome is dropping into the library. The structure is currently supported by scaffolding, with netting to catch any falling debris.

7 RECOMMENDATION

7.1 It is recommended that the report be noted.

RICHARD SHORT
ASSISTANT DIRECTOR - CITY DEVELOPMENT

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

1 PURPOSE OF REPORT

- 1.1 This report lists planning applications determined under delegated powers and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by ward.
- 1.2 The latter part of the application reference number indicates the following type of application:
- 01 Outline Planning Permission
 - 02 Approval of Reserved Matters
 - 03 Full Planning Permission
 - 04 Works to Tree(s) with Preservation Order
 - 05 Advertisement Consent
 - 06 Works to Tree(s) in Conservation Area
 - 07 Listed Building Consent
 - 08 Circular 18/84
 - 14 Demolition in Conservation Area
 - 16 Exeter City Council Regulation 3
 - 17 Lawfulness of Existing Use/Development
 - 18 Certificate of Proposed Use/Development
 - 21 Telecommunication Apparatus Determination
 - 25 County Matter Application
 - 26 Devon County Council Application
 - 27 Modification and Discharge of Planning Obligation Regulations
 - 32 Discharge of conditions
 - 37 Non Material Amendment
 - 38 Extension to Extant Planning Consent
- 1.3 The decision type uses the following codes
- DTD Declined To Determine
 - NLU Was Not Lawful Use
 - PAN Prior Approval Not Required
 - PAR Prior Approval Required
 - PER Permitted
 - REF Refuse Planning Permission
 - RNO Raise No Objection
 - ROB Raise Objections
 - SPL Split Decision
 - WDN Withdrawn by Applicant
 - WLU Was Lawful Use
 - WTD Withdrawn - Appeal against non-determination
- 1.4 Members are requested to advise the Development Manager (Andy Robbins) or Head of Planning and Building Control (Richard Short) of any questions on the schedule prior to the meeting of the Planning Committee.

2. RECOMMENDATION

- 2.1 That this report be noted.

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

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Exeter City Council

2/20/2012

All Planning Decisions Made and Withdrawn Applications Between 1/5/2012 and 2/8/2012

FinalDcnLvl

ALPHINGTON

Application Number: 11/2026/26 **Working Party Date:**
Decision Type Raise No Objection **Decision Date:** 1/19/2012 DEL
Location: Exeter Waste Transfer Station, Grace Road South, Marsh Barton Trading Estate,
Exeter, EX2 8QE
Proposal: Environmental Impact Assessment- Request for Scoping Opinion

Application Number: 11/1830/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: 87 Cowick Lane, Exeter, EX2 9HG
Proposal: Ground floor extension on south and east elevation and decking on east
elevation

Application Number: 11/1861/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: 24 Marsh Green Road West, Marsh Barton Trading Estate, Exeter, EX2 8LZ
Proposal: Creation of parking area for 14 cars at the south of the building.

Application Number: 11/1842/05 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: Amos Lighting, 2, Bridford Road, Marsh Barton Trading Estate, Exeter, EX2
Proposal: Internally illuminated fascia sign on the south elevation.

Application Number: 11/3211/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/1/2012 DEL
Location: The Briars Nursing Home, Crabb Lane, Exeter, EX2 9JD
Proposal: Tree no. Species Works
T1 Holm Oak Reduce crown by 30% and remove epicormic growth to 4m
T2 TulipFell

Application Number: 11/3213/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/1/2012 DEL
Location: Cherry Barton, Cordery Road, Exeter, EX2
Proposal: Tree No. Species Work
 T1 Tulip Reduce by 25% and reshape crown

Application Number: 11/2035/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 2 Oaktree Place, Marsh Barton Trading Estate, Exeter, EX2 8WA
Proposal: Change of use from industrial to personal training, health, nutrition, rehab and fitness facility

Application Number: 12/0141/32 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: Land adj 60 Haven Road, Exeter, EX2 8DP
Proposal: Discharge of Condition 9 to Planning Permission Ref No. 06/2497/03 granted: 12 06 2008

Application Number: 11/3190/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/9/2012 DEL
Location: Haven Banks Retail Park, Water Lane, Exeter, EX2 8BY
Proposal: Tree No. Species Works
 T1 Norway Maple Remove lower branches to give 3m clearance to neighbours roof

Application Number: 11/3193/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/10/2012
Location: 93 Ebrington Road, Exeter, EX2 8JR
Proposal: Tree No. Species Works
 T1 Lombardy Poplar Reduce in height by 30%

Application Number: 11/1826/03 **Working Party Date:** 12/13/2011
Decision Type Permitted **Decision Date:** 1/13/2012 DEL
Location: 10a, Woodbury View, Exeter, EX2 9JQ
Proposal: Ground floor extension on the south west elevation.

COWICK

Application Number: 11/1820/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: Tiptoes, Barley Lane, Exeter, EX4 1SY
Proposal: Conversion of garage to create ancillary accomodation including new windows (3) and door on west elevation and new window on north elevation.

Application Number: 11/1975/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/31/2012 DEL
Location: 44 Peterborough Road, Exeter, EX4 2EG
Proposal: Decking and french doors at ground floor, french doors and juliet balcony at first floor on east elevation, new ground floor window on south elevation.

