

PLANNING

Date: Monday 30 March 2015

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

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

Membership -

Councillors Bialyk (Chair), Spackman (Deputy Chair), Choules, Denham, Edwards, Lyons, Mitchell, Mottram, Newby, Raybould, Sutton, Williams and Winterbottom

Agenda

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 any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of 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 Democratic Services (Committees) Officer).

- 4 **Planning Application No. 14/4857/03 - 30 Marlborough Road, Exeter**
To consider the report of the Assistant Director City Development. (Pages 5 - 10)
- 5 **Planning Application No. 14/2066/01 - Land north of Exeter Road, Topsham, Exeter**
To consider the report of the Assistant Director City Development. (Pages 11 - 22)
- 6 **Application No. 14/4750/07 - Flat 8, Exeter Castle, Exeter**
To consider the report of the Assistant Director City Development. (Pages 23 - 28)
- 7 **Land to the rear of Crawford Hotel, Alphington Road, Exeter**
To consider the report of the Assistant Director City Development. (Pages 29 - 34)
- 8 **List of Decisions Made and Withdrawn Applications**
To consider the report of the Assistant Director City Development. (Pages 35 - 50)
- 9 **Appeals Report**
To consider the report of the Assistant Director City Development. (Pages 51 - 52)
- 10 **SITE INSPECTION PARTY**
To advise that the next Site Inspection Party will be held on Tuesday 14 April 2015 at 9.30 a.m. The Councillors attending will be Edwards, Lyons and Mottram.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 27 April 2015** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

Follow us:

www.twitter.com/ExeterCouncil

www.facebook.com/ExeterCityCouncil

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

This page is intentionally left blank

ITEM NO. 5

COMMITTEE DATE:

30 MARCH 2015

APPLICATION NO:

14/4857/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Street

PROPOSAL:

Proposed new dwelling on land adjacent to No. 30
Marlborough Road, Exeter

LOCATION:

30 Marlborough Road, Exeter, EX2 4TJ

REGISTRATION DATE:

23/12/2014

EXPIRY DATE:

17/02/2015



HISTORY OF SITE

13/3355/03 -	Attached dwelling	REF	16/07/2013
14/4857/03 -	Proposed new dwelling on land adjacent to No. 30 Marlborough Road, Exeter		

DESCRIPTION OF SITE/PROPOSAL

No. 30 Marlborough Road is a semi detached residential property located within the St Leonard's Conservation Area. It makes a positive contribution to it. It is a good example of an Edwardian property which with its neighbours has high townscape value. No 30 characterises the form of development along the northern part of Marlborough Road - large semi detached properties set within substantial plots. Front gardens are well planted with drives providing access down the side of the dwellings often to a garage set back within the rear garden. Low red brick walls with red brick gate piers contribute to the high townscape character. Directly opposite the site and deviating slightly from the principle form of development along the northern part of Marlborough Road, is a short terrace of ten *Victorian* properties. Even so, they complement the character of the street being substantial properties, with well planted front gardens and adopting a palette of materials that is clearly evident throughout the street.

Marlborough Road, however reads as two halves, with each half having a distinct character. No 30 lies at the junction of the two character areas with the southern part of Marlborough Road comprising of a mix of post war properties and to a short terrace of Listed properties dating from 1840. The elegance of this three storey Victorian terrace and the high quality streetscape at the northern end of Marlborough Road emphasize the inappropriate scale and design of the modern two storey houses that form the substantial part of the southern character area.

No 30 is located on a corner plot and as a result has a larger plot than its attached neighbour, No. 28. Planning consent is sought for a contemporary two storey dwelling attached to the side elevation of the main building. Currently, this part of the site is occupied by a flat roof garage and private garden to the main dwelling. Marlborough Road is unusual in that it has a 'dogs leg' along its north/south axis. A spur projects from the 'dog leg' along the side of the site, providing access to a further three properties. The site lies at a prominent position being located on the 'dog leg'. The boundary of the site adjacent to the spur is characterised by a red brick boundary wall and hedge.

The proposed two storey dwelling will be accessed from the main frontage on Marlborough Road with the existing access retained for off-street parking. On-street parking permits will not be issued to serve the development. This application follows a planning refusal in July 2013 for a white rendered attached dwelling with projecting double height bay window. This proposal has sought to respond to the reasons for refusal cited in the previous application. Detailed pre application discussions have been held prior and during the application process.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design Statement: Planning consent was refused in 2013. Following this discussions were held with the case officer and a revised proposal presented seeking to provide a subservient building to No. 30. Feedback was positive. The current structure provides ancillary accommodation and this proposal will provide a private dwelling. The building is intended to read as an annex to No.30 with a clear visual break. The general arrangement of front and rear gardens reflects existing urban grain. Glazed elements address public realm. The reduced scale and form sits comfortably in the street scene. Walls and railings will remain. The proposal is typical of end of terrace houses with side elevations close to or at back of pavement. The proposal takes cues from neighbouring properties but with a contemporary and modern interest.

REPRESENTATIONS

4 objections have been received. The main points including:

- a) The proposal will reduce the sense of light and space in this part of the road.
- b) The proposal will result in a loss of light to properties opposite.
- c) The high degree of fenestration is out of keeping and will over look those neighbouring.
- d) It will add pressure to on street parking.
- e) It is false to refer to the existing garage as an annex
- f) Construction of this property will compromise outdoor storage and garden space to No 30 which is out of keeping with the area.
- g) The proposed dwelling will be out of keeping in terms of scale and massing with those around. It is over sized for its plot.
- h) The proposal is 'garden grabbing'. It will set a precedent for infill development.
- i) It is in contrast to the typical leafy characteristics of the conservation area. It will erode the density and urban grain of the conservation area.
- j) Loss of hedge.
- k) The proposal does not meet the requirements of the Residential Design SPD.

2 letters of support have been received.

CONSULTATIONS

Environmental Health: Approve subject to conditions relating to hours of construction/ demolition.

DCC Highway Authority: Approve subject to conditions relating to improved visibility splay and improved cycle parking provision.

Exeter Civic Society: The dwelling on this plot represents overdevelopment. The plot is not large enough for a dwelling. The design is a curious reflection of the terrace. It will be very prominent in the street scene and will degrade it.

OBSERVATIONS

The reasons for refusal to the former application (13/3355/03) principally related to the siting, size, scale, design and materials of the proposal having a detrimental impact on the existing dwelling, streetscene and conservation area. In so doing, reference was made within the report to the proposal appearing 'squeezed into the site' and that the design compounded the overall impact of the proposal that did not complement the grain of development in this part of Exeter. In response to this, detailed discussions have taken place prior and during the application process to improve the design such that the proposal does not appear overdevelopment.

Whilst retaining the same footprint of the former application the proposal has been significantly reduced in scale, seeking to be subservient to No. 30. A guiding principle to the design submitted has been that the building is read as an annex to No. 30 (an approach supported by the Planning Officer). A clear visual break is provided by attachment to No. 30 at ground floor only, in contrast to the previous scheme. The building line reflects that of No. 30 with front-garden and rear-garden outdoor spaces seeking to reflect the overall urban grain of this part of Exeter. Clearly, the proposal will not directly reflect the overall urban grain as the proposal is seeking to provide two residential units (one existing/one proposed) on what was formerly one site. However, the proposal seeks to respond to this but reducing the overall massing of the dwelling.

The overall design of the proposal has sought to provide a contemporary response yet seeking to reflect existing design characteristics and materials. As a result, the central glazed element on the front elevation 'nods' towards the two storey box bay window on No. 30. Similarly the pitched roof design. Full height glazing on the side (west facing elevation) provides informal surveillance on to the spur of Marlborough Road whilst providing some 'active' frontage. Combined with high quality materials the scheme is not altogether out of keeping. However, the proposal is not an annex but a stand-alone dwelling. The scale and massing of the scheme is significantly less than that of its neighbours. The building presented has a narrow frontage (5.8m) that tapers to the rear. The slenderness of its plot is compounded by its height. As a result, the proposal can be considered out of keeping with its neighbours, within the streetscene and conservation area. However, St Leonard's is increasingly characterised for its examples of high quality contemporary design. This contemporary response does not naturally reflect the urban grain or the design of those around it. However, it is not harmful to them or the conservation area.

Ultimately, a decision has to be reached as to whether this site constitutes a development site. The proposal meets the requirements of the Residential Design SPD and leaves No. 30 able to meet the requirements. The design has responded appropriately to its context - the scale and massing has been reduced to provide a subservient scale of development that reflects the design characteristics of those neighbouring with a contemporary twist.

