

PLANNING

Date: Monday 29 June 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), Buswell, Choules, Denham, Edwards, Lyons, Mottram, Newby, Prowse, Raybould, Sutton and Williams

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.

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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. 15/0172/03 and Listed Building Application No. 15/0173/07 - Exeter Flood Defence Scheme**

To consider the report of the Assistant Director City Development. (Pages 5 - 32)
- 5 Planning Application No. 14/2093/03 - Aldi Store, Exeter Road, Topsham**

To consider the report of the Assistant Director City Development. (Pages 33 - 46)
- 6 Planning Application No. 15/0185/03 - Land to rear of former Crawford Hotel, Alphington Road, Exeter**

To consider the report of the Assistant Director City Development. (Pages 47 - 54)
- 7 Planning Application No. 14/2062/02 - Phase 1, Hill Barton Road, Exeter**

To consider the report of the Assistant Director City Development. (Pages 55 - 62)
- 8 Planning Application No. 15/0457/03 - Hill Barton House, 133 Hill Barton Road, Exeter**

To consider the report of the Assistant Director City Development. (Pages 63 - 70)
- 9 Planning Application No. 15/0247/03 - Land to rear of 16 West Avenue, Exeter**

To consider the report of the Assistant Director City Development. (Pages 71 - 76)
- 10 Planning Application No. 15/0354/03 - Wat Tyler House, 3 King William Street, Exeter**

To consider the report of the Assistant Director City Development. (Pages 77 - 78)

11 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Assistant Director City Development.

(Pages 79
- 96)

12 **Appeals Report**

To consider the report of the Assistant Director City Development.

(Pages 97
- 98)

13 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 14 July 2015
at
9.30 a.m. The Councillors attending will be Choules, Prowse and Edwards.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 27 July 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.

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ITEM NO. 1

COMMITTEE DATE: 29 JUNE 2015

APPLICATION NO: 15/0172/03

PLANNING

LOCATION: River Exe between Cowley Bridge and Countess Wear.

PROPOSAL: The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences.

APPLICATION NO: 15/0173/07

LISTED BUILDING CONSENT

LOCATION: Affecting the following listed buildings: The Malt House and Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard at the Quayside and the Lime Kilns at Countess Wear.

PROPOSAL: The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences affecting the buildings and their settings.

HISTORY OF SITE

| | | | |
|------------|--|-----|------------|
| 13/4143/18 | Exeter Flood Defence Scheme - Phase 1 - Area in river channel beneath St David's Rail bridge, within Trews Weir flood relief channel, within Duck's Marsh flood relief channel and at Canalside Playing Fields, Exe Valley Park, Exeter. Removal of sediment and vegetation from Channel, lowering of Trews Side Weir, capacity improvements and habitat creation within flood channels and temporary storage of material. | WLU | 17/09/2013 |
| 14/0820/31 | EIA Scoping Opinion | | 05/06/2014 |
| 14/1559/05 | Three large sized proposal boards of 1660 x 1250 to explain to the public what we are doing during Phase 1 of the Exeter Flood Defence Scheme. | PER | 30/06/2014 |

DESCRIPTION OF SITE/PROPOSAL

The application is for works along the river Exe between Cowley Bridge and Countess Wear.

The main elements of the Phase 2 works comprise:

- Constructing new lengths of flood embankments and walls (ranging from short lengths of 20m to lengths of up to 540m) to protect properties and the railway;
- Widening some existing flood embankments and walls, with localised raising in some areas;
- Providing property-specific flood protection to some individual vulnerable properties;
- Installing closable gates, including new gates across Station Road;
- Providing flood ramps over new defences to maintain access to residential and commercial properties;
- Landscaping of the flood defences.
- Strengthening river bridges.
- Biodiversity and habitat compensation and enhancements.

The works proposed are divided into six separate zones and this is reflected in the structure of this report. The zones are:

Zone 1 - Network Rail Land from Cowley Bridge to St. David's Station.

Zone 2 - Station Road to Exwick Playing Fields.

Zone 3 - Central Exeter (Mill on the Exe and Eagle Cottages, Bonhay Road, Exe Bridges to Crickle Pit Bridge).

Zone 4 - The Quay.

Zone 5 - Exeter Canal between Trews Weir and Bridge Road.

Zone 6 - St. James Mill Leat and Countess Wear.