Application Number: 11/3198/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/11/2012 DEL
Location: The Hermitage, North Wing, 20 Exwick Hill, Exeter, EX4 2AQ
Proposal: Tree No. Species Work
T1 Cherry Reduce crown by 30%
T2 Sycamore Reduce crown by 30%

HEAVITREE

Application Number: 11/3185/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: 1-60, The Maltings, Church Street, Heavitree, Exeter, EX2 5EJ
Proposal: Tree No. Species Works
T1 Beech Remove overhanging branches
T2 Silver Birch 20% Crown reduction
T3 Sycamore Remove overhanging branches
T4 Sycamore Remove overhanging branches
T5 Cherry Remove overhanging branches
T6 & T7 unknown Remove overhanging branches

Application Number: 11/1905/03 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 10 Lonsdale Road, Exeter, EX1 3DW
Proposal: Two storey extension on south east elevation and ground floor extension on south west elevation

MINCINGLAKE

Application Number: 11/1995/18 **Working Party Date:**
Decision Type Was lawful use **Decision Date:** 1/24/2012 DEL
Location: 30 Round Table Meet, Exeter, EX4 8LF
Proposal: Ground floor extension on south west elevation (Certificate of lawfulness for proposed development)

Application Number: 11/1737/03 **Working Party Date:** 12/12/2011
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: Red House, 2 Whipton Village Road, Exeter, EX4 8AR
Proposal: Change of use from hotel to hostel

Application Number: 11/1803/03 **Working Party Date:**
Decision Type Refuse Planning Permission **Decision Date:** 1/13/2012
Location: 70 Beacon Lane, Exeter, EX4 8LL
Proposal: Replacement detached garage with ancillary accommodation to the side and above to form annex

Application Number: 11/1865/03 **Working Party Date:** 12/12/2011
Decision Type Refuse Planning Permission **Decision Date:** 1/13/2012 DEL
Location: Westwood House, 132 Beacon Lane, Exeter, EX4 8LX
Proposal: Variation of condition 2 to change three on road parking spaces to three off road parking spaces (Ref: 11/1135/03 approved 24/08/11)

Application Number: 11/1690/16 **Working Party Date:** 11/14/2011
Decision Type Permitted **Decision Date:** 1/18/2012 GOV
Location: St. Katharines Priory, St. Katherines Road, Exeter, EX4 7JY
Proposal: Replacement roof slates including insulation and rainwater goods

NEWTOWN

Application Number: 11/1868/03 **Working Party Date:** 12/14/2011
Decision Type Refuse Planning Permission **Decision Date:** 1/9/2012 DEL
Location: 51 Clifton Street, Exeter, EX1 2EH
Proposal: Change of use of ground floor from retail to residential, three storey extension and dormer window on north west elevation, dormer windows (2) on south west elevation.

Application Number: 11/1937/03 **Working Party Date:**
Decision Type Refuse Planning Permission **Decision Date:** 1/18/2012 DEL
Location: 19 Higher Kings Avenue, Exeter, EX4 6JP
Proposal: Ground floor extension on north elevation

Application Number: 11/3197/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: 20 Rosebarn Lane, Exeter, EX4 5DX
Proposal: Tree No. Species Work
 T1 Oak Cut back 3 long limbs

PINHOE

Application Number: 11/3195/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/31/2012 DEL
Location: 10 Bindon Road, Exeter, EX4 9HN
Proposal: Tree No. Species Works
 T1 Oak 20% Reduction
 T2 Oak 20% Reduction

Application Number: 11/1784/16 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: Playing Fields, Station Road, Pinhoe, Exeter, EX1
Proposal: Footpath/Cycleway from Pinhoe Station to Pinhoe Road junction with Cumberland Way

Application Number: 11/3205/04 **Working Party Date:**
Decision Type Refuse Planning Permission **Decision Date:** 2/3/2012 DEL
Location: 17 Fox Road, Exeter, EX4 8NB
Proposal: Tree No. Species Work
 T1 Oak Fell

Application Number: 10/2088/01 **Working Party Date:** 1/31/2011 0
Decision Type Permitted **Decision Date:** 2/6/2012 COM
Location: Land at Pinhoe Quarry, Harrington Lane, Exeter, EX4 8NS
Proposal: Full permission for reprofiling of quarry to provide platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotments) and infrastructure (all matters reserved for future consideration apart from access)

Application Number: 11/1993/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/6/2012 DEL
Location: The Garages, Sandpiper Court, Harrington Lane, Exeter, EX4 8NS
Proposal: Photovoltaic solar panels (42) to south roof slope

Application Number: 11/1994/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/6/2012 DEL
Location: 6 Sandpiper Court, Harrington Lane, Exeter, EX4
Proposal: Photovoltaic solar panels (40) to south roof slope

Application Number: 11/1979/03 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: Unit 9, Sandpiper Court, Harrington Lane, Exeter, EX4 8NS
Proposal: Change of use from business to business and taxi call centre and 2 aerials

Application Number: 11/1821/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/11/2012 DEL
Location: 48 Thursby Walk, Exeter, EX4 8FD
Proposal: Conservatory on west elevation

Application Number: 11/3184/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/11/2012 DEL
Location: Ash House, Pinn Lane, Exeter, EX1 3RG
Proposal:

Tree No.	Species	Work
T402	Ash	Fell
T403	Ash	Fell
T404	Ash	Fell
T405	Ash	Prune
T406	Ash	Prune
T407	Ash	Raise crown

Application Number: 11/1881/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/18/2012 DEL
Location: 19 Mayfield Road, Pinhoe, Exeter, EX4 8PR
Proposal: Ground floor extension on west elevation and conservatory on north elevation

POLSLOE

Application Number: 12/0017/32 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: 12A, Wykes Road, Exeter, EX1 2UG
Proposal: Discharge of Conditions 3 and 4 to Planning Permission Ref No. 11/1173/03
granted: 05 09 2011

Application Number: 11/1946/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/31/2012 DEL
Location: 13 Regents Park, Exeter, EX1 2NT
Proposal: Garage, cycle & garden store on north west boundary

Application Number: 11/1947/07 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/31/2012 DEL
Location: 13 Regents Park, Exeter, EX1 2NT
Proposal: Demolition of garden wall and garage, cycle & garden store on north west
boundary