The proposal complies with Paragraphs 17.3, 17.4, 17.5, 17.7, 17.8, 17.10 and 17.11, Sections 7 and 12 of the National Planning Policy Framework, Policy CP16 of the Exeter Local Development Framework Core Strategy and Policies DG1 (b, d, f, g, h and i) and DG4 (a and b) of the Exeter Local Plan First Review 1995-2011 because:

- i) the proposed works would not be harmful to the character or appearance of the main building, those neighbouring or the wider conservation area; and
- ii) the development would not be harmful to the amenity of neighbouring residential properties.

It is for these reasons that the proposal is recommended for approval.

Financial Considerations

Financial considerations are a material consideration:

New Homes Bonus - £5-6k (approx.)
CIL - £6 (approx.)

Delegation Briefing 10 February 2015

A previous application had been refused. A separate dwelling was again proposed on the same footprint and broadly meets the requirements of the Residential Design SPD although views had been expressed that the site was too small and that the dwelling would be "squeezed" in. A number of objections and letters of support had been received.

Because of diverging views it was considered that there should be a visit by the site inspection party for report back to the next briefing.

Site Inspection 17 February 2015

There was concern that the site was not of sufficient size to accommodate a new dwelling and would not sit comfortably within the street or conservation area. For these reasons Members requested the proposal was taken to Planning Committee.

Delegation Briefing 24 February 2015

Following the Member site inspection revised drawings had been submitted and these were presented to Members and would form part of the application which would now be put to 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 23 December 2014 (*dwg. no(s). 14-049-PLA.01; 14-049LOC.02 & 14-049 PLA.03*) and on 22 February 2015 (*dwg. no 14-049 PLA.04*), as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: to protect neighbouring residential amenity.
- 7) No other part of the development hereby approved shall begin until a visibility splay of 2.4 metres measured back from the nearside carriageway edge on the centreline of the site access and parallel with the edge of the carriageway over the entire site frontage to the south, with all land and vegetation enclosed within the splay reduced to a height not exceeding 900mm above adjacent carriageway level, shall have been provided and maintained in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority. Once provided the visibility splay shall be retained and maintained for that purpose at all times.
Reason: To provide a safe and suitable access in accordance with paragraph 32 of the National Planning Policy Framework.
- 8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided in accordance with drawing 14-049PLA.01, or other plans as agreed in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

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

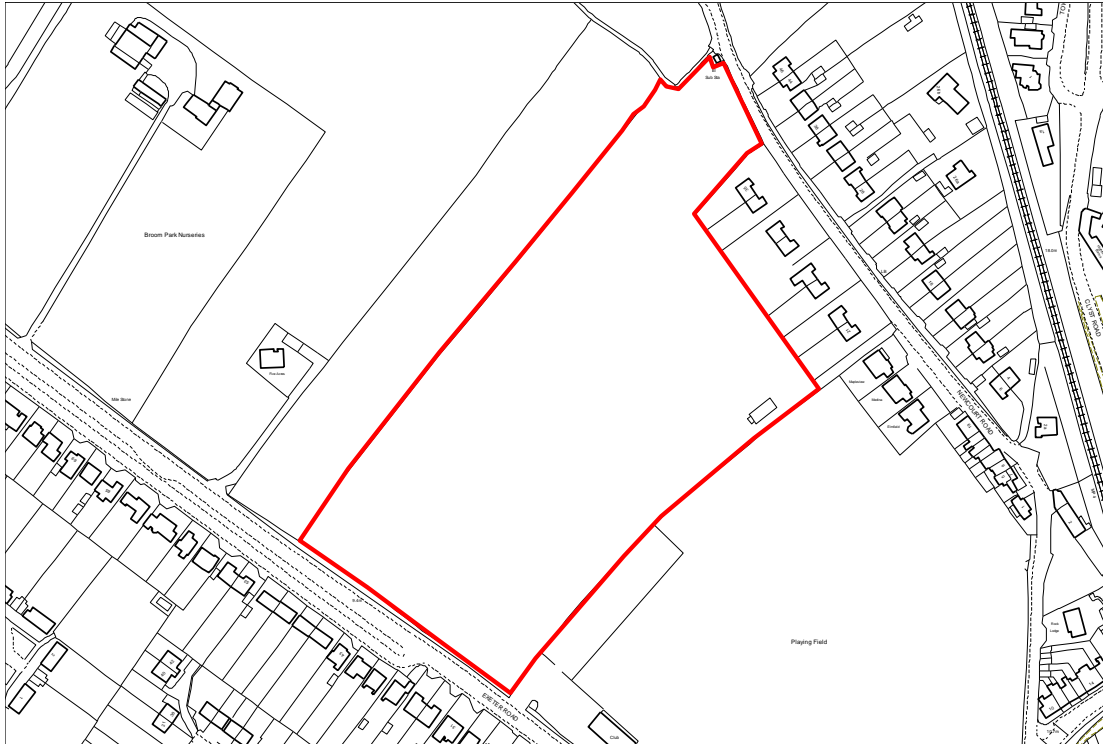
This page is intentionally left blank

Agenda Item 5

ITEM NO. 4

COMMITTEE DATE: 30 MARCH 2015

APPLICATION NO: 14/2066/01 **OUTLINE PLANNING PERMISSION**
APPLICANT: Waddeton Park Ltd
PROPOSAL: Phased development of a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings.
LOCATION: Land to the North of Exeter Road, Topsham, Exeter, EX3
REGISTRATION DATE: 22/09/2014
EXPIRY DATE: 22/12/2014



HISTORY OF SITE

There is no relevant planning history relating to this site.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 3.14 hectare parcel of land situated on the north side of Exeter Road. The site is bounded by Topsham Rugby Club to the southeast, existing residential properties and Newcourt Road to the northeast, further open land to the northwest and Exeter Road to the southwest. The land is currently in agricultural use with an associated field gate providing access from Exeter Road. The site slopes gently from the highest point in the north of the site down to the boundary with Exeter Road.

Outline planning permission is sought for specialist residential accommodation for the older sector of the population. The proposed accommodation comprises a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings. All matters of detailed design are reserved for future consideration except for access. The illustrative master plan submitted in support of the application shows a single vehicular and pedestrian junction onto Exeter Road located in southwest corner of the site. A more detailed plan for this junction is included as an Appendix (C) to the submitted Transport Assessment. Indicative heights for

the proposed development are set out in the Design and Access Statement as 2.5 storeys for the assisted living apartments fronting Exeter Road, 2.5 storeys for the care home, and a mix of 2 and 2.5 storeys for the age restricted dwellings. Parking provision is indicated as a mix of on-plot, parking courts and on-street.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents –

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Flood Risk Assessment
- Phase 1 Desk Study Report – Geo-environmental
- Heritage Assessment
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Cirl Bunting Survey
- Extended Phase 1 Habitat Survey

REPRESENTATIONS

A petition with 448 signatories has been received objecting to this application for the following reasons -

- Contrary to the Council's Core Strategy/plan of building on the Topsham Gap
- Increase levels of traffic on Topsham's roads (as well as the possible Aldi, 800 houses on Seabrook Orchards and proposed 50 houses at Wessex Close)
- Increased pressure on local resources
- Topsham will lose its identity if merged with Exeter

8 people also signed an ePetition stating "We the undersigned petition the Council to stop the development on the Topsham Gap (green area)."

In addition to the above 452 objections have been received in respect of this application. These representations have raised the following issues –

- Contrary to Development plan policies LS1 (Local Plan) and CP16 (Core Strategy) thereby rendering decision open to judicial review if approved.
- Loss of gap between Topsham and Exeter contrary to promises of protection
- Impact on historic character of Topsham due to coalescence with Exeter
- Loss of high quality agricultural land – important to uk food production/security
- Contrary to wishes of local community/anti-localism
- Create precedent for development of other land within the 'Topsham Gap'
- Contrary to Council's adopted green infrastructure strategy
- Loss of tourism – appeal of Topsham diminished if joined with Exeter
- Adverse impact on character of Topsham decreasing its attractiveness, visitors numbers and hence viability of local businesses
- Loss of green space – impact on well-being of existing inhabitants
- Impact on ambience of Newcourt Rd and quality of life of residents
- Too much development in local area – loss of open spaces

- Developers' suggested positive impacts of development not considered factually correct
- Insufficient jobs in local area for new residents
- Better alternative sites for this sort of development
- Traffic congestion/highway impact/safety – knock on economic impact (workers/business travel)
- Impact of new junction on cycle network (part of National Cycle Network) – influence choice of cyclists to use road
- Inadequate parking provision – consequent over spill into existing residential areas
- Poor access for pedestrians into Topsham – quality of footpaths for elderly
- Traffic related noise and air pollution
- Questionable assumptions over likely traffic generation – over 55's increasingly still working etc.
- Location of construction access – surely not from Newcourt Road
- Centre of Topsham lacks adequate parking facilities to cater for more residents
- Strain on infrastructure/resources e.g. health provision (hospital/doctors surgeries) and sewage/drainage network (already overloaded)
- Increase risk of flooding in locality
- Light pollution
- Density excessive/overdevelopment of the site
- Overshadowing of existing dwellings
- Sustainability of design – no mention of grey water use or solar energy
- Scale/design – out of keeping with area/other town buildings
- Impact on views of existing residents in locality
- Impact on existing property values
- Construction noise – impact on students living locally revising for exams
- Impact on environment/wildlife/vegetation – protected species and biodiversity
- Potential archaeological impact
- Topsham already well served by suitable accommodation for elderly sector
- Elderly ghetto would not be good for community cohesion – lead to imbalance in population profile of Topsham
- Even if justified likely to be too expensive for local residents
- Lack of affordable housing – especially for younger families
- Inadequate publicity – time for representation
- Too much weight given to New Homes Bonus contribution to Council and too little to local views
- Conflict with adjoining land use (Rugby Club) - noisy sporting activities and social events

CONSULTATIONS

Environmental Health – Recommend conditions relating to CEMP (Construction and Environment Management Plan), contaminated land and noise.