Provided alongside this report are plans 2.1a and 2.1b from the applicants Planning, Design and Access Statement which show an overview of the works. Flood walls are shown red, embankments green, demountable defences in orange and environmental enhancements and compensation areas are in yellow.

The application site is in numerous ownerships. Large Sections are with Environment Agency ownership, significant areas are within ownership of the City and County Councils and the scheme includes works within private ownerships including many areas of work within the curtilage of privately owned dwellings.

A detailed description of the works in each zone is included at Appendix 1.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The following documents have been submitted in support of the application:

- Application Drawings
- Planning, Design and Access Statement
- Environmental Statement
- Environmental Statement Non-technical summary.
- Flood Risk Assessment

The Environmental Statement contains information on the following topic areas:

- Pre-application public consultation
- Flood risk
- Heritage and archaeology
- Ecology
- Water Framework Directive assessment
- Tree and vegetation management
- Visual impact assessment
- Artists impressions
- Habitats assessments
- Materials and finishes

Revised plans and addendums to the Environmental Statement and Planning, Design and Access Statement were received on 15 May 2015.

REPRESENTATIONS

The application was advertised by Site Notices, Neighbour letters and Press Notices.

A total of 41 representations have been received which can be summarised in zones as follows:

All Zones:

Native trees with canopies to replace any felled ones.
Regular dredging would be a solution.

Zone 1: Cowley Bridge to St. David's Station.

Provision should be made for a walking and cycling route north of Station Road along the river. This should be at least 3m wide. This is should be part of a cycle route linking Exeter to Crediton.

Zone 2: Station Road to Exwick Playing Fields.

Station Road flood gates detail and safety.
Loss of trees at Waggoners Way and Olds View.

Zone 3: Central Exeter.

Royal Oak Glass parapet should be extended to Victoria Court.
Princess Alexandra Court. Proposed wall and banks will result in loss of light, views, outlook and privacy to Alexandra Court.
Eagle Cottages and Headweir Mill House. Loss of views, impact on appearance of buildings, structural and drainage concerns, environmental damage to leat area.
Bonhay Road Park. Loss of trees.

Zone 4: The Quay.

The level of protection of the Antiques Centre is not adequate and it's significantly different from the original proposal. The sump pump drainage system was not discussed. New public seating/storage structures would encroach on space between the business itself and the Riverside Cafe's Pavement License.

Suggest continuation of glass parapet along quay.

The two separate car parking area each need removable bollards.

The scheme should be continued to protect Clipper Quay, CQ Car Park entrance, Sea Scout premises and Port Royal.

Side weir and radial gate can be used to resolve flood risk.

Heritage statement says the Quay should have an 'open nature and aspect' but flood gate, pillar and seats close to one another will clutter quayside.

The three 'seats' in front of King's Wharf is unnecessarily cluttered, can the shutters be stored elsewhere?

The pillar and wall should be made of local purple volcanic stone or red stone, not Torquay limestone that's shown in the plans.

The floodgate by the Waterfront's terrace would not be able to open as shown because they have a large fixed umbrella in that position.

If the gate swings from the North-West side, what cosmetic covering will it have? Are the plastic bollards in keeping with the heritage of the Quay? Will the treatment to their six double flood doors be in keeping with the existing doors?

Zone 5: Exeter Canal between Trews Weir and Bridge Road.

No specific objections have been received with specific regards the works in Zone 5.

Zone 6: St. James Mill Leat and Countess Wear.

Serious concern that 30 Mill Road now excluded from the original flood protection plan.

Concerns over access impacts during construction and operation phases with lorries and heavy machinery through Mill Yard and through Waring Bowen Court. Access through River Exe Country Park and/or with the creation of a temporary bridge is suggested. The need for a 46m x 3.5m wide carriageway as part of the sluice gate is not accepted. It'll be a visual nuisance and destroy wildlife habitats and be out of keeping, it should only be a sluice.

Question the refusal of the EA to consider an alternative route beyond Withymead on the ground it was illegal, they have evidence that it is not.

Concern that the flood gates at Waring Bowen Car Park will cause higher flood threshold levels at the former Quay and that the scheme increases flood risk along Mill Lane and Kiln House.

A number of residents on Mill Road have requested more detailed information on flood risk to their property and that individual Property Protection measures are provided.