Application Number: 11/0861/03 **Working Party Date:** 8/17/2011 0
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: 66 Polsloe Road, Exeter, EX1 2NG
Proposal: Installation of two additional condenser units and screen on flat roof area

Application Number: 11/1952/17 **Working Party Date:**
Decision Type Was lawful use **Decision Date:** 2/7/2012 DEL
Location: 172 Pinhoe Road, Exeter, EX4 7HJ
Proposal: Use of property as a house in multiple occupancy (Certificate of Lawfulness of
Existing Use)

Application Number: 11/1988/05 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 278-280, Pinhoe Road, Exeter, EX4 7JQ
Proposal: Internally illuminated fascia signs (2), non illuminated welcome sign, garage door
graphics (5) and internally illuminated totem

PRIORY

Application Number: 11/1791/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/19/2012 DEL
Location: 35 & 37 Countess Wear Road, Exeter, EX2 6LR
Proposal: New roof to garages incorporating solar panels

Application Number: 11/3189/04 **Working Party Date:**
Decision Type Split Decision **Decision Date:** 1/23/2012 DEL
Location: University of Plymouth, Faculty of Arts & Education, Earl Richards Road North, Exeter, EX2 6AS
Proposal: Tree No. Species Works
T1 Norway Maple Prune overhanging branches to 1m inside Boundary, reshape crown
T2 Norway Maple Prune overhanging branches to 1m inside Boundary, reshape crown

Application Number: 11/1933/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: 418 Topsham Road, Exeter, EX2 7AL
Proposal: Two storey extension on north west elevation

Application Number: 11/1934/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: 16 Newport Road, Exeter, EX2 7EE
Proposal: Ground floor extension on south east elevation and access ramp on south west elevation.

Application Number: 11/2007/37 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/25/2012 DEL
Location: Land adj, 30 Bridge Road, Exeter, EX2 7BA
Proposal: Alteration to move boundary between new property and 30 Bridge Road. (Non-material minor amendment to Planning Permission Ref. No. 10/1084/01 granted 23 09 2010)

Application Number: 11/1657/16 **Working Party Date:** 12/14/2011
Decision Type Prior Approval Required **Decision Date:** 2/3/2012 DEL
Location: 63-65A Chestnut Avenue, Exeter, EX2 6DL
Proposal: Demolition of flats

Application Number: 11/1858/03 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: 27 Salters Road, Exeter, EX2 5JH
Proposal: Two storey extension on south west (rear) elevation.

Application Number: 12/0072/32 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: Royal Devon & Exeter Hospital, Barrack Road, Exeter, EX2 5DN
Proposal: Discharge of Condition 4 to Planning Permission 11/0744/03 granted: 12 07 2011

ST DAVIDS

Application Number: 11/1943/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/18/2012 DEL
Location: 2 Bampfylde Lane, Exeter, EX1 1GQ
Proposal: Installation of shopfront on south west elevation

Application Number: 11/1948/17 **Working Party Date:**
Decision Type Was lawful use **Decision Date:** 1/18/2012 DEL
Location: 31 Haldon Road, Exeter, EX4 4DZ
Proposal: Use of property as a House in Multiple Occupation Use Class C4 (Certificate of lawfulness for existing use)

Application Number: 11/0771/37 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/19/2012 DEL
Location: 8 Cathedral Court, Southernhay East, Exeter, EX1 1AF
Proposal: Alteration to roof to accomodate headroom for new stairwell and single pitched roof on south east elevation. (Non-Material Minor Amendment to Planning Permission Ref No. 10/1025/03 granted 19/11/2010)

Application Number: 11/1668/07 **Working Party Date:** 11/14/2011
Decision Type Permitted **Decision Date:** 1/19/2012 DEL
Location: Royal Albert Memorial Museum, Queen Street, Exeter, EX4 3RX
Proposal: Non-illuminated event boards E1 (4) affixed to railings, pole mounted double sided banners B1 (2), wall mounted entrance signs F1 (2), wall mounted accessible lift sign A1 on south west elevation, wall mounted entrance sign F1 and glazing entrance vinyl V1 at Gandy Street entrance, wall mounted directional sign F3 on south east elevation in Bradninch Place, wall mounted entrance sign F1 at garden entrance and wall mounted banners B2 (3) on north east elevation.

Application Number: 12/0049/07 **Working Party Date:**
Decision Type Permission not required **Decision Date:** 1/24/2012
Location: Lower Ground Floor, 11-15, Dix's Field, Exeter, EX1 1QA
Proposal: Extension and subdivision of office space.

Application Number: 11/1919/03 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: The Great Western Hotel, St. Davids, Exeter, EX4 4NU
Proposal: Replacement windows on all elevations

Application Number: 11/1931/07 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: Silver Springs, 12 Richmond Road, Exeter, EX4 4JA
Proposal: Internal removal of two chimney breasts

Application Number: 11/1906/03 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/6/2012 DEL
Location: 1 - 4, 29 - 40, Mount Dinham, Exeter, EX4 4EB
Proposal: Replacement single/two storey rear extensions and alterations to rear boundaries

Application Number: 11/1908/03 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/6/2012 DEL
Location: 5 - 28 Mount Dinham, Exeter, EX4 4EG
Proposal: Replacement single/two storey rear extensions, alterations to rear boundaries, replacement front dormers (no. 10-11), windows and rear dormers (no. 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26 and 27) and other alterations

Application Number: 11/1909/07 **Working Party Date:** 1/30/2012 0
Decision Type Permitted **Decision Date:** 2/6/2012 DEL
Location: 5 - 28 Mount Dinham, Exeter, EX4 4EG
Proposal: Demolition of rear extensions, replacement single/two storey rear extensions, alterations to rear boundaries, replacement front dormers (no. 10-11), windows and rear dormers (no. 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26 and 27) and other alterations

Application Number: 11/2036/07 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 8 Southernhay West, Exeter, EX1 1JG
Proposal: Internal alterations

Application Number: 11/2048/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 12-13 Princesshay, Exeter, EX1 1GE
Proposal: Alterations to shopfront including installation of video screen behind shopfront.

