



## Exeter City Council

To the Chair and Members  
of the Planning Committee

**Please ask for:** Sarah Selway

**Direct Dial:** 01392 265275

**Email:** sarah.selway@exeter.gov.uk

**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 25TH JUNE 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 **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.

3 **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.

#### Public Speaking

**Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 5pm on the Thursday before the meeting (full details available on request from the Member Services Officer).**

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11

**SECTION 106 AGREEMENTS**

To consider the report of the Assistant Director City Development

71 - 108

(Report circulated)

12

**APPEALS REPORT**

To consider the report of the Assistant Director City Development.

109 - 124

(Report circulated)

13

**SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 10 July 2012 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Morris.

**DATE OF NEXT MEETING**

The next scheduled meeting of the Planning Committee will be held on **Monday 23 July 2012** 5.30 pm. in the Civic Centre.

**Membership -**

Councillors Bialyk (Chair), Lyons (Deputy Chair), Denham, Donovan, Edwards, Mrs Henson, Mitchell, Morris, Owen, Prowse, Spackman, Sutton and Winterbottom

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# Agenda Item 4

**ITEM NO.** 4

**COMMITTEE DATE:** 25/06/2012

**APPLICATION NO:** 12/0246/03

FULL PLANNING PERMISSION

**APPLICANT:** Mr I Harrison  
NCA Vision

**PROPOSAL:** Replacement detached community building

**LOCATION:** Belmont Park Hut, Gordon Road, Exeter, EX1 2DH

**REGISTRATION DATE:** 16/02/2012

**EXPIRY DATE:** 12/04/2012

**ITEM NO.** 4

**COMMITTEE DATE:** 25/06/2012

**APPLICATION NO:** 12/0247/14

CONSERVATION AREA CONSENT

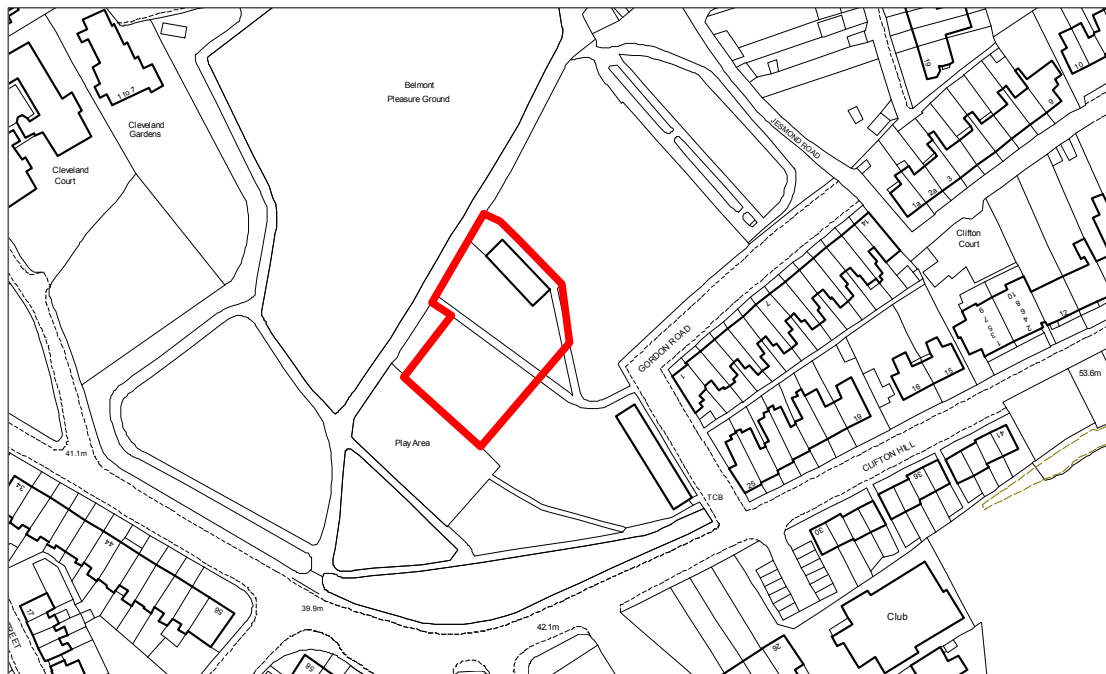
**APPLICANT:** Mr I Harrison  
NCA Vision

**PROPOSAL:** Demolition of community building

**LOCATION:** Belmont Park Hut, Gordon Road, Exeter, EX1 2DH

**REGISTRATION DATE:** 21/02/2012

**EXPIRY DATE:** 17/04/2012



Scale 1:2000

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## **HISTORY OF SITE**

No relevant history

## **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises an area of land within the segregated play areas forming part of Belmont Park. Within this area the existing community building sits almost at right angle to the main tree lined path running through the centre of the park. It occupies a position between the two equipped children's play areas. This building comprises a timber structure with felt roof and has an approx floor area of 18.2m x 5.9m. Between this building and the

right-angle bend of Gordon Road (which is elevated above the park) lies an area of grassed open space crossed by a footpath.

Permission is sought for demolition of the existing community building (with the land it occupies being returned to grass) and its replacement with a new, slightly larger community building with floor area measuring 21m x 9m, and a further covered external area at the south-west end of the building. The external material for the walls comprises oak timber boarding, with the roof comprising a mix of slate and photo voltaic roof tiles. The proposed siting for the replacement building is at right angle to the current building and straddles the current footpath linking Gordon Road with the circulatory path running around the park.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by the following documents -

- Design and Access Statement
- Sustainability Statement

### **REPRESENTATIONS**

A number of representations have been received in respect of these 2 applications. There have been 36 in support and 19 objections (as of 28/03/12). Issues raised have been summarised below.

#### Support

- existing hut too small/lacks disabled access/not fit for purpose
- existing hut has high maintenance costs
- proposed siting allows surveillance of both children's play areas
- existing hut architecturally insignificant
- proposed siting/design keeps potentially noisy elements furthest from Gordon Road
- will provide an important community resource aiding integration of different groups within the community
- parking available in nearby Council car parks
- high quality design/visually attractive building
- type of uses that building will be used for are not significant noise generators
- new building would have better noise/sound insulation than existing
- significant demand for community facilities
- proposal developed following extensive community consultation
- sustainable design/orientation
- design of new building would facilitate wider range of potential uses

#### Objections

- Orientation of building out of character with surroundings
- siting creates blind areas for anti-social activities
- noise pollution/disturbance - adverse impact of amenity of nearby residents
- increased litter problems associated with increased use
- spoil character of park/Conservation Area (space identified as positive in Belmont Conservation Area Appraisal and Management Plan)
- associated increase in traffic generation exacerbating parking problems/highway safety issues in locality
- not all local residents consulted at development stage
- position of building
- better locations available

- increased potential for use to spill outside building with consequent increase in adverse amenity impacts
- late night use - existing 11pm curfew often flouted
- design incongruous/size excessive - detract from appearance of Gordon Road terrace (identified in Conservation Area Appraisal as making a positive contribution)
- existing hut has archaeological significance
- loss of view
- increased disturbance arising from greater use of park entrance/exit onto Gordon Road
- existing building capable of refurbishment and adaptation
- light pollution
- decrease in available green space within park and locality
- lack of parking
- revised plans fail to address concerns previously identified in respect parking problems, traffic generation, design, noise/disturbance, hours of use and better alternative locations.

## **CONSULTATIONS**

Environmental Health - Recommends conditions regarding land contamination, kitchen extract details, hours of use, noise pollution control measures and hours of construction.

South West Water - No objection in terms of capacity to serve the development. Comment that only foul drainage will be allowed to connect to the existing sewer, and that no building will be allowed within 4 metres of the existing sewer that crosses the site. If this cannot be complied with the existing sewer will need to be diverted.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

National Planning Policy Framework

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development

ST10 - Exeter Principle Urban Area

CO6 - Quality of New Development

CO7 - Historic Settlements and Buildings

CO16 - Noise Pollution

TR2 - Coordination of Land Use/Travel Planning

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

CS6 - Community Halls

C1 - Conservation Areas

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T9 - Access to Buildings by People with Disabilities

T10 - Car Parking Standards

L3 - Protection of Open Space

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

CP10 - Meeting Community Needs  
CP15 - Sustainable Construction  
CP17 - Design and Local Distinctiveness

Belmont Conservation Area Appraisal and Management Plan (June 2007)

## **OBSERVATIONS**

The main issues in respect of these applications relate to impact upon the Belmont Conservation Area, design, loss of the existing building, relationship to surrounding properties (both physically and in terms of impact on residential amenity), sustainability and transportation issues.

### **Impact upon Conservation Area/Design**

Within the Belmont Conservation Area Appraisal and Management Plan Belmont Park is identified as a positive space. The majority of the buildings surrounding the park (including the terrace comprising Gordon Road) are identified as ones which make a positive contribution to the character of the area. In considering the current proposal the issue is whether or not the scheme enhances, or at least preserves, the character and appearance of the Conservation Area.

It is acknowledged that the replacement community building proposed is larger than the existing building and as such it will have a more prominent and imposing appearance in relation to the park's setting and surrounding townscape. However, the design is similar in terms of its pitched roof form and timber clad exterior. The proposal has been formulated so that the existing building can be retained whilst the new one is constructed to avoid a period of time when the community is deprived of a venue for community use.

Originally this resulted in the siting for the replacement building being moved closer to Gordon Road so that it would have been 1 metre from the corner of the retaining wall to the road, which is elevated above the level of the park. The building was also orientated with the main elevation facing due south. It was considered that this position and orientation related poorly to the retaining wall to Gordon Road and created an incongruous spatial relationship with the terrace of properties forming Gordon Road, the Scrap store building and the alignment of footpaths within the park. Notwithstanding the fact that the level of the park is below that of Gordon Road it was considered that the originally proposed siting, coupled with the increased size of the replacement building, would have had an adverse impact upon the character and appearance of the Conservation Area.

These concerns were raised with the applicant and negotiations secured a revised siting for the building which resulted in it being moved further away from Gordon Road (5.8 metres at the closest point) and being re-orientated to more closely align with the existing path running through the fenced off children's play area. The revised siting was considered more appropriate in terms of its visual impact. However, South West Water advised that a public sewer was located under the proposed siting of the building, and confirmed they would not allow a building over the sewer. The applicant explored the cost of diverting the sewer but this was prohibitive.

Consequently a further more fundamental revision to the siting of the building has been proposed to move it clear of the sewer and the construction exclusion zone. This has resulted in the final position for the proposed building turning through 90 degrees so that it's long axis runs parallel to the belt of mature trees alongside the path outside of the fenced off children's play area. The impact of this revised siting upon the Conservation Area is considered acceptable.



In terms of the design of the building itself the timber boarding exterior, timber fenestration and use of slate/photovoltaic roof tiles are considered appropriate materials for both the type of building proposed and its setting within the park.

#### Demolition/Loss of existing building

The existing building comprises the last one of a number of timber huts that have historically occupied this part of the park (since WWII) gradually having been removed and replaced with play facilities. It is a single storey pitched roof building with a felted roof and has recently been used as a community facility run by the Newtown Community Association. Its scale and siting sit unobtrusively within the park.

In the Belmont Conservation Area Appraisal and Management Plan this building is identified as one that makes a positive contribution to the character of the area. Representations have referred to the building as having historical/archaeological interest. When considering applications for demolition of such a building the starting point is retention unless material considerations justify otherwise.

Notwithstanding that the building is identified as making a positive contribution to the character of the area it is not considered to be of such architectural merit or archaeological significance that its demolition should be resisted. Nor would the removal of this building, and the restoration of the land it occupies to grassed open space, have a detrimental impact upon the park environment and the character and appearance of the Conservation Area. Furthermore the demolition is part of wider proposal to provide a replacement community building that will be of greater public benefit and more fit for purpose. Consequently the demolition of this building is considered acceptable in this context.

#### Relationship to surrounding properties

A significant number of representations have been received expressing concerns about the impact of the proposal upon the residential amenity of the occupants of surrounding properties. In addition to transport/visual impact issues, which have been addressed in other sections of this report, many of these representations focused upon the loss of view for properties in Gordon Road and impact of the use of the building on the quality of life of the occupants of nearby properties.

Whilst the loss of view for a private individual is not a material planning consideration, the impact of the use of the building upon surrounding residents is something that needs to be considered in determining the proposal. The originally proposed siting would have created an area between the building and the retaining wall of Gordon Road that would have been suffered from poor natural surveillance and could have become a magnet for antisocial activities. However it is considered that the revised siting now proposed has overcome this issue. Any building within the park will inevitably result in some areas directly behind it not being visible from Belmont Road/Clifton Hill but the revised siting will actually open up views into the play area behind the building. On the basis of the revised siting, and the difference in levels between Gordon Road and the park, it is not considered that the massing of the building would have significant adverse impact upon the surrounding properties.

The potential for activities within the building to impact upon surrounding residents is acknowledged. A successful community building would be one that forms a focal point for the community and is widely used for a variety of activities. It is not possible to completely eliminate noise associated with such uses, either from within the building or associated with coming and goings from it, but it is important that any disturbance to local residents is minimised as far as possible. The replacement building will have far better noise insulation properties than the current hut by virtue of its modern construction techniques and it is considered that this, coupled with appropriate controls on issues such as hours of use and external lighting, will minimise potential disturbance to a level at which it would be difficult to

justify refusal of permission (especially given that the proposal is for a replacement facility as opposed to the introduction of such a use into an area where one has not previously existed).

The degree of potential impact is largely down to the type of activities carried out within the building, the hours of use and management arrangements. Conditions requiring doors/windows to be kept closed during use (as originally recommended by Environmental Health) are not considered appropriate both in terms of the comfort of potential users and difficulties in enforcement. It is considered that the most appropriate controls relate to the hours of use. The applicant has suggested that an early time restriction would not be acceptable and have advocated that hours of use should extend until midnight with an additional clause restricting the playing of music in the premises after 11pm nightly. It is not considered that a community building such as this should be expected to meet the demand for late night function venues. This demand can be more satisfactorily met in city centre locations and existing venues such as pub function rooms. Consequently, given the location of the building in a relatively quiet park with nearby residential properties planning and environmental health officers are concerned about the potential for noise disturbance and consider that an appropriate time limit for cessation of use would be 10pm, with no use commencing before 8am in the morning.

### Sustainability

The Sustainability Statement submitted in support of the application confirms the aspiration of the applicant to achieve a highly sustainable design for this building. It also highlights that the existing community building performs poorly from a sustainability perspective due to its age and inherent construction. Replacement of this building provides an opportunity to design a more functionally and energy efficient building.

The proposal has been developed with the following principles in mind -

- Orientation - maximise solar energy and use of natural daylight
- Building fabric - floors, walls and roof designed to have low air leakage, low embodied energy. An internal thermally 'massive' wall will passively moderate internal temperatures and reduce energy demands
- Heating - Solar photovoltaic slates on south facing slope
- Natural Ventilation
- Solar glass in rooflights
- Shading - use of external shading/shutters to prevent overheating in summer whilst facilitating solar gain in winter
- Lighting - As well as maximising use of natural daylight to reduce demand for electric lighting, low energy lighting will be used when artificial sources are required
- Water - low flow fixtures and fittings minimising water use with rainwater harvesting for non-potable uses

From a sustainability perspective the new building will represent a significant improvement compared to the existing inefficient building.

### Transportation Issues

In considering the transportation issues raised by this application it has to be borne in mind that the proposal is for the replacement of an existing community building rather than the introduction of such a building where one has not previously existed.

Given the location of this facility within a public park it is not possible to provide dedicated parking solely to serve it. Whilst available on-street parking in the immediate vicinity is limited, due to the existence of 'resident only' parking zones, there are a number of public car parks within relatively close proximity of the site that could serve users of the building. The site is also easily accessible by public transport, bicycle and on foot.

It is acknowledged that the proposed community building is larger than the existing building, and by virtue of this and its purpose built design, it might generate an increase in levels of usage. Representations received have expressed concern about the increased pressure this would place on the limited on-street parking in the immediate locality, mis-use of 'residents only' parking and highway safety conditions in the locality. However, given that the existing building is already very well used it is not considered that the increase would be significant in terms of exacerbating the prevailing situation. Abuse of 'residents only' parking could be dealt with by way of separate enforcement provisions. Given the proximity of existing public car parks, its sustainable location, and the capacity of the surrounding road network to accommodate picking up/dropping off associated with the use, it is not considered that the proposal would raise significant highway issues such that refusal of the proposal could be justified. The Highway Authority have delegated consideration of the transportation issues raised by this application to the City Council. However, in reaching the above conclusions on the highway impact the proposal has been informally discussed with a representative of the Highway Authority.

## SAWP

(29/02/12)

Members noted that whilst only 2 objections had been received the consultation period still had some time to run. Officers highlighted some concerns with the proposed siting of the building. Members noted that the outcome of negotiations over the siting, along with the receipt of any further representations, would be brought back to the Working Party for consideration

(28/03/12)

Members welcomed the revised siting proposed and acknowledged that the application would be determined by Planning Committee in light of the number of representations received. Members noted that the issue of the location of the public sewer and proposed opening hours of the building would be addressed in the committee report.

## Conclusion

The demolition of the existing building, and reinstatement of the land on which it sits to grass is considered acceptable in conservation terms. The replacement of this building with an enlarged purpose designed energy efficient building to meet the modern needs of the local community is welcomed. The design of the building is considered appropriate to the context of the surrounding park. The proposal is for the replacement of a well used community building within the park. As such, given the existing use, it is not envisaged that it would lead to a significant adverse impact upon the residential amenities of surrounding residents over and above that currently experienced. Conditions are proposed to limit the potential for the use of the building to have significant adverse impact upon the amenities of surrounding residents.

## **RECOMMENDATION**

**APPROVE** application 12/0246/03 subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Construction work shall not take place outside the following times: 8am to 6pm

(Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of the amenity of occupants of nearby buildings.

- 5) C70 - Contaminated Land
- 6) C38 - Trees - Temporary Fencing
- 7) The use of the building hereby approved shall not be carried on other than between the hours of 0800 and 2200 hours on any day.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 8) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.  
**Reason:** In the interests of the visual amenities of the area.
- 9) Prior to the commencement of the development hereby approved details of any external lighting associated with the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the number, location and type of lighting proposed together with the means of control/operation. Thereafter the development shall be implemented and operated in accordance with the approved details at all times.  
**Reason:** In the interests of the character and appearance of the area and the residential amenities of the occupants of surrounding properties.
- 10) No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has 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.
- 11) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 12) Prior to the commencement of the development hereby approved details of the proposed construction access, material delivery arrangements and storage compound for the duration of the works (location, size and means of enclosure) shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.  
**Reason:** To ensure that the development is implemented in a safe and secure manner which minimises the potential for disruption to users of the park during the construction process.

**APPROVE** application 12/0247/14 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) Prior to the demolition of the building hereby approved details of the proposed reinstatement works and landscaping of site, together with a timeframe for their

implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in strict accordance with the approved details.

**Reason:** To ensure that the land is restored to a satisfactory condition in the interests of the character and appearance of the Conservation Area.

- 3) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no.12/0246/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.

**Reason:** In the interests of the appearance of the Conservation Area.

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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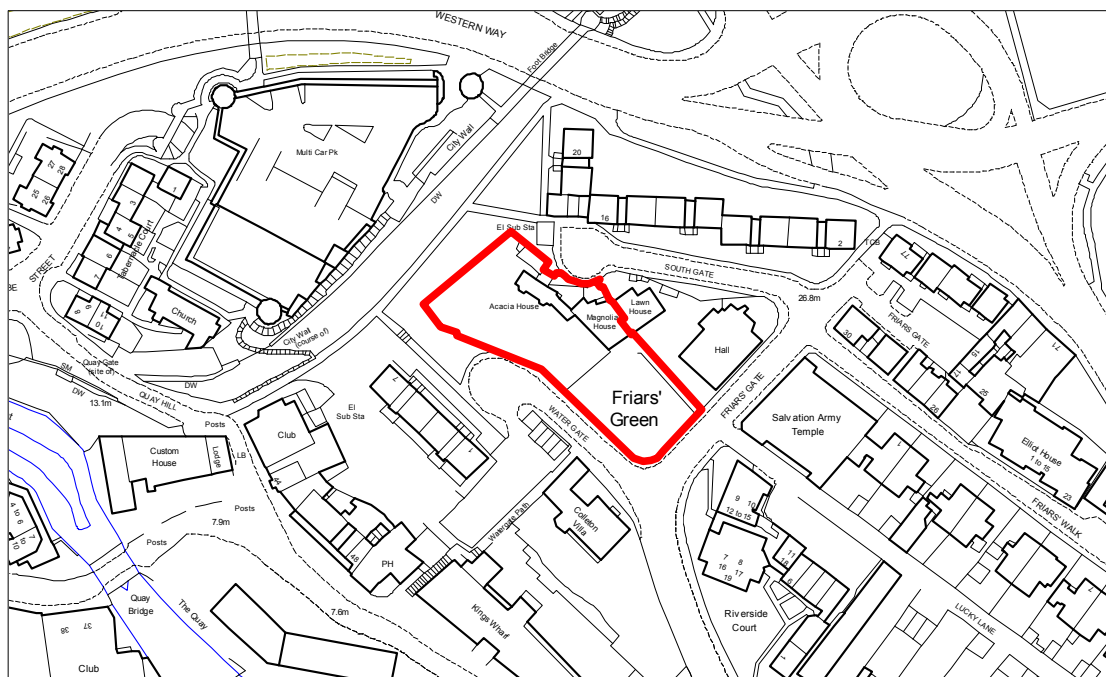
# Agenda Item 5

**ITEM NO.** 5 **COMMITTEE DATE:** 25/06/2012

**APPLICATION NO:** 12/0327/03 **FULL PLANNING PERMISSION**  
**APPLICANT:** Mr G Stead  
**PROPOSAL:** Venture Property & Development Company Limited  
Sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage.  
**LOCATION:** Magnolia House and Acacia House, Friars Green, Exeter, EX2 4DB  
**REGISTRATION DATE:** 28/02/2012  
**EXPIRY DATE:** 24/04/2012

**ITEM NO.** 5 **COMMITTEE DATE:** 25/06/2012

**APPLICATION NO:** 12/0328/07 **LISTED BUILDING CONSENT**  
**APPLICANT:** Mr G Stead  
**PROPOSAL:** Venture Property & Development Company Limited  
Sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage.  
**LOCATION:** Magnolia House and Acacia House, Friars Green, Exeter, EX2 4DB  
**REGISTRATION DATE:** 28/02/2012  
**EXPIRY DATE:** 24/04/2012



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## HISTORY OF SITE

The site has been the subject of two previous planning and listed building applications for a new single dwelling (11/1607/03 & 11/1608/07) and the subdivision of the two existing

dwelling into four new units and the construction of two new dwellings (11/1605/03 & 11/1606/07). All four of these applications were withdrawn following discussions between the case officer and the applicant.

## **DESCRIPTION OF SITE/PROPOSAL**

Acacia House and Magnolia House are located on the corner of Friars Gate and Water Gate and backs onto South Gate. Acacia House is a two storey red brick double fronted property which was constructed in the late 18th century/early 19th century. Magnolia House is a two storey irregularly spaced building constructed in the 18th century, although it is believed that this building has an earlier core probably built in the 17th century. Both these buildings are Grade II listed and sit within spacious grounds in an elevated position in the Southernhay and Friars Conservation Area.

The planning and listed building applications propose to subdivide and extend Acacia House and Magnolia House to create three self contained dwellings and build an additional two dwellings to be located on the junction of Friars Gate and Water Gate. The overall development of five dwellings would be served by five car parking spaces accessed from a newly formed vehicular access road from Friars Gate which will replace the existing pedestrian access.

Plot 1 consists of the renovation and extension of part of Acacia House. This unit would be created by the retention of the double fronted element of the existing property combined with an existing store to the rear by a new extension. The resultant property would have a lounge and bedroom accessed from the existing centrally positioned hallway at ground floor with new kitchen, dining room and family room created to the rear to replace the current store. The new building would have a timber and glazed elevation with a shallow sloping roof. The first floor would have two further bedrooms and a bathroom. The remainder of Acacia House would be refurbished including the restoration of the existing timber windows. The garden area is located to the front of the site and extends to 525 sq metres.

Plot 2 is created from the incorporation of the existing extension for Acacia House and part of Magnolia House. This unit would require a rear two storey extension which would be constructed of render with a slate roof. This unit would require the conversion of a former kitchen to create an entrance hall leading to a lounge/dining room, stairway with the kitchen contained within part of the existing Magnolia House. The proposed lounge would have access to a small north facing courtyard to the rear. The first floor would have two bedrooms and a bathroom. The south facing amenity space for this unit is stated as being 96 sq metres.

Plot 3 is essentially a restoration of the existing Magnolia House, albeit with reduced floor space given the incorporation of some floor area to Plot 2. This unit would comprise a study, kitchen and living room on the ground floor with additional living room upstairs in addition to two bedrooms and a bathroom at first floor level. An additional small room, indicated as a bedroom, is proposed within the loft space. The floor plan essentially follows the arrangement of the existing property. The amenity space for this unit is stated as being 140 sq metres contained behind a new 1.5 metre high rendered wall.

Plot 4 & 5 are new buildings to be sited on the corner of Friars Gate and Water Gate. This pair of semi detached properties would be faced with render, with slate roofs. These properties would be staggered in height to address the changes in ground level present in this location and offset in relation to the road frontage. The buildings would comprise of a lounge, kitchen/dining room and wc on ground floor with two bedrooms, one with en suite and a bathroom at first floor with a third bedroom contained within the roof space and served by a rear dormer window, These dwellings would have a rear garden amenity provision of approximately 75 sq metres contained behind a new rendered wall.



## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design and Access Statement, Planning, Heritage Statement and Archaeological Report have been submitted with the application.

### **REPRESENTATIONS**

Combined total of 22 letters of objection received for the planning and listed building applications. The total of number of complainants is 10. Principal concerns relate to:-

1. Overdevelopment of site, creating too high a density for the area;
2. Loss of existing garden space;
3. Development out of character within the conservation area;
4. Development detrimental to the setting of the listed buildings;
5. New dwellings design out of character within street scene given its prominent corner location;
6. Design of new units lack detail and would diminish quality of the conservation area;
7. Scale, massing, siting and height of new buildings would compromise the open appearance of this corner site and wider views;
8. Visible rear elevation of new building inappropriate in both style and materials;
9. Inadequate parking provision;
10. Parking court highly visible and visually detrimental to the surrounding area;
11. Proposed boundary treatment out of character with the area;
12. Opposition to the principle of subdivision of the existing listed building;
13. Proposed changes to the listed building detrimental to their character and appearance;
14. Poor proposed internal layout within the listed building's subdivision;
15. Lack of supporting detail in respect of the listed building

### **CONSULTATIONS**

English Heritage comment that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

The RSPB comment that the new dwellings offer the opportunity for swift boxes and recommend the gardens to be planted with native species to enhance biodiversity. In addition, an investigation will be require to establish whether there is evidence of roosting bats or nesting birds within the existing building.