Want reassurances over the possible risk of sewage issues due the adjacent water pumping station not being protected.

Who manages the flood gate opening and closing at Waring Bowen Court?

Push back the embankment; create a Lake from the pond proposal to turn the marshland into world-class Wildlife Habitat Reserve

The EA have not considered the holts on the Mill Lane riverbank during their survey, protection must be offered to Otter habitat.

What's the impact on the value of property and will they be compensated for loss of land and disruption?

CONSULTATIONS

Historic England: Historic England is grateful for the care and thought that has been devoted to developing methodologies behind these proposals and we are happy to support the principle. We are also confident that the archaeological dimension will be appropriately addressed by the Environment Agency advised by Exeter City Council.

Natural England: No objection – no conditions requested. This application is in close proximity to the Exe Estuary European Marine Site and the Exe Estuary SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this and SSSI does not represent a constraint in determining this application.

The Environment Agency: The revised planning drawings and Addendum to the Planning, Design & Access Statement are in-line with the submitted Flood Risk Assessment (ref. Exeter Flood Defence Scheme v.2, dated 04/02/15).

Network Rail: No objection subject to necessary clearance and license agreements being in place between Network Rail and applicant prior to works taking place.

Marine Management Organisation: No comments received.

DEFRA: Application and Environmental Statement Acknowledged.

Sport England: Sport England does not wish to raise an objection to this application.

Devon and Cornwall Police: No comments received.

Devon and Somerset Fire Service: No comments received.

RSPB: No comments received.

Exeter Civic Society: We accept the proposals are essential works and necessary to protect homes and businesses. Strongly support proposals to create a cycle and walking track on the West bank of the river between Cowley Bridge and Station Road. To extend the Exe Valley Green Way would greatly enhance the appreciation of this attractive part of the valley. Specific suggestions are made with regards the future provision of cycle routes. The bollards are not appropriate for the Quay area as they are large and obtrusive. If bollards are the only option, the Civic Society suggest they're the same size as the ones currently present. Plastic covering for the round bollards, which seems inappropriate for the historic Quayside. Painted black steel should be the considered material. The masonry walls/posts proposed for the flood gates to close against is inappropriate because the Quayside has always been open. For the same reason, they also question the use of stone cladding because it detracts from the openness of the Quay. They suggest black painted steel instead. Object to the proposed stepped/raised terracing from Gervase Avenue to the Public House because it would make the track too narrow for both public and cyclist use. Better consideration should be given to the separation of both users, particularly at the corner of the Public House.

Living Options: We do not have any comment to make other than to say it is hoped consideration will be given to access needs of disabled people and in particular people with visual impairments who may be unaware of any obstructions/trip hazards.

Cycle Touring Club: No comments received.

South West Water: No specific comments.

Highways England: No objections.

DCC Highways: The updated drawings for the flood defence scheme changes are positive. Comments as follows:

Zone 1: It appears that [pre-application] comments on the previous paper regarding Zone 1 have been taken on board and the drawing includes the potential for a future cycle route from the rotating gates as proposed cycle/footpath or other surfacing.

Zone 2, Station Road: There is an aspiration for a new pedestrian / cycle bridge alongside the existing road bridge at Station Road. The flood gate on the Station side of the Station Road bridge doesn't prevent this new facility from happening but will make it more challenging. For works on the highway in such a prominent location further details will be required. In particular, there are road safety issues to consider as part of the re-profiling of footways, carriageways and crossing and installation of flood barriers, and therefore a road safety audit of the proposals should also be undertaken prior to any works taking place here. As details of these arrangements still need to be agreed, I would recommend a condition is attached in the granting of any permission.

Zone 3, Okehampton Street/ Exe Bridges: Given the height of the wall it may be prudent to provide a pedestrian barrier on the on the Exe Bridge side (north).

Zone 4, The Quay. The designers should liaise with the emergency services with regards a barrier across the road to agree a suitable design. Whilst this is not Highways Maintained at Public Expense (HMPE) – I would recommend that the cladding should be a minimum of 450mm from the carriageway edge. I appreciate that with a 4.0 metre span flood gate and the requirements of the emergency services for access the detailed design will need tweaking and possibly some compromise. As the highway is private I would not be looking for a condition.

ECC Environmental Health: Recommend a contaminated land condition. More investigation and assessment required at parts of site, e.g. Network Rail land. Request a Materials Management Plan to ensure the materials re-used are suitable for Public Open Space.