Application Number: 11/2049/05 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 12-13 Princesshay, Exeter, EX1 1GE
Proposal: Non-illuminated fascia sign on north west elevation.

Application Number: 11/2050/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/8/2012 DEL
Location: 12-13 Princesshay, Exeter, EX1 1GE
Proposal: Installation of satellite dish on roof of block D.

Application Number: 11/1723/07 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/18/2012 DEL
Location: 16 Waterbeer Street, Exeter, EX4 3EH
Proposal: Installation of external staircase on north east elevation, painting of shop front, replacement non-illuminated fascia sign and internal fit out of retail unit

Application Number: 11/1829/05 **Working Party Date:**
Decision Type Refuse Planning Permission **Decision Date:** 1/18/2012 DEL
Location: 245 High Street, Exeter, EX4 3NZ
Proposal: Four moveable metal post with fabric infill panel signs to define seating area

ST JAMES

Application Number:	10/1325/05	Working Party Date:	
Decision Type	Split Decision	Decision Date:	2/1/2012 DEL
Location:	Gandhi Restaurant, 7-8 New North Road, Exeter, EX4 4HH		
Proposal:	Two externally illuminated fascia signs on the south elevation, one non illuminated fascia sign on the east elevation, non illuminated projecting sign on south elevation and individually attached letters above the entrance.		
Application Number:	11/1731/03	Working Party Date:	
Decision Type	Permitted	Decision Date:	2/1/2012 DEL
Location:	Melbury Guest House, 4 Queens Crescent, Exeter, EX4 6AY		
Proposal:	Two storey extension on south and west elevations		
Application Number:	11/2062/03	Working Party Date:	
Decision Type	Permitted	Decision Date:	2/7/2012 DEL
Location:	70 Pennsylvania Road, Exeter, EX4 6DF		
Proposal:	Access stair with balustrade and entrance to basement room on east elevation		
Application Number:	11/1729/03	Working Party Date:	12/12/2011
Decision Type	Withdrawn by Applicant	Decision Date:	1/11/2012 COM
Location:	Former Tennis Courts, Bishop Blackall Annexe, Thornton Hill, Exeter, EX4		
Proposal:	Development to provide three storey building comprising 12 flats, access to highway, parking and associated works		
Application Number:	11/1840/17	Working Party Date:	
Decision Type	Was lawful use	Decision Date:	1/11/2012
Location:	2 Waverley Avenue, Exeter, EX4 4NL		
Proposal:	Use of property as a house in multiple occupation (Certificate of lawfulness for existing use)		
Application Number:	11/1849/03	Working Party Date:	12/12/2011
Decision Type	Refuse Planning Permission	Decision Date:	1/13/2012 DEL
Location:	8 Velwell Road, Exeter, EX4 4LE		
Proposal:	Change of use of dwellinghouse (Use Class C3) to house in multiple occupation for nine people (sui generis use)		

Application Number: 11/0895/03 **Working Party Date:** 7/4/2011 00
Decision Type Permitted **Decision Date:** 1/16/2012 COM
Location: Portland House, Longbrook Street, Exeter, EX4 6AB

Proposal: Change of use of existing office accommodation and extension at 5/6 floors to provide 153 studio apartments for student occupation, retail and cafe/restaurant and associated disabled and cycle parking

Application Number: 11/1869/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/18/2012 DEL
Location: Suite 4, Hampton House, 23 Longbrook Street, Exeter, EX4 6AD

Proposal: Change of use from business (office) to non residential institution (education)

ST LEONARDS

Application Number: 11/3199/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/19/2012 DEL
Location: 19 Penleonard Close, Exeter, EX2 4NY

Proposal: Tree No. Species Works
T1 Apple Reduce in height by 30% and reshape remaining lateral branches.
T2 Apple Reduce in height by 2ft, remove two minor branches facing the house.

Application Number: 11/3207/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: 24 Lyndhurst Road, Exeter, EX2 4PA

Proposal: Tree No. Species Works
T2 Maple Tree Prune to clear phone line
T3 Pittisporum Prune to clear phone line
T4 Beech Prune to clear phone line
T5 Copper Beech Prune to clear phone line
T6 Conifer Fell
T7 Conifer Fell
T8 Willow Fell
T9 Ash Fell

Application Number: 11/1955/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: 5 Radnor Place, Exeter, EX2 4EH

Proposal: Ground floor extension on south elevation.

Application Number: 11/3210/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/1/2012 DEL
Location: Lord Mamhead Homes, Matford Road, Exeter, EX2 4PD
Proposal: T1 Laurels (2) Prune to fence line
T2 Yew Prune to fence line
T3 Yew Prune to fence line
T4 Holm Oak Coppice to 1ft stool
T5 Laburnum Prune branches overhanging fence
T6 Birch Prune to 2.5m from Manna Ash building.