The Assistant Director Housing and Contracts comments on the need for affordable housing given the number of new dwellings proposed is three.

The Executive Director of Environment, Economy and Culture comments that the proposed access to Friars Gate is acceptable from a highway view, and the on site parking facilities are appropriate for this location. To accommodate the access, it is necessary to amend the residents/time-limited Traffic Order that controls on-street parking on the site frontage at a cost of £3000. The applicant is advised that he will be responsible for making the application and the cost of amending the Traffic Order, which must be made before the commencement of the construction of the proposed access. A condition is recommended to secure the provision of the access and on-site parking before the occupation of any residential unit.

The Assistant Director Environment comments that a condition should be imposed to control the hours of construction and demolition.

## **PLANNING POLICIES/POLICY GUIDANCE**

National Planning Policy Framework: Sections 7 & 12

Exeter Local Development Framework Core Strategy

CP4 - Density

CP7 - Affordable Housing

CP16 - Protected Sites and Species

CP17 - Design and Local Distinctiveness

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

H1 - Search Sequence

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

C1 - Conservation Areas

C2 - Listed Buildings

C5 - Archaeology

H6 - Affordable Housing

Exeter City Council Supplementary Planning Document: Residential Guide.

## **OBSERVATIONS**

The site is located within the Southernhay Conservation Area and relates in part to the alteration and extension of two Grade II listed buildings in addition to the provision of two new dwellings. Consequently Section 7 and 12 of the National Planning Policy Framework (NPPF) are of particular relevance. Paragraph 131, for example, states that *'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.'* The assessment of this scheme can be considered in two fundamental but interlinked ways; the appropriateness of the conversion and extension of the existing listed buildings and the appropriateness and effect of the new development on the setting of the listed buildings and the character and appearance of the conservation area.

The originally submitted scheme indicated a total of four units within the existing buildings of Acacia House and Magnolia House. It was considered that the attempt to create four units would have a damaging impact on the historic fabric of these listed buildings. In particular, the subdivision of the double fronted Acacia House into separate units was deemed unacceptable and therefore a reduction in the number of units to three was considered more appropriate. This reduction has addressed some of the previous concerns from objectors and it was recognised that improvements in this respect have been made. However following reconsultation the objectors are still concerned about the works proposed to the listed buildings. Notwithstanding the objectors continued concerns it is considered that the proposed works would result in an overall improvement to these listed buildings and would have minimal changes to the front elevation and therefore are to be welcomed. This view is supported by the Conservation Officer. The scheme does require significant conversion of an existing store building to the rear of Plot 1 into living accommodation and a rear two storey

extension to Plot 2 to make the internal arrangements useable for the three units. However these adaptations and extensions are considered sympathetic in form, scale and design and therefore appropriate in this instance. Whilst objections have been received in respect of the use of timber to the rear of Plot 1, subject to appropriate detailing, the contrast between the existing and new building is considered acceptable.

Acacia House and Magnolia House benefit from large south facing gardens with an open aspect. These gardens, whilst they are attractive and add to the character of the area, are significantly larger than other gardens in the immediate vicinity. Given that this is an important feature of the listed buildings, it is important that this open setting is preserved. Indeed a previous application which proposed a new dwelling within the western corner of the site was withdrawn, as it was considered that the setting of the listed buildings would be compromised. The proposed scheme now indicates a largely open plan layout for the gardens of each of the three units proposed within the conversion of Acacia House and Magnolia House. Each of these properties would have a 1.5 metres high rendered wall to create a small area of courtyard immediately adjacent to the properties for privacy purposes. This approach is considered appropriate as the open space in this location would largely be retained. Whilst local residents have commented on the type and material of boundary treatment, this could be covered by condition. The submitted plans indicate substantial garden areas which significantly exceed the requirements of the Residential Guide SPD and it is considered the open character of large gardens serving these buildings properties would therefore be maintained.

In summary, it is considered that the subdivision of Acacia House and Magnolia House to create three units is acceptable, with the adaptations made to the internal layout and extension requirements sympathetic to the historic fabric of the building. The retention of the largely open landscaped front gardens would maintain the open character of these properties and accordingly the setting of the listed buildings would be maintained. It is noted that the boundary wall requires significant attention and the introduction of railings would need to be sensitively designed given its prominent elevated position. However it is considered that this could be achieved through the imposition of a condition.

The most significant objections to the scheme have been in respect of the proposed new dwellings. The site currently offers limited views of the listed buildings from Friars Gate given that these buildings are set back from the road. Accordingly this corner plot appears open in character in this location. Local residents and objectors have commented that this open aspect is integral to the character and appearance of the street scene and consequently the conservation area. Therefore objectors have stated that any new building in this location would, in principle, be unacceptable. Whilst negative comments have been received regarding the design of the new dwelling, the overall objection would be to any style of property in this location. In particular, comments have been made about the detrimental impact the dwellings would have given their elevated and prominent siting when seen from both Friars Gate and the pedestrian access to/from the Quay.

It is accepted that the construction of the two new dwellings on this corner site will represent a significant change to the street scene. However the fact that the area is currently open in character does not preclude new development from being acceptable. In this instance, the key issue is the impact the new buildings will have on the character and appearance of the conservation area, as the siting of the new dwellings will have no detrimental impact on existing residential amenity in the area. It is considered that the new dwellings would provide a continuation and strengthening of the street scene in this location which would reflect rather than conflict with the existing character of the area. The established area is characterised by buildings built up or close to the highway frontage and in the case of Cygnet Theatre and the Salvation Army Temple significantly greater in height. The applicant has submitted sectional drawings which indicate the height and position of the new dwellings in relation to the existing building and importantly show the site's elevated position. It is therefore considered that principle of new dwellings would be appropriate in this location and would not compromise the character and appearance of the conservation area. The setting

of the listed buildings would not be unduly affected by these properties, given the siting of the new dwellings to the front of the site.

National and Local guidance is provided in both the NPPF and the Exeter Core Strategy in respect of assessment of this type of development. Whilst the objectors' comments that the open character will be lost are noted, it is not considered that substantial harm would result for the reasons provided above. Indeed paragraph 134 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*. It is considered that given the size of the existing site and its sustainable location being so close to the city centre, the proposal would represent an appropriate form of housing density which would not compromise the conservation area. The Exeter Core Strategy Policy CP4 also supports this approach, stating that *'residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network'*. Accordingly it is considered that the principle of new dwellings in this location is acceptable.

Since the originally submitted application, the overall appearance of the dwellings has been changed from a contemporary approach incorporating a flat roofed design to a more traditional design with a pitched slate roof. It is considered that these types of dwelling are more appropriate given the sensitive location and significant number of listed buildings in the vicinity. The elevational treatment including render and slate with the traditionally proportioned window openings are considered acceptable in this location and will be complementary to the existing buildings in the area. It is recognised that the site's elevated position will enable views of these new buildings including the rear elevations from several vantage points. However it is considered that the overall design is acceptable. The internal layout and garden provision comply with the Residential Guide Supplementary Planning Document and therefore offer a suitable level of accommodation which, if necessary, can be adapted and meet the changing requirements of future occupants. The imposition of suitable conditions will enable specific control over detailed elements of the scheme.

The creation of a new access road and the provision of five car parking and cycle storage within the site are deemed appropriate by the County Highway officer subject to conditions and a financial contribution towards a new Traffic Order in the area. The location of the parking court behind the new dwellings will reduce its visual impact when seen from the road. In addition, the creation of new boundary walls to enclose the converted properties gardens will effectively screen this area from the listed building and accordingly this arrangement is considered acceptable. It is noted that the parking areas alongside the boundary wall would potentially be highly visible and therefore careful treatment of the proposed railings and landscaping would be needed to maintain the visual character and appearance of the area. This boundary treatment can be controlled by condition.

Given the overall residential development exceeds three units, there is a requirement for an affordable housing contribution. The applicant has been in discussion with the Housing Services to establish an appropriate level of financial contribution for affordable housing for this site. This figure along with a contribution towards Natura 2000 and a contribution towards a traffic order in the area will be incorporated within the Section 106 Agreement.

In conclusion, it is considered that the proposal would result in the refurbishment of two listed buildings, which is to be welcomed. In addition, the two new dwellings have been assessed in terms of their compatibility in respect of elevational treatment, height, scale, form and massing within the conservation area and considered to be appropriate. Accordingly subject to the completion of the Section 106 Agreement this application should be approved.

## WESTERN AREA WORKING PARTY

6 June 2012 - Members were made aware of the changes made since the original submission which have seen a reduction in the number of units within the converted listed buildings to three, and changes to the design of the new dwellings. Members considered that the conversion element of the scheme was acceptable subject to detailed consideration. However given the significant number of objection responses in respect of the new buildings, it was agreed that a site inspection should be carried to assess the design and height of the new building and the relationship of the new structures to the surrounding area due to its elevated position.

## SITE INSPECTION PANEL

12 June 2012 - Members visited the site from within the grounds of the Acacia and Magnolia House and the surrounding highways. It was noted that the site was elevated from the surrounding road and the site was enclosed by a series of hedges and fences which required attention in the short term due to their negative impact on the character of the area. It was also noted that the significant work would be required to the substantial wall which lies to the west and south of the site. It was considered that the existing building had the potential to be attractive properties and works to refurbish them was to be welcomed. In addition, it was considered that the principle of the new dwellings would be acceptable although it was recognised that given the sensitive location in the conservation area and elevated corner site, considerable care would be required to achieve an acceptable scheme. If the application was approved a specific condition regarding boundary treatment to hide the parking area would be required.

## RECOMMENDATION

Subject to the imposition of suitable conditions and the completion of a Section 106 Agreement in respect of affordable housing financial contribution, Traffic Order financial contribution (£3,000) and a financial contribution to Natura 2000 of £1,050 (3 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 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** application 12/0327/03 subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.

**Reason:** In the interests of the visual appearance of the conservation area.

- 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:
- a) windows to include materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) parking area surfacing;
  - f) refuse storage;
  - g) swift box locations.
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) 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.
- 9) 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
- has been submitted to, agreed and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details throughout the development period.
- Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 10) 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.
- 11) No part of the development hereby approved shall be occupied or brought into its intended use until the access, parking spaces, turning area and access drainage have been marked out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and those facilities shall be retained for the benefit of the development at all times thereafter.
- Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.

- 13) C57 - Archaeological Recording
- 14) C61 - Approval of Foundation Details
- 15) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.  
**Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.
- 16) No part of the development hereby approved shall be occupied until the access to Friars Gate access drive and on site parking facilities have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

**APPROVE** application 12/0328/07 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.  
**Reason:** In the interests of the visual appearance of the conservation area.
- 5) 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:
  - a) windows to include materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) parking area surfacing;
  - f) refuse storage;
  - g) swift box locations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.  
**Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.

- 7) C57 - Archaeological Recording
- 8) C61 - Approval of Foundation Details
- 9) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.  
**Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.

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:** 25/06/2012

**APPLICATION NO:** 11/2006/03 FULL PLANNING PERMISSION  
**APPLICANT:** Mr J & Mrs C Harrison  
**PROPOSAL:** Demolish existing and rebuild summer house and garage in estuary garden.  
**LOCATION:** 19 The Strand, Topsham, Exeter, EX3 0AS  
**REGISTRATION DATE:** 23/12/2011  
**EXPIRY DATE:** 17/02/2012



Scale 1:1250

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## HISTORY OF SITE

|               |   |     |            |
|---------------|---|-----|------------|
| 90/0364/03 -  | Erection of summerhouse   | PER | 22/06/1990 |
| 93/00722/03 - | Erection of summer house and boundary fence and formation of pedestrian access to highway |     | 09/12/1993 |
| 97/0739/06 -  | Crown thin and remove dead wood on four trees   | PER | 01/01/1998 |
| 00/1258/06 -  | Works to trees  | PER | 12/12/2000 |
| 01/0879/03 -  | Ground floor rear extension   | PER | 18/07/2001 |
| 01/00880/07 - | Single-storey rear extension  | PER | 18/07/2001 |
| 06/1931/06 -  | Tree No. Species Works  | PER | 27/10/2006 |
|               | T1 Holm Oak Crown lift to 3.5m.   |     |            |
|               | T2 Holm Oak Remove first 3 small branches on lawn side.                                   |     |            |
|               | T3 Holm Oak Remove first 3 small branches on lawn side                                    |     |            |
| 09/3028/06 -  | T1 Holm Oak Crown lift over lawn to 4m and slipway to 6m                                  | PER | 19/08/2009 |
|               | T2 Holm Oak Crown lift over lawn to 4m  |     |            |
|               | T3 Holm Oak Crown lift over lawn to 4m  |     |            |
|               | T4 Yew Deadwood   |     |            |

## **DESCRIPTION OF SITE/PROPOSAL**

The proposal relates to the curtilage of a Grade II Listed Building within the Topsham Conservation Area. This residential property was built in the early 18th century and is characterised by its red brick walls, timber sash windows, hipped slate roof and doorcase with fluted pilasters and pediment. The property has an enclosed front garden with cobbled footpath. On the opposite side of The Strand, there is also an estuary garden. This has a gated vehicular access onto The Strand and contains a timber garage/store and a summerhouse. The rest of the garden is largely given over to grass and a number of mature trees, particularly on the north boundary. This application seeks planning permission for a replacement summerhouse and garage structures.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design and Access Statement is enclosed with the application. The main points raised are:-

- The existing garage and summerhouse are proposed to be replaced as they are structurally and visually in poor condition. The aim is to improve the quality of the buildings and provide additional space in the garage for a workshop.
- There will be two parking spaces, a workshop and space for bicycles and logs within the garage. The proposal involves relocating the vehicular entrance to the estuary garden in order to improve and ease the access for vehicles.
- The new summer house will be approximately 50% larger than the existing. The main glazed facade will face across the river.
- The new vehicle area will be soft and permeable in the front of the garage with a plastic infill grid.

## **REPRESENTATIONS**

12 letters of objection received. Two of these are from The Devon Gardens Trust and The Topsham Society. The main points raised are:-

- The contemporary appearance of the proposed buildings, including the zinc roof, takes no account of the significance of the historic environment and fails to respect the character of the local area.
- By virtue of their size and height, the two buildings will dominate the immediate area and have a harmful impact on the street scene and views of the Exe and the Haldon Hills from The Strand.
- The estuary gardens have a positive impact on the character and appearance of the area and they should be protected not dominated by unnecessarily large and intrusive outbuildings or motor vehicles.
- Any outbuildings should be similar in size to the existing modest outbuildings on the garden.
- The riverside gardens along The Strand are included on the Devon Local Register of Historic Parks and Gardens as they illustrate a particular aspect of the history of gardens. The perspectives on Page 12 of the Design and Access Statement clearly illustrate the intrusive nature of the proposed development by reason of height, scale and mass.
- The applicant has not satisfied the requirements of PPS5. The applicant should demonstrate a clear understanding of the significance of the affected heritage asset and any development should not adversely affect its historic significance.
- Garages and workshops normally play a subsidiary role in the provision of modern living accommodation. The size and design of the proposed building calls attention to itself in a manner out of keeping with a subsidiary building.
- The depth of the building is considerably greater than a car's length.
- The estuary gardens should not be converted into spaces for parked cars. A significant part of the garden will also be given over to an access to the garage. The ungated entrance would exacerbate the sense of the garden becoming a car park rather than an enclosed private garden.
- The altered access will pose more difficulties at the junction for Higher Shapter Street.

1 letter of comment expressing concerns about the upturned boat features on the roof.  
1 letter of support.

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A second consultation was carried out when the scheme was amended following concerns being raised by Officers about the initial scheme. Two letters of objection were received from previous writers. One was from The Topsham Society. The main points raised were:-

- The proposed garage, together with the inevitable occasional parked car standing outside it, would create the impression of a front garden overwhelmingly dominated by vehicles and car parking. The impact would be reduced if the alignment of the garage was to be swung through 90 degrees to match the alignment of the existing wooden garage.
- Problems still remain including the re-orientation of the garage across the garden, the poor revised road access and the adverse visible impact so caused. The strategic planting would block views of the river from The Strand.
- The area should be maintained as a garden and not an enlarged car park on very public display.
- The rooflight on the summer house seems an intrusive and very visible element.

### **CONSULTATIONS**

The Council's Projects and Business Officer supports the inclusion of bicycle storage in the garage.

The Council's Assistant Director of Environment recommends a condition is added to any approval relating to hours of construction.

### **PLANNING POLICY / GUIDANCE**

National Planning Policy Framework

Exeter Core Strategy  
CP17 - Design and Local Distinctiveness

Devon Structure Plan 2001 to 2016  
CO6 - Quality of New Development  
CO7 - Historic Settlements and Buildings  
TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011  
DG1 - Objectives of Urban Design  
DG4 - Residential Layout and Amenity  
C1 - Conservation Areas  
C2 - Listed Buildings

Topsham Conservation Area Appraisal and Management Plan (June 2009)

### **OBSERVATIONS**

The Topsham Conservation Area Appraisal and Management Plan describes the private gardens on the estuary side of The Strand as "pleasant green spaces with a few important trees making an attractive foreground to The Strand when viewed from the riverside as well as from the road." For many years, the Council has sought to protect the historic character of these gardens. One of the main development pressures on the gardens has arisen as a result of the problems of parking vehicles in this narrow road. Paragraph 9.18 of the Council's Appraisal specifically identifies the "loss of riverside gardens to parking" as a significant issue in this area. Nonetheless, the majority of estuary gardens remain as landscaped spaces relatively free of vehicular accesses, hard surfaces and significant outbuildings.

The garden at No. 19 The Strand is one of the exceptions. It has a vehicular access, a paved driveway and a timber garage. It is also evident from the compacted ground to the side of the garage that the grass has also been used for parking vehicles. Consequently, given the existing situation, it is concluded that it would be difficult for the Council to resist any parking related development on this estuary garden in principle.

That said, the initial plans that were submitted with the application did give rise to significant concerns. It was proposed that the existing single garage would be replaced by a much larger structure capable of storing three parked cars - two in a double garage and one in a car port. The garage would have had a depth of 6.2 metres, a width of 10.8 metres and a height of 4.2 metres. The existing garage has a depth of 5.3 metres, a width of 8.2 metres and a height of just 3 metres. Officers concluded that, in this location, a garage of this size would have an overly dominating and visually intrusive impact on the street scene and harm both the character and appearance of the conservation area and the setting of a pair of Listed Buildings to the south (Nos. 49 and 49a The Strand). It was considered that the design of the roof, which included three arched windows intended to resemble the shape of upturned boats, would have exacerbated the overall effect. In comparison, the existing garage has a fairly discreet and unobtrusive presence within the street.

There were two other significant elements to the proposal. Firstly, it was proposed that the position of the access be altered in order to enable easier vehicular access into the estuary garden. The existing gated access is at right angles to the road; the proposed ungated access, in the north-eastern corner of the garden, would have run more parallel to the highway. Secondly, the garage entrance would have faced into the garden rather than towards The Strand. These changes would have resulted in the new access and drive being close to a mature tree within the conservation area. The Council's Tree Officer assessed the scheme and concluded that the proposed drive would have a harmful impact on this tree. He therefore recommended that the access be located further south and away from the tree. Officers also considered the effect of the garage facing towards the trees on the north boundary rather than towards The Strand. It was considered that there would be a slight increase in the area of the garden affected by vehicular activity but that it would not be significantly greater than the existing area. Therefore, no objections were raised.

In response to the objections raised by Officers, and indeed by objectors, as summarised above, the applicant has revised the plans and submitted this amended scheme. The proposal now consists of a double garage with a smaller attached car port/store and open parking space between it and the road. The proposed structure would have a depth of 6 metres, a width of 9.2 metres and a maximum height of 4 metres. The roof on the car port would have a much lower height at just 2.8 metres. The design would also be much simpler. In addition, the position of the garage would be around 3.5 metres further from the road than was the case in the initial scheme. Overall, it is considered that this represents an improved scheme that would not have as harmful an impact on the local townscape as the originally submitted scheme. Nonetheless further negotiations are taking place to secure replacement of the open parking space between the garage and The Strand with additional landscaping. Whilst the garage structure would be larger than the existing, it is concluded that the increase in size is not so significant as to alter radically the character and appearance of the area. The Council's Conservation Officer has not objected to the revised scheme. It is also noted that the consultation on this second scheme has elicited fewer objections than the first.

The proposed new access, which would now be gated, has also been re-located so that it would be further away from the tree. The Council's Tree Officer is satisfied with this arrangement. It would also have the beneficial effect of slightly reducing the area of the garden affected by vehicular activity. The existing access would be reduced to a pedestrian access and additional planting added to the boundary. This would help to soften and mitigate the overall impact of the garage on the local townscape.

The use of estuary gardens in The Strand for vehicular parking is not something that the Council would wish to support in principle. However, given the history of vehicular parking on

this particular garden, the Council concludes that, on balance, this proposal is on the margins of acceptability in this location.

In respect of the summerhouse, the replacement structure would be on the site of the existing structure and would be tucked away behind trees at the back of the estuary garden. The initial proposal was for a larger outbuilding with a roof design that would resemble an upturned boat. However, the proposals were revised following an objection to the dominant roof feature from the Council's Conservation Officer. The amended scheme seeks permission for a much simpler form that would not have an adverse impact on the character and appearance of the conservation area or any neighbouring residential amenities. Clarification of the proposed construction details for the summerhouse have been requested to ensure that there is no adverse impact on upon the roots of the nearby tree.

In summary, for the reasons give above, it is recommended that planning permission is granted for this scheme.

### **SOUTHERN AREA WORKING PARTY - 02/05/2012**

Members were updated on the present situation in respect of this application. They were advised that the application would be added to the agenda of the Planning Committee.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 May 2012 (dwg. no. 100) and 6 March 2012 (SK27(A) and SK28), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use 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) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the proposed entrance gates and planting scheme have been submitted to, and approved in writing by, the Local Planning Authority. The entrance gates and planting shall thereafter be provided in accordance with these approved details.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no additional hard surfacing shall be created on the estuary garden unless an application for planning permission is first submitted to and approved by the Local Planning Authority.  
**Reason:** In the interests of visual amenity within the Topsham Conservation Area.

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 7

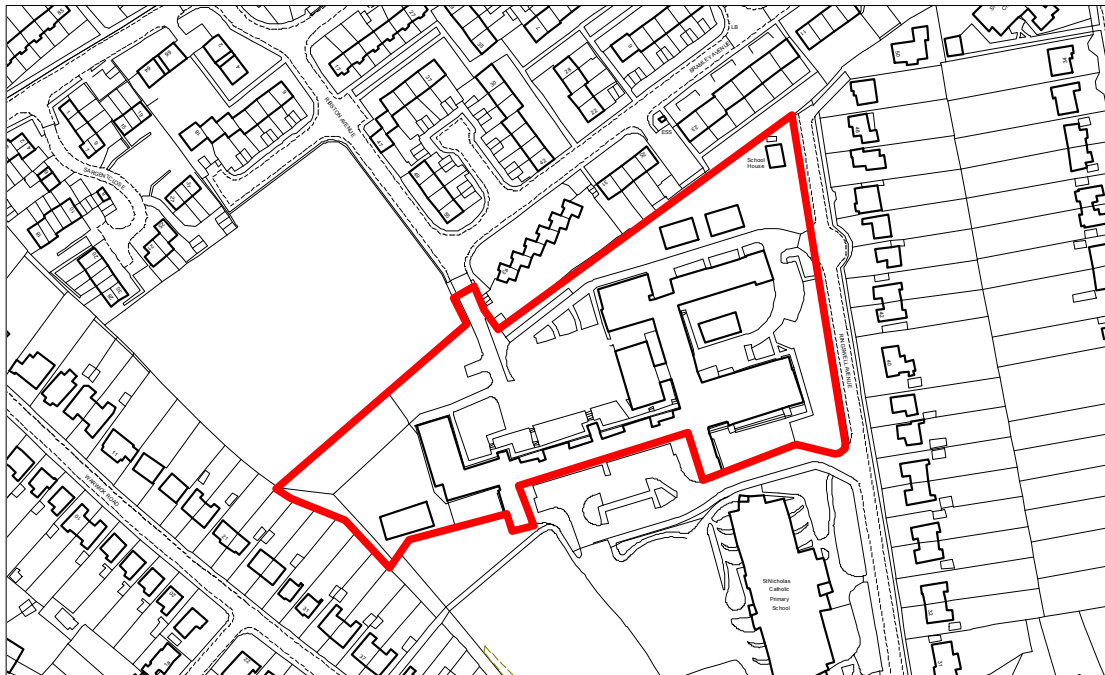
**ITEM NO.** 7

**COMMITTEE DATE:** 25/06/2012

**APPLICATION NO:** 12/0584/01      **OUTLINE PLANNING PERMISSION**  
**APPLICANT:** Exeter Royal Academy for Deaf Education  
**PROPOSAL:** Demolition of former school buildings, erection of Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping (All matters reserved for future consideration apart from access)

**LOCATION:** Land between Ringswell Avenue and Ribston Avenue, Exeter, EX1 3EG

**REGISTRATION DATE:** 23/04/2012  
**EXPIRY DATE:** 23/07/2012



Scale 1:3000

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## **DESCRIPTION OF SITE/PROPOSAL**

The site is part of the land formerly occupied by St Luke's School.

Outline planning permission is sought for:

- An Academy building for the education of deaf children and young adults.
- Multi-use games area and other external breakout spaces.
- Residential accommodation for children and young adults attending the Academy with associated internal and external communal and recreational spaces.
- Associated car parking, landscaping and ancillary works.

The existing buildings on the site would be demolished

All matters of detail are reserved apart from means of access. Development parameters are specified as follows:

| <b>Development parameters</b>                           | <b>Academy Student Accommodation</b> |      |
|---|--------------------------------------|------|
| <b>Minimum floorspace (Gross External Area - sq.m.)</b> | 7420                                 | 3820 |
| <b>Maximum floorspace (Gross External Area - sq.m.)</b> | 11250                                | 5050 |
| <b>Maximum height (m)</b>                               | 16.4                                 | 15.4 |

An indicative site layout plan is included for illustrative purposes. This shows:

- A main vehicular entrance from Ribston Avenue
- Emergency vehicular access only from Ringswell Avenue.
- The Academy building fronting Ringswell Avenue to the east of the site.
- The residential care building to the west of the site close to the rear gardens of houses in Warwick Avenue.
- A proposed games area in the centre of the site.
- A car park along the northern site boundary (to the rear of dwellings in Bramley Avenue).
- An area for cycle parking to comply with BREEAM standards.

The Planning Statement explains that the Academy's existing site and buildings are no longer fit for purpose. It also explains that the proposal incorporates accommodation for a range of related disciplines and services, which could include offices for various organisations for deaf people, sign language courses and hearing dogs training classes. It is also an aspiration of the Academy that the site could be used by the wider community, and provide opportunities for integration of the students into the community.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

- Planning Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Transport Statement
- Design and Access Statement
- Tree Survey, Arboricultural Impact Assessment, Outline Method Statement & Tree Protection Plan
- Outline Site Waste Management Plan

### **SUSTAINABILITY**

The applicants have advised that the buildings will achieve a BREEAM rating of at least 'very good'.