Environment Agency – No objection providing the development proceeds in accordance with the submitted Flood Risk Assessment.

RSPB – Welcome fact that some biodiversity enhancements have been specified but suggest more could be done. Identify need for more information regarding landscaping and maintenance of open spaces. Recommend that in the event of an approval a condition is imposed requiring a Landscape and Ecological Management Plan.

Police Architectural Liaison Officer – Acknowledge proposal is for outline consent and therefore lacks sufficient detail for full appraisal of crime/design issues. Highlights potential concern regarding approach to parking provision relying on large parking courts and desire for defensible space within older persons housing schemes.

Natural England – Identifies proximity of development to protected Natura 2000 sites but given that the Council has an adopted CIL regime advises a separate Habitats Regulation Assessment will not be required. Welcomes proposal to use SUDS/soakaways for surface water drainage. Refer to standing advice in respect of assessing impact on protected species. Highlight green infrastructure and biodiversity enhancement potential and localised issues relating to biodiversity and landscape character assessment.

DCC (Head of Planning, Transportation and Environment) – Comments as follows and recommends conditions relating to transportation matters -

"The submitted application is for a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings at Land to the North of Exeter Road, Topsham, Exeter.

The site is adjacent to the Topsham Rugby/Cricket Club, and bordered by Newcourt Drive to the north and Exeter Road to the south.

A transport assessment has been submitted with the application. Predictions of the likely traffic generated by the development have been taken from the TRICS database and recent research reports. Although the indicated figures of 29 peak hour trips are arguably a little low, I would agree that trip generation will be considerably lower than a traditional residential development.

Roughly 60% of traffic is expected to head towards Countess Wear. Although additional traffic towards this junction is undesirable, the magnitude is low and not a significant concern. Furthermore, occupants of age restricted dwellings are likely to have more flexibility in travel times and therefore an opportunity to avoid the travelling through busy parts of the network at the most congested times.

Vehicular access is proposed via a priority junction from Topsham Road. The access will cross the current shared use path on the north side of Topsham Road, part of the NCN2 National Cycle Network.

Maintaining the safety and attractiveness of this route is essential and to mitigate this the applicant has proposed a Cycle Track Priority crossing at the access, as shown in Drawing 4051 Revision B. This arrangement accords with current best practice and guidance (Local Transport Note 2/08) and is therefore considered acceptable.

In addition a new shared use footpath running connecting Exeter Road and Newcourt Road is proposed on the western edge of the site. The provision of this is welcomed and should be secured by condition.

It is pleasing that a draft Travel Plan has also been submitted alongside the application and the full details of the Travel Plan, including vouchers to support sustainable transport should be agreed prior to occupation.

Finally, to minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed. This includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition."

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Exeter Local Development Framework Core Strategy

- CP1 – The Spatial Approach
- CP3 – Housing Distribution
- CP4 – Density
- CP5 – Meeting Housing Needs
- CP7 – Affordable Housing
- CP9 – Transport
- CP11 – Pollution and Air Quality
- CP12 – Flood Risk
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure
- CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H5 – Diversity of Housing
- H7 – Housing for Disabled People
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- T5 – Cycle Route Network
- T9 – Access to Buildings by People with Disabilities
- T10 – Car Parking Standards
- C5 – Archaeology
- LS1 – Landscape Setting
- LS4 – Local Nature Conservation Designations
- EN2 – Contaminated Land
- EN4 – Flood Risk
- EN5 – Noise
- DG1 – Objectives of Urban Design
- DG4 – Residential Layout and Amenity
- DG5 – Provision of Open Space and Children’s Play Areas
- DG6 – Vehicle Circulation and Car Parking in Residential Development
- DG7 – Crime Prevention and Safety

Emerging Development Delivery DPD

- DD9 - Housing on unallocated sites
- DD21 - Accessibility and sustainable movement
- DD30 - Protection of landscape setting areas

Exeter City Council Supplementary Planning Documents

- Planning Obligations SPD
- Affordable Housing SPD

Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD

Other Relevant Planning Documents

Development Delivery Policy Statement
Housing Land Review
Emerging 2015 SHLAA

OBSERVATIONS

The main considerations in respect of the proposal relate to the principle of development of this site in the context of national and local policy, transportation issues, affordable housing, quantum of development/design issues, relationship to surroundings, and landscape/ecology issues.

Principle/policy position

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out the national planning policy context in relation to housing and is a material consideration in planning decisions.

The Exeter Local Development Framework Core Strategy is up-to-date and forms part of the statutory development plan for Exeter. It sets out the spatial strategy for the growth of Exeter up to 2026. The Core Strategy identifies the approach to meet the strategic housing requirement of at least 12000 dwellings to 2026 whilst protecting the historic environment of the city and enhancing its green infrastructure. This approach is based on evidence that includes various Strategic Housing Land Availability Assessments (SHLAA) to establish the capacity for development within the city boundaries. The adopted strategy comprises a focus on development within the existing urban area, on previously developed land and in designated sustainable urban extensions to the east and south west of the city. This approach is embodied in Core Strategy Policies CP1, CP3 and CP19. Policy CP16 reinforces this strategy by way of the protection it affords to specifically identified areas, one of which is the 'strategic gap between Topsham and Exeter'.

The application site comprises land which forms part of the strategic gap between Exeter and Topsham. The site is clearly within the area delineated on the Key Diagram forming part of the Core Strategy (page 99). Para 10.38 of the Core Strategy specifically refers to the function of the Topsham gap and the reason for protecting it as follows -

"The strategic gap between Topsham and Exeter is also particularly important in that it forms an open break between the two settlements, thus preventing their coalescence, whilst also protecting Topsham's attractive setting."

The Local Plan First Review 1995-2011 also recognises this function of the land in the context of policy LS1 in para 11.8 as follows -

"The open flattish, agricultural and horticultural land comprising large fields and low hedges between Countess Wear and Topsham, might be considered of less obvious interest but it is of significant local importance in clearly separating the settlements of Exeter and Topsham and maintaining their distinct identities. The attractive rural landscape of small fields,

hedgerows and copses to the north and east of Topsham provides the essential green setting to the historic settlement of Topsham. Both these areas contribute to, and are an integral part of, the wider rural landscape of East Devon and ensure the south eastern containment of the City."

Policies CP16 (Core Strategy) and LS1 (Local Plan) seek to protect land designated as forming part of the landscape setting of the city from development which would harm the local distinctiveness and character of the city. The application site lies within an area subject to such designation. In this context it is acknowledged that the area has low intrinsic landscape value, indeed this is not the reasoning behind its inclusion within the landscape setting designation. Rather, as discussed above, it is so designated because of its function as an open break between the two settlements of Exeter and Topsham. It is because of this role that it is considered sensitive to development and therefore protected from development by these policies. The Inspector, in considering policy LS1 in the context of the Home Farm appeal concluded that policy LS1 is not a criteria based policy, and is out date and therefore accorded it little weight. The Council does not concur with this view, particularly with regard to the application of the policy to the Topsham Gap and its identified function in the landscape. Furthermore, policy CP16 of the Core Strategy reinforces this view as to the importance and function of this land. It is protected for this reason and not due to its intrinsic landscape value which is acknowledged above as being low.

The development of the application site is considered to be clearly contrary to the Council's spatial strategy to accommodate its required growth, and thereby directly contrary to Core Strategy policies CP1, CP3 and CP16, and Exeter Local Plan First Review 1995-2011 policies H1, H2 and LS1.