ECC Heritage: There is sufficient supporting information, in the shape of appendix H (the Heritage Statement for the Quay; the Wessex Archaeology Archaeological Fieldwork Report on preliminary site investigations), the Wessex Archaeology Desk Based Assessment, and the scheme drawings (as amended), to determine these applications from the point of view of their potential impact on the historic environment. The impact of the scheme upon the fabric and setting of the listed buildings that are affected by it, principally those on the Quay, and on other significant undesignated above ground heritage assets, is now acceptable - due to amendments made during the design and consultation process, and subject to conditions requiring prior approval of detailed design and materials in some instances (see below). The impact of the scheme upon the character of the Riverside Conservation Area, specifically at the Quay and canal basin, is now acceptable, and preserves that character, in line with the requirements of the 1990 Act and the NPPF. The impact of the scheme upon buried archaeological remains – undesignated heritage assets of varying significance - is – due to amendments made during the design process - relatively minor and is acceptable subject to an approved programme of archaeological work secured by planning condition, as is normal.

ECC Ecology and Green Infrastructure:

Flora and Fauna.

The use of the biodiversity offsetting calculator is welcome and conclusion that the scheme will be net positive for biodiversity which is confirmed. The 'manual' which sets out the maintenance regime for the completed scheme will be a vital document and should be conditioned. The 'mitigation plan' to accompany applications for European Protected Species (EPS) Licence should also be conditioned. Soils are being stored at Bromhams Farm and there is an implication that mounds are being differentiated into top and sub-soil, with separate piles for source location too. More information on methods of soil storage is required to confirm and therefore the proposed 'Soil Waste Management Plan' needs to be made a condition. We welcome the commitment to make felled timber "available to the community" and assume this includes any artists operating through the Art in the Exe project.

Ecological design and surveys.

Badgers: Two locations with active badger setts are identified. One sett will be destroyed by embankment works and a licence will be required, accompanied by a mitigation plan.

Dormice: The survey was conducted to an acceptable standard. No dormice were found.

Otters: It is extremely difficult to confirm breeding by otters without considerable survey effort. However given the substantial number of sightings we are certain that the Higher Wear woodland is occupied by otters and I am satisfied that it is likely to be a breeding site.

Given the importance of the location, the need for an EPS licence due to construction disturbance, a pre-construction survey and mitigation plan needs to be conditioned.

Bats: The assessment has identified a number of trees and bridges as potential roosting sites. However, the report does not state how much effort was put into field survey.

Therefore, it is not possible to judge whether the lack of evidence of actual use by bats is likely to be accurate. The application relies on further survey work this summer and associated mitigation plans, and this again will need to be conditioned.

Green Infrastructure.

The proposed seeding mixtures are suitable. Specific recommendations are made with regards soil, plant and seeding mixes which should be conditioned to be approved on a site by site basis.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework. Core Principles and Section 10 Climate Change, Flooding and Coastal Change.

NPPG - National Planning Practice Guidance

Exeter Local Development Framework Core Strategy

CP9 - Transport

CP10 - Meeting Community Needs

CP12 - Flood Risk

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

T5 - Cycle Route Network

C1 - Conservation Areas

C2 - Listed Buildings
C3 - Buildings of Local Importance
C5 - Archaeology
L1 - Valley Parks
L3 - Protection of Open Space
L5 - Loss of Playing Fields
LS1 - Landscape Setting
LS4 - Local Nature Conservation Designation/RIGS
EN4 - Flood Risk
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
KP6 - Quay/Canal Basin Area

Exeter City Council Supplementary Planning Documents
Riverside Conservation Area Appraisal and Management Plan (September 2005)
Exwick Conservation Area Appraisal and Management Plan (June 2006)

OBSERVATIONS

The scheme will benefit the local community by reducing flood risk to approximately 3,270 residential and commercial properties, infrastructure and recreational assets. The scheme will significantly increase the current standard of protection to 1 in 100 (1.0% annual probability of flooding). The construction of flood defences will provide protection from flood risk and ensure long term sustainability benefits for the local community, in accordance with the principles set out in the NPPF and NPPG.