### **REPRESENTATIONS**

**Objections: 5.** The letters generally welcome the proposed development but express some concerns:

- Even if access to the proposed site from Ringswell Avenue is for emergencies only, the traffic will be too much for such a narrow road, and will cause congestion, parking problems and noise. Visitors will park in Ringswell Avenue and enter the site on foot.
- The proposed height of the main Academy building will have an unacceptable impact on the amenity of occupants of dwellings in Ringswell Avenue.
- The proposal includes a new residential building on the Ringswell Avenue frontage, to replace the existing caretaker's house. This would be intrusive and out of character in this location.

### **CONSULTATIONS**

**Environment Agency** - no objections.



**Police Architectural Liaison Officer** - no objections in principle; since this is an outline application more comments will be made at the detailed stage.

**Network Rail** - no objections.

**Highways Agency** - no objections.

**Sport England** - no objections.

**RSPB** - the demolition should not disturb nesting birds. Biodiversity enhancements should include provision for nesting birds.

**County Director of Environment, Economy and Culture** - comments awaited.

**Assistant Director Environment** - no objections subject to conditions relating to construction and demolition hours, submission of a Construction Environmental Management Plan, contaminated land, kitchen extraction and plant noise.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **National Planning Policy Framework**

#### **Exeter Local Development Framework Core Strategy**

CP9 - Transport

CP10 - Meeting Community Needs

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

#### **Devon County Structure Plan 2001-2016**

CO6 - Quality of New Development

#### **Exeter Local Plan First Review 1995-2011**

AP1 - Design and Location of Development

AP2 - Sequential Approach

H5 - Diversity of Housing

T1 - Hierarchy of Modes

T3 - Encouraging Use of Sustainable Modes

L5 - Loss of Playing Fields

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

## **OBSERVATIONS**

### **Principle of educational development**

The site has a long-standing educational use and the principle of continued use for this purpose is acceptable.

### **Traffic and parking**

The Highways Agency has not raised an objection to the proposal on the basis that the likely impact of the development on the strategic road network will be neutral. The detailed comments of the County Director of Environment, Economy and Culture are awaited. However, given that the site formerly accommodated St Luke's school, it would be difficult to argue that the traffic generation from the development would be unacceptable. The impact of traffic on Ringswell Avenue is likely to be less than St Luke's school because the main vehicular access is from Ribston Avenue. It is still possible that Ringswell Avenue could be used by visitors for parking or drop off/pick-up, and the County Director's views on this will be sought.

If Members are minded to approve this application, it would be appropriate to impose conditions relating to a travel plan, facilities for cyclists, and footpath access.

### **Impact on street scene**

The street scene on the west side of Ringswell Avenue is currently characterised by a tree-lined frontage, behind which lie St Nicholas school, which is primarily single storey with an element of two storey building, and the former St Luke's school building, which is single and two storey. The east side of the road is characterised by two storey detached and semi-detached dwellings.

The National Planning Policy Framework states that planning decisions should aim to ensure that developments establish a strong sense of place, using streetscapes and building to create attractive and comfortable places to live, work and visit. They should respond to local character. Whilst design policies should not be overly prescriptive, they should guide overall scale, massing and height in relation to neighbouring buildings and the local area more generally.

The Exeter Local Development Framework Core Strategy states that design should complement or enhance Exeter's character and local identity. Development should pay attention to ensuring the creation of a high quality townscape.

Exeter Local Plan First Review states that development should be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent parts of buildings relates well to adjoining buildings, spaces and human scale. The volume and shape of structures should relate to the character and appearance of adjoining buildings and the surrounding townscape.

The indicative plans show that the proposed Academy building could have a similar building line to St Nicholas school, but could be taller than the existing buildings in the area. St Nicholas School is typically around 3.5m high with a 7.3m element. The former St Luke's is typically around 10.7m high near to Ringswell Avenue, and lower elsewhere. Following discussions with the applicant, it has been agreed that the maximum proposed height will be reduced by 3.4m to 16.4m. This height reduction, together with retained trees on the Ringswell Avenue frontage, will help to minimise any impact on the street scene, and addresses the concerns raised by local residents.

### **Amenity of neighbours**

Exeter Local Plan First Review states that development should ensure a quality of amenity which allows residents to feel at ease within their homes. The illustrative plans show the proposed Academy building at around 34m away from dwellings on the other side of Ringswell Avenue, 30m from single storey dwellings in Bramley Avenue, and 24m from dwellings in Warwick Avenue. This distance is unlikely to cause problems of overshadowing or overlooking. In the case of Warwick Avenue, overlooking could be avoided by careful positioning of windows at the detailed design stage. The reduction in the maximum proposed height which has been secured through negotiation will ensure that the development is not overbearing.

The applicants have acknowledged the concerns raised by neighbours in respect of the proposed residential building on the Ringswell Avenue frontage. They have therefore withdrawn this from their plans. As an alternative, the existing caretaker's house is proposed to be retained and refurbished for use as a transitional house for students preparing to live independently. Subject to the building being occupied by no more than six people living together and sharing facilities, this would not require planning permission. This is a welcome revision to the application which addresses concerns raised by local residents.

### **Sustainability**

Exeter Local Development Framework Core Strategy requires that new development with a floorspace of at least 1,000 sq.m. will be required to use decentralised and renewable or low

carbon energy sources to cut predicted CO<sup>2</sup> emissions by at least 10% over and above those required to meet the Building Regulations. A condition will be imposed on any permission requiring details of how this will be met.

### **Conclusion**

The principle of the development is acceptable. Conclusions relating to traffic and parking issues are subject to the views of the County Director of Environment, Economy and Culture. The height parameters specified in the application have been reduced to a level which will be acceptable in relation to the street scene and the amenity of neighbours.

### **NORTHERN AREA WORKING PARTY**

Members noted the details of the proposal and the concerns of local residents, and that the application would be reported to the Planning Committee.

### **RECOMMENDATION**

Subject to receipt and consideration of the views of the County Director of Environment, Economy and Culture in respect of traffic generation and parking,

**APPROVE** subject to the following conditions:

- 1) C01 - Standard Outline
- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline
- 4) C15 - Compliance with Drawings
- 5) C17 - Submission of Materials
- 6) C34 - Landscape Scheme - Outline
- 7) C36 - No Trees to be Felled
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C70 - Contaminated Land
- 11) No development shall take place until a Wildlife Plan has been produced by the applicant and approved by the Local Planning Authority.  
**Reason:** To demonstrate how the proposed development will be managed in perpetuity to enhance wildlife.
- 12) Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

**Reason:** In the interests of minimising the impact of construction works.

- 13) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.

**Reason:** In the interests of local amenity.

- 14) Prior to occupation of the development hereby permitted, secure cycle parking, lockers, showers and changing facilities accessible to all occupants of the premises shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking and other facilities shall be maintained thereafter.

**Reason:** To ensure that cycle parking and other facilities are provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 15) Prior to occupation of the development, access to Ringswell Avenue for pedestrians and cyclists shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and maintained at all times thereafter.

**Reason:** To encourage travel by sustainable means in accordance with Local Plan policy T3.

- 16) Any individual building to be developed pursuant to this planning permission shall achieve a BREEAM 'very good' standard as a minimum, increasing to 'excellent' for buildings for which application for approval of reserved matters is made on or after 31<sup>st</sup> January 2013, and shall achieve 'zero carbon' for buildings commenced on or after 1<sup>st</sup> January 2019. Prior to the commencement of construction the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be prepared by a licensed BREEAM assessor confirming the score expected to be achieved and the BREEAM rating to which this corresponds. Where the score does not meet the minimum standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and shall thereafter implement those changes. A post completion BREEAM report 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.

- 17) Construction and demolition hours

- 18) Kitchen extraction details

- 19) Travel plan

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:** 25/06/2012

**APPLICATION NO:** 12/0674/29

EAST DEVON DISTRICT COUNCIL  
CONSULTATION

**APPLICANT:**  
**PROPOSAL:**

East Devon District Council  
Residential development of up to 430 units (outline application with details of appearance, landscaping, layout and scale reserved for subsequent approval) including a local centre comprising retail space of up to 240 sqm and a community centre, care home of up to 60 bedspaces, specialist care home of up to 60 bedspaces and a park and charge facility together with associated open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off a new access from the highway (B 3181).

**LOCATION:**

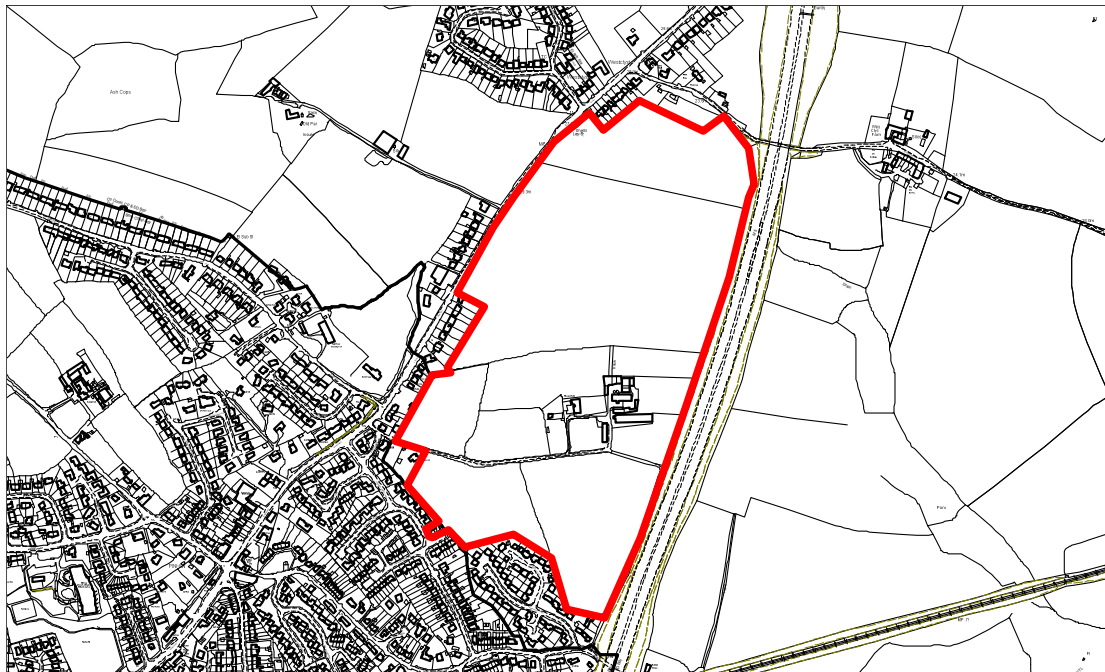
Pinn Court Farm, Pinn Court Lane, Exeter, EX1 3TG

**REGISTRATION DATE:**

04/05/2012

**EXPIRY DATE:**

24/05/2012



Scale 1:12500

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## **DESCRIPTION OF SITE/PROPOSAL**

This site is located in East Devon, on the northern edge of Exeter adjoining Pinhoe. The majority of the site is fields. It also comprises the Pinn Court Farm complex of buildings. The site contains a network of hedgerows and mature trees. The land rises to its highest point in the south west corner where it adjoins the City Council boundary, and falls away to a low point on the boundary adjacent to the M5 to the east.

East Devon District Council is seeking the City Council's views on an application it has received to develop the land. The application is for outline planning consent with access to be approved at this stage, and all other matters reserved for future consideration. The proposed development comprises:

- a residential scheme of up to 450 units;

- small retail (up to 3 units);
- care home with 60 rooms;
- dementia home with 60 rooms;
- up to 20 independent living units;
- community hall;
- park and change facility for up to 185 vehicles.

For clarification, a Park and Change facility involves provision of parking in connection with an existing bus service on an existing route. This differs from Park and Ride, which uses a dedicated bus service running non-stop between the site and the City Centre. The advantage of Park and Change is that it avoids the need for funding of a dedicated service, which may not be viable on this route. It also provides the potential for flexibility, since the bus route could be diverted via employment areas such as Sowton and Heavitree Road to increase commuting opportunities. The existing bus service, commercially operated by Stagecoach, operates at a 20 minute frequency (recently reduced from 15 minutes), but it is understood that this frequency could be increased if demand exists.

The application site includes a small area of land within Exeter City Council area, covering the curtilages of 23, 25 and 27 Parkers Cross Lane, and the adjoining highway land. It is proposed that a bus link and secondary access for emergency vehicles, pedestrians and cyclists crosses into the new development at this point. However, it is not clear why the three houses need to be included in the application site. It would be expected that a planning application for the development would also be made to Exeter City Council since the development straddles the boundary. This matter has been raised with the applicant's agent. Depending on the response, an application to the City Council may be made in due course.

## **REPRESENTATIONS AND CONSULTATIONS**

Consultation on this proposal has been undertaken by East Devon District Council, which is the determining Planning Authority. It is understood that the consultation process included notification of City Council residents who live adjoining the site.

The City Council is in receipt of copies of two letters of objection from residents of the city, which have also been sent to East Devon District Council. The principal planning issues raised are:

- Access and egress to the estate would cause enormous traffic problems overloading the existing road network. In combination with previously approved housing development in the area it will particularly affect the double mini roundabouts in Pinhoe.
- There should be no vehicular access to the new development from Pinnacourt Lane.
- The access into the site from Parkers Cross Lane is for a bus link and secondary access for emergency vehicles, pedestrians and cyclists. Access restrictions may change in the future giving rise to unacceptable traffic.
- The proposed scheme is for housing of much greater density creating a congested site with little or no thought to the need for a level playing area near Parkers Cross Lane.
- Dwellings of over 2 storeys in height would be unsuitable in a rural setting.

The City Council's Assistant Director Environment has expressed concern that the applicant has not considered the impact of traffic from the development on Exeter's Air Quality Management Area. He has also recommended detailed conditions in respect of noise, construction hours and the need for a Construction Environmental Management Plan

## **PLANNING POLICIES/POLICY GUIDANCE**

The application will be determined by East Devon District Council on the basis of Central Government Guidance, Devon County Structure Plan 2001-2016, East Devon Local Plan (July 2006), and the emerging East Devon Local Plan (2006 to 2026).

## **OBSERVATIONS**

The main issues arising from this proposal are:

- how the application relates to East Devon District Council's overall emerging strategy for growth in the 'West End' of its district;
- the adequacy of infrastructure including the capacity of local roads to accommodate transport generated by the development.

This proposal for 430 homes and other development forms only a part of a potentially much larger development within the 'West End' of East Devon. It is important that this is planned on a comprehensive basis. However, it is recognised that East Devon needs to bring land forward quickly to address a land supply problem.

The City Council previously supported a strategy of concentrating growth at Cranbrook since a larger new settlement would be likely to be more sustainable. However, this approach may not be as effective in ensuring the fast delivery of new homes.

The cumulative impact of the scheme and other existing and approved development in the area has the potential to cause traffic congestion in Pinhoe. Devon County Council will comment on the proposed Park and Change facility, and whether it is appropriate and will deliver reductions in movements through Pinhoe to create capacity for the new development. A copy of the County's previous advice on a similar scheme at Old Park Farm (which is very close to this site) has been requested and will be reported to Members at the Planning Committee meeting.

The application is accompanied by a Sustainability Statement. This indicates that there can be a 31% reduction in site-wide predicted energy demand secured by use of technologies including mini-CHP and air source heat pumps. Dwellings will be built to Code for Sustainable Homes Level 3 and non-domestic buildings to BREEAM 'Good' standard.

## **NORTHERN AREA WORKING PARTY**

Members raised concerns regarding the Park and Change facility, its capacity, how it would operate, levels of services and that a Park and Ride site might be more suitable.

Members noted that this application would be reported to the Planning Committee, and that Officers would seek to obtain further details of the Park and Change site (*note: additional information is now incorporated into this report; see Details of Site/Proposal section above*).

## **RECOMMENDATION**

It is recommended that **NO OBJECTION** in principle is raised to the proposal subject to East Devon District Council taking into account the following, as detailed in the above observations, in its determination of the application:

- The provision of adequate highway infrastructure and sustainable transport measures to ensure that the development, in combination with other existing and approved developments in the area, does not cause unacceptable congestion within the City.
- The advice of the City Council's Assistant Director Environment, which has been provided to East Devon's Planning West team.

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:** 25/06/2012

**APPLICATION NO:** 12/0699/28

TELECOMMUNICATIONS APPARATUS APPLICATION

**APPLICANT:**  
**PROPOSAL:**

Telefonica Ltd  
Installation of 12m telecommunication column with three antennas, radio equipment housing and ancillary works  
Grid Reference 292808, 093231 at junction of Blackboy Road and, Western Way, Exeter, EX1

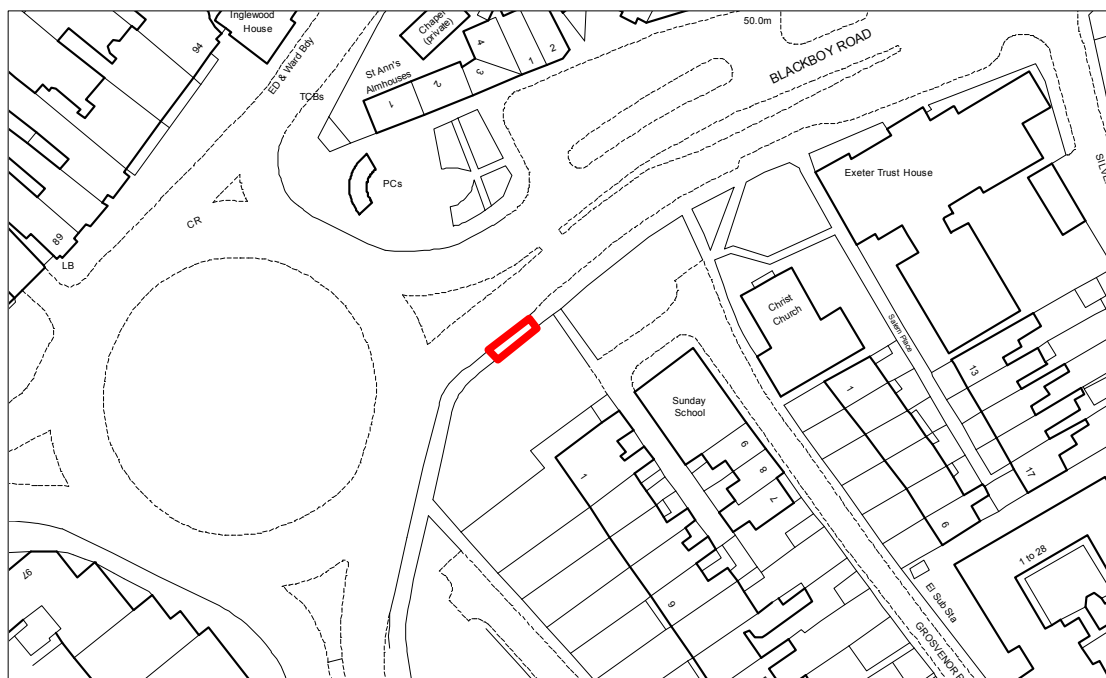
**LOCATION:**

**REGISTRATION DATE:**

11/05/2012

**EXPIRY DATE:**

06/07/2012



Scale 1:1250

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## **DESCRIPTION OF SITE/PROPOSAL**

The site subject to this application relates to a small area 17.0 metres North West of 1 Belmont Road at the junction of Blackboy Road & Western Way, adjacent to the roundabout. No.1 Belmont Road, along with the wider terrace, are listed buildings and in addition the site falls within the Belmont Conservation Area (designated in 1986). Planning Permission is sought for the installation of a 12.0 metre telecommunication column with three antennas, associated radio equipment and ancillary works.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by a Conservation Plan, Design & Access Statement, Supporting Technical Information, General Background Information for Telecommunication Development, Health and Mobile Phone Base Stations Document, Supplementary Information and an ICNIRP Declaration.

## **REPRESENTATIONS**

At the time of writing one representation has been received. The objector identifies three issues; i) the clarity of the application (confusion over the height of the column and whether

any trees will be impacted upon), ii) the choice of site, and iii) the impact of the proposal on the character of the vicinity.

## **CONSULTATIONS**

At the time of writing no consultation responses have been received.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance - National Planning Policy Framework  
Exeter Local Development Framework Core Strategy  
CP17 - Design and Local Distinctiveness  
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  
EN7 - Telecommunications  
C1 - Conservation Areas

## **OBSERVATIONS**

The National Planning Policy Framework (NPPF) identifies that advanced, high quality communications infrastructure is essential for sustainable economic growth. Furthermore the NPPF notes that the development of high speed broadband technology and other communications networks will play a vital role in enhancing the provision of local community facilities and services (Para.42). This view is echoed within the Exeter Local Plan where it is acknowledged that telecommunications play an important part in supporting a sustainable development strategy.

As a consequence of the aforementioned there is a pressure on Local Planning Authorities (LPA) to support the expansion of electronic communications networks, including telecommunications and high speed broadband, subject to being in receipt of appropriate and acceptable justifications, designs and technical compliance. Indeed Para.46 of the NPPF states that, *LPA's must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.*

With regard to the first point the applicant has provided evidence suggesting a total of eight alternative sites were considered. Further information and/or clarification on this matter has been requested. However, Members are advised that officers accept the options presented by the applicant and further accept that no alternative sites can be utilised. Any information received from the applicant will be reported to Members.

It is considered that the proposal is aesthetically acceptable. Its siting immediately adjacent to a stretch of established trees of a similar height helps reduce the visual impact of the proposal. In addition the proximity of the existing street furniture evident throughout the vicinity will further reduce the impact of any additional apparatus. Whilst the proposal is taller than the adjacent streetlights, by virtue of the aforementioned tree line and coupled with the tall buildings on either side of the road, the proposal does not appear over dominant or incongruous in context. The applicant has been approached about the potential to camouflage the proposed column, such as integrating into a street light. Any feedback will be reported to Members.

No trees would be affected by the development.

Finally, health considerations can only be taken into account when the applicant has failed to demonstrate that the electromagnetic waves emitted from the equipment would comply with the international standards set down by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As the applicant has submitted a certificate confirming compliance with the ICNIRP guidelines, it is not considered that there are any material reasons for objecting to the proposal on health grounds.

For the purpose of clarity it is important to note that Section 5 of the National Planning Policy Framework (NPPF) (Supporting High Quality Communications Infrastructure) has replaced PPG8 'Telecommunications'.

### **SOUTHERN AREA WORKING PARTY**

Members were advised the application will be presented at committee on the 25 June 2012 (6/62012).

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with 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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## 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 Senior Area Planning Officer (Roger Clotworthy) or Assistant Director City Development (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

25/06/2012

### All Planning Decisions Made and Withdrawn Applications Between 10/5/2012 and 13/6/2012

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**Application Number:** 12/0483/29                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Raise No Objection                      **Decision Date:**                      30/05/2012                      DEL  
**Location:**                      Old Park Farm, Pinn Hill, Exeter, EX1 3TH  
**Proposal:**                      Approval of reserved matters (Appearance, landscaping, layout and scale) for an A1 (retail) unit, B1(A) (office) unit and B1 (B) (light industrial) units and a 250 space park and change pursuant to outline planning permission 10/0641/MOUT.

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**Application Number:** 12/0575/29                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Raise No Objection                      **Decision Date:**                      13/06/2012  
**Location:**                      Land south of Old Park Farm, Pinn Hill, Exeter  
**Proposal:**                      Change of use of land to allotments for use in connection with approved residential development at Old Park Farm (application ref: 10/0471/29 - EDDC ref:10/0641/MOUT) and associated access and parking

## ALPHINGTON

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**Application Number:** 12/0352/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      52 Church Road, Alphington, Exeter, EX2 8TA  
**Proposal:**                      Outbuilding adjacent to southern boundary of garden.

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**Application Number:** 12/0567/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012  
**Location:**                      Unit 7, Stone Lane Retail Park, Marsh Barton Road, Marsh Barton Trading Estate, Exeter, EX2 8LH  
**Proposal:**                      Division into two retail units entitled 7A and 7B including new entrances, revised parking and internal alterations.

---

**Application Number:** 12/0403/05                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012                      DEL  
**Location:**                      1 Terracina Court, Haven Road, Exeter, EX2 8DP  
**Proposal:**                      Vinyl graphics (3) on north west elevation, non illuminated fixed wall sign, glazing manifestations (8) and non illuminated lettering (2) on north east elevation, vinyl graphics (5) and vinyl sign on south west elevation and, non illuminated fixed wall sign, vinyl sign and glazing manifestations (10) on south east elevation

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**Application Number:** 12/0159/03                      **Working Party Date:** 27/03/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012                      DEL  
**Location:**                      The Old Stables, Balls Farm Road, Exeter, EX2 9JB  
**Proposal:**                      Change of use from stables to dwelling including rooflights (6), garage and parking.

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**Application Number:** 12/0592/04                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012  
**Location:**                      5 Newlands Close, Exeter, EX2 9JP  
**Proposal:**                      Tree No.                      Species                      Works  
T1                      Western Red Cedar                      Fell to ground level

---

**Application Number:** 12/0608/04                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012  
**Location:**                      26 Smith Field Road, Exeter, EX2 8YD  
**Proposal:**                      Tree no                      Species                      Work  
T1 Oak                      Crown lift by 1.5 m, crown thin by 15%

---

**Application Number:** 12/0628/04                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012  
**Location:**                      6, Colands Court, Smith Field Road, Exeter, EX2 8YJ  
**Proposal:**                      Tree No.                      Species                      Works  
T1 Oak                      Remove lower branches and epicormic growth and thin crown by 15%.

---

**Application Number:** 12/0281/03                      **Working Party Date:** 27/03/2012  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      06/06/2012                      REF  
**Location:**                      2 Fairfield Road, Exeter, EX2 8UE  
**Proposal:**                      Sub division of dwelling to create additional dwelling

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**Application Number:** 12/0627/04                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      06/06/2012  
**Location:**                      5, Colands Court, Smith Field Road, Exeter, EX2 8YJ  
**Proposal:**                      Tree No                      Species                      Works  
T1                      Oak                      Crown lift branches over rear neighbours garden to raise crown by 1.2m. Thin the crown by 15%.



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**Application Number:** 12/0503/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      12/06/2012                      DEL  
**Location:**                      Double Locks Public House, Canal Banks, Exeter, EX2 6LT  
**Proposal:**                      Reconstruction of ground floor extension to the south elevation to provide externally accessed shower and WC facilities including minor alterations to roof.

---

**Application Number:** 12/0563/07                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      12/06/2012                      DEL  
**Location:**                      Double Locks Public House, Canal Banks, Exeter, EX2 6LT  
**Proposal:**                      Reconstruction of ground floor extension to the south elevation to provide externally accessed shower and WC facilities including minor roof alterations.