However, the applicant's agent contends that the Council cannot demonstrate a 5 year housing supply as required by para 47 of the NPPF, and would point to the recent appeal decision on an application for residential development at Home Farm, Church Hill, Pinhoe where the Inspector reached a similar conclusion. The Council agrees that the Inspector's decision on the 29 October 2014 to allow an appeal, for outline planning application for about 120 dwellings at Home Farm, is pertinent to this case. One of the key factors in the Inspector's decision was her conclusion that student accommodation should not count towards meeting the housing targets. She concluded that the Council could not therefore demonstrate the required five year housing land supply (only being able to demonstrate a 3.6 year housing land supply) meaning the relevant development policies for the supply of housing should not be considered up-to-date as set out in paragraph 49 of the NPPF which states:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."

Therefore, she determined, in accordance with the NPPF's presumption in favour of sustainable development, that permission should be granted. On 9 December 2014, the Council lodged a formal application to quash the decision.

The Inspector's decision on the Home Farm appeal is valid until quashed by the court and is a material consideration in determining this application. However, in deciding how much weight to attach to this material consideration (which is a matter for the Council) the Council can take into account the fact that the decision is currently the subject of a legal challenge; this would tend to reduce the weight to be attached to it (the likely timeframe for the outcome

of this legal challenge is currently unclear and in the absence of any agreement for an extension of the statutory time period to reach a decision on this application the Council cannot delay making a decision without having to repay the planning application fee). Furthermore, and in any event, new Strategic Housing Market Assessment (SHMA) evidence is emerging. The SHMA will establish Exeter's objectively assessed housing need for the period 2013-2033. A letter from Brandon Lewis (Minister of State for Housing and Planning) sent to all Councils in December 2014 confirmed that whilst the SHMA is untested and should therefore not be seen as a proxy for the housing requirement in the Local Plan (that may be constrained by environmental factors), the SHMA is nevertheless important new evidence that needs to be considered by Councils. The initial headline figures from the SHMA suggest that Exeter's Objectively Assessed Need (OAN) is very close to the current strategic housing requirement (set by the Core Strategy) of 600 dwellings per annum. The emerging work also provides evidence to demonstrate that student accommodation is indeed included in the Objectively Assessed Need (OAN) and that the quantum of that need is significant (with over 25% of the OAN relating to student housing needs). This new evidence can be used to argue, once again, for the inclusion of student accommodation in the calculation of housing land supply. According to the most up-to-date work on the SHLAA the inclusion of student accommodation would give us in excess of 5 years housing land supply. The emerging SHMA work also constitutes a material consideration in determining this application.

The Development Delivery Policy Statement (adopted by the Council on 26 November 2013) seeks to ensure the focus on delivering good development is maintained. It includes policies to ensure delivery, at the earliest opportunity, of good quality housing development on allocated sites and on windfall sites within the urban area.

The Housing Land Review is an evidence base document which assessed 17 sites outside the strategic locations for growth and found the current application site to be one of the most sustainable. However, the assessment within the Housing Land Review document does not indicate that this site is suitable for development; the Council has agreed to use the Housing Land Review as an evidence base to guide future development in the City if, in the longer term, the Council is unable to deliver the strategic housing requirement. As this is not currently considered to be the case this document carries little weight in determining this application.

This is a complex issue and a number of material considerations need to be weighed against each other. However, in planning policy terms, this proposal is clearly contrary to the Development Plan and on balance there are considered to be no material considerations that outweigh this fact and would therefore warrant approving this application.

Transportation issues

The only matter of detail sought to be fixed via this application is the means of access to serve the development. The illustrative master plan submitted in support of the application indicates that access into the site would be provided on the south-west boundary of the site from Exeter Road and would take the form of a T-junction. This junction would then link to an internal road network within the site that would be derived as part of subsequent 'reserved matters' relating to the detailed design and layout of the site. The submitted transport assessment contains a more detailed plan of the access junction (Appendix C) which demonstrates that appropriate visibility splays could be provided to comply with the standards set out in the Manual for Streets relating to a 30mph road. Whilst the Highway Authority has indicated that there is no objection in principle to a new T-junction onto Exeter Road in the position indicated to serve the quantum of development some concerns were expressed regarding the impact of such a junction on the function of the National Cycle Route network that runs along the site frontage. Following negotiations between the Highway

Authority (DCC) and the applicant an amended plan for the junction design has been submitted incorporating a level crossing over the new section of road in the form of a raised table one vehicle length behind the entry/exit point onto the main road, and "Give Way" signs giving priority to cyclists. This could be secured by way of an appropriate condition requiring submission of detailed plans of the access junction prior to commencement of the development.

The Highway Authority had been in discussion with the applicant regarding provision of a vehicular link through the site up to the site boundary with the neighbouring Rugby Club. This could have provided an alternative access to the Rugby Club and would have facilitated closure of the existing Rugby Club access onto Exeter Road. This was considered beneficial in highway safety terms as this access is less than ideal in terms of visibility and it would have limited the number of vehicular access points bisecting the National Cycle route. However, the applicant pointed out that any safety issues with the current rugby club access represent an existing situation that it is not reasonable to expect the current application to resolve, and furthermore that serving the rugby club and its associated activities through the proposed site would not be compatible with the uses of the proposed site, i.e. care home, assisted living apartments and age restricted residential units. With the applicant unwilling to incorporate this into the layout it is not considered this would amount to a sustainable reason for refusal and, accordingly, the Highway Authority is not insisting on its provision.

It is not considered that there is any fundamental concern regarding the capacity of the highway network to accommodate the proposed development that would constitute a reason for refusal of the application.

Affordable Housing

It is considered that the proposal would trigger the need to provide affordable housing in line with the Council's adopted policy. Whilst the applicant has acknowledged that 35% of the assisted living and age restricted dwellings would need to be affordable, and indicated that an appropriate legal agreement/unilateral undertaking is being prepared no such document has been submitted or agreed at the time this report has been prepared. In the absence of such a binding agreement a reason for refusal relating to lack of affordable housing provision has been recommended.

Quantum of development/residential amenity standards

The submitted master plan identifies one potential way of accommodating the proposed level of development on the site. However, except for the means of access to the site, all other matters of detail are reserved for subsequent approval. As such the master plan cannot be taken as definitive in terms of the disposition of buildings, roads and open space on the site. It is however useful in terms of reaching a conclusion on whether or not the site is capable of accommodating the quantum of development and meeting the Council's required design/amenity standards. It is considered that whilst there are elements of the layout depicted on the master plan that would require further consideration and possible changes it does provide adequate comfort that the quantum of development sought is not entirely unrealistic. The parking strategy, separation distances between properties, associated amenity spaces to serve them and open space provision across the site would all be matters to be dealt with in detail at the 'reserved matters' stage. It would be possible to approach the layout in a number of different ways to achieve this quantum of development on the site. Consequently it is not considered that there any fundamental concerns in respect of the

quantum of development sought or ability to achieve acceptable design standards that would warrant refusal of the application.

Relationship to surroundings

This needs to be assessed in respect of the four boundaries of the site as identified below:-

- Newcourt Road - the properties on the north-east boundary back onto the site with reasonably deep rear gardens between the dwellings and the actual boundary (approx 22m). It is most likely that any buildings on the application site would be set further still off this boundary. Consequently it is considered that the site is capable of being developed in a way that creates appropriate separation between the existing and any proposed buildings thereby ensuring that there is no undue overlooking or overbearing relationship.
- Exeter Road - The existing properties on Exeter Road are separated from the application site by the road itself. In addition these properties also have reasonably deep front gardens. The feasibility plan depicts new buildings on the application site set further back into the site behind landscaping and a service road. It is considered that this would be a realistic approach to serving any buildings on this frontage. Consequently the separation distances between existing and proposed buildings would be reasonable, even given that buildings on this part of the site might be taller than 2 storeys.
- Rugby Club - In respect of this boundary there is scope to set buildings some distance off the boundary and provide landscaping and open space between them and the actual boundary. Attention will need to be given to the juxtaposition of buildings and the boundary treatment at the 'reserved matters' stage given the nature of the use of the adjoining land (rugby pitch) and the potential for balls to leave the confines of the rugby club site. However, it is considered that there is no reason why an acceptable relationship and boundary treatment should not be achievable.
- Field - As the land to the northwest is still open land there is not considered to be any reason why an acceptable relationship between the sites could not be achieved. The submitted feasibility depicts buildings set off the boundary with appropriate landscaping and this can be further considered as part of any 'reserved matters' application.

Overall it is not considered that there is any fundamental issue with regard to the potential relationship of development on this site with adjoining land/occupiers. The precise nature of any relationship can be further considered in detail at the 'reserved matters' stage.