Some objections in principle have been received, on grounds of cost in particular. The level of protection afforded by the current defences will decline due to increased incidence of higher flows in the River Exe due to the impacts of climate change. Alternatives to 'in city' improvements have been considered and are discussed in the Environmental Statement but were discounted on cost and impact grounds. It is accepted on ground of social, environmental and economic sustainability that the enhancement of the City's defence against flooding from the River Exe should be improved from its current levels and that a 1 in 100 year standard is an appropriate design standard.

The NPPG guides that such defences should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and should conserve heritage assets in a manner appropriate to their significance. This is supported by Core Strategy Policies CP17 and CP18 and is the key test in determining this application.

The grant of planning consent does not in itself give rights to the Environment Agency to enter privately owned land. The Environment Agency will need to use its statutory powers or make arrangements with landowners to achieve access.

Local communities and others have been consulted by the applicant at pre-application stage and consulted on the originally submitted and revised plans. There is 'no objection' or support for much of the scheme as presented for consideration by planning committee. There are however some areas where there are objections (as summarised above in the Representations section) and these areas are addressed in the discussion below.

All Zones

Changes through pre-application and application

A detailed scheme for the landscaping and tree works can be secured and conditions 7, 8 & 9 are recommended for this purpose.

Outstanding issues.

Dredging in itself would not achieve 1 in 100 year flood protection standard. The flow rate in the river channel in future flood events is anticipated to be higher than at present improving the ability of the river to naturally scour sediment material at these times. The need for dredging should therefore be lower in the future.

Zone 1: Cowley Bridge to St. David's Station.

Areas where there are no objection

Proposals for flood protection walls, embankments and habitats improvements alongside railway and in fields on east bank of Exe between Cowley Bridge and Waggoners Way.

Main concerns and objections raised

Provision should be made for a walking and cycling route north of Station Road along the river. This should be at least 3m wide. This is should be part of a cycle route linking Exeter to Crediton.

Loss of trees at Waggoners Way and Olds View.

Changes through pre-application and application

Network Rail have confirmed that they intend to develop their own flood defence improvements to protect the railway at Cowley, the flood gate or barrier included at pre-application stage is therefore not included.

South of Cowley Bridge there is insufficient space for a defence wall to be constructed immediately adjacent to the railway. Therefore, the scheme includes a new shallow embankment in the field next to the railway. Provision of a new access route for maintenance vehicles between the proposed flood defence embankment and the railway. At Old's View and Wagoner's Way the proposed flood defence walls in these locations will be formed from sheet piles rather than reinforced concrete.

At Exwick Health Centre the type of defence has been changed from a wall to an embankment and the proposed defence alignment is now through the garden rather than along the footpath next to the Flood Relief Channel.

The Contaminated Land Risk Assessment is conditioned to be approved with updates to include consideration of change to sheet piling at Olds View and Waggoner's Way.

Outstanding issues.

The Environment Agency is constrained to the purpose of providing flood defence. The scheme includes level areas along defence tops and at embankment footings for maintenance access and these could be developed to provide cycle and pedestrian access in the future.

Trees along the water edge will unavoidably be lost through construction and replacement compensatory planting will be made elsewhere. Condition 7 is recommended to secure the details of planting.

Zone 2: Station Road to Exwick Playing Fields.

Areas where there are no objection

Shallow sided embankments at Exwick Playing Fields, Exwick Health Centre and Flowerpot meadow.

Main concerns and objections raised

Station Road flood gates detail and safety.

Changes through pre-application and application

Details of flood defence gates at Station Road and the provisions for operation of advance warning of the closure of that road to traffic can be secured by suggested condition 14.

Outstanding issues.

None.

Zone 3: Central Exeter.

Areas where there have been no objections.

Embankment through Bonhay Park.

Brick Wall along top of existing defences at Oakhampton Street.

Ground raising and landscape works at Exe Bridges.

Raising of walls on west bank of Exe near Malthouse and Shooting Marsh Stile.

Areas of main concerns and objections raised.

Disruption and impact on use of Gardens on Bonhay Road.

Royal Oak Glass parapet should be extended to Victoria Court.

Restriction to width of shared pedestrian and cycleway at The Malthouse.

Princess Alexandra Court. Proposed wall and banks will result in loss of light, views, outlook and privacy to Alexandra Court.

Eagle Cottages and Headweir Mill House. Loss of views, impact on appearance of buildings, structural and drainage concerns, environmental damage to leat area.