---

**Application Number:** 12/0326/03                      **Working Party Date:** 01/05/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      10/05/2012                      DEL  
**Location:**                      Land off Grace Road, Marsh Barton Trading Estate, Exeter, EX2 8NH  
**Proposal:**                      Development to provide 4 attached units for mixed use comprising retail/business/light industrial/storage and distribution, parking, cycle store and associated works ( Minor material amendment to Ref No 10/0908/02 approved 30 September 2010)

## **COWICK**

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**Application Number:** 12/0186/03                      **Working Party Date:** 01/05/2012  
**Decision Type**                      Withdrawn by Applicant                      **Decision Date:**                      18/05/2012  
**Location:**                      Land Adjacent to Barley House, Isleworth Road, Exeter  
**Proposal:**                      Pair of semi detached houses with ancillary works (Amendment to 05/1408/03)

---

**Application Number:** 12/0469/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      11 Newman Road, Exeter, EX4 1PL  
**Proposal:**                      Replacement of outer concrete skin with bricks on north, south and east elevations

---

**Application Number:** 12/0414/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      24/05/2012                      DEL  
**Location:**                      2 St. Philips Court, Buddle Lane, Exeter, EX4 1JB  
**Proposal:**                      Conservatory on north elevation



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**Application Number:** 12/0491/03                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012  
**Location:**                      14 Cherry Tree Close, Exeter, EX4 5AT  
**Proposal:**                      Alterations to decking (amendment to 08/1184/03 granted 01/09/2008)

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**Application Number:** 12/0170/07                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Withdrawn by Applicant                      **Decision Date:**                      24/05/2012  
**Location:**                      Duryard House, Duryard Halls, Lower Argyll Road, Exeter, EX4 4RG  
**Proposal:**                      Removal of porch on east elevation

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**Application Number:** 11/1945/03                      **Working Party Date:** 26/03/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      30/05/2012  
**Location:**                      Birks Grange, New North Road, Exeter, EX4 4PQ  
**Proposal:**                      Palisade fence and pedestrian gate on north boundary

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**Application Number:** 12/0726/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      13/06/2012                      DEL  
**Location:**                      16 West Garth Road, Exeter, EX4 5AH  
**Proposal:**                      Discharge of Condition 3 to Planning Application Ref No. 12/0413/03 Granted: 08  
05 2012

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**Application Number:** 12/0413/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      16 West Garth Road, Exeter, EX4 5AH  
**Proposal:**                      Ground floor extension to house and garage on south elevation

---

**Application Number:** 12/0429/04                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      41 Argyll Road, Exeter, EX4 4RX  
**Proposal:**                      Tree no.                      Species                      Work  
T1                      Oak                      50% crown reduction

## EXWICK

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**Application Number:** 12/0406/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      10 Leicester Mead, Exeter, EX4 2PX  
**Proposal:**                      Ground floor extension on south elevation

## HEAVITREE

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**Application Number:** 11/1382/03                      **Working Party Date:**  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      169 Hamlin Lane, Exeter, EX1 2SQ  
**Proposal:**                      Externally fitted Air Source Heat Pump at ground floor on east elevation.

---

**Application Number:** 12/0489/06                      **Working Party Date:**  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      23/05/2012                      DEL  
**Location:**                      114 Fore Street, Heavitree, Exeter, EX1 2RS  
**Proposal:**

| Tree No. | Species  | Works |
|----------|----------|-------|
| T1       | Sycamore | Fell  |

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**Application Number:** 12/0572/03                      **Working Party Date:**  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      28/05/2012                      DEL  
**Location:**                      1 Oak Close, North Street, Heavitree, Exeter, EX1 2RQ  
**Proposal:**                      Fence on top of existing wall and gate on east boundary

---

**Application Number:** 12/0613/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      07/06/2012                      DEL  
**Location:**                      The United Reformed Church, Fore Street, Heavitree, Exeter, EX1 3QJ  
**Proposal:**                      New door to provide disabled access and alterations on west elevation.

---

**Application Number:** 12/0642/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      07/06/2012  
**Location:**                      1-12 Livery Dole Almshouses, Magdalen Road, Exeter, EX2 5DT  
**Proposal:**

| Tree | Species     | Works |
|------|-------------|-------|
| T1   | Douglas Fir | Fell  |

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**Application Number:** 12/0443/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      08/06/2012                      DEL  
**Location:**                      15 Stanwey, Exeter, EX1 3DR  
**Proposal:**                      Ground floor extension on north east elevation

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**Application Number:** 12/0521/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      08/06/2012  
**Location:**                      17 Roseland Crescent, Exeter, EX1 2TJ  
**Proposal:**                      Change of use from dwelling to flat and maisonette and ground floor extension on north elevation

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**Application Number:** 12/0468/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      10/05/2012                      DEL  
**Location:**                      1 Lymeborne Avenue, Exeter, EX1 3AU  
**Proposal:**                      Ground floor extension on north elevation

## MINCINGLAKE

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**Application Number:** 12/0493/03                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      2 Iolanthe Drive, Exeter, EX4 9EA  
**Proposal:**                      Attached dwelling, parking and associated works. Porch on south elevation and pedestrian access for existing dwelling

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**Application Number:** 12/0556/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      3 Whitebeam Close, Exeter, EX4 9JY  
**Proposal:**                      First floor extension on west elevation

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**Application Number:** 12/0487/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      28/05/2012  
**Location:**                      Oceania, Church Hill, Pinhoe, Exeter, EX4 9JJ  
**Proposal:**                      Freestanding solar panels (16) in southern area of garden

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**Application Number:** 12/0402/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      101 Chancellors Way, Exeter, EX4 9DX  
**Proposal:**                      Ground floor extension on north east elevation

## NEWTOWN

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**Application Number:** 12/0509/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      21 Sandford Walk, Exeter, EX1 2ES  
**Proposal:**                      Alterations to roof and ground floor extension on south west elevation

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**Application Number:** 12/0527/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      5 Baring Crescent, Exeter, EX1 1TL  
**Proposal:**

| Tree No. | Species | Works                  |
|----------|---------|------------------------|
| T1       | Cherry  | 20% reduction to crown |

---

**Application Number:** 11/0165/03                      **Working Party Date:** 08/06/2011  
**Decision Type**                      Permitted                      **Decision Date:**                      21/05/2012                      DEL  
**Location:**                      30-32, Heavitree Road, Exeter, EX1 2LQ  
**Proposal:**                      Change of use from guest house to owner's flat and house in multiple occupation

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**Application Number:** 12/0587/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      07/06/2012                      DEL  
**Location:**                      14 Elmside, Exeter, EX4 6LW  
**Proposal:**                      Dormer window on the north west elevation

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**Application Number:** 12/0643/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      07/06/2012  
**Location:**                      1-16 Magdalen Cottages, Magdalen Road, Exeter, EX2 4SX  
**Proposal:**

| Tree no | Species    | Works  |
|---------|------------|--|
| T1      | Blue Cedar | Remove low split and hanging branch<br>Remove two dead branches on main stem |
| T2      | Blue Cedar | Remove large low dead branch   |
| T3      | Ash        | Raise crown to 4m  |



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**Application Number:** 12/0541/26                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Raise No Objection                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      Blossom Corner, Elizabeth Avenue, Exeter, EX4 7EQ  
**Proposal:**                      Installation of PV cells to south elevation of pitched tiled roof

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**Application Number:** 12/0492/03                      **Working Party Date:**  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      10 Higher Kings Avenue, Exeter, EX4 6JW  
**Proposal:**                      Two storey extensions on east and south elevations and replacement roof to garage to convert to living accommodation

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**Application Number:** 12/0687/37                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      28/05/2012  
**Location:**                      19 Higher Kings Avenue, Exeter, EX4 6JP  
**Proposal:**                      Alteration to side walls to bring in line with those of existing property (Non-material minor amendment to Planning Permission Ref No. 11/1937/03 granted: 17 01 2012)

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**Application Number:** 12/0484/18                      **Working Party Date:**  
**Decision Type**                      Was lawful use                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      34 Union Road, Exeter, EX4 6HZ  
**Proposal:**                      Ground floor extension on north west elevation with velux windows (2) (Certificate of lawfulness for proposed development)

## **PINHOE**

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**Application Number:** 12/0568/17                      **Working Party Date:**  
**Decision Type**                      Was lawful use                      **Decision Date:**                      28/05/2012  
**Location:**                      38 Harringcourt Road, Exeter, EX4 8PH  
**Proposal:**                      Loft conversion with dormer window on south west elevation and area of decking (Certificate of lawfulness for existing development)

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**Application Number:** 12/0770/37                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      30/05/2012  
**Location:**                      22 Park Lane, Exeter, EX4 9HL  
**Proposal:**                      Alterations to raise height of porch roof, extend pitched roof to abutt existing bay window and retain render around front door. (Non-material minor amendment to Planning Permission Ref No. 12/0137/03 granted 20 03 2012)







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**Application Number:** 12/0549/07                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      32 Countess Wear Road, Exeter, EX2 6LP  
**Proposal:**                      Replacement windows (13)

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**Application Number:** 12/0445/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012                      COM  
**Location:**                      440 Topsham Road, Exeter, EX2 7AL  
**Proposal:**                      Conservatory on south elevation

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**Application Number:** 12/0554/03                      **Working Party Date:**  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      24/05/2012                      DEL  
**Location:**                      25 Exe Vale Road, Exeter, EX2 6LF  
**Proposal:**                      Two storey extension on north east elevation and ground floor extension on north west elevation

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**Application Number:** 12/0401/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      10/05/2012                      DEL  
**Location:**                      Riverside Cottage, Glasshouse Lane, Exeter, EX2 7BZ  
**Proposal:**                      Detached carport and access to highway with gate

## ST DAVIDS

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**Application Number:** 12/0531/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      Land adj former Gaytons Service Station, Western Way, Exeter, EX1 1HH  
**Proposal:**                      Tree no                      Species                      Works  
T1 Monterey Pine Crown lift to 3m and reduce height by up to 2m.  
T2 Monterey Pine Fell

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**Application Number:** 12/0476/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      Elm House, 54 Mary Arches Street, Exeter, EX4  
**Proposal:**                      Change of use of ground floor from Financial and Professional Services to Business, and replacement windows (91)

---

**Application Number:** 12/0577/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012                      DEL  
**Location:**                      12 Friars Walk, Exeter, EX2 4AY  
**Proposal:**                      Tree No                      Species                      Works  
   T1 Eucalyptus                      Fell

---

**Application Number:** 12/0433/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      24/05/2012                      PER  
**Location:**                      The Great Western Hotel, St. Davids, Exeter, EX4 4NU  
**Proposal:**                      Discharge of Condition 3 to Planning Permission Ref No. 11/1919/03 granted: 03  
   02 2012

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**Application Number:** 12/0269/05                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      28/05/2012                      DEL  
**Location:**                      Princesshay Shopping Centre, Exeter, EX1  
**Proposal:**                      Internally illuminated built up letter signs (2) at Bedford Street and High Street  
   entrance, non illuminated built up letters (2) on Paris Street entrance and one  
   internally illuminated column sign at the junction of Bedford Street and Roman  
   Walk

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**Application Number:** 11/1949/07                      **Working Party Date:** 13/12/2011  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012                      COM  
**Location:**                      Dean Clarke House, Southernhay East, Exeter, EX1 1PQ  
**Proposal:**                      Alterations to provide 24 flats and 6 office suites

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**Application Number:** 11/1951/03                      **Working Party Date:** 13/12/2011  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012                      COM  
**Location:**                      Dean Clarke House, Southernhay East, Exeter, EX1 1PQ  
**Proposal:**                      Change of use from offices to 24 flats and 6 office suites

---

**Application Number:** 12/0593/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      30/05/2012  
**Location:**                      The Fat Pig, 2 John Street, Exeter, EX1 1BL  
**Proposal:**                      Alterations to provide ground floor extension on south elevation

---

**Application Number:** 12/0268/05                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      06/06/2012  
**Location:**                      The Great Western Hotel, St. Davids, Exeter, EX4 4NU  
**Proposal:**                      Externally illuminated letter sign and painted sign on south elevation

---

**Application Number:** 12/0645/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      07/06/2012  
**Location:**                      1-24 Attwills Almshouses, New North Road, Exeter, EX4 4JT

**Proposal:**

| Tree no | Species  | Works                                      |
|---------|----------|--|
| T1      | Holly    | Cut back from road                         |
| T2      | Holly    | Cut back branches from communication wires |
| T3      | Sycamore | Cut back branches from communication wires |
| T4      | Holly    | Fell to ground level                       |
| T5      | Yew      | Cut back from building by 1m               |
| T6-9    | Sycamore | Reduce deadwood in crowns                  |

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**Application Number:** 12/0481/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      11/06/2012                      DEL  
**Location:**                      5 - 28, Mount Dinham, Exeter, EX4 4EG  
**Proposal:**                      Discharge of Conditions 3, 4, 5, and 6 to Planning Permission Ref No. 11/1909/07 granted: 06/02/2012

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**Application Number:** 12/0458/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      12/06/2012                      DEL  
**Location:**                      1 - 4, and 29 - 40, Mount Dinham, Exeter, EX4 4EG  
**Proposal:**                      Discharge of Conditions 3, 4, 5 and 6 to Planning Permission Ref No. 11/1906/03 granted 30 01 2012

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**Application Number:** 12/0557/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      12/06/2012                      DEL  
**Location:**                      8 Bedford Street, Exeter, EX1 1LL  
**Proposal:**                      Change of use from retail to restaurant and cafe

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**Application Number:** 12/0558/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      13/06/2012                      DEL  
**Location:**                      62 South Street, Exeter, EX1 1EE  
**Proposal:**                      Change of use of ground floor from shop to tattoo studio

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**Application Number:** 12/0721/26                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Raise No Objection                      **Decision Date:**                      13/06/2012                      DEL  
**Location:**                      Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1JD  
**Proposal:**                      Change of use from office to a Children's Centre

---

**Application Number:** 12/0390/03                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DCC  
**Location:**                      32-33, Gandy Street, Exeter, EX4 3LT  
**Proposal:**                      Change of use from pavement to outside seating area for 5 tables and 16 chairs

---

**Application Number:** 12/0478/05                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      The Royal Bank Of Scotland Plc, Broadwalk House, Southernhay West, Exeter, EX1 1TZ  
**Proposal:**                      Externally illuminated projecting signs (2) and ATM panel sign on north elevation and wall plaque on tenants wall

## ST JAMES

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**Application Number:** 12/0447/03                      **Working Party Date:**  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      16/05/2012                      DEL  
**Location:**                      14 Culverland Road, Exeter, EX4 6JJ  
**Proposal:**                      Replacement two storey extension on west elevation

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**Application Number:** 12/0479/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      2 Hillside Avenue, Exeter, EX4 4NW  
**Proposal:**                      Ground floor and first floor extensions and dormer window on north elevation

---

**Application Number:** 12/0176/03                      **Working Party Date:** 30/04/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012                      COM  
**Location:**                      Bungalow B, 16 Pennsylvania Road, Exeter, EX4 6BH  
**Proposal:**                      Change of use from dwelling to house in multiple occupation (C4 use)

## ST LEONARDS



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**Application Number:** 12/0578/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012                      DEL  
**Location:**                      5 Marlborough Road, Exeter, EX2 4TJ  
**Proposal:**                      Tree No                      Species                      Works  
   T1 Magnolia                      Fell

---

**Application Number:** 12/0552/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      24/05/2012  
**Location:**                      24 Temple Road, Exeter, EX2 4HQ  
**Proposal:**                      Tree No                      Species                      Work  
   T1 Bay Laurel Height reduction by 50%

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**Application Number:** 12/0566/06                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      24/05/2012  
**Location:**                      24 Temple Road, Exeter, EX2 4HQ  
**Proposal:**                      Tree no                      Species                      Work  
   T1 Bay Laurel                      Height reduction by 50%

---

**Application Number:** 12/0438/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      28/05/2012                      DEL  
**Location:**                      14 Penleonard Close, Exeter, EX2 4NY  
**Proposal:**                      Discharge of Conditions 3 and 5 to Planning Permission Ref No. 11/1939/03  
   granted: 15 02 2012

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**Application Number:** 12/0542/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      28/05/2012                      DEL  
**Location:**                      7 West Grove Road, Exeter, EX2 4LU  
**Proposal:**                      Ground floor extension on north west elevation

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**Application Number:** 12/0636/37                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      29/05/2012                      DEL  
**Location:**                      11 Wayland Avenue, Exeter, EX2 4PR  
**Proposal:**                      Alteration to include an additional velux window on north elevation (Non material  
   minor amendment to Planning Permission Ref No. 10/2076/03 granted: 20 12  
   2010)





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**Application Number:** 12/0539/07                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      08/06/2012  
**Location:**                      3 St. Leonards Place, Exeter, EX2 4LZ  
**Proposal:**                      Demolition of two storey extension and construction of lower ground floor extension, three replacement windows, reinstatement of glazed covered walkway on the north east elevation, replacement garage on the south east elevation, internal renovation and restoration on all floors.

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**Application Number:** 12/0416/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      12/06/2012                      DEL  
**Location:**                      Compass House, 52 Magdalen Road, Exeter, EX2 4TL  
**Proposal:**                      Vehicle and pedestrian access to highway

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**Application Number:** 12/0833/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      13/06/2012                      DEL  
**Location:**                      Exeter School, Victoria Park Road, Exeter, EX2 4NS  
**Proposal:**                      Discharge of Condition 3 for Planning Permission Ref: 12/0303/03 granted 03/04/12

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**Application Number:** 12/0464/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      66 East Grove Road, Exeter, EX2 4LX  
**Proposal:**                      Ground floor extension on south east elevation

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## ST LOYES

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**Application Number:** 12/0739/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      01/06/2012                      DEL  
**Location:**                      Unit 7, Rydon Lane Retail Park, Rydon Lane, Exeter, EX2 7HX  
**Proposal:**                      Discharge Of Condition 2 to Planning Permission Ref No. 11/2008/03 granted: 20 04 2012

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**Application Number:** 12/0257/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      25 Royal Crescent, Exeter, EX2 7QT  
**Proposal:**                      Installation of solar panels (10) on west elevation

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**Application Number:** 12/0319/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      2 Coronet Close, Exeter, EX2 7QS  
**Proposal:**                      Installation of solar panels (16) on south west elevation

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**Application Number:** 12/0320/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      53 Royal Crescent, Exeter, EX2 7QB  
**Proposal:**                      Installation of solar panels (10) on east elevation

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**Application Number:** 12/0427/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      1 Lewis Crescent, Exeter, EX2 7TD  
**Proposal:**                      Conversion of garage to kitchen including window on east elevation

## ST THOMAS

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**Application Number:** 12/0519/05                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      14/05/2012                      DEL  
**Location:**                      Swan Yard, Okehampton Street, Exeter, EX4 1DS  
**Proposal:**                      Non illuminated fascia sign on north east elevation

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**Application Number:** 12/0256/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      23/05/2012                      DEL  
**Location:**                      23 Regent Street, Exeter, EX2 9EJ  
**Proposal:**                      Ground floor extension on east elevation

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**Application Number:** 12/0359/03                      **Working Party Date:** 01/05/2012  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      01/06/2012                      DEL  
**Location:**                      26 Princes Street North, Exeter, EX2 9AL  
**Proposal:**                      Construction of end of terrace dwelling



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**Application Number:** 12/0444/03                      **Working Party Date:** 02/05/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      16/05/2012                      DEL  
**Location:**                      39 Tollards Road, Exeter, EX2 6JJ  
**Proposal:**                      Two storey extension on north west elevation and ground floor extension to garage on south east elevation

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**Application Number:** 12/0425/07                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      The Globe Hotel, 34 Fore Street, Topsham, Exeter, EX3 0HR  
**Proposal:**                      New and replacement signage and lighting on the west elevation and at the north east corner of the site.

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**Application Number:** 12/0460/03                      **Working Party Date:** 02/05/2012  
**Decision Type**                      Refuse Planning Permission                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      24 Pound Lane, Topsham, Exeter, EX3 0NA  
**Proposal:**                      Ground floor extension on south east elevation

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**Application Number:** 12/0496/07                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      26 Victoria Road, Topsham, Exeter, EX3 0EU  
**Proposal:**                      Removal of chimney breast at ground floor and internal alterations to walls at first floor

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**Application Number:** 12/0505/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      Towerfield, 10 Clyst Road, Topsham, Exeter, EX3 0BZ  
**Proposal:**                      Ground floor extension on west elevation

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**Application Number:** 12/0686/32                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      22/05/2012                      DEL  
**Location:**                      Land north of Old Rydon Lane, land east of Newcourt House and lower RNSD site, Topsham Road, Exeter, EX2  
**Proposal:**                      Discharge of Condition 4 to Planning Permission Ref No. 07/2169/01 granted: 17 05 2010



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**Application Number:** 12/0143/03                      **Working Party Date:** 28/03/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      06/06/2012  
**Location:**                      40 Monmouth Street, Topsham, Exeter, EX3 0AJ  
**Proposal:**                      Two storey extension on south east elevation, sunken patio and solar panels on south west elevation

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**Application Number:** 12/0144/07                      **Working Party Date:** 28/03/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      06/06/2012  
**Location:**                      40 Monmouth Street, Topsham, Exeter, EX3 0AJ  
**Proposal:**                      Removal of conservatory, two storey extension on south east elevation, sunken patio, solar panels on south west elevation, rooflight on south east elevation and various other internal and external alterations

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**Application Number:** 12/0599/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      06/06/2012                      DEL  
**Location:**                      12 Newcourt Road, Topsham, Exeter, EX3 0BT  
**Proposal:**                      Ground floor extension on north east elevation

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**Application Number:** 12/0638/03                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      06/06/2012                      DEL  
**Location:**                      14 Newcourt Road, Topsham, Exeter, EX3 0BT  
**Proposal:**                      Ground floor extension on north east and north west elevations

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**Application Number:** 12/0346/03                      **Working Party Date:** 06/06/2012  
**Decision Type**                      Permitted                      **Decision Date:**                      08/06/2012                      DEL  
**Location:**                      9 Follett Road, Topsham, Exeter, EX3 0JP  
**Proposal:**                      Ground floor extension on the south east elevation.

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**Application Number:** 12/0347/07                      **Working Party Date:**  
**Decision Type**                      Permitted                      **Decision Date:**                      08/06/2012                      DEL  
**Location:**                      9 Follett Road, Topsham, Exeter, EX3 0JP  
**Proposal:**                      Ground floor extension on the south east elevation to include internal alterations.







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## EXETER CITY COUNCIL

### PLANNING MEMBER WORKING GROUP 19 JUNE 2012

### PLANNING COMMITTEE 25 JUNE 2012

#### SECTION 106 AGREEMENTS

#### **1 PURPOSE OF THE REPORT**

- 1.1 To update on the progress of implementing Section 106 agreements and on the expenditure of financial contributions received. Members are requested to advise the Senior Area Planning Officer (Roger Clotworthy) or the Assistant Director City Development (Richard Short) of any questions on the schedule prior to the meeting of the Planning Committee.

#### **2 BACKGROUND**

- 2.1 This report has been prepared to advise Members of the progress achieved between 1 April 2011 and 31 March 2012 in the collection and expenditure of financial contributions made by developers toward the provision of the community facilities and services required to accommodate development.
- 2.2 The report covers all planning obligations arising from development proposals in the City that require financial payments by developers.
- 2.3 Progress in relation to each agreement is summarised within the attached tables (Appendix 1). These are divided by service function and stage of payment (either expected or received). Obligations where the trigger stage for payment in the development process has not yet been reached are included.
- 2.4 It should be noted that funds held for maintenance of public open space are paid directly into a special account. A sum of 5% of the accumulated total (including interest) is added to the Parks and Open Spaces Manager's budget each year.
- 2.5 Where the amount on account or amount spent exceeds the principal amount required, this is attributable either to indexing, interest, or a combination of the two.

#### **3 PERFORMANCE**

- 3.1 Total contributions of £1,521,839.40 were received between 1 April 2011 and 31 March 2012. £704,191.77 was collected towards affordable housing and £298,067.54 in relation to community and leisure schemes. £96,136.35 was collected towards Local Energy Networks, and £ 410,139.00 was collected in relation to two schemes for public transport and traffic orders (Table 14).
- 3.2 Information on financial contributions spent is only presently available in relation to Highway and Transportation issues (Table 15).
- 3.3 The Council is working towards the introduction of a Community Infrastructure Levy (CIL). CIL is the mechanism that the government intends for planning authorities to use in helping to provide area wide or strategic infrastructure such

as schools, flood defences, leisure facilities and transport improvements. Whilst section 106 agreements might have historically been used to secure such city-wide improvements, the rules on their use have been tightened. In practice, this means affordable housing and other site related works and improvements that are needed to secure planning permission will be secured through section 106 agreements, with wider infrastructure improvements contributed towards through CIL.

#### **4 ADVICE SOUGHT**

- 4.1 That Members note the report.