Landscape/ecological/archaeological issues

- The Newcourt Road corridor is identified as a site of local interest for nature conservation (SLINC). It is not considered that the form of development proposed in this outline application need have any significant adverse impact in this respect.
- Protected species - The site is reasonably close to Natura 2000 sites and comprises new dwellings which have been identified as having the potential to have an impact on these designated areas. However the Council has adopted a Community Infrastructure Levy (CIL) which includes an element towards mitigation measures in respect of the potential impact of additional dwellings on these protected sites. There have been hedgehogs recorded in the vicinity and a single badger hole and latrine located at the base of the north western hedgebank. Both of these are protected species. However, given the nature of the development this is not considered to represent a fundamental obstacle to the granting of an outline consent for this

development. Any impact could be mitigated within any detailed layout, and further investigation to establish the degree of presence and activity, and potential mitigation measures, could be secured by an appropriate condition in the event of any approval for the development. A Cirl Bunting survey has been undertaken and no cirl buntings were seen or heard during the survey periods. Consequently this is not considered to represent an impediment to development of the site. Habitats of greatest value on the site comprise the hedgebanks and associated vegetation on the site boundaries. Consideration should be given to retaining and enhancing these features and this can be incorporated within consideration of any reserved matters application.

- Ecological enhancements - It would be possible to incorporate a variety of ecological enhancements into the design of the development at 'reserved matters' stage, including the detailed landscaping of the site and measures such as bat/bird boxes within the fabric of the buildings.
- Landscape strategy - If the principle of development of this land were accepted the general landscape strategy depicted in the submitted Design and Access Statement would seem reasonable. This comprises retention and enhancement of existing boundary hedgerows, reinforced landscape edge along the northwest boundary incorporating surface water drainage feature, and creation of a green avenue along the Exeter Road site frontage. It is considered that this approach would help to assimilate the development into its surroundings were the principle of development accepted. The details would form part of any subsequent reserved matters application.
- Archaeology - There is potential interest on the site, however the importance is not considered to amount to a fundamental obstacle to development site. Appropriate investigation and recording could be secured by a condition of any approval.

Delegation Briefing (21/10/14)

Members noted the high level of representations received. The key issue highlighted related to the principle of development on this site being contrary to policy as the site is identified as 'landscape setting' and the Council has identified that it has a 5 year supply of housing land. It was noted that the outcome of the Home Farm Inquiry might have an impact on the determination of this application if it called into question the Council's 5 year land supply.

Financial Matters

The proposal would attract CIL contributions and new homes bonus (currently) in relation to the assisted living apartments and age restricted dwellings. However, given that the exact type and size of the units, will not be known until the reserved matters stage it is not possible to quantify the relevant figures at this stage.

Conclusions

The determination of this application is a finally balanced decision, with a number of material considerations that need to be weighed against each other, principally 5 year housing supply and spatial strategy/the Development Plan. However, on the basis of the Council's legal challenge to the validity of the Inspector's decision on the Home Farm appeal (and its implications vis a vis the Council's 5 year housing supply) and, in any event, further emerging evidence in respect of the Council's SHMA and Objectively Assessed Housing Need, it is considered on balance that this proposal, which is clearly contrary to the Development Plan, should be refused.

It is important to note that any refusal is likely to be challenged via the appeal process and that given the uncertainties surrounding the legal challenge to the Home Farm appeal decision (and its implications for the Council's 5 year housing supply), the complexity of the

issues involved and possible need to employ consultants to assist the defence of any appeal in addition to legal representation, the Council could potentially incur significant costs in fighting any such appeal, both in terms of consultant/legal fees and any award of costs by the Planning Inspectorate.

Since this report was drafted, and just prior to its publication, the Council received notification from the Planning Inspectorate that the applicant has appealed against the non-determination of the application by the Council within the prescribed period (i.e. 13 weeks from the submission date). Consequently the Council is not now at liberty to determine the application and issue a formal decision. However in connection with the appeal the Council is required to indicate what its decision would have been. Consequently the purpose of this report has therefore changed and now seeks a resolution from the Committee as to what its decision would have been were it free to determine the application. In this context the recommendation remains unaltered.

Members are also advised that since this report was drafted a duplicate application has been received (Application Reference 15/0222/01). This will be subject to public consultation in due course and given the level of interest in the current application it is anticipated that this duplicate application is also likely to attract significant representation. Subject to the consultation exercise not resulting in any significant new issues being raised that have not already been raised in connection with the current application Members are requested to endorse the delegated authority of the Assistant Director of City Development to refuse the duplicate application for the same reasons as set out in this report.

RECOMMENDATION

REFUSE for the following reasons:

1)

The proposal is contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 (the Vision, Spatial Strategy and policies CP1, CP3 and CP16), Exeter Local Plan First Review 1995-2011 (saved policies H1, H2 and LS1) and the emerging Exeter Draft Development Delivery DPD 2013 (policies DD9 and DD30) because –

- (i) It would result in development outside the identified strategic locations for growth contrary to the Statutory Development Plan for the area,
- (ii) The proposal would harm the landscape setting of the city through development on the strategic gap between Topsham and Exeter that would contribute to the coalescence of the two settlements, and it would set an undesirable precedent for other nearby residential development within the strategic gap that individually, or collectively, would harm the character of the area and setting of the historic settlement of Topsham.

2)

In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policy CP7, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

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. 7

COMMITTEE DATE:

30 MARCH 2015

APPLICATION NO:

14/4750/07

LISTED BUILDING CONSENT

APPLICANT:

Mr Gollop

Exeter Castle Management Co. Ltd

PROPOSAL:

Proposed internal alterations to create mezzanine floors and installation of 3 No. rooflights

LOCATION:

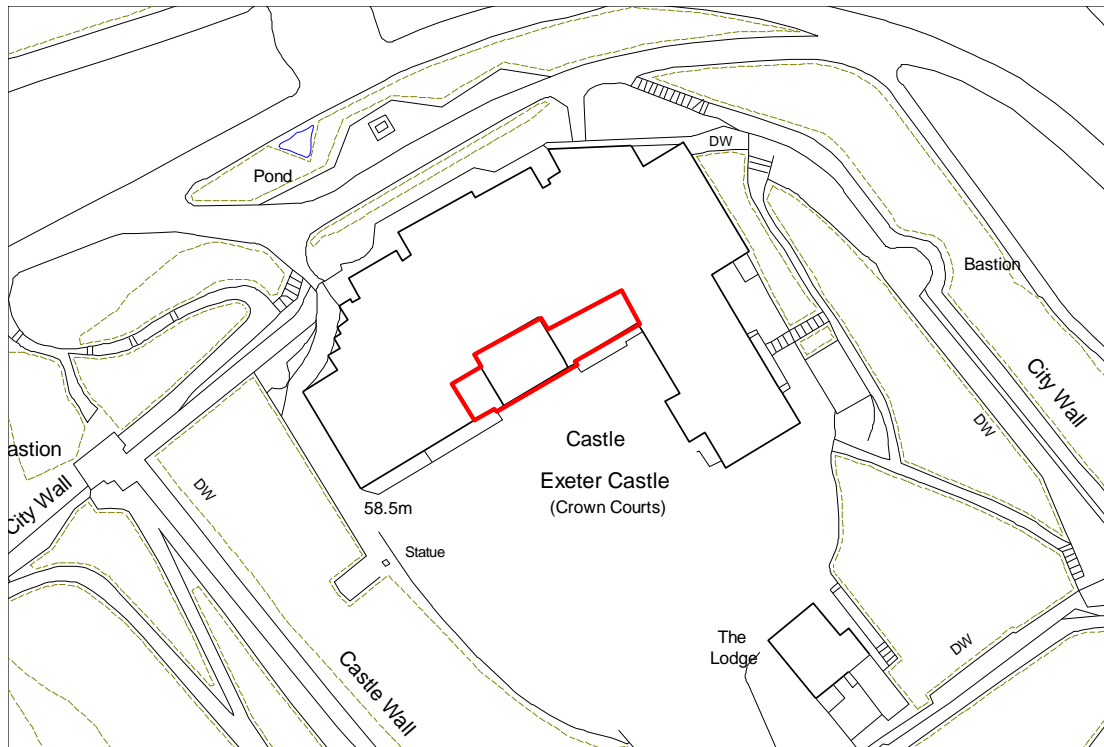
Flat 8, Exeter Castle, Castle Street, Exeter, EX4 3PU

REGISTRATION DATE:

27/11/2014

EXPIRY DATE:

29/01/2015



Scale 1:1000

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Exeter City Council 100049053

RELEVANT PLANNING HISTORY OF SITE

09/1516/03 -	Creation of eight residential units, five office spaces, artists' studios and exhibition spaces, and use of courtyard as temporary event space.	PER	09/04/2010
09/1517/07 -	Alterations to facilitate creation of eight residential units, five office spaces, artists' studios and exhibition spaces	PER	09/04/2010
10/0340/07 -	Internal works to remove partition walls, wall surfaces, suspended ceilings and raised floors and external alterations to external steps	PER	10/05/2010
10/1331/03 -	Creation of four residential units, office spaces, gallery, function room and cafe/restaurant	PER	01/10/2010
10/1332/07 -	Internal and external alterations to create four residential units, office spaces, gallery, function room and cafe/restaurant, and removal of single storey additions on north elevation	PER	01/10/2010

DESCRIPTION OF SITE/PROPOSAL

Exeter Castle was originally built in 1068 within the corner of the Roman city and Saxon town as the principal point of state and royal power within the county. From the 17th century it was the main judicial centre of the county, with the present building (later extended) being constructed as a purpose built court house in the 1770s. The walls and gatehouse of the medieval castle, the underlying ground, and the city wall that forms its perimeter on two sides, are protected as scheduled monuments, whilst the court building is listed Grade II*. The castle lies within the Central Conservation Area, and is bordered by Northernhay and Rougemont Gardens, which are on the National Register of Historic Parks and Gardens.