Application Number: 11/3212/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/1/2012 DEL
Location: 21 St. Leonards Road, Exeter, EX2 4LA
Proposal: Tree no. Species Works
T1-3 Leylandii Fell
T4 Fir Fell
T5 Apple Prune height to 50-60% of existing and shaping

Application Number: 11/2003/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: 1 The Grange, Fleming Way, Exeter, EX2 4SB
Proposal: Gate across arch between Nos.1 and 2

Application Number: 11/3215/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: Nuffield Hospital, Wonford Road, Exeter, EX2 4UG
Proposal: Tree No Species Work
T1 Horse Chestnut Fell

Application Number: 11/3196/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/10/2012 DEL
Location: Glencoe, Lyndhurst Road, Exeter, EX2 4PA
Proposal: Tree No. Species Works
T1 Thuja Removal of one stem
T2 Holme Oak Removal of one stem

Application Number: 11/1825/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/11/2012 DEL
Location: 11 St. Leonards Road, Exeter, EX2
Proposal: Replacement porch on south elevation.

Application Number: 11/1884/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/16/2012 DEL
Location: 16 Magdalen Road, Exeter, EX2 4SY
Proposal: Ground floor extension with rooflights (4) on north west elevation, replace existing door with window on north elevation.

Application Number: 11/1885/07 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/18/2012 DEL
Location: 16 Magdalen Road, Exeter, EX2 4SY
Proposal: Ground floor extension with rooflights (4) on north west elevation, replace existing door with window on north elevation.

ST LOYES

Application Number: 11/3204/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: 21 Couper Meadows, Exeter, EX2 7TF
Proposal: Tree No. Species Works
T1 Norway Maple Crown lift by 0.9m. Cuts of 2.5cm to 5cm
T2 Norway Maple Crown lift by 0.9m. Cuts of 2.5cm to 5cm

Application Number: 11/1862/05 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: KFC, 9 Digby Road, Russell Way, Exeter, EX2 7HX
Proposal: Internally illuminated fascia signs on all elevations, internally illuminated ettering on north and west tower elevations, internally illuminated entrance sign on south elevation and non-illuminated vinyl on north elevation.

Application Number: 11/1898/03 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/3/2012 DEL
Location: KFC, 9 Digby Road, Russell Way, Exeter, EX2 7HX
Proposal: New entrance portal on south elevation, fascia panels, render to tower brickwork and other minor works

Application Number: 11/2005/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: 28 Apple Lane, Exeter, EX2 5GL
Proposal: Installation of 144 solar panels on east (72) and west (72) roof pitches of Unit 28.

ST THOMAS

Application Number: 11/1533/03 **Working Party Date:** 11/15/2011
Decision Type Permitted **Decision Date:** 1/19/2012 COM
Location: The Exebridge Centre, Cowick Street, Exeter, EX4 1AH
Proposal: Variation of condition 2 to allow minor alterations to the elevations of the approved building and condition 8 to allow the first floor to be used for retail / restaurant / cafe purposes (Ref: 09/2050/03 granted 23/02/2010)

Application Number: 11/2053/26 **Working Party Date:**
Decision Type Raise No Objection **Decision Date:** 1/23/2012 COM
Location: 35 Church Road, St. Thomas, Exeter, EX2 9AZ
Proposal: Change of use and internal refurbishment of empty former shop building to convert for new library use

TOPSHAM

Application Number: 11/3188/06 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/9/2012 DEL
Location: 9a Fore Street, Topsham, Exeter, EX3 0HF
Proposal: Tree No. Species Works
 T1 Silver Birch Fell

Application Number: 11/1954/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/23/2012 DEL
Location: The Old Coach House, Bridgehill Garth, Elm Grove Road, Topsham, Exeter, EX3 0ER
Proposal: Two storey extension on south west elevation.

Application Number: 11/1962/18 **Working Party Date:**
Decision Type Was lawful use **Decision Date:** 1/24/2012 DEL
Location: 4 Parkfield Road, Topsham, Exeter, EX3 0DR
Proposal: Replacement garage doors (Certificate of Lawfulness of Proposed Development)

Application Number: 11/3201/04 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: Exeter Golf and Country Club, Topsham Road, Exeter, EX2

Proposal:	Tree	Species	Works
	T1	Poplar	Fell
	T2	Poplar	Fell
	T3	Poplar	Fell
	T4	Poplar	Fell
	T5	Poplar	Fell
	T6	Poplar	Fell
	T7	Ash	Fell

Application Number: 11/1926/03 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: 37 Wendover Way, Exeter, EX2 6JQ
Proposal: Garden shed adjacent to north east boundary.

Application Number: 11/2010/03 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: The Globe Hotel, 34 Fore Street, Topsham, Exeter, EX3 0HR
Proposal: Extend roof eaves to Malthouse annex to form canopy over balcony, replacement decking and balustrading to rear annex balconies and cladding at first floor level on both annex buildings

Application Number: 11/2011/07 **Working Party Date:** 2/1/2012 00
Decision Type Permitted **Decision Date:** 2/7/2012 DEL
Location: The Globe Hotel, 34 Fore Street, Topsham, Exeter, EX3 0HR
Proposal: Extend roof eaves to Malthouse annex to form canopy over balcony, replacement decking and balustrading to rear annex balconies and cladding at first floor level on both annex buildings

Application Number: 11/2000/26 **Working Party Date:**
Decision Type Raise No Objection **Decision Date:** 1/12/2012
Location: Footbridge across River Clyst, Bridge Hill, Topsham, Exeter, EX3 0QQ
Proposal: Environmental Impact Assessment- Request for Scoping Opinion

Application Number: 11/1899/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/18/2012 DEL
Location: 24 Greatwood Terrace, Topsham, Exeter, EX3 0EB
Proposal: Ground floor and first floor extension on south east elevation

WHIPTON BARTON

Application Number: 11/1894/03 **Working Party Date:**
Decision Type Permitted **Decision Date:** 1/24/2012 DEL
Location: 57 Whipton Barton Road, Exeter, EX1 3NE
Proposal: Roller shutter to entrance door on south elevation

Total Number of Decisions Made: **128**

Local Government (Access to Information) 1985 (as amended)

Background papers used in compiling the report:

Files of Planning Applications available for inspection from:

Planning Services, Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1NN

Telephone No: 01392 265223

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EXETER CITY COUNCIL

PLANNING COMMITTEE 20 FEBRUARY 2012

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

1.1 To update Members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 19 DECEMBER 2011 AND 30 JANUARY 2012

Cases opened: 6

Cases closed: 23

Outstanding number of cases: 80

3.0 NOTICES ISSUED

3.1 ENF/11/67 – 51 Howell Road, Exeter – Enforcement Notice issued on 5 January 2012 for the construction of a dormer window extension on the rear elevation of the pitched roof.