**RICHARD SHORT**  
**ASSISTANT DIRECTOR CITY DEVELOPMENT**

**Index of Tables within Section 106 Agreement Report**

Table 1: Affordable Housing – Money Expected

Table 2: Affordable Housing – Money Received

Table 3: Community and Leisure – Money Expected

Table 4: Community and Leisure – Money Received

Table 5: Education – Money Expected

Table 6: Education – Money Received

Table 7: Environmental Enhancements – Money Expected

Table 8: Environmental Enhancements – Money Received

Table 9: Open Space Maintenance – Money Expected

Table 10: Open Space Maintenance – Money Received

Table 11: Social Services – Money Expected

Table 12: Highways and Transport – Money Expected

Table 13: Highways and Transport – Money Received

Table 14: Financial Contributions Received between 1 April 2011 and 31 March 2012

Table 15: Financial Contributions Spent between 1 April 2011 and 31 March 2012

Table 16: Sites Being Monitored by the Community Facilities Implementation Group

**Table 1: Section 106 Affordable Housing – Money Expected**

| Planning App no | Site                                    | Developer              | Requirement   | Amount in a/c | Amount  | Due when  | Due | Notes   |
|-----------------|---|------------------------|---|---------------|---|---|-----|---|
| 09/0832/01      | St Loyes Foundation, Topsham Road       | Helical (Exeter) Ltd.  | Pay affordable housing contribution.  | £0.00         | £5,650,000.00                                 | £300,000 on implementation, £3.5m 20 months after implementation, £693,750 40 months after implementation, £693,750 50 months after implementation.             | NO  | Outline permission only. Reserved matters approved under 10/1893/02.                                  |
| 10/1247/01      | Orchard House, Deepdene Park.           | Mr & Mrs Macan         | Payment of an affordable housing contribution.  | £0.00         | £69,479.00                                    | Within 28 days after occupation of the second dwelling.   | NO  | Outline permission only.  |
| 11/0678/38      | Plymouth University, Earl Richards Road | University of Plymouth | Pay affordable housing contribution.  | £0.00         | £2,000,000.00                                 | In 5 equal instalments, the first payable on occupation of the first Supported Accommodation Unit and then on occupation of 20%, 40%, 60% and 80% of the units. | NO  | Requirement supersedes that in original agreement relating to 07/1316/01. Scheme unlikely to proceed. |
| 11/0678/38      | Plymouth University, Earl Richards Road | University of Plymouth | Requires payment of an additional affordable housing contribution if the number of Supported Accommodation Units exceeds 171. | £0.00         | £12,820.50 in respect of each unit above 171. | In 5 equal instalments, the first payable on occupation of the first Supported Accommodation Unit and then on occupation of 20%, 40%, 60% and 80% of the units. | NO  | Requirement supersedes that in original agreement relating to 07/1316/01.                             |

Table 2: Section 106 Affordable Housing – Money Received

| Planning App no | Site                            | Developer                     | Requirement  | Amount in a/c | Amount                                       | Amount spent | Complied | Notes  | Money spent |
|-----------------|---------------------------------|-------------------------------|--|---------------|--|--------------|----------|--|-------------|
| 02/1845/03      | Central Station Yard, Queen St. | Bellway Homes Ltd             | Contribution towards affordable housing in Exeter. ECC has option to index it according to the average sale price of a terraced house in Exeter according to Land Registry data. Repayable if uncommitted within 5 years | £228,677      | £633,000<br>(£836,525.26 including interest) | £607,848.07  | YES      | 150+ homes created as at 23 March 2011 (£718,224) including:<br>2006/07:<br>£55,641 spent providing 2 rented homes;<br>2007/08:<br>£202,000 spent providing 3 rented and 1 shared ownership homes;<br>£50,000 transferred to general fund for Extra let schemes.<br>2008/09<br>£100,000 to general fund for landlord incentives to create private sector tenancies (LetStart); 27 lettings created;<br>£41,583 to general fund for Housing Association tenants' downsizing incentives; 10+ family-sized voids created;<br>£10,000 to general fund for enabling affordable housing through the STEPS project in partnership with ECI;<br>£30,000 transferred to general fund for ExtraLet schemes; 90 homes tenanted 2009/10<br>£5,000 to Exeter Community Initiatives (ECI) to re- house ex offenders through PORCH 2010/11<br>£20,000 transferred to general fund for private sector rented deposits through Smartmove<br>£204,000 allocated to contract to provide 21 affordable homes on Council Owned Infill sites at Merlin Crescent (18) and Sivell Place (3).<br><br>Remainder of monies is all committed to related Affordable Housing Projects. | NO          |
| 08/0165/03      | 137 & 137A Cowick Street        | McCarthy and Stone (Devs) Ltd | Pay an affordable housing contribution.  | £804,799      | £1,073,066                                   | £0.00        | Part     | This agreement replaces the previous agreement dated 16/06/2008 which now ceases to have effect. £268,266.50 (25%) paid 09/08/2011, £536,533.00 (50%) paid 15/02/2012. NB £536,533.00 index linked from 09/08/2011 to 15/02/2012. This element not yet paid. Final £268,266.50 (due 09/08/2012) will be index linked from 09/08/2011 to 09/08/2012.  | NO          |

**Table 3: Section 106 Community and Leisure – Money Expected**

| Planning App no | Site                                    | Developer                              | Requirement  | Amount in a/c | Amount         | Amount outstanding | Due when   | Due | Notes                |
|-----------------|---|--|--|---------------|----------------|--------------------|--|-----|----------------------|
| 10/1840/01      | Land off Hill Barton Road, Exeter       | Hill Barton Devs LLP & others          | Requires payment of an open space contribution of £440 per dwelling.               | £0.00         | £66,440 approx | £66,440 approx     | On commencement of development.                        | NO  | Outline application. |
| 10/2088/01      | Land at Pinhoe Quarry, Harrington Lane. | Pinhoe Quarry LLP                      | Requires payment of a community facilities contribution of £625 per dwelling       | £0.00         | Up to £237,500 | Up to £237,500     | Prior to occupation of more than 50% of the dwellings. | NO  | Outline application. |
| 10/2088/01      | Land at Pinhoe Quarry, Harrington Lane. | Pinhoe Quarry LLP                      | Requires payment of a contribution for off-site Multi-use Games Area.              | £0.00         | £65,000.00     | £65,000.00         | Prior to occupation of more than 50% of the dwellings. | NO  |                      |
| 11/0140/03      | Townsend Printers, Western Way          | MREF Exeter Property Co. Ltd.          | Requires payment of a contribution towards a new community centre in Belmont Park. | £7,500.00     | £45,000.00     | £37,500.00         | £7,500 on commencement, £37,500 3 months after.        | NO  |                      |
| 11/0140/03      | Townsend Printers, Western Way          | MREF Exeter Property Co. Ltd.          | Requires payment of a contribution for improvements to Belmont Park.               | £0.00         | £5,000.00      | £5,000.00          | Prior to occupation.                                   | NO  |                      |
| 11/0895/03      | Portland House, Longbrook Street        | Eaton Commercial Properties Exeter Ltd | Requires payment of a community contribution.                                      | £0.00         | £15,640.00     | £15,640.00         | Prior to commencement of development.                  | NO  |                      |



**Table 4: Section 106 Community and Leisure – Money Received**

| Planning App no | Site                           | Developer                 | Requirement   | Amount in a/c | Amount         | Amount spent | Complied | Notes  | Money spent |
|-----------------|--------------------------------|---------------------------|---|---------------|----------------|--------------|----------|--|-------------|
| 91/0649/03      | Land adj Kinnerton Way, Exwick | Knapp New Homes Ltd       | Lay out open space and transfer to Council, with contribution of £10,000 towards play equipment.                                      | £13,052.13    | £10,000.00     | £5676        | YES      | £5676 spent on floodlighting for the MUGA at Kinnerton Way. Remaining £4,324 to be used to improve standard of Community Hall.   | NO          |
| 96/0684/03      | Tan Lane & Willey's Ave        | Knapp New Homes Ltd       | Recreation, play equipment & POS facilities in the Water La, Haven Banks area by 09/03/2011   | £0.00         | £15,000.00     | £17,249.41   | YES      | £3,260 used with Exeter Castings money to upgrade children's play facilities at Haven Banks play area in January 2007. Remainder spent on allotment scheme in Riverside Valley Park. | YES         |
| 98/0220/03      | Well Oak, Dryden Road          | Persimmon Homes           | Providing play equipment on the site  | £0.00         | £27,000.00     | £27,000.00   | YES      | £12,000 spent on fencing and remedial works. Remaining sum put towards new children's play equipment at Wyvern Park.   | YES         |
| 00/1015/01      | Kinnerton Way - Lavender Road  | Barratt Homes Ltd         | Provision of community facilities within the vicinity of the site   | £17,169.47    | £15,000.00     | £13,828.13   | YES      | Contribution added to the overall sum for use to enhance the Community Hall.   | NO          |
| 03/0200/03      | Land at Plymco, Kinnerton Way  | Persimmon                 | Provide or support the provision of community facilities and services in the Exwick area of Exeter                                    | £30,403.72    | £70,000.00     | £60,888.72   | YES      | Being spent on community centre capital programme.   | NO          |
| 03/0618/03      | Summerway Middle School Site   | Exeter Housing Soc. Ltd   | Construct public open space and play area to a value of £50,500 (on-site and off-site obligations joined)                             | £154.41       | £50,500.00     | £58,500.00   | YES      | MUGA installed. Play area installed in Spring 2009. Additional play facilities have been provided using capital funding 09/10.   | YES         |
| 03/1611/01      | County Ground                  | Bellway                   | Community Facilities Contribution. £300 per dwelling (100 dwellings + 53 supported)   | £47,288.46    | £45,900        | £0.00        | YES      | Money to be spent within wider improvement scheme at St Thomas Pleasure Ground – likely completion Autumn 2012.  | NO          |
| 03/1722/03      | Richmond Yard                  | George Wimpey Bristol Ltd | To pay £25,000 plus VAT, for use in connection with the provision of play areas and/or recreational facilities to serve the locality. | £847.20       | £25,000.00     | £21,936.29   | YES      | Money amalgamated with Episcopal Annex off-site contribution and used at Bury Meadow play area. Remaining £8000 also spent there in Summer 2010. Site complete.                      | YES         |
| 03/2008/03      | Wyvern Barracks                | C G Fry & Son Ltd         | Sum in lieu of play equipment etc.  | £36,558.18    | Up to £115,000 | £38,620.95   | YES      | Play area installed early 2010 and open and in use since May 2010. Approx £27,000 to be used to improve nearby Dickens Drive play area - project complete autumn 2011.               | YES         |

**Table 4: Section 106 Community and Leisure – Money Received**

| Planning App no | Site  | Developer                 | Requirement   | Amount in a/c | Amount     | Amount spent | Complied | Notes   | Money spent |
|-----------------|---|---------------------------|---|---------------|------------|--------------|----------|---|-------------|
| 06/1147/03      | Episcopal Building and York Wing, Dinham Road | Justin Developments       | Community and leisure facilities - off site - towards the provision of additional community and leisure facilities required as a result of the Development. | £7,770.63     | £31,600.00 | £28,638.56   | YES      | Money amalgamated with Richmond Yard off-site contribution and used at Bury Meadow play area. Remaining £8,000 was spent there in Summer 2010. Site complete.   | YES         |
| 06/1147/03      | Episcopal Building and York Wing, Dinham Road | Justin Developments       | Provide and maintain play equipment   | £18,000       | £18,000    | £0.00        | YES      | Payment received in lieu of on-site provision. To be used at Looe Road. Public consultation complete, play area improvements likely summer 2012.  | NO          |
| 07/1213/01      | Chancel Lane                                  | Taylor Wimpey             | Pay ECC an open space contribution towards improvements to the Harrington Lane play area.   | £0.00         | £40,000.00 | £40,000.00   | YES      | Received November 2009. From S106 deed of variation for reserve matters approval (08/1129/02). £15,000 spent on repairs and new ball games facilities. Remainder spent on new play equipment in summer 2011.  | YES         |
| 07/1213/01      | Chancel Lane                                  | Taylor Wimpey             | Contribution towards play facilities to serve the development   | £0.00         | £18,000.00 | £18,000.00   | YES      | Received November 2009. From S106 deed of variation for reserve matters approval (08/1129/02). Used for Pirhoe Station Road multi use games area floodlighting - completed winter 2011/12. Small remaining sum to be spent on minor play area improvements during 2012. | YES         |
| 07/1352/03      | Beacon Avenue                                 | Persimmon Homes           | Contribution towards open space works   | £73,631.00    | £73,631.00 | £0.00        | YES      | Received spring 2012. Persimmon still need to fulfil some of their requirements before adoption can go ahead.   | NO          |
| 07/1352/01      | Beacon Avenue                                 | Persimmon Homes           | Pay a Community Facilities Contribution of £95,560  | £95,560.00    | £95,560.00 | £0.00        | YES      | Various schemes under consideration including part use towards provision of improved tennis facilities at Heavitree Pleasure Ground.  | NO          |
| 07/2502/03      | Exeter Trust House                            | UNITE                     | Contribution towards community facilities.  | £1467.01      | £15,400.00 | £15,400.00   | YES      | Received Aug 2008. After public consultation it was decided to provide an outdoor table tennis table and outdoor fitness equipment at Belmont Park.   | YES         |
| 07/2633/03      | 88 Honiton Road                               | South West Communications | Contribution towards recreational infrastructure relevant to the development  | £4,555.09     | £4,220.00  | £0.00        | YES      | Projects for expenditure being considered.  | NO          |

**Table 4: Section 106 Community and Leisure – Money Received**

| Planning App no | Site                             | Developer                       | Requirement  | Amount in a/c | Amount     | Amount spent | Complied | Notes   | Money spent |
|-----------------|----------------------------------|---------------------------------|--|---------------|------------|--------------|----------|---|-------------|
| 07/2654/03      | Oaklands (rear)                  | Trust Estate of Mrs P L Newbery | Contribution towards the costs of providing off-site leisure facilities to serve the Development | £12,336.00    | £12,336.00 | £0.00        | YES      | Contribution received August 2010. To be used to refurbish paddling pools at St Thomas Pleasure Ground.   | NO          |
| 08/0240/03      | Apollo Works, Looe Road          | R J Jennings                    | Pay a contribution of £2,600 towards maintenance and enhancement of Looe Road play area          | £2,600        | £2,600     | £0.00        | YES      | Contribution received March 2011.   | NO          |
| 08/1476/03      | Crossmead, Barley Lane           | Taylor Wimpey                   | Pay contribution of £80,000 relating to open space works   | £80,000       | £80,000    | £0.00        | YES      | Contribution received August 2010. Landscaping work complete but site still not at an adoptable standard. The play space is being re-designed via public consultation. To be implemented upon adoption. Discussions ongoing with developer.                 | NO          |
| 09/2068/03      | St Pauls Church, Burnthouse Lane | Tor Homes                       | Off-site open space contribution   | £0.00         | £18,000.00 | £18,000.00   | YES      | Contribution received September 2010. This has been largely spent on improvements at Dickens Drive Play Area and the play facilities at Wonford Playing Fields. Small remaining sum likely to fund a Carving Communities project at Wonford Playing Fields. | YES         |
| 11/0140/03      | Townsend Printers, Western Way   | MREF Exeter Property Co. Ltd.   | Requires payment of a contribution of £45,000 towards a new community centre in Belmont Park.    | £7,500.00     | £45,000.00 | £0.00        | Part     | £7,500 received, £37,500 outstanding.   | NO          |

**Table 5: Section 106 Education – Money Expected**

| Planning App no | Site                                   | Developer                       | Requirement  | Amount in a/c | Amount      | Amount spent | Due when   | Due   |
|-----------------|--|---------------------------------|--|---------------|-------------|--------------|--|---|
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Dukeminster Ltd (Now Persimmon) | "...the provision of secondary educational facilities which are likely to be used by secondary school children residing on the property"   | £310,377.10   | £348,459.00 | £0.00        | On commencement of development   | YES<br>Invoice raised 16/12/2008. £38,081.90 left to pay, should be fully paid in the next couple of months. Agreed with DCC to pay in instalments. |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Dukeminster Ltd (Now Persimmon) | Carry out remediation of land for school with collateral warranties, and offer to DCC. Pay contribution towards provision of primary educational facilities including the rebuilding of a primary school within a two mile radius from the property and, if applicable, can be used towards construction of primary school to be constructed on the Primary School Land. | £0.00         | £803,581.00 | £0.00        | Pay prior to occupation of the 150th dwelling, offer land on commencement of 201st.                | YES   |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Dukeminster Ltd (Now Persimmon) | Pay contribution towards the construction costs of the primary school on the site or if it is not to be built for the provision of primary educational facilities including the rebuilding of an existing primary school within a two mile radius of the site.   | £0.00         | £502,239.00 | £0.00        | On letting of contract.  | YES   |
| 03/1611/01      | County Ground                          | Bellway                         | Education Contribution. £1,122.50 per >1 bed dwelling (except retirement homes (no. 53) (90 dwellings).  | £57,137.53    | £101,025.00 | £0.00        | 50% on commencement and 50% before 45% occupation/2years after commencement (whichever is sooner). | YES<br>(1 <sup>st</sup> instalment of £57,137.53 received 23/7/2009. DCC has requested payment of outstanding sum. Money not yet spent).            |
| 06/0452/03      | Frickers Yard, Well Park, Willies A    |                                 | Education contribution of £694.50 per dwelling of more than two bedrooms   | £0.00         | £9,028.50   | £0.00        | Upon first occupation or within 12 months of agreement (whichever is sooner)                       | NO. Land is now up for sale.  |
| 06/1365/03      | 28 Manor Road                          | South West Construction         | Education Contribution   | £0.00         | £9,260.00   | £0.00        | Not later than development commencement. Planning permission has expired.                          | NO  |

**Table 6: Section 106 Education – Money Received**

| Planning App no           | Site  | Developer                        | Requirement  | Amount in a/c | Amount                                | Amount spent | Complied | Notes  | Money spent   |
|---------------------------|---|----------------------------------|--|---------------|---------------------------------------|--------------|----------|--|---|
| 00/1199/01                | Prospect Place, St Thomas                                 | Centre Line Properties Ltd       | Education facilities which are likely to be used by children living on the site.   | £5,666.00     | £5,666.00                             | £0.00        | YES      | Payment Received 11/4/05 Committed - Will be used towards a replacement primary school | NO  |
| 04/1814/03                | 7 Tudor Street  | Gadd Homes Ltd                   | Pay £578.75 per dwelling of 2+ bedrooms for schools to serve the development. Index linked. Repayable if unspent within 5 years. | £2,408.80     | £6,000.00                             | £6,021.90    | YES      | £6,021.90  | YES. 2008/9 Used at St David's School for KS1 teaching accommodation. |
| 04/2192/03                | Monks Road  | Persimmon Homes (South West) Ltd | Pay contribution to primary education.   | £8,102.50     | £8,102.50                             | £0.00        | YES      | Received 24/10/2005. Committed for use at Ladysmith Infants and Junior.                | NO  |
| 05/0815/03                | 27-28 Cowick Street                                       | Westrock Ltd                     | Pay £1389.00 towards West Exe Technology College. For use in accordance with DCC's Code of Practice on Education Contributions.  | £1,389.00     | £1,389.00                             | £0.00        | YES      | Committed to West Exe Technology College   | NO  |
| 05/1408/03                | Barley House, Isleworth Road                              |                                  | Pay contribution towards the provision of additional educational facilities required as a result of the Development.             | £6,250.00     | £6,250.00                             | £0.00        | YES      | Received 11/04/2007 - To be used at West Exe Technology College                        | NO  |
| 06/2496/03 and 06/2497/03 | Land Adj. 60, Haven Road                                  | Signpost HA                      | Secondary Education Contribution   | £2,847.74     | 694.50 per dwelling of 2 or more beds | £0.00        | YES      | Received 10/01/2009 - To be used at West Exe Technology College                        | NO  |
| 08/1476/03                | Crossmead Conference Centre, Barley Lane, Exeter, EX4 1TF | George Wimpey                    | Pay a contribution of £10,552 index linked to Devon County Council for education infrastructure                                  | £10,552.00    | £10,552.00                            | £0.00        | YES      | Received 30/10/09.   | NO  |

**Table 7: Section 106 Environmental Enhancements – Money Expected**

| Planning App no | Site                                      | Developer               | Requirement  | Amount in a/c | Amount     | Due when                             | Due | Notes                                     |
|-----------------|---|-------------------------|--|---------------|------------|--------------------------------------|-----|---|
| 06/2493/03      | 60 Haven Road                             | Sutton Harbour Property | Public realm and Art contribution  | £0.00         | £8,500.00  | Upon the commencement of development | NO  | Sutton Harbour no longer pursuing scheme. |
| 06/2494/03      | Maclaines Warehouse, Haven Road           | Sutton Harbour Property | Public realm and Art contribution  | £0.00         | £11,500.00 | Upon the commencement of development | NO  | Sutton Harbour no longer pursuing scheme. |
| 06/2496/03      | Land Adj. Maclaines Warehouse, Haven Road | Sutton Harbour Property | Public realm and Art contribution  | £0.00         | £7,000.00  | Upon the commencement of development | NO  | Sutton Harbour no longer pursuing scheme. |
| 09/0832/01      | St Loyes Foundation, Topsham Road         | Helical (Exeter) Ltd.   | Contribution towards storage and display of archaeological finds made during the course of development | £0.00         | £35,000.00 | Upon the commencement of development | NO  |   |

**Table 8: Section 106 Environmental Enhancements – Money Received**

| Planning App no | Site   | Developer                        | Requirement  | Amount in a/c | Amount     | Amount spent | Due when  | Complied | Notes  | Money spent |
|-----------------|--|----------------------------------|--|---------------|------------|--------------|---|----------|--|-------------|
| 97/0459/03      | 19 Marsh Green Rd. Marsh Barton              | Exeter Power Ltd                 | Tree planting and landscaping to the eastern side of the mainline railway abutting the development   | £11,972.60    | £14,205.00 | £6,100.00    | Upon Commencement of Development  | YES      | Received 08/01/2002. Planting proposals being drawn up to improve landscape in the Riverside Valley Park. Discussions with the Environment Agency are underway. Awaiting development of EA proposals/flood scheme. | NO          |
| 02/0300/03      | Princesshay                                  | Ravenseft Properties Ltd         | Contribution towards permanent storage conservation and display of archaeological records discovered and finds made during the course of development                   | £63,649.82    | £50,000.00 | £0.00        | £5000 before Lloyds TSB refurbishment starts, -remainder before start of main development | YES      | £5,000 received under supplemental agreement dated 3/8/04 on application 03/1599/03. Remainder £51,096.77 including RPI paid 2006. RAMM to draw up proposals for the use of this money                             | NO          |
| 02/0300/03      | Princesshay                                  | Ravenseft Properties Ltd         | Contribution for conservation and display of special (archaeological) finds made during the course of development  | £34,811.15    | £20,000.00 | £0.00        | Before start of main development  | YES      | £22,709.68 received 2006. RAMM to draw up proposals for the use of this money  | NO          |
| 04/0383/03      | Victoria Yard                                | Exeter College                   | Pay £30,000 towards improvements to environmental pedestrian, cyclist and safety enhancements in the Queen St area. Index linked. Repayable if unspent within 10 years | £33,870 (DCC) | £30,000.00 | £0.00        | Prior to first occupation.  | YES      | Completed.   | YES         |
| 05/1555/03      | Land adjoining Unit 6 Rydon Lane Retail Park | Northwich Property Trust Limited | Environmental contribution towards the enhancement of the shopping centre of Heavitree   | £12,500.00    | £12,500.00 | £0.00        | Prior to commencement   | YES      | Consultation with Heavitree Community Assoc. completed. Agreed scheme to be implemented 2013.  | NO          |
| 06/2497/03      | Land adj. 60 Haven Road                      | Signpost Homes Ltd               | Public realm and Art contribution  | £90.00        | £8,500.00  | £8,500.00    | Upon the commencement of development  | YES      | Committed to public realm improvements in the Canal Basin area. Proposals being drawn up for tree planting and seating to Haven Banks. To be implemented 2012/13.  | NO          |

**Table 8: Section 106 Environmental Enhancements – Money Received**

| Planning App no | Site                                    | Developer             | Requirement   | Amount in a/c | Amount     | Amount spent | Due when                                | Complied | Notes  | Money spent |
|-----------------|---|-----------------------|---|---------------|------------|--------------|---|----------|--|-------------|
| 07/0397/03      | Bishops Court Ind. Estate Sidmouth Road | Citygrove             | Landscaping contribution  | £20,566.00    | £20,000.00 | £0.00        | Prior to occupation                     | YES      | Received 14/8/2009.  | NO          |
| 07/1400/03      | Carnegie House, Western Way             | Carnegie Inns Limited | Contribution toward the provision of public art within the vicinity of the site | £43,003.56    | £40,000.00 | £0.00        | 3 months after development commencement | YES      | Received Dec 2008. Draft proposal drawn up for Western Way/Paris St Rndbt. To be commenced in Summer 2012.       | NO          |
| 10/1594/03      | RD&E Hospital, Gladstone Rd             | Waitrose Ltd          | Pay for improving the trading environment in Magdalen Road (£15,000).           | £14,000       | £15,000    | £1,000.00    | Within 28 days of commencement.         | YES      | Received Mar 2011. £1,000 spent on Magdalen Road Christmas Fair 2011.  | PART        |
| 10/1594/03      | RD&E Hospital, Gladstone Rd             | Waitrose Ltd          | Pay for improving the trading environment in Heavitree Road (£10,000).          | £10,000       | £10,000    | £0.00        | Within 28 days of commencement.         | YES      | Received Mar 2011. Consultation with Heavitree Community Assoc. completed. Agreed scheme to be implemented 2013. | NO          |



**Table 9: Section 106 Open Space Maintenance – Money Expected**

| Planning App no | Site                                   | Developer           | Requirement  | Amount in a/c | Amount           | Amount spent | Due when   | Due | Notes   |
|-----------------|--|---------------------|--|---------------|------------------|--------------|--|-----|---|
| 00/1015/01      | Lavender Road                          | Barratt Homes Ltd   | Developer to lay out open space and play area to spec agreed by ECC. Pay commuted sums for maintenance thereof in accordance with formula in agreement, index linked.  | £0.00         | To be calculated | £0.00        | Provide on occupation of 75% of dwellings or within 2 years after commencement. Pay commuted sums on transfer. | YES | Play area installed in October 2005. Various problems (drainage and planting). Issues still remain so not yet adopted.  |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd | Provide public open space in two positions, to include play area to value of £100,000. Maintain for one year and transfer to ECC. Pay commuted sum in respect of the future maintenance of the public open space and the play area.                              | £0.00         | To be agreed     | £0.00        | Upon adoption  | NO  | Not yet due. Negotiation with the developer regarding the play area and equipment is at a quite developed stage. Various problems and issues with the wider open space are likely to delay the provision of play facilities.  |
| 02/1933/03      | Ibstock Brickworks Monks Rd            | Persimmon Homes Ltd | Lay out open space including play equipment and youth area, having first done remediation and monitoring, to be certified by environmental consultant. Get collateral warranties from environmental consultant, and environmental insurance. Maintain open space | £0.00         | £270,000         | £0.00        | Before 70 units of open market housing have been occupied  | YES | Limited progress has been made since a meeting between the Council and Persimmon Homes on 11 November 2008.<br>- It is understood that work to the leachate plant has been carried out but no evidence as to its success has yet been received<br>- Open space issues remain<br>- It was agreed that Persimmon would produce one single remediation validation report. This has not been forthcoming.<br>- An issue of proceedings at Exeter County Court is being prepared. Despite these issues an acceptable play area was provided by the developer in 2007. Due to the various issues at the site it has not been adopted although it has been open for public use. Its current condition will need to be assessed before any future adoption. |
| 02/1933/03      | Ibstock Brickworks Monks Rd            | Persimmon Homes Ltd | "costs of maintaining the leachate plant provided as part of the remediation works after it has been transferred to the Council"   | £0.00         | £119,250         | £0.00        | Before 70 units of open market housing have been occupied  | YES |   |