The present application is a retrospective one, for the introduction of mezzanine floors, dividing walls, and new roof lights within Flat no. 8. This flat is located on the first floor of the former court house, overlooking the main approach to the building. It consists of rooms with generous floor to ceiling heights and tall windows, the central room of which is the largest, and is thought to have originally been used as a jury room and for petty court sessions.

The application has arisen as a result of the reporting of the works to the council last summer, and discussions have taken place before and during the application process in order to address concerns raised, resulting in a series of amended proposals as described below.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design & Access Planning Statement, including Heritage Statement and Statement of Significance.

Supplementary information on the viability of the flat in its previous configuration.

Vision Statement for the Castle.

See under Observations below.

REPRESENTATIONS

One letter of support received from a neighbour, mentioning:

- high standard of restoration at the property as a whole
- increase in no. of bedrooms helps towards the increase in number of bedrooms within the rented sector in the city, in accordance with the city's housing strategy
- conversion of large rooms of 1st floor flats to create more bedrooms is an appropriate example of increasing accommodation within existing buildings that should reduce need for building on new sites
- castle offers a good balance between provision of good quality rented accommodation to local people and provision of venues for public events such as the food festival, weddings, conferences
- the flats subsidise the provision of the public spaces below and make access sustainable.

CONSULTATIONS

Several consultations have been received from English Heritage (as a statutory consultee), responding to the original proposals as submitted, and to subsequent amendments. These are discussed under the observations below, but the principal points made include:

- unnecessary harm to a highly graded heritage asset (as Grade II*, within the top 6% of heritage assets in the country);
- the significance of the 18C court house lies principally in its architectural interest and historic plan form, that - despite 19 & 20C alterations - has remained legible, particularly in terms of room volumes. This first floor suite of rooms was associated with the running of the original courts. The present alterations have harmed this significance by destroying the historic room volumes and concealing design features such as a section of the cornice for no public benefit;
- whilst the applicant's supporting information asserts that the alterations are necessary to secure the sustainable future of the site as a whole it does not demonstrate that they are the only reasonable means of achieving this for Flat 8;
- lack of detail concerning the roof lights and impact of new services.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance:

National Planning Policy Framework paras 17, 129, 131, 132, 133, 134

Exeter Local Plan First Review 1995-2011:

Policy C2 - Listed Buildings

Supplementary planning guidance:

Rougemont Castle Development Brief (2005)

OBSERVATIONS

The principle of residential conversion and use is not in question, and has already been established by the previous consents. Notwithstanding the fact that the present alterations have already been made without the benefit of listed building consent, the principal issues include:

- a) whether the alterations cause harm to the particular significance of these rooms and thereby to that of the Grade II* listed courts building as a whole, and
- b) whether the alterations, and any harm, can be justified in terms of viability, need, and any public benefit.

In order to consider these issues it is necessary to summarise the particular significance of these rooms, and in particular of the large central room.

The conservation plan produced for the city council by Alan Baxter Associates in 2004 (and referred to in the applicant's supporting statement) identifies the walls of the rooms as being "highly significant", and the spaces themselves as being of "some significance", with the caveat that more thorough survey is needed to establish the exact significance of any part of the building. Subsequent to this, further information submitted by the previous owners in support of earlier applications identifies the central room as probably having been used as a jury room and on occasion for petty court sessions, with subsidiary offices to each side. Few original internal details surviving from the 18C were identified, other than a couple of door

frames, and some skirting; the cornice is mentioned but it is not clear how much of it is or was original.

As the principal first floor room of the original 18C court house, and due to its historic use for core court functions - for holding small court sessions and as the jury room, it has a strong historic interest and significance. This significance is reflected architecturally in the central location of the room in between the two main court rooms and over the main entrance - with a view down to the gate and Castle Street beyond, in its large size and height, and in the presence of the moulded cornice, albeit much repaired and replaced. Its size and location therefore reflects its status as the principal first floor room of the court house, and as such, in terms particularly of its size and volume, plan form, and remaining internal cornice (albeit probably in part a modern matching replacement), it does have a high architectural as well as historical significance.

The side rooms, although as high, are smaller and were subsidiary to the principal room; their significance lies primarily in their plan form, reflecting this original layout, and in their relationship to the principal room.

With regard to the first principal issue:

1. Original proposals submitted in late November 2014

These involved the complete vertical subdivision, by a solid wall, of the central room, and the construction of new mezzanine floors within the smaller remaining part of the original room, and within the side rooms. The front walls of the mezzanines are solid, with central windows, and are set back from the main windows within the rooms. Rooflights have been inserted to provide natural light to the new mezzanine rooms, and - from the information subsequently provided - the new services required for the new bathrooms have utilised previous service runs.

By providing such a solid subdivision within the main room, these proposals detract from the significance and character of the latter, by reducing the volume and destroying the proportions of the principal room, and by obscuring its original plan form and cornice, making it difficult for the significance of the room as one of the principal rooms of the original court house to be appreciated and understood. Although the new wall is provided with a matching cornice, this creates a false impression, and its intended visual effect is undermined by the awkward relationship of the new dividing wall with the original window.

Due to the damage caused to the significance of the principal first floor room of the original 18C court house, and to the current and future ability to appreciate and understand it, this proposal is not considered to be acceptable.

2. Amended proposals received in February 2015

These involved the removal of the solid "first floor" section of the dividing wall, with the solidity of the remaining "ground floor" section being reduced by the introduction of glazed doors and partition at the end adjoining the windows. The mezzanine within the main room is still present, but with an open glass balustrade rather than a solid wall, and still includes a bathroom within the corner of the room.

Whilst these proposals should enable the original proportions and size of the room to be read and appreciated, by re-revealing all of the original front windows and most of the ceiling, when viewed from within the lounge, they still involve a subdivision of the main space and the obscuring of the corner of the room and the cornice by the bathroom. Although an attempt to reduce this effect has been made by part glazing the upper part of the bathroom walls, it is unclear as to how effective this would be in practice.

3. *Further amended proposals received in March 2015*

The major change is the complete removal of the upstairs bathroom, fully revealing the extent of the room and ceiling cornice when viewed from the lounge. One of the rooflights will be removed and the ceiling and cornice reinstated. Whilst there is still clearly a modern subdivision of the main room, this is now more lightweight in appearance due to the glazing and balustrades, and is more easily readable as a modern addition within an original large room, the windows and ceiling of which will now be visible again. It is these proposals that the applicant is now seeking consent for. The comments of English Heritage on these latest proposals are awaited and will be reported to committee.

With regard to the second issue:

Viability and justification of need

The supporting information originally submitted mentions that the present owner has prepared a strategy to ensure that the long term viability of the site is secured, and that he had concluded that the previous configuration of Flat 8 (as consented in 2010) was impracticable, having disproportionate room areas and being inefficient to heat. The applicant has subsequently confirmed that "the apartment has never realised a rental income, the size and utility costs have always detracted from rental prospects".

It is also relevant to note that Flat 8 is currently occupied by the owner (the applicant) and his family, with part of it being self contained and used as separate accommodation for guests from time to time. Flat 8 is not let out, nor is accessible to the public, so there is no direct public benefit to the proposals that may justify the alterations.

However, it is recognised that difficulties have been experienced in the past in letting Flat 8 in its previous configuration, and that there is a natural and reasonable desire by any owner/occupier to maximise the use of the space available. Therefore it is reasonable to consider alterations to Flat 8 to achieve greater viability and ease of use, but in the context of not compromising its essential character and significance as the principal first floor room within a highly graded former courts building. To this end it is considered that any alterations should be concentrated within the subservient side rooms, with only minimal changes within the large central room, that do not unduly compromise its volume, proportions and plan form, nor obscure any significant architectural detail.

Rooflights

These have already been installed and are set flush on the reverse roof slope, and as such will not be visible from any public view point. The principle is therefore acceptable, subject to receiving acceptable details concerning their materials and appearance. One will now be removed and the roof reinstated.

CONCLUSIONS

This is a retrospective application, for works that have been carried out without the benefit of any previous pre application discussion about the need for, and acceptable form of, any alterations to Flat 8. Notwithstanding this, it is necessary to assess the proposals on their merits, in terms of their impact on the significance and character of the Grade II* Listed Building, and whether or not this is acceptable in the context of viability, need and public benefit.