R/O 51 Howell Road

3.2 The Notice requires the owner to:

- (a) Demolish the dormer window extension and make good the roof with materials to match the existing
- (b) Remove from the property all materials and debris formerly comprising the dormer extension

3.3 The Notice comes into effect on 10 February 2012 and gives a period of six months for compliance.

4.0 NOTICES COMPLIED WITH

4.1 None.

5.0 CURRENT APPEALS

- 5.1 ENF/11/20 – Chunky Monkey, Weircliffe Park, St Andrew Road, Exeter – Enforcement Notice issued on 21 October 2011 for a change of use of part of the premises from industrial/workshop purposes to use as a single dwelling for residential purposes. An appeal was submitted on 30 November 2011 and is being dealt with by written representations. The Council's statement was submitted on 19 December 2011. The Inspector's decision is now awaited.

6.0 ENFORCEMENT APPEAL DECISIONS

- 6.1 ENF/10/23 - 6 Florida Drive, Exeter – Enforcement Notice issued on 6 June 2011 for a change of use of land providing a visual amenity for the public benefit, to land forming part of the private garden of the dwelling. An appeal was submitted on 26 July 2011 and was dealt with by written representations. The appeal was dismissed on 24 January 2012.
- 6.2 The Inspector agreed that the area of land in question was originally laid out for public amenity purposes, being sited between the rear boundary wall at 6 Florida Drive and the line of shrubs along the back edge of the adjoining footway to the public highway. Further, he was satisfied that the area of land had been incorporated into the rear garden of 6 Florida Drive by the demolition of part of the rear boundary wall and the erection of a new fence immediately inside the line of the shrubs.
- 6.3 The Inspector went on to state that the change of use of the land from public amenity space to residential use, by its incorporation within the rear curtilage of 6 Florida Drive, amounts to development requiring planning permission. While he acknowledged the appellants claim that the Council had advised them that the erection of a fence on this land would constitute permitted development, the breach of planning control relates to the change of use of the land, rather than the erection of the fence.
- 6.4 The Inspector concluded that allowing the fence to remain in situ would not remedy the breach of planning control and that requiring its removal would not be excessive or otherwise unreasonable, and therefore, upheld the Enforcement Notice.

7.0 OTHER ISSUES

- 7.1 None

8.0 RECOMMENDATION

- 8.1 That this report be noted.

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report: none.

EXETER CITY COUNCIL

PLANNING COMMITTEE
20 FEBRUARY 2012

APPEALS

DECISIONS RECEIVED

SUMMARY: 4 appeal decisions have been received since the last report:
3 were dismissed and 1 allowed subject to conditions.

3a Parkhouse Road, Exeter EX2 9DB



Scale 1:1250

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Reference No: 11/0611/03

Proposal: Demolition of the existing shop and the construction of a dwelling.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were the effect of the proposed development on the living conditions of the occupiers of 117 Barton Road, and its effect on the character and appearance of the area.

This property is a vacant lean-to shop unit at the end of a two-storey terrace of houses. The appeal proposed the demolition of the existing building and its replacement with a small dwelling.

Living conditions

The Inspector considered that the proposed building would have an unacceptably overbearing effect on 117 Barton Road, the neighbouring house to the east, and would intrude into the outlook from the rear garden and the ground floor rear windows of that property to an unacceptable degree. It would also cast more shadow over the garden of no.117 than the existing lean-to building. He concluded that the proposed development would harm the living conditions of the occupiers of 117 Barton Road, contrary to ELP Policies H2 and DG4 and the *Residential Design* SPD.

Character and appearance

The Inspector agreed with the Council that the building would appear incongruous in the street scene: its single-storey form would sit uncomfortably against the two-storey terrace, and it would be narrower than the existing dwellings. It would harm the rhythm and balance of the terrace. He concluded that the proposed development would harm the character and appearance of the host terrace and of the area. It would be unacceptable by reference to ELP Policies H2 and DG1 and the SPD.

Other Matters

The proposed dwelling would have little storage space, would not be suitable for disabled occupiers, and would provide poor daylighting and outlook for the bedroom and kitchen/dining area. Notwithstanding these shortcomings, the Inspector considered that, if the scheme were acceptable in all other respects, it would offer a basic and relatively affordable dwelling akin to a one-bedroom flat. The outside amenity space, though smaller than the size recommended in the SPD, would be the same size or larger than some other gardens in the locality, and would not be incongruous in this high-density neighbourhood. It would not suffer from shading, and would provide outdoor space in which the occupier(s) of the dwelling would feel at ease.

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21, New North Road, Exeter EX4 4HF



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Reference No: 11/1077/03

Proposal: Change of use from a hotel to a house in multiple occupation (HMO).

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issue was the effect of the scheme upon the balance of property uses within the locality.

The appeal property comprises The Braeside Hotel, a substantial, mid-terraced, Grade II listed building located within a predominantly residential area.

The Inspector noted the Council's desire to maintain a mixed and balanced community within the city, an aim supported by national planning policy within PPS1 and PPS3. The Council had identified issues arising from the growing population of students in the city and had responded to concerns that certain areas of Exeter are subject to an over-concentration of HMOs, by adopting its 2011 SPD 'Houses in Multiple Occupation (including C4 Uses)'. The Inspector accepted that the SPD was based upon empirical data relating to houses exempt from Council Tax and submitted data showed an increasing proportion of dwellings within New North Road as being exempt.