**Table 10: Section 106 Open Space Maintenance – Money Received**

| Planning App no | Site                                 | Developer                                     | Requirement   | Amount in a/c | Amount           | Amount spent  | Complied | Notes  |
|-----------------|--------------------------------------|---|---|---------------|------------------|---|----------|--|
| 94/0129/01      | Northbrook Sch. Beacon Lane          | Barratt                                       | Maintenance of landscape and open space                                   | £21,026.92    | £19,099.00       | 5% per annum (- interest) £9,808.82 for remediation             | YES      | Land Adopted - Remedial work completed Spring 2008. Continuing maintenance occurring.  |
| 94/0606/01      | St Peter's Mount Luggs Farm Redhills | Redrow Homes                                  | Maintenance of open space   | £5,679.34     | £23,000.00       | 5% per annum (- interest) £12,000 for remediation               | YES      | Land adopted but for woodland area. Remedial works completed. Continuing maintenance occurring.  |
| 95/0638/03      | Guys Hylton                          | William Sutton Trust                          | Public Open Space Contribution  | £1,685.31     | £4,000.00        | 5% per annum (- interest) £2,560 for children's play facilities | YES      | £2.56K transferred to the general children's play area fund. Residual being spent on maintenance.  |
| 95/0796/03      | Exeter Castings, Water Lane          | Midas Homes Ltd                               | Provide open space. Pay commuted sum for maintenance of same              | £21,987.12    | £16,500.00       | 5% per annum (- interest)                                       | YES      | Land Adopted - Continuing maintenance occurring.   |
| 98/0220/03      | Well Oak, Dryden Road                | Persimmon Homes                               | POS Maintenance   | £16,300.64    | £27,000.00       | 5% per annum (- interest) £12,000 for remediation               | YES      | £12K spent on fencing and remedial works.  |
| 98/0328/03      | Horseguards                          | Barratt Homes                                 | Maintenance of Public Open Space on Site                                  | £37,392.42    | £29,500.00       | 5% per annum (- interest)                                       | YES      | Land Adopted - Continuing maintenance occurring.   |
| 98/0613/01      | Gras Lawn, Barrack Road              |   | Public Open Space Commuted Sum  | £6,374.79     | To be Calculated | 5% per annum (-interest)  | YES      | Land Adopted - Continuing maintenance occurring.   |
| 99/0442/01      | Princess Elizabeth Hosp. Barrack Rd  | Bovis Homes Ltd (originally S.O.S For Health) | Contribution towards maintenance of public open space including play area | £17,533.00    | £17,533.00       | £0.00   | YES      | POS1 (main green space) - Now laid out awaiting transfer. Resident/developer boundary issues remain. Contact Mr Barnard (272870) on adoption.<br>POS2 (play area) – Adopted. |
| 01/0308/03      | River Court, Pynes Hill              | Pynes Hill Property Ltd                       | Maintenance of landscape strip  | £19,257.67    | £15,000.00       | 5% per annum (-interest)  | YES      | Land Adopted - Continuing maintenance occurring  |
| 01/0852/02      | Land Adj to Alphingbrook Road        | LIDL UK                                       | Commuted Sum For Landscape Maintenance                                    | £9,237.17     | £8,500.00        | 5% per annum (- interest)                                       | YES      | Land Adopted - Continuing maintenance occurring.   |
| 02/0175/01      | Land North of Digby Drive            | Persimmon & Barratt                           | Children's Play Commuted Sum - maintenance of children's play area.       | £23,000.00    | £20,000.00       | 5% per annum (- interest)                                       | YES      | Land adopted - Continuing maintenance occurring.   |

**Table 10: Section 106 Open Space Maintenance – Money Received**

| Planning App no | Site                                     | Developer                 | Requirement   | Amount in a/c | Amount                                      | Amount spent                                      | Complied | Notes  |
|-----------------|--|---------------------------|---|---------------|---|---|----------|--|
| 02/0175/01      | Land North of Digby Drive                | Persimmon & Barratt       | Open Space Contribution. Maintenance of open space. (inc. POS contributions for additional peripheral remediation works)  | £136,966.12   | £140,000.00 (plus remediation contribution) | 5% per annum (- interest) £64,000 for remediation | YES      | All land adopted - Continuing maintenance occurring. £43,469 spent since Sep 2008 on remedial works. |
| 03/0200/03      | Land at Plymco, Kinnerton Way            | Persimmon                 | Payment of a committed sum towards the costs of maintaining a sloped area behind MUGA constructed on Council land.  | £13,999.00    | £13,999.00                                  | £0.00   | YES      |  |
| 03/0262/03      | Land adj River Court, Pynes Hill         | Colourcolt Ltd            | Lay out landscaping works on Council's land in accordance with specification in agreement. Maintain for 12 months. Pay committed sum towards future costs of maintaining the landscaping strip. | £6,831.28     | £5,600.00                                   | 5% per annum (- interest)                         | YES      | Land Adopted - Continuing maintenance occurring  |
| 03/0618/03      | Summerway Middle School Site             | Exeter Housing Soc. Ltd   | Transfer open space to ECC on completion. Pay committed sum of £39700.  | £48,343.19    | £39,700.00                                  | 5% per annum (- interest)                         | YES      | Land Adopted - Continuing maintenance occurring  |
| 03/1722/03      | Richmond Yard                            | George Wimpey Bristol Ltd | Play area committed sum   | £6,873.00     | £6,068.00                                   | 5% per annum (- interest)                         | YES      | Land Adopted Dec 2008 – Continuing maintenance occurring.  |
| 03/2008/03      | Wyvern Barracks                          | C G Fry & Son Ltd         | Maintenance of Public Open Space  | £78,353.26    | £71,242.00                                  | 5% per annum (- interest)                         | YES      | Received Dec 2007  |
| 07/0397/03      | Bishops Court Ind. Estate, Sidmouth Road | Citygrove                 | Landscaping contribution  | £20,566.00    | £20,000                                     | £0.00   | YES      | Building occupied. Land Adopted - Continuing maintenance occurring                                   |
| 07/1352/01      | Beacon Avenue                            | Persimmon Homes           | Public Open Space committed sum   | £34,032.00    | £34,032.00                                  | £0.00   | YES      | Site not yet adopted – adoption expected during 2012   |

**Table 10: Section 106 Open Space Maintenance – Money Received**

| Planning App no | Site          | Developer       | Requirement                  | Amount in a/c | Amount     | Amount spent | Complied | Notes  |
|-----------------|---------------|-----------------|------------------------------|---------------|------------|--------------|----------|--|
| 07/1352/01      | Beacon Avenue | Persimmon Homes | Play equipment committed sum | £11,344.00    | £11,344.00 | £0.00        | YES      | Site not yet adopted – adoption expected during 2012 |

**Table 11: Section 106 Social Services – Money Expected**

| Planning App no | Site                                   | Developer           | Requirement   | Amount in a/c | Amount     | Due when                             | Due | Notes                       |
|-----------------|--|---------------------|---|---------------|------------|--------------------------------------|-----|-----------------------------|
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd | Contribution towards services for elderly persons                                   | £0.00         | £25,000.00 | Before more than 200 houses occupied | YES | Not yet paid. DCC pursuing. |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd | Contribution towards expansion of learning disability services.                     | £0.00         | £25,000.00 | Before more than 200 houses occupied | YES | Not yet paid. DCC pursuing. |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd | Contribution towards a minibus for elderly persons not able to use public transport | £0.00         | £20,000.00 | Before more than 200 houses occupied | YES | Not yet paid. DCC pursuing. |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd | Contribution a single place in a children's home.                                   | £0.00         | £30,000.00 | Before more than 200 houses occupied | YES | Not yet paid. DCC pursuing. |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site                                     | Developer               | Requirement  | Amount in a/c | Amount     | Amount spent | Due when                                  | Due  | Notes  |
|-----------------|--|-------------------------|--|---------------|------------|--------------|---|------|--|
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road   | Persimmon Homes Ltd     | "...towards the cost to be incurred by the County Council in procuring two additional bus services from the property to Exeter City Centre and Marsh Barton or such other routes or destinations as may be approved by the owner."   | £0.00         | £1,000,000 | £0.00        | Prior to first occupation                 | Part | Original contribution of £1,250,000 renegotiated. Deed of variation of 27/05/2011 requires payment in 4 installments by 31/01/2014. Scope widened to any transport improvements. Highway adoption agreements not yet completed by developer. |
| 03/1611/01      | County Ground                            | Bellway                 | Traffic Calming Contribution to the County Council   | £0.00         | £40,000.00 | £0.00        | Within 14 days of request                 | NO   | DCC investigating what scheme constructed and when and whether money can be claimed retrospectively.   |
| 04/1082/03      | Tesco, Russell Way                       | Tesco Stores Ltd        | Contribution towards public transport following the implementation of a suitably direct road link to future development at Newcourt to the south of the A379 between the A379 and Topsham Road. Repayable if unspent after 10 years. | £0.00         | £50,000    | £0.00        | On occupation                             | YES  | Road link now completed between Topsham Road and the A379 (but not yet adopted)  |
| 06/0452/03      | Frickers Yard, Well Park, Willeys Ave    | I J Cannings            | Water Lane/Haven Road - Highway Contribution   | £0.00         | £97,500.00 | £0.00        | Immediately upon development commencement | NO   | Not yet commenced. Permission has expired.   |
| 06/2496/03      | Land Adj. Maclaines Warehouse Haven Road | Sutton Harbour Property | Water Lane Link - Highway Contribution (to ECC)  | £0.00         | £90,000.00 | £0.00        | Upon the commencement of development      | NO   | Sutton Harbour no longer pursuing scheme.  |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site                                    | Developer   | Requirement                         | Amount in a/c | Amount        | Amount spent | Due when  | Due | Notes |
|-----------------|---|---|-------------------------------------|---------------|---------------|--------------|---|-----|-------|
| 07/2169/01      | ORLN Site, Land N of Old Rydon Lane     | The Pratt Group & DL Wood                               | Pay a Highways Contribution         | £0.00         | £1,465,296.00 | £0.00        | Phased payments prior to occupation of dwellings on any parcel of land. | NO  |       |
| 07/2169/01      | ORLN Site, Land N of Old Rydon Lane     | The Pratt Group & DL Wood                               | Pay a Traffic Order Contribution    | £0.00         | £1,500.00     | £0.00        | Payable on demand, but not before 1st occupation.                       | NO  |       |
| 07/2169/01      | LANGDON Site, Land E of Newcourt House. | Dukeminster Ltd   | Pay a highways contribution         | £0.00         | £241,645.33   | £0.00        | Phased payments prior to occupation of dwellings on any parcel of land. | NO  |       |
| 07/2169/01      | LANGDON Site, Land E of Newcourt House. | Dukeminster Ltd   | Pay a public transport contribution | £0.00         | £12,082.00    | £0.00        | Prior to 1st occupation.  | NO  |       |
| 07/2169/01      | SEF Site, Land NE of Topsham Road.      | Holaw Ltd & Roadfarm Ltd & SoS Defence & NH Finance Ltd | Pay a highways contribution         | £0.00         | £2,293,060.00 | £0.00        | Phased payments prior to occupation of dwellings on any parcel of land. | NO  |       |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site   | Developer   | Requirement   | Amount in a/c | Amount      | Amount spent | Due when  | Due | Notes |
|-----------------|--|---|---|---------------|-------------|--------------|---|-----|-------|
| 07/2169/01      | SEF Site, Land NE of Topsham Road.                 | Holaw Ltd & Roadfarm Ltd & SoS Defence & NH Finance Ltd | Pay a public transport contribution                         | £0.00         | £114,653.00 | £0.00        | Prior to 1st occupation.  | NO  |       |
| 07/2169/01      | SEF Site, Land NE of Topsham Road.                 | Holaw Ltd & Roadfarm Ltd & SoS Defence & NH Finance Ltd | Pay a traffic order contribution                            | £0.00         | £3,000.00   | £0.00        | Payable on demand, but not before 1st occupation.   | NO  |       |
| 09/0279/03      | Birks Halls, New North Road                        | University of Exeter                                    | Pay a traffic order contribution.                           | £0.00         | £3,000.00   | £0.00        | Upon request  | NO  |       |
| 09/1523/03      | Topsham Rugby Club, Exeter Road, Topsham           | Trustees Topsham RFC                                    | Pay a traffic order contribution.                           | £0.00         | £1,500.00   | £0.00        | On or before commencement of development.   | NO  |       |
| 10/0051/01      | Land off Hill Barton Road, Exeter                  | Hill Barton Devts LLP & others                          | Requires payment of a sustainable transport contribution.   | £0.00         | £377,493.50 | £0.00        | On commencement of development.   | NO  |       |
| 10/0200/01      | Land S of Yeoford Way, Marsh Barton Trading Estate | Prego Developments Ltd                                  | Payment of a transportation contribution                    | £0.00         | £200,000.00 | £0.00        | 50% prior to first occupation, 25% prior to occupation of 100,000 sq ft and 25% prior to occupation of 200,000 sq ft. | NO  |       |
| 10/2088/01      | Land at Pinhoe Quarry, Harrington Lane.            | Pinhoe Quarry LLP                                       | Payment of a contribution towards Exhibition Way link road. | £0.00         | £808,600.00 | £0.00        | Prior to commencement of the housing development.   | NO  |       |



**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site                                    | Developer                              | Requirement  | Amount in a/c | Amount      | Amount spent | Due when  | Due | Notes              |
|-----------------|---|--|--|---------------|-------------|--------------|---|-----|--------------------|
| 10/2088/01      | Land at Pinhoe Quarry, Harrington Lane. | Pinhoe Quarry LLP                      | Requires payment of a contribution towards sustainable transport.  | £0.00         | £204,100.00 | £0.00        | Prior to commencement of the housing development. | NO  |                    |
| 10/2088/01      | Land at Pinhoe Quarry, Harrington Lane. | Pinhoe Quarry LLP                      | Requires payment towards measures under the Travel Plan.   | £0.00         | £222,050.00 | £0.00        | Prior to commencement of the housing development. | NO  |                    |
| 11/0140/03      | Townsend Printers, Western Way          | MREF Exeter Property Co. Ltd.          | Requires payment of a contribution for highway works.  | £0.00         | £36,000.00  | £0.00        | Prior to occupation.                              | NO  |                    |
| 11/0140/03      | Townsend Printers, Western Way          | MREF Exeter Property Co. Ltd.          | Requires payment of a contribution for the provision, upgrading or signing of cycle routes between the development and the University.   | £0.00         | £15,000.00  | £0.00        | Within 6 months of commencement                   | NO  |                    |
| 11/0140/03      | Townsend Printers, Western Way          | MREF Exeter Property Co. Ltd.          | Requires payment of a contribution for the making of orders to control parking in Toronto Road or elsewhere affected by student parking. | £0.00         | £7,000.00   | £0.00        | Within 6 months of commencement                   | YES | Payment requested. |
| 11/0895/03      | Portland House, Longbrook Street        | Eaton Commercial Properties Exeter Ltd | Requires payment of a Traffic Regulation Order contribution.   | £0.00         | £1,500.00   | £0.00        | Prior to commencement of development.             | NO  |                    |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site                                   | Developer                              | Requirement  | Amount in a/c | Amount      | Amount spent | Due when                       | Due   | Notes |
|-----------------|--|--|--|---------------|-------------|--------------|--------------------------------|---|-------|
| 11/0895/03      | Portland House, Longbrook Street       | Eaton Commercial Properties Exeter Ltd | Requires payment to DCC of a residents parking contribution.   | £0.00         | £10,000.00  | £0.00        | Prior to start of development. | NO  |       |
| 11/0895/03      | Portland House, Longbrook Street       | Eaton Commercial Properties Exeter Ltd | Requires payment to DCC of a cycle contribution.   | £0.00         | £3,100.00   | £0.00        | Prior to start of development. | NO  |       |
| 93/0594/03      | Marsh Barton Road                      | Wickes                                 | Grace Road Link and Marsh Barton Rd/Alphington Rd junction improvement   | £0.00         | £80,000.00  | 112,365.86   | YES                            | Works completed.  | YES   |
| 01/0084/01      | Digby Retail Warehouse Development     | Tesco                                  | To DCC for the improvement of Park and Ride facilities at nearby P & R area within 10 years of receipt.  | £0.00         | £140,000.00 | 141,700.00   | YES                            | Works completed.  | YES   |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd                    | "..provision of 24 hour dedicated bus priority lane along Topsham Road between the access to the property and Countess Wear roundabout and part of Bridge Road, including relocation of bus stops and bus shelters as shown on plan 2" | £45,471.59    | £40,000.00  | £0.00        | YES                            | £45,471.59 received 12/04/10. DCC checking progress (April 2012)                | NO    |
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd                    | "improvement of pedestrian/cycle facilities from the property to Countess Wear School and Priory High School and into the existing adjoining network."   | £11,367.90    | £10,000.00  | £0.00        | YES                            | £11,367.90 received from Persimmon 12/04/10. DCC checking progress (April 2012) |       |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site                                   | Developer                                | Requirement   | Amount in a/c    | Amount     | Amount spent | Due when | Due  | Notes      |
|-----------------|--|--|---|------------------|------------|--------------|----------|--|------------|
| 02/1402/01      | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd                      | Install traffic signals at the entrance of the site onto Topsham Road. Pay committed sum in respect of the cost of operating and maintaining the said traffic signals.  | £10,000.00       | £10,000.00 | £0.00        | YES      | £3,916.72 received from Persimmon April 2010 and balance paid in full May 2010.  | NO         |
| 02/1845/03      | Central Station Yard, Queen Street     | Bellway Homes                            | Improvements to the pedestrian and cyclist facilities within half a mile of the site for the improvement of the highway network in the City. Repayable if uncommitted within 5 years of receipt (Jan 2011).                             | £70,407.56       | £50,000.00 | £70,407.56   | YES      | Completed  | YES        |
| 02/1933/03      | Ibstock Brickworks, Monks Rd           | Persimmon Homes Ltd                      | Carry out or pay for road works, namely speed cushions, markings and signage in Monks Road and adjacent streets. If developer pays money, DCC is to repay if unspent 5 years after payment. Construct cycle path on site, for adoption. | £0.00            | £3,424.20  | £3,424.20    | YES      | £3,424.20 (£3,000 + BCIS) received from Persimmon 02/02/06 in respect of County's costs of designing, preparing and implementing TRO's in adjoining streets. | 02/1933/03 |
| 03/1256/01      | Digby Drive/Russell Way                | Barratt Homes Ltd<br>Persimmon Homes Ltd | Pay £65,000 towards highway improvements. Indexed from 9 Dec 2003 until payment. Repay if unspent within 10 years of payment.   | £71,779.50 (DCC) | £65,000.00 | £0.00        | YES      | Received by DCC Jan & Mar 2008 - committed to Exeter Walking Project around Digby Drive. DCC checking progress (April 2012)                                  | NO         |
| 03/1611/01      | County Ground                          | Bellway                                  | Public Transport Contribution   | £39,590.47       | £35,000.00 | £0.00        | YES      | Received by DCC 5 June 2009.   | YES        |

Table 13: Section 106 Highways and Transport – Money Received

| Planning App no | Site                                | Developer                 | Requirement  | Amount in a/c   | Amount     | Amount spent | Due when | Due   | Notes |
|-----------------|-------------------------------------|---------------------------|--|-----------------|------------|--------------|----------|---|-------|
| 03/2008/03      | Wyvern Barracks                     | C G Fry & Son Ltd         | Pay £24,000 for construction of a footpath from Shakespeare Road to south-eastern boundary of site.  | £30,163.77      | £24,000.00 | £0.00        | YES      | Received 29/06/2005. Planning permission has been granted for the path. Work to commence on site late 2012/early 2013 | NO    |
| 04/1368/03      | Well Park, Willeys Ave              |                           | £35000 towards the provision of a new access road to and from the Haven Road area. Index linked. Repayable if not spent/committed within 10 years of payment | £0              | £35,000    | £39,056.50   | YES      | £39,056.50 Received by ECC March 2008. First phase of link road complete  | YES   |
| 04/1395/03      | Tan Lane                            |                           | £12,000 towards the provision of a new access road to and from the Haven Road area.  | £0.00           | £12,000    | £13,683.26   | YES      |   | YES   |
| 04/1814/03      | 7 Tudor Street                      | Gadd Homes Ltd            | Pay £3000 for reserved car facility. Includes £1000 to fund traffic order to designate on-street club car space. Index linked.                               | £3,372.27 (DCC) | £3,000.00  | £0.00        | YES      | Received by ECC October 2009  | NO    |
| 05/1053/01      | Land north of EDF Energy, Pinn Lane | Exeter Business Park Ltd. | Contribution towards provision of public transport services serving the vicinity of the site. Repayable if unspent after ten years.                          | £0.00           | £100,000   | £100,000     | YES      |   | YES   |
| 06/0780/03      | 94a&94b Sidwell Street              | Bradley                   | Real-time bus information  | £11,231 (DCC)   | £11,000.00 | £0.00        | YES      | Moneys received Jan 2007  | NO    |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site  | Developer             | Requirement  | Amount in a/c | Amount      | Amount spent | Due when | Due   | Notes      |
|-----------------|---|-----------------------|--|---------------|-------------|--------------|----------|---|------------|
| 06/0876/03      | Land North of Exeter Motorway Services        | Location 3 Properties | Contribution towards the management of the Sowton Transport Management Forum | £5,000 (DCC)  | £5,000.00   | £0.00        | YES      | Received by DCC Oct 2007                                      | NO         |
| 06/0891/03      | Land adjacent to 42 Chamberlain Road          | Shorewalk             | Water Lane/Haven Road - Highway Contribution                                 | £16,266.75    | £15,000.00  | £0.00        | YES      | Money received 31/01/2008                                     | 06/0891/03 |
| 06/1147/03      | Episcopal Building and York Wing, Dinham Road | Justin Developments   | Highway Contribution - 20mph zone in the vicinity                            | £0.00         | £23,300.00  | £24,197.05   | YES      |   | 06/1147/03 |
| 06/2497/03      | Land adj. 60 Haven Road                       | Signpost Homes Ltd    | Water Lane Link - Highway Contribution (to ECC)                              | £0.00         | £105,000.00 | 110,711.29   | YES      | Received by ECC (Oct 2008) First phase of link road complete. | 06/2497/03 |
| 06/2497/03      | Land adj. 60 Haven Road                       | Signpost Homes Ltd    | Bus Stop Contribution - for a stop in the vicinity of the site (to ECC)      | £0.00         | £2,500.00   | £2,635.98    | YES      | Received by ECC (Oct 2008)                                    | 06/2497/03 |
| 07/0397/03      | Bishops Court Ind Est. Sidmouth Rd            | Citygrove             | Traffic signal installation contribution                                     | £0.00         | £46,000.00  | £46,000.00   | YES      | Received by DCC Dec 2008                                      | 07/0397/03 |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site                               | Developer       | Requirement  | Amount in a/c | Amount     | Amount spent | Due when | Due   | Notes      |
|-----------------|------------------------------------|-----------------|--|---------------|------------|--------------|----------|---|------------|
| 07/0397/03      | Bishops Court Ind Est. Sidmouth Rd | Citygrove       | Traffic signal maintenance contribution  | £29,000.00    | £29,000.00 | £0.00        | YES      | Received by DCC Dec 2008  | 07/0397/03 |
| 07/0397/03      | Bishops Court Ind Est. Sidmouth Rd | Citygrove       | Contribution towards widening of footway to form footway/cycleway  | £16,000.00    | £16,000.00 | £0.00        | YES      | Received by DCC Dec 2008  | 07/0397/03 |
| 07/1352/01      | Beacon Avenue                      | Persimmon Homes | Payment of a highway contribution to the City Council. To be forwarded to the highways authority upon request and specifications of how the funds will be spent. | £0.00         | £26,500    | £26,500      | YES      | Received by DCC Feb 2011. Part of a contribution of £34,000. £7,500 outstanding. This to be used towards the purchase by Developer of cycle vouchers. | 07/1352/01 |
| 07/1400/03      | Carnegie House, Western Way        | Jury Inns Ltd.  | Contribution towards reviewing traffic orders in the area  | £3,000.00     | £3,000.00  | £0.00        | YES      | Received by DCC 22/08/08. Traffic Order currently in progress.  | 07/1400/03 |
| 07/1400/03      | Carnegie House, Western Way        | Jury Inns Ltd.  | Contribution for relocating the existing signal controlled pedestrian crossing nearer to the Paris Street roundabout   | £15,000.00    | £50,000.00 | £35,000.00   | YES      | Received by DCC 22/08/08. Relocation of crossing complete. Remainder to be used for provision of non-skid surface.                                    | 07/1400/03 |
| 07/2498/03      | Unit 2 Alphington Rd               | Aldi Stores Ltd | Pedestrian and Cycle contribution to be used along the Alphington Rd Corridor.   | £0.00         | £25,000.00 | £25,000.00   | YES      |   | 07/2498/03 |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site   | Developer                              | Requirement   | Amount in a/c | Amount     | Amount spent | Due when | Due  | Notes |
|-----------------|--|--|---|---------------|------------|--------------|----------|--|-------|
| 07/2654/03      | Oaklands (rear)                              | Trust Estate of Mrs P L Newbery        | Contribution towards an extra traffic lane in Cowick Lane   | £13,000.00    | £13,000.00 | £0.00        | YES      | Received by DCC Aug 2010. Superseded by agreement attached to 10/0487/03 | NO    |
| 07/2502/03      | Exeter Trust House (Students)                | UNITE                                  | Contribution towards a review of traffic orders in the area. To be returned if unspent after 5 years. | £0.00         | £1,511.79  | £1,511.79    | YES      | Traffic Order implemented.   | YES   |
| 08/0100/03      | Former St Davids Garage, Bonhay Road         | Montem Ltd                             | Traffic Order Contribution  | £0.00         | £1,000.00  | £1,000.00    | YES      | Received by DCC July 2010. Revisions to Traffic Order complete.          | YES   |
| 08/0887/03      | Thomas Hall, Cowley Bridge Road              | Thomas Hall Estates Ltd                | Contribution towards residents parking scheme and signage in locality.                                | £0.00         | £10,250    | £10,250      | YES      | Traffic Order implemented. Developer has requested refund from DCC.      | YES   |
| 08/1825/03      | 12 Hennock Road, Marsh Barton Trading Estate | London and Devonshire Trust Limited    | Traffic Order Contribution  | £0.00         | £1,500.00  | £1,500.00    | YES      | Received by DCC Nov 2008.  | YES   |
| 08/2416/03      | Treetops, Exwick Road Exeter,                | Devon and Cornwall Housing Association | Traffic Order Contribution  | £0.00         | £2,000.00  | £2,000.00    | YES      | Traffic Order implemented.   | YES   |

**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site   | Developer                           | Requirement   | Amount in a/c | Amount     | Amount spent | Due when | Due   | Notes |
|-----------------|--|-------------------------------------|---|---------------|------------|--------------|----------|---|-------|
| 09/0281/03      | Victor Beer, Water Lane                                  | Mr P Beer                           | Water Lane link contribution  | £0.00         | £10,000.00 | £10,000.00   | YES      | Received 16/06/2009. First phase of link road complete.   | YES   |
| 09/0404/03      | Bradfords Yard, Cowley Bridge Road                       | Student Residential Investments Ltd | This contribution constituted part payment of a total £2000 highway contribution.                   | £0.00         | £500       | £500         | YES      | Traffic Order implemented.  |       |
| 09/0629/01      | J Sainsbury Plc, Alphington Cross Store, Alphington Road | Sainsburys Supermarkets Ltd         | Payment of a highway inspection fee   | £0.00         | £60,000    | £5,000       | YES      |   | YES   |
| 09/0629/01      | J Sainsbury Plc, Alphington Cross Store, Alphington Road | Sainsburys Supermarkets Ltd         | Pay a CCTV contribution.  | £0.00         | £5,000     | £5,000       | YES      |   | YES   |
| 09/0782/03      | Lafrowda Halls of Residence, St Germans Road             | University of Exeter                | Pay a contribution towards the review of a Traffic Regulation Order in the area to N and E of site. | £0.00         | £10,000    | £10,000      | YES.     |   | YES   |
| 09/1592/03      | Morrisons Supermkt, Prince Charles Road                  | Wm Morrison Supermarkets PLC        | Pay a contribution towards highway improvements in the vicinity of the site.                        | £40,000       | £40,000    | £0.00        | YES      | Development has commenced. (Developer is currently proposing alternative proposals that may require revised contributions). | NO    |