Based on the observations above, it is concluded that the proposals as originally submitted (and as currently built) are unacceptable, in terms of their impact on the character and significance of the central room in particular. However, although still not ideal, the latest amended proposals (as received in March 2015) are more acceptable, in that they should allow the original proportions of the room, including all three of the original windows and the full extent of the original ceiling and cornice, to be read and appreciated, albeit with an opened sided mezzanine insertion within part of it. It is considered that the proposals now

meet the majority of officer and English Heritage concerns, apart from the pure principle of subdivision. If approved, the consent should include a condition setting a time limit within which the alterations should be made, including the removal of those elements that do not have consent.

DELEGATION BRIEFING 10.03.15

Members noted the proposals, that they were retrospective, and the subsequent amendments submitted, and requested a site visit.

MEMBERS' SITE VISIT 17.03.15

The site was viewed from outside and from within Flat 8. The unauthorised alterations and the proposed further changes were noted. Members were concerned that the alterations do not respect the internal space and character of the original building. Subject to further discussion at the next delegation briefing meeting, they considered that the proposed further alterations would be make the original space and character more readable and could be acceptable.

RECOMMENDATION

Subject to consideration of any further comments received from English Heritage on these amended plans, delegation to the Assistant Director City Development to **APPROVE** subject to the following conditions:

- 1) No work shall commence on site under this permission until full details of the roof lights have been submitted to and approved in writing by the Local Planning Authority.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 2) C08 - Time Limit - L.B. and Conservation Area.
- 3) 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 16 March 2015 (*ArchitEXE Ltd dwg. no. 13/29/02E*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

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

Background papers used in compiling the report:

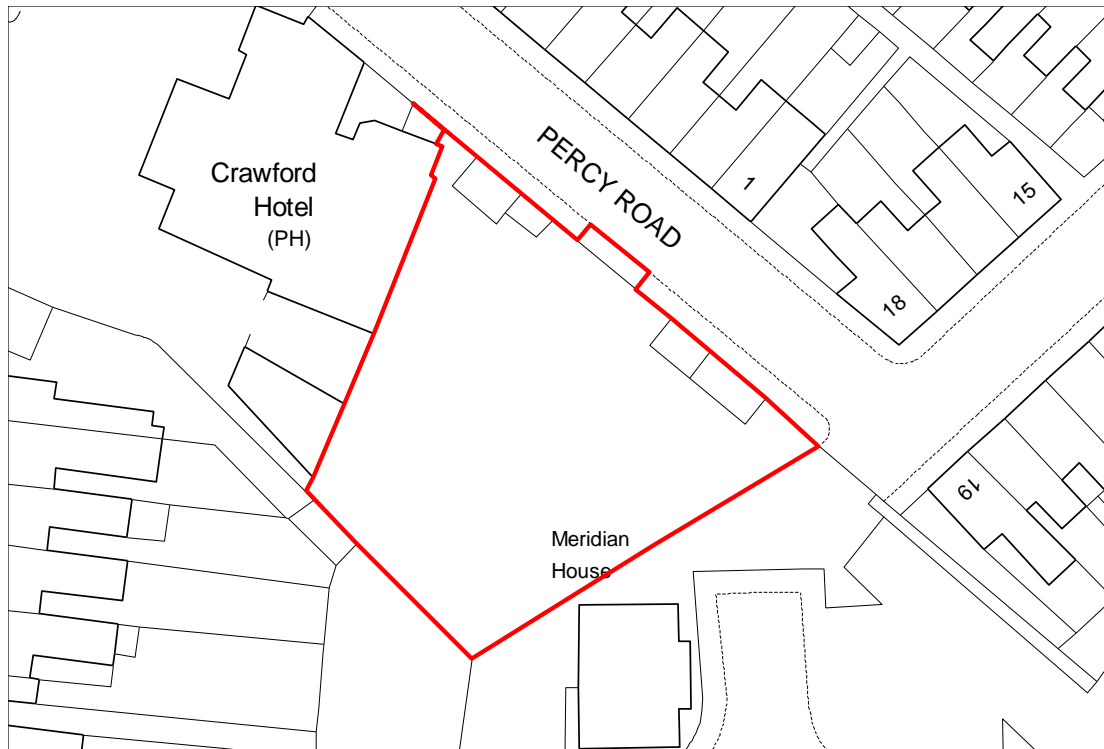
Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

Agenda Item 7

ITEM NO. 6

COMMITTEE DATE: 30 MARCH 2015

APPLICATION NO: 15/0185/03 **FULL PLANNING PERMISSION**
APPLICANT: Enterprise Inns
PROPOSAL: Proposed development of four dwellings (three terrace units and one detached).
LOCATION: Land to rear of Crawford Hotel, Alphington Road, Exeter, EX2 8JD
REGISTRATION DATE: 13/02/2015
EXPIRY DATE: 10/04/2015



HISTORY OF SITE

15/0185/03 - Proposed development of four dwellings (three terrace units and one detached).

DESCRIPTION OF SITE/PROPOSAL

This application for four dwellings (three terrace and one detached) is on land directly to the rear of the former Crawford Hotel that is locally listed. The site, approximately 0.1ha in size, is vacant and has no clear use. It has frontage on to Percy Road. A 2-3m high wall fronts Percy Road. Percy Road is otherwise predominantly lined by terrace housing with on-street parking. The remainder of the site is surrounded by commercial development on Retail Park Close or the former Crawford Hotel (now a Co-op Store). The site is surrounded by brick walls with an existing pedestrian access on to Retail Park Close. The NW boundary is located some 1m from the rear elevation of the former Crawford Hotel.

This four unit development provides private gardens, parking and pedestrian access to Retail Park Close to the rear. The vehicular entrance will be on to Percy Road where the existing concrete block wall will be breached - the remaining wall left intact or dropped in height for

reasons of visibility. There are a small number of semi mature and mature native and ornamental trees/shrubs on the site.

SUPPORTING INFORMATION SUPPLIED BY APPLICANT

Flood Risk Assessment: The site is located in Flood Zone 3A. The site does not lie within 500m of any flood defences. Exeter's Flood Relief Channels lie with 800m and provides a level of defence against flooding. The site size and number of proposed units does not trigger any requirements under the NPPF. SUDs will be utilised to minimise surface water runoff. As a precautionary measure flood resilient construction techniques are recommended to reduce the potential of flood water ingress and damage. Finished floor levels will be set 600mm above ground level. Future occupants are recommended to sign up to the EAs Flood Warning Service.

Standard Commercial Drainage and Water Search: A detailed question and answer analysis is provided.

Ecological Appraisal: The site has historically been improved and managed. There are opportunities to provide wildlife/habitat protection by including two 'sparrow terraces' and a detailed landscape design for the communal area to enhance wildlife and plant species.

Planning Statement: The proposal seeks to improve the setting of the locally listed, Crawford Hotel. Bins are integrated into the units/garages creating more of a shared surface environment within the site. A pedestrian/cycle link is provided to Retail Park Close. The Highway Authority support the proposal in principle. The ECC Arboricultural Officer has confirmed that the trees will not prevent development. Parking for the terrace is provided on a ratio of 1.5 spaces per dwelling and will be unallocated. The detached unit will have dedicated parking for 2 vehicles. Close board fencing will divide the plots. Boundaries to the new access drive will be brick walls/hedging. Each unit meets the requirements of the Residential Design SPD. Cycle parking will be provided in rear gardens.

Design and Access Statement: Providing a detailed assessment of the existing site, policy and evolution of the proposed scheme.

Exeter Cycle Map: Detailing existing provision.

Transport Statement: Demonstrating the connectivity of the site, range of facilities in the local vicinity and its sustainable location.

REPRESENTATIONS

12 objections and 2 comments have been received. The main points including:

- Loss of on-street parking associated with the development of the site would mean many residents would not be able to park their cars at all. The proposal will take away on street parking worsening the existing parking congestion.
- Retaining the existing entrance and reconfiguring the layout of the development would allow on street parking to remain.
- Seek to provide vehicular access through Retail Park Close both during construction and after.
- Concerns relating to the impact on road congestion, noise and general disruption during the construction period.
- Insufficient parking provision within the scheme resulting in further on street parking on Percy Road and those neighbouring.
- Construction vehicles will damage the already poor state of neighbouring roads.

- Emergency and refuse vehicles will find access problematic.
- The proposal will damage the wall on Percy Road.

CONSULTATIONS

Environmental Health: Approve subject to conditions relating to noise and land contamination.

DCC Highway Authority: Approve subject to conditions.