It was clear to the Inspector that the SPD sought to address specifically the issue of development that entailed the change of use of homes (Use Class C3) to HMOs rather than, as in this appeal, the change of use of a hotel. However, he considered the basis of the SPD was sound evidence as to the areas of the city affected by an over-concentration of HMOs. To that end, the SPD indicated that the appeal property was situated in an area with a relatively high proportion of HMOs. If No 21 was a home in the terms of Use Class C3, then the proposal would run directly contrary to the aims of the SPD.

Although the SPD was not targeted specifically towards hotel/guesthouse premises, the Inspector noted that the property operated as a hotel on a year round basis and as such provided a service to the city which represented a variation to the established neighbouring residential uses thereby adding a degree of diversity and vibrancy to the mix of uses within the vicinity.

The appeal proposal would alter the existing arrangement. The proportion of HMOs in this area would increase with a detrimental effect upon the balance of uses. The appeal scheme would run contrary to the aims of the LP to ensure that proposals do not create an over-concentration of HMOs in any one area which would alter its character or create an imbalance in the local community.

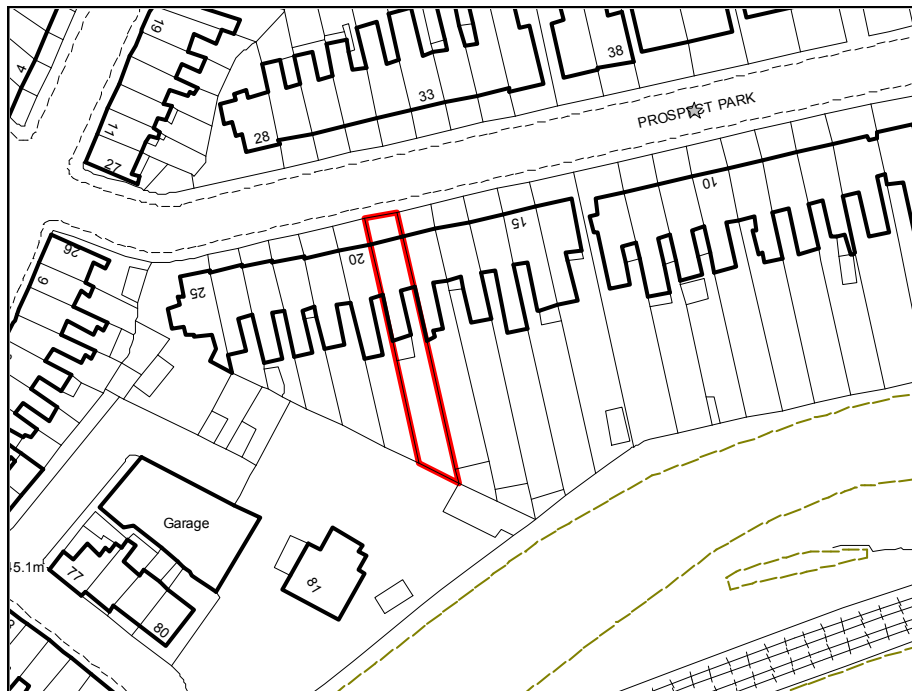
Whilst there was no evidence to suggest that the property would inevitably be used by students, the Inspector considered that the proximity of the property to the University and the evidence provided by the Council in relation to HMOs suggested that, on the balance of probability, student use would be a likely outcome. This reinforced his concern at the impact of the proposal upon the balance of property uses in the locality.

The appellant argued that a number of new hotels had recently opened within Exeter rendering the hotel use of the appeal property less viable. Whilst recognising that the large size of the property may not readily lend itself to a family home, the Inspector agreed with the Council that there was insufficient detailed information to indicate that the existing use was no longer viable and that the proposed change of use was consequently justified. Even though the proposal would help to maintain the listed building, there was nothing to suggest to the Inspector that the property was under threat from neglect or decay and he considered that this benefit did not weigh so heavily in support of the scheme that a different decision should be reached.

The Inspector concluded that the proposal would have a harmful effect upon the balance of property uses within the locality which ran contrary to the overall thrust of the ELP in such regards.

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19 Prospect Park, Exeter, EX4 6NA



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Reference No: 11/1122/03

Proposal: Change of use from dwelling to house in multiple occupation (Use Class C4).

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: **ALLOWED** subject to conditions.

Grounds:

The main issue was the effect of the proposed development on the character and balance of the local community.

The Inspector noted that because of concerns about standards of accommodation and their impact on adjoining residential properties and the character of an area, conversions of dwellings to flats, self-contained bed-sitters and houses in multiple occupation (HMOs) were the subject of criteria set out in ELP Policy H5. Criterion (b) stated that proposals should not create an over-concentration of the use which would change the character of the neighbourhood or create an imbalance in the local community.

The ELP was complemented by the *HMO (including Class C4 Uses) SPD*. In the areas to which it applied (which include Prospect Park), the Council resisted any further change of use to HMOs where the proportion of houses exempt for Council Tax

purposes already exceeded 20%. In such areas, planning permission was required for material changes of use from Class C3 to Class C4 following the approval of an Article 4 Direction which took effect on 1 January 2012. The appeal proposal was for a six-bedroom HMO and was, therefore, unacceptable in principle.

The SPD recognised that there may be cases where very localised communities were already so imbalanced that the policy objective of avoiding imbalance was unlikely to be achieved. The SPD listed four factors to which the Council would have regard in considering whether to make an exception to policy.