**Table 13: Section 106 Highways and Transport – Money Received**

| Planning App no | Site   | Developer                              | Requirement   | Amount in a/c | Amount     | Amount spent | Due when | Due   | Notes      |
|-----------------|--|--|---|---------------|------------|--------------|----------|---|------------|
| 10/0487/03      | Land r/o Oakridge and Oaklands, Cowick Lane                | BDW Trading Ltd                        | Highways contribution towards the cost of providing an extra traffic lane in Cowick Lane in the vicinity of the site. | £0.00         | £13,000    | £13,000      | YES      | Work is complete  | 10/0487/03 |
| 10/1533/03      | Former Tennis Courts, Bishop Blackall Annexe Thornton Hill | C W Ellis & Motionarch Properties Ltd. | Pay a highways contribution for the making of a traffic order.  | £1,500        | £1,500     | £0.00        | YES      | £1,500 received by DCC Dec 2010. Revision to Traffic Order currently in progress. | 10/1533/03 |
| 10/1594/03      | RD&E Hospital, Gladstone Rd                                | Waitrose Ltd                           | Pay £20,000 for improvement of existing bus stops on Heavitree Road in the vicinity of the site.                      | £20,000.00    | £20,000.00 | £0.00        | YES      | Received by ECC March 2011.   | 10/1594/03 |
| 10/1594/03      | RD&E Hospital, Gladstone Rd                                | Waitrose Ltd                           | Pay £1,500 for varying traffic orders in Gladstone Road.  | £1,500        | £1,500     | £0.00        | YES      | Received by ECC March 2011.   | 10/1594/03 |

Table 14: Contributions Received between 1 April 2011 and 31 March 2012

£1,521,839.40

| Planning App                 | Site   | Developer                     | Requirement   | Amount in a/c | Amount      | Amount spent | Complied | Notes  | Money spent |
|------------------------------|--|-------------------------------|---|---------------|-------------|--------------|----------|--|-------------|
| <b>Affordable Housing</b>    |  |                               |   |               |             |              |          |  |             |
| 08/0165/03                   | 137 & 137A Cowick Street                         | McCarthy and Stone (Devs) Ltd | Pay an affordable housing contribution.   | £704,191.77   | £704,191.77 | £0.00        | YES      |  | NO          |
| <b>Community and Leisure</b> |  |                               |   |               |             |              |          |  |             |
| 99/0442/01                   | PEOH Barrack Road                                | S.O.S For Health              | Maintenance of public open space including play area.   | £17,533.00    | £17,533.00  | £0.00        | YES      |  | NO          |
| 02/0175/01                   | Land North of Digby Drive                        | Persimmon & Barratt           | Maintenance of MUGA.  | £3094.77      | £3094.77    | £0.00        | YES      |  | N/A         |
| 03/0200/03                   | Land at Plymco, Kinnerton Way (Now Medley Court) | Persimmon                     | Payment of a commuted sum towards the costs of maintaining a sloped area behind MUGA constructed on Council land. | £13999.00     | £13999.00   | £0.00        | YES      |  | N/A         |
| 06/1147/03                   | Episcopal Building and York Wing, Dinham Road    | Linden Homes                  | Provide and maintain play equipment   | £18,000       | £18,000     | £0.00        | YES      | Payment received in lieu of on-site provision. To be used at Looe Road. Public consultation complete, play area improvements likely summer 2012. | NO          |
| 07/1352/01                   | Beacon Avenue                                    | Persimmon Homes               | Open space works.   | £2444.00      | £2444.00    | £0.00        | YES      |  | NO          |
| 07/1352/01                   | Beacon Avenue                                    | Persimmon Homes               | Open space works.   | £71,187.00    | £71,187.00  | £0.00        | YES      |  | NO          |

Table 14: Contributions Received between 1 April 2011 and 31 March 2012

£1,521,839.40

| Planning App                  | Site                                   | Developer                              | Requirement   | Amount in a/c | Amount        | Amount spent | Complied | Notes   | Money spent |
|-------------------------------|--|--|---|---------------|---------------|--------------|----------|---|-------------|
| 07/1352/01                    | Beacon Avenue                          | Persimmon Homes                        | Public Open Space Commuted Sum  | £34,032.00    | £34,032.00    | £0.00        | YES      |   | N/A         |
| 07/1352/01                    | Beacon Avenue                          | Persimmon Homes                        | Play Equipment Commuted Sum   | £11344.00     | £11344.00     | £0.00        | YES      |   | N/A         |
| 07/2502/03                    | Exeter Trust House                     | UNITE                                  | Pay a Community Facilities Contribution to the City Council.  | £1467.01      | £1467.01      | £0.00        | YES      |   | NO          |
| 08/0165/03                    | 137 & 137A Cowick Street               | McCarthy and Stone (Developments ) Ltd | Pay a contribution towards the refurbishment of 137 Cowick Street.  | £130,771.50   | £130,771.50   | £0.00        | YES      | Amount in account includes a contribution from Age (UK) Exeter. | NO          |
| 11/0140/03                    | Townsend Printers, Western Way         | MREF Exeter Property Co. Ltd.          | Requires payment of a contribution towards a new community centre in Belmont Park.  | £7,500.00     | £45,000.00    | £0.00        | Part     |   | NO          |
| <b>Highways and Transport</b> |  |  |   |               |               |              |          |   |             |
| 02/1402/01                    | Royal Naval Stores Depot, Topsham Road | Persimmon Homes Ltd                    | Contribution towards procuring two additional bus services from the property to Exeter City Centre and Marsh Barton or such other routes or destinations as may be approved by the owner. | £400,000      | £1,250,000.00 | £0.00        | NO       | Initial payment received 08/06/2011.                            | NO          |

Table 14: Contributions Received between 1 April 2011 and 31 March 2012

£1,521,839.40

| Planning App                | Site                                       | Developer            | Requirement  | Amount in a/c        | Amount     | Amount spent | Complied | Notes               | Money spent |
|-----------------------------|--|----------------------|--|----------------------|------------|--------------|----------|---------------------|-------------|
| 09/0782/03                  | Lafrowda Halls of Residence, St Germans Rd | University of Exeter | Pay a contribution towards the review of a Traffic Regulation Order in the area to N and E of site.    | £00.00               | £10,000    | £10,139.00   | YES      | Received 16/06/2011 | YES         |
| <b>Local Energy Network</b> |  |                      |  |                      |            |              |          |                     |             |
| 10/1594/03                  | RD&E Hospital, Gladstone Rd                | Waitrose Ltd         | Pay contribution towards the implementation of a Local Energy Network (LEN) scheme in the City Centre. | £96,136.35           | £96,136.35 | £0.00        | YES      |                     | NO          |
|                             |  |                      |  | <b>£1,521,839.40</b> |            |              |          |                     |             |

Table 15: Financial Contributions Spent between 1 April 2011 and 31 March 2012

| Planning App no               | Site  | Developer                              | Requirement  | Amount in a/c | Amount    | Amount spent      | Complied | Notes | Spent |
|-------------------------------|---|--|--|---------------|-----------|-------------------|----------|-------|-------|
| <b>Highways and Transport</b> |   |  |  |               |           |                   |          |       |       |
| 07/1352/01                    | Beacon Avenue   | Persimmon Homes                        | Payment of a highway contribution to the City Council. To be forwarded to the highways authority upon request and specifications of how the funds will be spent. | £00.00        | £26,500   | £26,500           | YES      |       | YES   |
| 10/1533/03                    | Former Tennis Courts, Bishop Blackall Annexe, Thornton Hill | C W Ellis & Motionarch Properties Ltd. | Pay a highways contribution for the making of a traffic order.   | £00.00        | £1,500.00 | £1,500.00         | YES      |       | YES   |
| 09/0782/03                    | Lafrowda Halls of Residence, St Germans Rd                  | University of Exeter                   | Pay a contribution towards the review of a Traffic Regulation Order in the area to N and E of site.  | £00.00        | £10,000   | £10,139.00        | YES      |       | YES   |
|                               |   |  |  |               |           | <b>£38,139.00</b> |          |       |       |

**Table 16: Section 106 Sites Being Monitored by the Community Facilities Implementation Group**

**Northern Area**

| Site                          | Status   | Key issues  |
|-------------------------------|--|---|
| Episcopal Annex<br>06/1147/03 | Development commenced  | <ul style="list-style-type: none"> <li>- Payment received in lieu of on-site play provision. Will now be used at Looe Road. Public consultation complete, play area improvements likely summer 2012.</li> <li>- Money for off-site PA has been amalgamated with Richmond Yard off-site contribution for improvements to Bury Meadow play area. (Completed June 2009).</li> <li>- Approximately £10,000 spent on additional play equipment at Bury Meadow.</li> </ul>  |
| Polsloe Priory<br>02/1933/03  | Residential development completed.<br>Play area fundamentally complete.<br>Open space issues remain outstanding. | <ul style="list-style-type: none"> <li>- Limited progress has been made since a meeting between the Council and Persimmon Homes on 11 November 2008.</li> <li>- It is understood that work to the leachate plant has been carried out but no evidence as to its success has yet been received</li> <li>- Open space issues remain</li> <li>- It was agreed that Persimmon would produce one single remediation validation report. This has not been forthcoming.</li> <li>- ECC offer on the table on POS area on licence basis until such time as remediation properly validated.</li> </ul> |
| Richmond Yard<br>03/1722/03   | Development completed  | <ul style="list-style-type: none"> <li>- On-site play area - adoption completed Dec 2008.</li> <li>- Money for off-site PA amalgamated with Episcopal Annex off-site contribution for improvements to Bury Meadow play area (complete June 2009).</li> <li>- Approximately £10,000 of the amalgamated money held back pending a decision on how it should be spent. This sum will now be spent on additional play equipment at Bury Meadow to be installed Summer 2010.</li> </ul>  |
| Summerway/<br>Northbrook      | Land swap (not section 106 agreement but included here for clarity).   | <ul style="list-style-type: none"> <li>- Open space adopted.</li> <li>- Lit cycleway and lit MUGA installed.</li> <li>- Play area has been installed using a 106 contribution. Further capital funded works are planned for Summer 2010.</li> <li>- Land swap complete.</li> </ul>  |

**Western Area**

| Site                        | Status                      | Key issues   |
|-----------------------------|-----------------------------|--|
| County Ground<br>03/1611/01 | Development completed.      | <ul style="list-style-type: none"> <li>- S106 requires a contribution of £300 per dwelling. Likely to be used to provide facilities in either or both of Cowick Barton Playing Field (including access paths, upgrading the play area, sports pitch improvements or possibly the provision of a MUGA) or St Thomas Pleasure Ground.</li> </ul> |
| Crossmead<br>08/1476/03     | Approved and S106 complete. | <ul style="list-style-type: none"> <li>- Open space and play area (£80,000) to be provided on site. Will not include a MUGA. The planning and design stage of the new facility is underway</li> </ul>  |
| Lavender Road<br>00/1015/01 | Development completed.      | <ul style="list-style-type: none"> <li>- Play area installed but remedial work needed prior to adoption, including drainage works, relaying of safety surfaces and replacement of planting. No current solution to drainage problem.</li> <li>- A specialist remediation report has been prepared.</li> </ul>                                  |

**Table 16: Section 106 Sites Being Monitored by the Community Facilities Implementation Group**

| Site  | Status                                      | Key issues  |
|---|---|---|
| Kinnerton Way<br>(Medley Court)<br>03/0200/03 | Development completed.                      | <ul style="list-style-type: none"> <li>- MUGA and community centre completed and handed over. Lights have now been provided.</li> <li>- Transfers now complete.</li> </ul>  |
| Oaklands, Cowick Lane<br>07/2654/03           | Planning consent granted and S106 complete. | <ul style="list-style-type: none"> <li>- Section 106 agreement completed.</li> <li>- £12,336 contribution to off-site leisure facilities.</li> </ul>  |
| PEOH<br>99/0442/01                            | Development completed.                      | <ul style="list-style-type: none"> <li>- Phase 1 – Outstanding issues now resolved. Legal Section instructed on transfer.</li> <li>- Phase 2 – Adopted.</li> </ul>  |
| St Peter's Mount                              | Development completed.                      | <ul style="list-style-type: none"> <li>- Discussions under way with developer over indemnity and insurance in respect of drainage issues on the large area there. Unlikely to be adopted unless remediated.</li> <li>- Adoption complete on all other areas</li> </ul>  |
| Water Lane<br>96/0684/03                      | Development completed.                      | <ul style="list-style-type: none"> <li>- Need to decide how to spend the remaining money (to be spent by 9/3/11) for something in the vicinity – “for the purpose only of providing public open space, recreational facilities and children’s play equipment in the area of Water Lane and Haven Banks, Exeter”.</li> <li>- Various options being considered.</li> </ul>  |
| 137 & 137A<br>Cowick Street<br>08/0165/03     | Development commenced.                      | <ul style="list-style-type: none"> <li>- Developer has offered to transfer 137 Cowick St to the Council for nil consideration with a contribution by the developer of £100,000 towards its refurbishment, as required by Agreement.</li> <li>- Property acquired August 2011. £100,000 plus RPI indexation received plus contribution from Age UK Exeter. Works now practically complete. Age UK Exeter in occupation under lease. Minor snagging works outstanding.</li> </ul> |

**Southern Area**

| Site                                   | Status   | Key issues   |
|--|--|--|
| Digby, Kings Heath<br>02/0175/01       | Complete   | <ul style="list-style-type: none"> <li>- All open space, recreation and play works complete. Small play area budget remains for which proposals are being developed.</li> </ul>  |
| Exeter Trust House<br>07/2502/03       | Under construction.                                  | <ul style="list-style-type: none"> <li>- Agreement provides for £15,400 for adult leisure provision. Received Aug 2008. The use of this budget was decided after extensive consultation with Newtown Residents Association and ward councillors. A selection of outdoor fitness equipment and an outdoor table tennis table were provided in Belmont Park during Summer 2009.</li> </ul>   |
| Royal Naval Stores Depot<br>02/1402/01 | Commenced. Re-plan and new applications seem likely. | <ul style="list-style-type: none"> <li>- Persimmon has commissioned a consultant re. contaminated land. Contaminated land survey yet to be received.</li> <li>- Remediation strategy being discussed with Environmental Health.</li> <li>- The S106 agreement does not stipulate that the POS should be offered for adoption prior to the occupation of a specific number of units.</li> <li>- New consent for part of the site requires, by condition, provision of related open space before more than 50% occupation.</li> <li>- Open space/play area design drawn up by ECC is being finalised by Persimmon, who will then seek approval.</li> </ul> |
| Newcourt<br>07/2169/01                 | Planning permission granted 17 May 2010              | <ul style="list-style-type: none"> <li>- Section 106 agreement dated 12 May 2010.</li> </ul>   |
| Wyvern Barracks<br>03/2008/03          | Under construction.                                  | <ul style="list-style-type: none"> <li>- The former clinic building on Shakespeare Rd is being transferred to the Council for the provision of housing. A footpath link between Shakespeare Rd and Well Oak has received planning consent.</li> <li>- The link to Wyvern Park is expected to be closed, such that the link will be between Shakespeare Road and Well Oak only.</li> <li>- £30,000 held from Well Oak and PEOH to contribute to facilities on this site alongside the £94,000 received from the developer for play equipment. MUGA now installed.</li> </ul>  |

**Table 16: Section 106 Sites Being Monitored by the Community Facilities Implementation Group**

| Site                           | Status  | Key issues   |
|--------------------------------|---|--|
|                                |   | <ul style="list-style-type: none"> <li>- Extensive consultation with Wyvern Park Residents Association has taken place. The Council and WPPRA are now in agreement on the design of the new play area – the scheme is being implemented and the play area will be open and in use in Summer 2010.</li> <li>- Some of the money will be used to improve Dicken's Drive Play Area, this sum is yet to be confirmed but will be in the region of £18 – 20,000.</li> </ul> |
| St Loyes College<br>09/0832/01 | Outline planning permission granted<br>24 September 2010. | <ul style="list-style-type: none"> <li>- Section 106 agreement dated 23 September 2010.</li> </ul>   |
| Beacon Lane<br>08/2213/02      | Under construction.                                       | <ul style="list-style-type: none"> <li>- Section 106 agreement completed.</li> <li>- Open space (including play) facilities to a minimum estimated value of £71,187.00 to be provided on-site by the Council.</li> <li>- Contribution of £95,560 prior to first occupation for community facilities in the locality.</li> <li>- Commuted sums negotiated for public open space and play equipment.</li> </ul>  |



## EXETER CITY COUNCIL

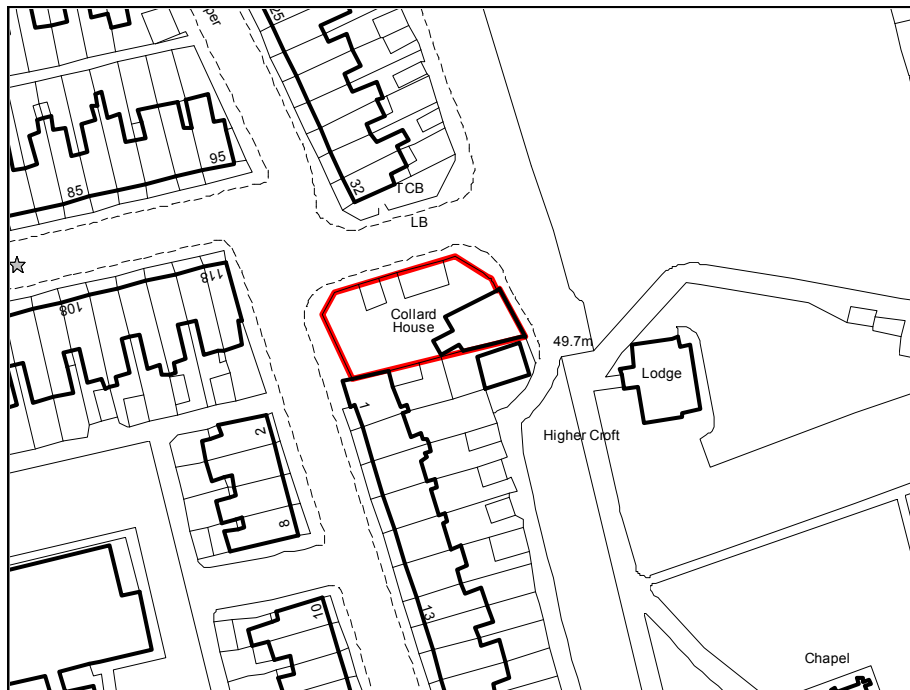
PLANNING COMMITTEE  
25 JUNE 2012

### APPEALS

### DECISIONS RECEIVED

**SUMMARY:** 8 appeal decisions have been received since the last report: all were dismissed.

**Collard House, St. Marks Avenue, Exeter, Devon, EX1 2PX.**



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**Reference No:** 11/1123/03

**Proposal:** Demolition of existing B1 (light industrial) space to provide one 3 storey and one 2 storey apartment buildings, providing a total of five 1 bedroom apartments.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issues were i) the effect upon the character and appearance of the area; ii) whether the proposal would provide adequate living conditions for occupiers of the

proposed flats; iii) whether the quantity and quality of the proposed external amenity space would provide adequate living conditions for occupiers of the proposed flats and the occupiers of Collard House; iv) whether the proposal would be likely to achieve an adequate standard of sustainable design.

#### *Character and Appearance*

The Inspector considered the harmonious nature of the respective street scenes to be a pleasing quality of the area. The bay windows, arched former shop front and brick and stone detailing of Collard House comprised an attractive Victorian building.

Much of the development would comprise an unbroken mass of walls. This and the absence of any entrance doorways into the buildings from Ladysmith Road or the 'link' road, would present very bland and somewhat 'lifeless' frontages to these streets. The Inspector thought this would be a poor response to the surroundings with the two storey block, in effect, turning its back on the street. He also shared the Council's concern that the three storey block would appear much bulkier than most other buildings in the surrounding townscape and would have an overbearing presence. In addition, the proposed hipped roofs and lack of attention to brick and window detailing would contrast awkwardly with the harmonious and attractive qualities found within neighbouring streets. The development would stand out as a conspicuous and discordant addition to this part of Exeter. It would not comprise high quality design that is required by national and local planning policies and would fail to respect the distinctive qualities of the area.

#### *Living Conditions – Incoming Residents*

Internal floorspace would fall below the minimum levels set out in the Council's *Residential Design* SPD. Whilst the Inspector commented that the standards within the SPD should not be rigidly applied, he considered it to be important to ensure that adequate space would be provided within the apartments to meet the needs of incoming residents. He thought the lack of storage space would make it very difficult to adapt these units to meet the changing needs of occupiers over time. The very limited space that would be available within the flats in the proposed three storey block would provide a cramped living environment and result in incoming residents feeling at unease within their homes.

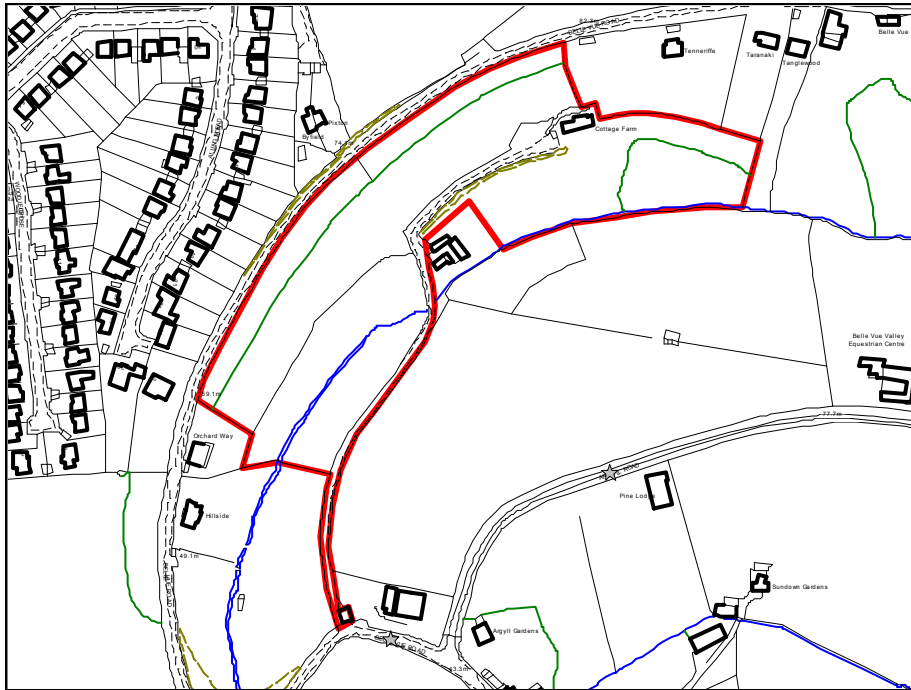
#### *External Amenity Space*

The Inspector noted that the occupiers of the proposed flats would have access to their own private outdoor balcony or patio. Whilst these private external amenity spaces would be of a limited size, he considered they would be a pleasant feature of the apartments and residents would not be wholly dependent upon the use of the limited communal amenity space. The flats would also be conveniently located with regards to public open space provision. On balance, he thought the proposed external amenity spaces would provide adequate living conditions for residents.

#### *Sustainable Design*

The Council's concern that insufficient information had been submitted to demonstrate that the proposal would achieve high standards of sustainable design was noted by the Inspector. However, he thought it would be unreasonable to withhold permission on the basis of a lack of information which could be sought and obtained by way of a planning condition.

**Cottage Farm (House), Belle Vue Road, Exeter, EX4 5BD**



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**Reference No: 11/1361/03**

**Proposal:** The construction of a two storey extension.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issue was the effect of the proposed development on the character and appearance of both the surrounding area and the host dwelling.

The proposed development would substantially extend a two-storey dwelling in the Duryard Valley Park. Cottage Farm sits on the north west side of the valley commanding views to the south and south east. The extension would take the form of a full length extension to the frontage of the host dwelling with two new gables, and a further extension to the front elevation linking the two new gables. Further changes were proposed to the property's roof line and to its fenestration with the consequence that its external appearance would be radically altered. The existing floorspace would be increased by some 43%.

The Inspector considered that the substantial increase in mass proposed would result in built development that was more dominant in the landscape and which would be likely to impose itself on a setting which could be viewed from an open area used by

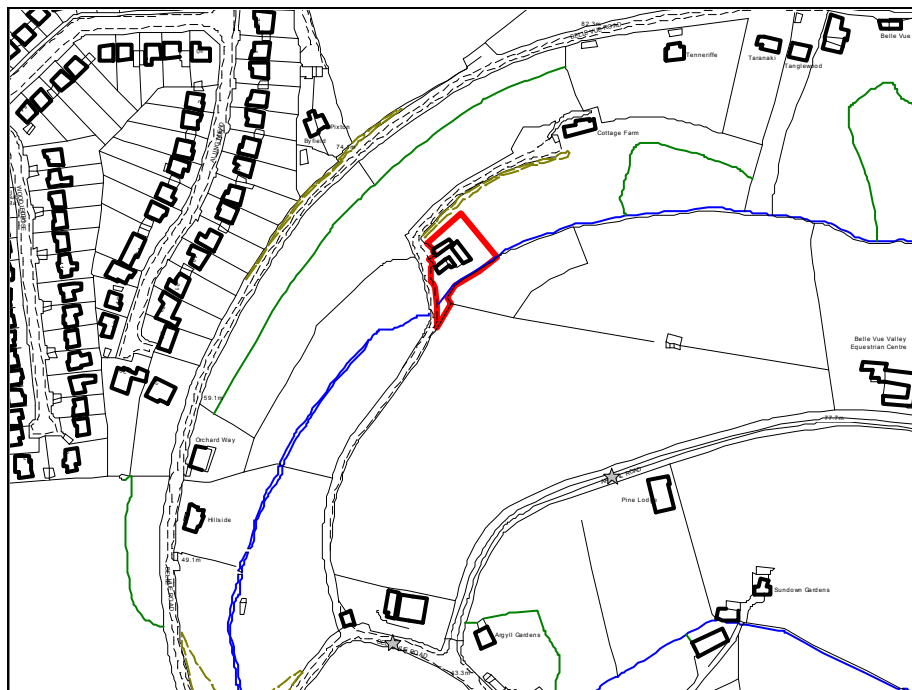
walkers seeking a 'countryside' experience close to the city. The proposed development would be sited in a prominent position within the Duryard Valley Park and would increase the sense of urbanisation through imposing a building that was less in character and which would lack any sense of local distinctiveness. The outcome would be a significant and harmful impact on an area, which makes a major contribution to the landscape setting of the city.

The Inspector considered that the impact of the proposal on the host property would be to alter fundamentally its scale and nature. Although the proposed development was described as an extension, it amounted to a change of sufficient magnitude as to produce a building which in both mass and appearance would bear little resemblance to the present structure.