Environment Agency: We do not object in principle, to the proposal, however revisions to the Flood Risk Assessment (FRA) are required. The proposal does not constitute 'minor development' and the Sequential Test (ST) is required. There is no evidence that the ST has been passed. Whilst we can broadly support the implementation of SUDS to manage surface water drainage, we would wish to ensure that any scheme can mimic greenfield runoff characteristics for the entire range of storm events and, in particular, for low intensity rainfall events where infiltration and on-site storage can be realised. There is an absence in the FRA of any reference to a design water level and flood risk 'hazard' associated with the site.

OBSERVATIONS

The proposal seeks to provide four units (three terrace and one detached) on the former Crawford Hotel garden. Each terrace unit will provide three bed, four person accommodation. They are of a scale, massing and form that complements the immediate area. Each dwelling meets the requirements of the Residential Design SPD. Solar PV panels are provided on the front elevation roof slope. The detached dwelling provides four bed, five person accommodation with attached garage. It too meets the requirements of the Residential Design SPD.

A modest level of pre-application discussion has taken place and as a result a scheme is provided that respects the urban grain of the immediate area whilst respecting and seeking to improve the setting of the rear elevation of the (former) Crawford Hotel. The dwellings have been set away from the rear elevation of the locally listed building seeking to improve its setting and the main entrance to the first floor residential accommodation within it. A condition of planning consent will be required to ensure the boundaries, particularly adjacent to the (former) Crawford Hotel, are appropriate and in keeping. The new point of access into the scheme, through the existing wall, is proposed where it is constructed of modern concrete block. Lowering the remaining block wall to the brick plinth will not result in a loss of privacy to existing properties on Percy Road. The remaining brick wall will be retained at full height.

The proposal presented can accommodate all Highway and emergency requirements. However, it is noted that the proposal has received a number of objections associated with the impact of the proposal on current on-street parking provision. It has been outlined that the proposal will result in the loss of at least two on-street parking spaces in an area heavily constrained with provision. Provision of a vehicular access through to Retail Park Close is volunteered as a suitable alternative to allow the retention of onstreet parking. However, direct access on to the highway of Retail Park Close is not possible without being 'ransomed'. Although the strip may be owned by ECC they have a duty of care to seek the highest price. It would be unreasonable for the Planning Authority to enforce a means of access on to Retail Park Close when access can be achieved on to Percy Road, to a standard that satisfies the Highway Authority and which does not result in additional costs to the developer. Pedestrian access, that will be available to residents of Percy Road and beyond, is to be provided through the scheme on to Retail Park Close.

Conditions of planning consent can ensure disruption during the construction period is kept to a minimum.

The proposal complies with Para's 17(iii, iv, v, vi, viii, x and xi) and Section 7 of the National Planning Policy Framework, Policy CP15 and 17 of the Exeter Local Development Framework Core Strategy and Policies AP1, AP2, H1, H2, T1, T2, T3, DG1(a, b, c, d, f, g, h, and i) and DG4(a, b and c) of the Exeter Local Plan First Review 1995-2011 because:-

- i) by virtue of the size, position, design and materials the proposed scheme will have a limited impact on the character and appearance of the locally listed (former) Crawford Hotel and wider townscape; and
- ii) will not have a detrimental impact on neighbouring residential amenity.

The proposal is therefore recommended for approval.

Financial Considerations

Financial considerations are a material consideration:

New Homes Bonus - 20k (approx.)

CIL - £31k (approx.)

Delegation Briefing 24 February 2015

Proposed development of four dwellings (three terrace units and one detached). The application was deferred for consideration at the next meeting of the working group.

Delegation Briefing 10th March 2015

The main hotel had been converted into a Co-Op and four residential units were sought in the former garden to the rear. Eleven objections had been received (to date) relating to parking and access, notable in respect of Percy Road a narrow cul de sac, already heavily congested. One and a half parking spaces would be provided per dwelling for the terraced houses and two for the detached house; and the site design would facilitate pedestrian access through the development onto neighbouring roads.

Members supported a site inspection prior to submission of the application to the Planning Committee.

Members Site Inspection 17 March 2015

Members viewed the site from Percy Road and Retail Park Close. They were very concerned that the proposal would lead to loss of parking (two or three spaces) together with potential for increased demand for parking and traffic movements through narrow terraced streets. They considered that Percy Road and surrounding roads could not accommodate this. The views of the Highway Authority were noted. Members considered that notwithstanding the likelihood of a recommendation of approval from officers, the proposal would be unacceptable. It was considered that there is potential to facilitate access to the site from Retail Park Close but it was acknowledged that this would require use of land belonging to the Council and thus outside of the applicant's control.

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 13 February 2015 (*dwg. no(s). 0-0001; 0-0002; 1-0003 & 1-0004A*), 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) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: To protect neighbouring residential amenity.
- 7) The applicant should undertake a noise assessment to determine whether noise from plant, equipment and deliveries at the adjacent retail store would be likely to cause disturbance and annoyance to residents of this site. The assessment shall be submitted for approval in writing by the LPA prior to commencement of the development. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed development from noise from the adjacent store. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.
Reason: To protect the residential amenity of future occupants.
- 8) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: to protect the health and safety of future occupants.
- 9) No part of the development hereby approved shall be brought into its intended use until the vehicular access from Percy Road and visibility splays providing intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25 metres in both directions have been provided and maintained in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide adequate visibility to achieve a safe and suitable access, in

accordance with paragraph 32 of the National Planning Policy Framework.

- 10) No part of the development hereby approved shall be occupied until the on-site layout, footpaths, car and cycle parking facilities have been provided and maintained in accordance with Drawing 1-0003, or similar arrangements as otherwise agreed with the Local Planning Authority, and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site
- 11) No more than three of the dwellings hereby approved shall be occupied until a shared use pedestrian/cycle connection to the south east boundary of the site, as indicated on drawing 1-0003, has been provided and made available for public use in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the National Planning Policy Framework.
- 12) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO² emissions rate reduction from Part L 2006) as a minimum, and CSH Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 13) Prior to occupation of any dwelling hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.

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

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 30 March 2015
Report of: Assistant Director City Development
Title: Delegated Decisions

1 WHAT IS THE REPORT ABOUT

- 1.1 This report lists planning applications determined 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.

2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to the meeting of the Planning Committee.
- 2.2 Members note the report.

3 PLANNING APPLICATION CODES

- 3.1 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
- 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
- 37 Non Material Amendment
- 38 Extension to Extant Planning Consent
- 39 Extension - Prior Approval
- 40 Office to Dwelling - Prior Approval

- 3.2 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

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

This page is intentionally left blank

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

Background papers used in compiling the report:

Files of Planning Applications available for inspection from:

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

Telephone No: 01392 265223

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 30 March 2015
Report of: Assistant Director City Development
Title: Appeals Report

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

The report provides Members with information on the latest appeal decisions received and a record of new appeals submitted to the Planning Inspectorate.

2. Recommendation:

Members are asked to note the report.

3. Summary of decisions received

One decision has been received since the last report:

24 Albert Street, Exeter – Application Reference 14/1828/03

The proposed development was for guarding to the roof terrace and access escape details.

The main issue was the effect of the proposed development on the living conditions of the occupiers of 23 Albert Street.

The appeal property is a 3 storey terrace dwelling situated within a predominantly residential area. It has a flat roof with an access door. The proposal included an increase in the size of the door and the erection of railings along the front and rear elevations. A spiral staircase would be erected to the rear of the property to externally access the roof from the small garden. There would be a benefit to the occupiers, a family, enabling the property's roof to be used as an amenity area because of the limited size of the rear garden. In the absence of detailed and specific evidence to confirm the claimed lawful use of the flat roof, the Inspector adopted the Council's approach towards the assessment of the appeal, which included consideration of the use of the roof as an amenity area.

Within the front slope of the mansard roof of 23 Albert Street there is a large rooflight associated with a bedroom. The Inspector shared the Council's concerns that the roof light would have the potential to cause adverse harm to the amenity space through loss of privacy and overlooking. He agreed with the appellant that the erection of the railings and staircase would not cause harm to the living conditions of the occupiers of No 23. However, the railings could have the potential to intensify use because of improved safety and without an existing lawful use, such an intensification could be detrimental to No 23.

The Council had not objected for reason of harm being caused to the character and appearance of the property and the surrounding area. The Inspector agreed and found no specific conflict with local policies. The Council had identified that if the appeal succeeded there would be a precedent established for other similar proposals

within the surrounding area but this proposal had been determined on its own merits.

4. New Appeals

No new appeals have been received.

5. Home Farm Appeal

The judicial review on the Home Farm appeal is to take place on 1 June.

6. Public Inquiries

No dates have yet been confirmed for Inquiries regarding the Honiton Road mixed use development and Waddeton Park Limited at Exeter Road, Topsham (appeal on non determination – see accompanying Agenda report).

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 are available for inspection from:
City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries
Democratic Services (Committees)
Room 2.3
01392 265275