The appeal site was close to streets which already had a high proportion of HMOs and which were excluded from the Article 4 Direction. The Inspector noted that there were HMOs to each side of no. 19, on the opposite side of the road and, separated by garden areas, to the rear. Because of the site's proximity to HMOs, the appellant and her family had been subject to noise pollution day and night and other anti-social behaviour. The amenities of normal family life had been affected and so one of the four SPD factors provided support for making an exception to policy. On the other hand, there are no other circumstances such as medical considerations of such significance as to amount to severe personal hardship, one of the other SPD factors.

The appellant stated that she felt trapped by the Article 4 Direction because experience elsewhere in the road indicated it would be impossible to sell the house at a realistic price to anyone other than a developer. However, this was disputed by some objectors and the appellant had not attempted to sell the property. It had not, therefore, been demonstrated it would be difficult to achieve this; support for a policy exception was not provided by this factor.

The remaining SPD factor was local representations in support or objection from those directly affected by the proposal. The Council received some 16 representations, most of which were against the proposal. The appellant referred to conversations with others in Prospect Park who were supportive, but the other written evidence suggested that reliance should not be placed on this SPD factor to justify a policy exception.

The Inspector considered that the proposed development would be unacceptable in principle and the SPD factors to which regard was to be had offered only limited support for the proposal. It would conflict with the aims of Policy H5 and the SPD.

However, the appellant's family had moved to rented accommodation elsewhere and since December 2012 the appeal property had been rented to three tenants who shared basic amenities, i.e. it fell within the definition of a Class 4 HMO. Prior to the implementation of the Article 4 Direction, changes of use between dwellinghouses (Class C3) and HMOs could take place without needing to apply for planning permission.

As the Council acknowledged, the property could continue to be occupied as a Class 4 HMO. This represented a fallback position which had been implemented. Consequently, the Inspector concluded that the proposed development would have no materially different effect on the character and balance of the local community than the use which had commenced and so permission should be granted.

The appeal was allowed subject to conditions requiring commencement within three years, compliance with the approved plans and the submission, approval and issuing of a Green Travel Pack to all residents.

24 Dunsford Gardens, Exeter EX4 1LN



Scale 1:1250

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Reference No: 11/1450/03

Proposal: Erection of a two storey, part rear, part side extension.

Application Decision: Delegated Refusal

Type of Appeal: Householder

Appeal Decision: DISMISSED

Grounds:

The main issue was the impact of the proposed development on the character and appearance of the area.

24 Dunsford Gardens is situated in a row of similar properties, where a variety of extensions of various shapes and sizes were evident. The spacing between buildings differed from one site to another and this could constrain the scope of residents to enlarge their accommodation. The Inspector noted that the Council's *Householder's Guide to Extension Design* SPD aimed to raise the standard of "everyday" proposals and required extensions to harmonise with or, where possible, enhance the character of the original house.

The appellant's semi detached house adjoined No 25 where a single storey extension, with a hipped roof, projects from the rear. A two storey side extension had been permitted at No 23, to replace the garage which separated that house from the appeal site, but this had yet to be built.

The extension would wrap around the existing house, projecting 4.3m to the rear and 1.5m to the side of the building. The roof would be pitched on four sides and rise to a flat section that would be lower than the ridge of the host dwelling, so as to appear subservient to the main roof in views from the street. The Inspector considered that this "curious arrangement", of a roof rising out of the corner of another roof, would give the impression of an extension that was poorly related to, and partly independent from, the main building. Rather than integrate with the existing house, the massing of the development would be seen as an awkward addition.

This uncomfortable relationship would be apparent in views from the residential area to the north of the appeal site, and as things stood, it would also be evident when looked at from Dunsford Gardens, to the front of No 23; although such views might be restricted by the recently permitted extension here.

The Inspector concluded that the development would be harmful to the character and appearance of the area, contrary to DSP Policy CO6 and ELP Policy DG1(g).

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APPEALS LODGED

Application	Proposal	Start Date	Received Date
Plot F, Land to the west of The Coach House, Cleve Lane, Exeter, EX4	Variation of conditions 2 and 10 to approve top opening fanlights and alternative material fabrication to windows on all elevations (Ref. No. 09/1229/03 granted 15 October 2009)	04/01/2012	04/01/2012
Cottage Farm, Belle Vue Road, Exeter, EX4 5BD	Conversion of livery stables to dwelling including infilling of central courtyard, extension and conservatory on west elevation and garage	05/01/2012	05/01/2012
Cottage Farm, Belle Vue Road, Exeter, EX4 5BD	Two storey extension on south-east elevation.	05/01/2012	05/01/2012
15 Vennybridge, Exeter, EX4 8JX	Detached dwelling, access to highway, parking and associated works.	11/01/2012	11/01/2012
Unit 1, The Range, Haven Banks Retail Park, Water Lane, Exeter, EX2	Display of 5 sets of window vinyls on south west elevation, and 3 sets on north west elevation.	18/01/2012	18/01/2012

19 Higher Kings Avenue, Exeter EX4 6JP	Ground floor extension on north elevation.	30/01/2012	30/01/2012
8 Velwell Road, Exeter, EX4 4LE	Change of use of dwellinghouse (Use Class C3) to house in multiple occupation for nine people (sui generis use).	31/01/2012	31/01/2012
6 Ellards Close, Exeter, EX2 6AH	Double doors, balustrade and privacy screen on south west elevation to create first floor balcony.	01/02/2012	01/02/2012
Stable Building, Belle Vue Road, Exeter, EX4 5BP	Change of use and conversion from stables to dwelling and associated works.	02/02/2012	02/02/2012

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report: -

Letters, application files and appeal documents referred to in report.

Available for inspection from: -

City Development, Civic Centre, Paris Street, Exeter (01392) 265223

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