He considered Principle 5 of the *Householder's Guide* SPD, which required extensions to be subservient to the original building, to be highly pertinent. Although the host building may not be of any great architectural or historic significance he considered it to have a vernacular character that would be totally lost as a result of the proposed extension. There was a risk that the outcome would be a building with little, if any, sense of local distinctiveness. He concluded that the proposed development would result in significant material harm to the host dwelling that would be contrary to the principles of the adopted SPD and ELP Policy DG1.

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**Cottage Farm (Stables), Belle Vue Road, Exeter, EX4 5BD**



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**Reference No:** 11/1362/03

**Proposal:** Conversion of an existing livery stable into a single dwelling.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision:** **DISMISSED**

**Grounds:**

The main issues were

- a) Whether the provision of an additional dwelling in the open countryside was justified by local and national policies;
- b) The effect of the proposed development on the character and appearance of the surrounding area.
- c) The effect of the proposed development on the Site of Nature Conservation Importance (SNCI) and on internationally designated nature conservation sites in the area; and
- d) Whether the proposed development would lead to an increased risk to the safety of highway users.

The proposed development would convert disused stables into a three bedroom bungalow and garage. The stables comprise three single-storey brick buildings grouped around a concreted yard, which would be partly filled in by the proposed development through the provision of a conservatory and additional living accommodation.

*The provision of an additional dwelling in the open countryside*

The appeal site is within the Duryard Valley Park, a finger of attractive open land, with a strongly rural character. The Inspector noted that ELP Policy L1 contained a presumption against development that would harm opportunities for informal recreation. ELP Policy LS1 aimed to protect the landscape setting of the city. Development considered appropriate in such locations was required to maintain local distinctiveness and character and either be for the purposes of agriculture, forestry, the rural economy or outdoor recreation or involve the change of use, conversion or appropriate extension of existing buildings. He considered Policy LS1 to be fully in line with paragraph 55 of the NPPF, which reinforced the long-standing presumption against isolated dwellings in the countryside unless there were special circumstances.

The appellant argued that the proposed re-use of these redundant or disused buildings complied with Policy LS1. However, the Inspector considered the proposal had many characteristics that suggested the complete redevelopment of the site for another purpose. Little if any of the existing structure or materials would be used. There would be wholesale replacement of all the roofing and much of the walls, new fenestration and a general and radical change in appearance. Even the existing footprint of the stables would be significantly increased by filling-in a substantial part of the yard and adding the extension for the garage. Nevertheless, he accepted that the existing buildings on the site would be reconstructed and that this would constitute re-use of those redundant buildings in line with to both the relevant criterion of Policy LS1 of the Local Plan and the NPPF.

*The effect of the proposed development on the character and appearance of the surrounding area*

The Inspector agreed with the Council that the proposed development would result in a substantial change in the character and appearance of the site. A new dwelling would

be associated with all the paraphernalia of domestic occupation. In the circumstances of an isolated and prominent site within the Duryard Valley Park, the proposed development would represent a new urban element that would not be in keeping with its surroundings. As such it would fail to meet the criterion that Policy LS1 sets that development should maintain local distinctiveness and character with the consequence that it would result in significant material harm to the setting of this important element in the city's landscape.

*The effect of the proposed development on the Site of Nature Conservation Importance (SNCI) and on internationally designated nature conservation sites in the vicinity*

The appellant's ecological consultants had provided a survey of protected species on the appeal site and suggested a range of mitigation measures to deal with these. On this basis the Inspector concluded that the proposal would not harm the SNCI on the assumption that appropriate conditions were attached to any planning permission.

In respect of the protection of internationally designated species and habitats, to which the NPPF affords special importance, the Inspector noted that ECS Policy CP16 seeks contributions from new development likely to have a significant effect on a group of internationally designated sites that surround the city. A particular concern was the additional recreational pressures that may be generated on such sites by new housing development. The Council's interim approach required a financial contribution towards mitigation measures. In the absence of such compensation, an appropriate assessment was required for each development site. In the absence of any such payment being made or assessment being undertaken, the City Council had concluded that planning permission should not be granted.

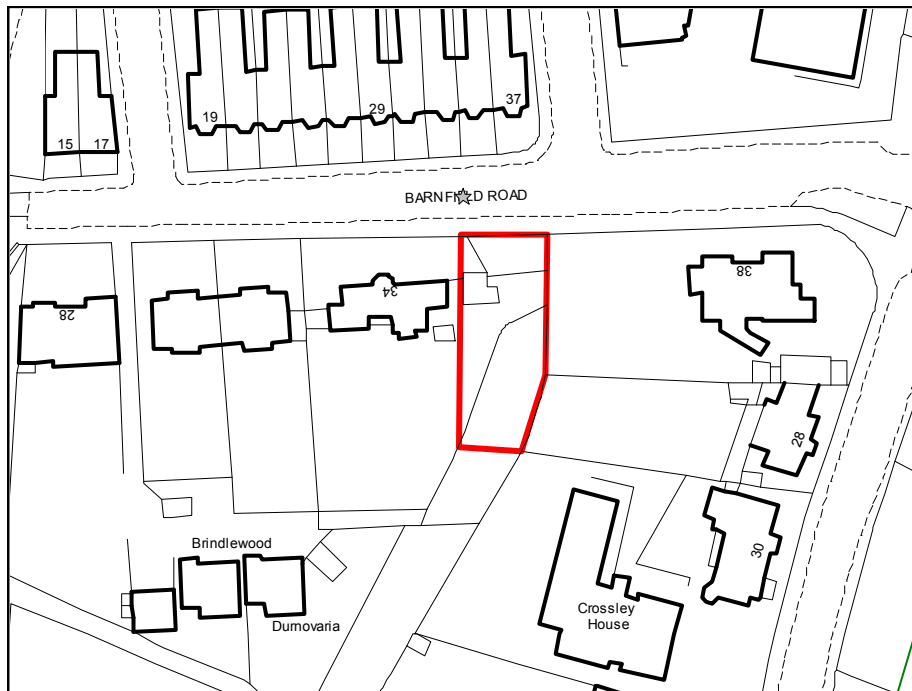
The appellant had not responded to this issue and it was not a matter that was dealt with in his ecological consultants' report. In these circumstances, the Inspector concluded that there was a risk that the proper steps needed to meet the requirements of the European Habitats and Birds Directives would not have been taken and that this was an additional reason why planning permission should not be granted.

*Whether the proposed development would lead to an increased risk to the safety of highway users*

The Inspector noted that the access arrangements for the site comprised a network of private tracks lacking proper surfacing, adequate drainage or street lighting. There were a number of narrow stretches where two vehicles could pass one another only with difficulty and bends with poor visibility. He had no doubt that the existing network of tracks was hazardous on occasions. He saw no reason for allowing an additional property that would generate extra vehicle trips. He also considered that the appeal site was sufficiently isolated, despite being within the boundaries of the city, to raise doubts as to whether residential development here would meet the principles of sustainable development. He therefore concluded that the proposed development was contrary to DSP Policy TR10 and the presumption in favour of sustainable development at the heart of the NPPF.

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### 34 Barnfield Road, Exeter, EX1 1RX



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**Reference No:** 11/1387/03

**Proposal:** Erection of a single dwelling.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issues were i) whether the proposed development would preserve or enhance the character or appearance of the St Leonard's Conservation Area; ii) its effect on the living conditions of future occupiers of the proposed development and neighbouring residential occupiers; and iii) its effect on nature conservation sites of European importance.

*Character and appearance*

The south side of Barnfield Road, including the appeal site, is characterised by large brick properties in spacious grounds with an abundance of tree cover. The appeal site formed the eastern part of the extensive back garden of a large detached house. The Inspector considered the proposed design, massing and use of external materials to be inappropriate. He noted that the proposed dwelling would be "shoehorned" through an angle of 90° to enable it to occupy a narrow frontage, whilst maximising its size. This alignment would appear contrived and at odds with the established pattern of the

neighbouring properties which sit 'side on' to the road with generous spacing between them. Its alignment would also necessitate the construction of stilts at the back of the building to overcome the steepness of the site as it falls away to the south. This feature of the building would be out of character in this area.

Much of the existing wooded area would be lost as a result of the land take of the proposed development, and it would take a long time, if at all, for the existing verdant appearance to be completely restored.

The proposed contemporary design and modern external materials would be out of place in a nineteenth century street frontage characterised by large, traditional, brick built houses. In particular it would detract from the architecture and spacious setting of no.34, highlighted in the Council's Conservation Area Appraisal as making a positive contribution to the appearance of the Conservation Area.

The Inspector concluded that the proposed dwelling would not integrate with its surroundings and would be contrary to the statutory requirement for development to either preserve or enhance the character or appearance of Conservation Areas, which is also a requirement of the NPPF, ELP policy C1 and DSP policy CO7. It would not contribute to local distinctiveness, and as such it would be contrary to ELP policy DG1.

#### *Living conditions*

The Inspector agreed with the Council that the impact of existing protected trees on the outlook of future occupiers of the proposed dwelling would be significant. Some of these trees would cause significant overshadowing. For much of the year the garden of the proposed dwelling would be heavily shaded. He concluded that the proposal would harm the living conditions for future occupiers of the proposed development.

In relation to overlooking and loss of privacy, the Inspector noted the significant drop in levels to the east. He considered the loss of trees on the eastern side of the appeal site would open up uninterrupted views into the back gardens of properties to the east. In addition, the height and design of the proposed dwelling, including several upper floor windows and a balcony, and the proximity of the proposed development to the eastern boundary would affect the privacy of neighbouring occupiers. The bulk of the proposed dwelling, situated close to the eastern plot boundary, would also harm the quality of outlook of adjoining occupiers.

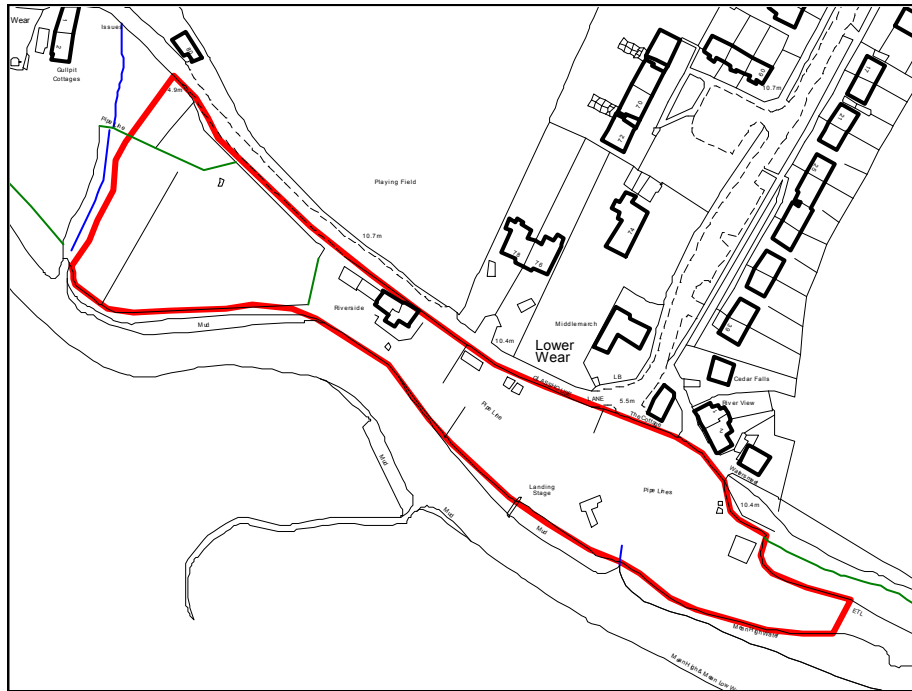
#### *Nature conservation*

CS policy CP16 seeks to protect designated European sites through effective mitigation. The Inspector was advised that pending completion of joint work with neighbouring authorities to produce a delivery framework for designated sites such as the Exe estuary, the Council's joint interim approach requires a financial contribution, or failing this, the onus was on the developer to work with Natural England and the Council to agree an appropriate assessment for an individual site. The appellant had neither made the required contribution nor commissioned a site specific assessment. The appellant had not therefore demonstrated that the proposal would not harm the designated European sites, contrary to CS policy CP16.

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**Land in north-west garden area of Riverside Cottage, Glasshouse Lane, Countess Wear, Exeter, EX2 7BZ**



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**Reference No: 11/1402/03**

**Proposal:** Erection of a detached dwelling

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issues were the principle of adding a new dwelling in relation to policies concerning development in the countryside; the effect on the character and appearance of the surrounding area; and the effect on the living conditions of future occupiers of the proposal.

The proposed two-storey split-level, detached dwelling would occupy the northwest part of the extensive grounds of Riverside Cottage, a Grade II listed cottage. These grounds form a linear strip alongside a subsidiary channel of the River Exe estuary and are located within the Riverside Valley Park, just beyond the urban edge of Exeter. The site and its surroundings are rural in character. The Inspector noted that the former storage/builders' yard on the site had been cleared and it now had an informal, predominantly verdant, rural character.

The proposal would be a new, isolated home in the countryside, which the NPPF resists, unless there are special circumstances to justify the development. No such circumstances had been demonstrated. The NPPF recognises the intrinsic character and beauty of the countryside. The Inspector concluded that the proposal would be an inappropriate and unjustified urban extension into the countryside around Exeter, contrary to the sustainable development principles of the NPPF.

Exeter Core Strategy (ECS) Policy CP16 identifies certain areas in and around the city as strategic green infrastructure, to be protected and enhanced as environmental and landscape assets, and to provide a framework for sustainable new development. The Exe riverside, including the appeal site, forms an important part of the high quality environmental and landscape setting of Exeter within the city's strategic green infrastructure. DSP policies CO1 and CO6 seek to conserve and enhance such areas, and require new development to maintain and improve their character and quality. DSP Policy ST1 stresses the importance of protecting environmental assets, such as the countryside along the Exe corridor. ELP Policy L1 aims to achieve a balance between the aims of conservation, recreation, public access and environmental education and recognises the importance of the Riverside Valley Park as a continuous wildlife corridor through the city.

The Inspector noted that the appeal site was located in part of one of the city's main landscape assets, within the strategic green infrastructure. The proposed new dwelling would not fall into any of the categories of development which CS Policy CP16 states would be appropriate or acceptable within these areas. He also agreed with the Council that the proposed dwelling would have little architectural merit, and it would not relate well to its landscape setting. Its overall size would be alien to the rural character of the landscape.

It was concluded that the proposed development, both in principle and in its design and massing, would be an unwanted urbanising influence and would therefore be inappropriate within the city's strategic green infrastructure. As such it would detract from the landscape character of this part of the Valley Park, contrary to the NPPF and the above mentioned policies in the development plan.

The Inspector did not share the Council's concerns regarding the living conditions of future occupiers. He did not think the proposed garden area would be unduly small for the proposed dwelling, and cycle storage facilities could be secured by condition had he been minded to allow the appeal. He did not consider that the effect of the proposal on the living conditions of future occupiers would be a reason for dismissing the appeal.

The appellant stated that the property would be an 'annexe' to the current property at Riverside Cottage, rather than separate accommodation. It would, however, be a self-contained dwelling, with its own separate access, and would be located a significant distance away from Riverside Cottage. He agreed with the Council that it would be difficult to have any control over future occupation of the new dwelling or the formation of a separate residential curtilage.

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**29 Codrington Street, Exeter, Devon EX1 2BU**



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**Reference No: 11/1763/03**

**Proposal:** Extension to the rear elevation to form additional accommodation

**Application Decision:** Delegated Refusal

**Type of Appeal:** Householder

**Appeal Decision: DISMISSED**

**Grounds:**

The main issue was the effect of the proposal on the character and appearance of the area.

The proposal involved a part ground floor, part first floor addition to a mid-terraced property. At ground floor the proposal would extend across the full width of the property and project to a maximum depth of around 6.9m. The first floor element would be set away from the neighbouring boundary with No 30 and immediately adjoining the opposing boundary with No 28.

The Inspector noted that the size of the ground floor element would exceed the Council's normal guidelines as set out in the *Householder's Guide* SPD. Moreover, due to its overall height, mass and depth, the extension would dominate the rear elevation and garden to this property, with little fabric of this part of the original building remaining as evident. In addition, the flat roof to the first floor element would relate poorly to the pitched roof of the existing dwelling and terrace as a whole.

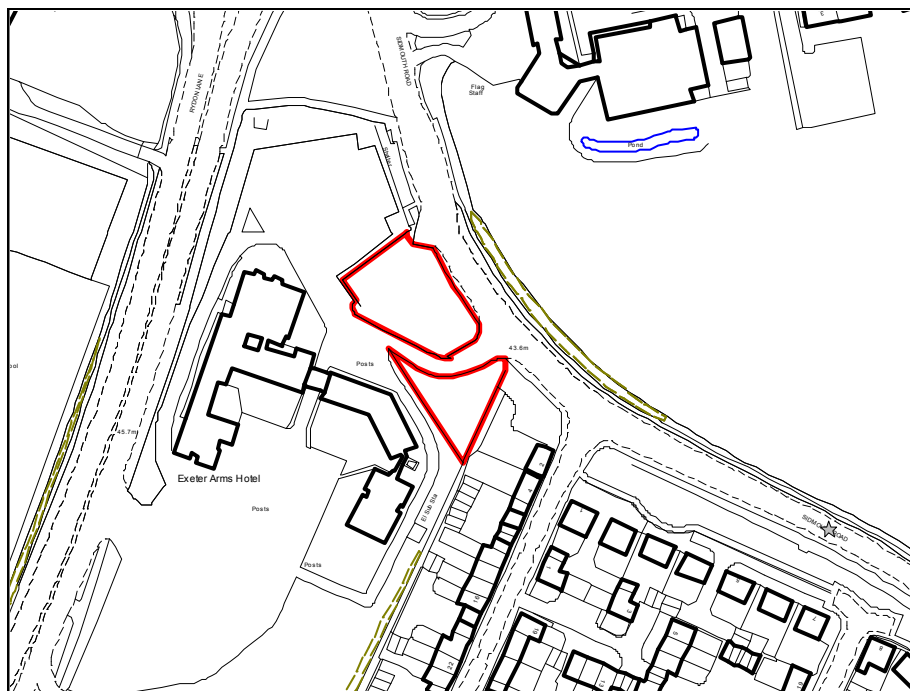
Although there were other examples of extensions to the rear of properties in the street, the Inspector was not aware of any cases where the ground floor projects to such an excessive depth as that proposed. He considered the other examples in the street, including the flat roof to No 28 adjoining, demonstrated how poorly such 2-storey extensions related to the character of the original properties and how they detracted from the quality and appearance of the surrounding area.

The Inspector agreed with the Council that the development would appear disproportionate to the original dwelling and poorly designed in relation to it. He concluded that it would be harmful to the character and appearance of the area. In this regard it would fail to display the quality of design that is required by DSP Policy CO6 and ELP Policy DG1.

The Inspector recognised the appellant's need to provide additional accommodation for his extended family and the absence of any neighbour objections. However, these matters did not outweigh the harm identified. He also accepted that the proposal would not harm the street scene along Codrington Street. Nevertheless, the extension would be clearly seen from the rear gardens of adjoining properties, as well as land and buildings beyond the rear boundary of the appeal site.

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**Land at entrance to Exeter Arms Hotel, Sidmouth Road, Exeter, EX2 7HL**



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**Reference No:** 11/1815/03

**Proposal:** Change of use to hand car wash with associated parking and office.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was the effect of the proposal on the character and appearance of the area, with particular reference to nearby trees and their contribution to the street scene.

The appeal site is open land, located on both sides of the entrance to the Exeter Arms Hotel from Sidmouth Road. The site has lain vacant since its use as a petrol service station ceased in the 1990s, and it is now largely overgrown. There are three oak trees close to or within the boundary of the site, all with Tree Preservation Orders (TPOs). They form an important feature of the landscaping along Sidmouth Road, which is a key route from the city centre to the M5 motorway, and they contribute significantly both to the character of this important road, the setting to the adjacent hotel, and to the appeal site itself.

The Inspector considered that the Council's attention to the character and appearance of Sidmouth Road reflected the importance that the NPPF attaches to the design of the built environment. The economic implications of promoting the corridor as a gateway to the city from the M5 also accord with the Government's Growth Agenda.

Much of the site to the south of the hotel access road would be hard surfaced to provide parking for four cars. The nearest of the proposed parking spaces would be located about 12.5m from the trunk of the southernmost of the two protected oak trees on the south side of the access road, whilst the other tree would be about 10m distant from the nearest parking space. The Inspector agreed with the Council that there was a likelihood of the roots of the two trees being damaged by the proposed hardstanding.

He did not find the appellant's evidence to be sufficiently compelling to reassure him that there would be no compaction of tree roots. Moreover, the potential spillage of chemicals from the proposed use would be likely to have an adverse impact on the health of the trees.

As the proposed development and its proximity to the two oak trees to the south of the access road, would potentially harm them, it was contrary to ELP Policy DG1 (c), which states that development should be designed to ensure trees flourish and mature, and the Council's *Trees* SPD, which emphasises the importance of achieving a satisfactory spatial relationship between any proposed development and adjacent trees. The proposal would also be contrary to DSP Policy CO6, which requires development to respect the character of the site and its surroundings, which would include adjacent trees.

The appellant argued that the proposal was low key and unobtrusive. The Inspector did not agree. In his opinion the site was prominent in the street scene. The combination of hard surfacing, walls, fencing, car washing equipment and an office unit resembling a temporary structure, with no effective landscaping, would also add to the urbanising effect on the Sidmouth Road corridor which the Council has been actively resisting in recent years in view of its 'gateway' importance.

The Inspector concluded that the proposal would harm the character and appearance of the area, contrary to the NPPF and Development Plan policies. Whilst its impact could be mitigated to some extent by a landscaping condition, he considered this would be outweighed by the potential loss of the oak trees.

**8 Velwell Road, Exeter, Devon EX4 4LE**



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**Reference No: 11/1849/03**

**Proposal:** Change of use of a dwelling into a house in multiple occupation (HMO) for nine people.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issue was whether the proposed change of use would preserve or enhance the character or appearance of St David's Conservation Area.

The Inspector noted that conversion had already occurred and the property had been operating as an HMO for nine students since September 2010. The property was a large semi-detached house located in a residential street within the St David's Conservation Area. Many of the surrounding streets had properties that provided for student accommodation. The area was identified as important for its historic townscape and the CA Appraisal noted that an issue facing the area was maintaining the balance of uses. While there was a greater level of HMOs in neighbouring streets, he noted that the family, residential character and Arcadian setting of Velwell Road was a strong characteristic locally.

ELP Policy H5 sought to ensure that conversions did not lead to a scale and intensity of use, or an over concentration of such conversions, resulting in a change in character or imbalance in the local community. The Council's *Houses in Multiple Occupation (including Class C4 Uses)* SPD set out a level of 20% of houses exempt of Council tax, above which an area would be considered to have an over-concentration of HMOs. Areas, including the appeal site, were specifically identified within which the Council will resist further conversions.

While the conversion of dwellings in Class C3 use to Class C4 use was permitted development, the Council had implemented an Article 4 Direction, which took effect on the 1st January 2012, and which required permission to be sought. On the face of it, therefore, the proposed change of use ran contrary to the SPD, lying within an area specifically identified as being restricted, and consequently an area where further concentration would lead to harm to the balance of the community and the character of the area. It would therefore conflict with Policy H5 of the Local Plan in this regard.

The appellants had referred to two material considerations which they suggested made this case atypical and therefore acceptable. Firstly, because the conversion took place before the implementation of the Article 4 Direction, the change of use for up to six occupants, Class C4 use, was accepted by the Council. They had supplied a Unilateral Undertaking which was agreed with the Council to avoid the eviction of the current students. This confirmed that, subject to there being no further planning permission, the house would revert to an HMO for six individuals in September 2012. The Council confirmed that this change of use represented an acknowledged fallback position.

Secondly, the appellants pointed to the fact that Velwell Road did not have other HMOs and therefore this proposal did not represent over-concentration or result in a significant effect on the character of the area. They referred to the conversion as having taken place some time previously with no reported adverse impacts on the area. Local residents had suggested that there had been complaints and concerns regarding the behaviour of the students although this was refuted by the appellants.

The Inspector considered that the fact that Velwell Road did not have a high number of HMOs did not set aside the weight that the SPD and Article 4 Direction had. The development of the SPD responded to the increasing size of the University and altered the approach set out in the 2008 SPG. In this it sought to apply to areas with an existing issue regarding a concentration of HMOs but also surrounding areas where concentrations were lower but which may come under pressure. The areas identified differentiated between those that the Council considered needed immediate restriction, those that may be subject to further restriction based on the 20% criteria and also the specific exclusion of some streets and a set of criteria against which to judge exceptions. The appeal site was situated in the area requiring immediate restriction.

However, the Inspector accepted that there was a fallback position of this property remaining as an HMO for six students. The question was therefore whether the occupation of this property by nine students was materially more harmful than its occupation by six.

Although there was no formally documented evidence of complaints, the Inspector considered it likely that at times the different intensity and pattern of behaviour between students and residential occupiers could lead to conflict. The houses along Velwell Road were of reasonable size and suited to family use. While conflict may still exist for the use of the property as an HMO for six occupants, he considered that at this level of

occupation it would not be materially different from that associated with use by a large family.

The Inspector agreed with the Council that occupation by nine would result in a household significantly in excess of likely family occupation, with a corresponding increase in the different times and patterns of activity to those of surrounding properties. While the SPD, Article 4 Direction and Policy H5 may control further HMOs in the road, the activity associated with nine occupants would introduce a scale and intensity of use that would harm the character of this area. Therefore, while he concluded that the existing fallback weighed in part against the restrictions set out in the SPD, the scale of the proposal would still result in conflict with ELP Policy H5 and harm to the character of the area. The proposal would therefore fail to preserve the character of the Conservation Area.

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### **APPEALS LODGED**

| <b>Application</b>  | <b>Proposal</b>  | <b>Start Date</b> | <b>Received Date</b> |
|---|--|-------------------|----------------------|
| 12/0181/03<br>63 Iolanthe Drive,<br>Exeter, EX4 9DZ                       | Two storey extension on north west elevation and raised car port on north east boundary. | 10/05/2012        | 10/05/2012           |
| 11/2027/03<br>42 The Strand,<br>Topsham, Exeter,<br>EX3 0AY               | Ground floor extension on the east elevation.  | 14/05/2012        | 14/05/2012           |
| 12/0185/03<br>64 Fleming Way,<br>Exeter, EX2 4TP                          | Conservatory on east elevation   | 15/05/2012        | 15/05/2012           |
| 12/0012/01<br>2 Hill Cottages,<br>Church Hill, Pinhoe,<br>Exeter, EX4 9JG | Detached dwelling (all matters reserved for future consideration).                       | 15/05/2012        | 15/05/2012           |
| 12/0059/03<br>11 Summer Lane,<br>Exeter, EX4 8BY                          | Attached single storey house to north of existing dwelling.                              | 23/05/2012        | 23/05/2012           |

**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