Bonhay Road Park. Loss of trees.

Changes through pre-application and application

Princess Alexandra Court and Bonhay Meadow - The proposed flood defence is now a wall along the northern boundary of Bonhay Meadow rather than an embankment across the northwest corner of the Meadow, and returns to the flood defence embankment via a flood gate rather than a ramp.

Eagle Cottages – The proposed defence along the river frontage of the cottages has been changed from a brick parapet and self-erecting flood barrier to a flood-proof glass barrier.

Outstanding issues.

At Victoria Court the proposals are not considered to result in any unacceptable loss of privacy or light. The use of glass panels in public areas is likely to result in greater wear and tear on those elements which will result in loss of transparency, poor appearance and greater maintenance cost. There is no protection of private views and the proposals are considered acceptable.

The flood defence of Eagle Cottages has been amended to avoid loss of light or views by inclusion of a glass wall mounted on the brick parapet. The lead bed material is reinstated over the foot of the defence structure. The scheme for a wall across the river elevation of Eagle Cottages protects those dwellings but also a wider flood cell on Bonhay Road. The scheme as revised is considered to adequately protect the living conditions of occupiers of those dwellings. Whilst the scheme will significantly affect the appearance of these buildings through introduction of a new wall structure along the river facade, the principle public views of this part of the defences is from the west bank of the Exe at some distance and obscured to a degree by vegetation. Provided that the facing of that wall is carried out to a suitable finish it is not considered that the objections outweigh the benefits of the scheme. Recommended condition 12 secures approval of materials.

The loss of trees at Bonhay Road Park is compensated at that location and through compensatory planting at other locations in the scheme. A detailed scheme for the landscaping and tree works can be secured and conditions 7, 8 & 9 are recommended for this purpose.

Zone 4: The Quay.

Areas where there are no objection

The design of the headwall flow control structure for the Cricklepit Mill Leat has been moved to the upstream side of the Quay Bridge which has resolved the issues of principle relating to this structure. Details of construction and finishes including to the Quay Bridge can be secured to be approved by condition. Conditions 12 and 15 are recommended for this purpose.

Length of low wall between edge of highway and open space at Haven Road.

Raising of steps between existing buildings at Waterside flats.

Length of low wall to protect Piazza Terracina and canal basin.

Waterproofing of existing glass parapets at 37 Commercial Road.

New flood proof stop boards or replacement doors to The Waterfront, Kings Wharf and Quay Cellars. These are Listed Buildings where a control of the detail of the alterations to these buildings is essential and condition 4 of the recommended Listed Building conditions would secure approval of these details.

Main concerns and objections raised

The level of protection of the Antiques Centre is not adequate and it's significantly different from the original proposal. The sump pump drainage system was not discussed. New public seating/storage structures would encroach on space between the business itself and the Riverside Cafe's Pavement License.

Suggests continuation of glass parapet along quay.

Two separate car parking area need two removable bollards.

The scheme should be continued to protect Clipper Quay, CQ Car Park entrance, Sea Scout premises and Port Royal.

Side weir and radial gate can be used to resolve flood risk.

Heritage statement which says the Quay should have an 'open nature and aspect'. Flood gate, pillar and three seats close to one another will clutter quayside.

The three 'seats' in front of King's Wharf is unnecessarily cluttered; can the shutters be stored elsewhere?

The pillar and wall should be made of local purple volcanic stone or red stone, not Torquay limestone that's shown in the plans.

The floodgate by the Waterfront's terrace would not be able to close because they have a large fixed umbrella in that position.

If the gate swings from the North-West side, what cosmetic covering will it have? Are the plastic bollards in keeping with the heritage of the Quay? Will the treatment to their six double flood doors be in keeping with the existing doors?

Changes through pre-application and application

A number of alternatives to provide flood protection to the Quay have been examined in detail. To achieve 1 in 100 year protection for the Quay and Shilhay requires defences to be between 8.5 and 9.0 metres above datum. If positioned between the Antiques Centre and Quay edge the defence would need to be 1.7 metres tall. If set back at the edge of the roadway as proposed where ground levels are higher the defence height would only need to be 1.3 metres tall. A 1.7 metre high defence height would need to hold back a greater force of water and be stronger and therefore larger than the lower set back defence line.

The current proposals for a demountable 'bollard and board' demountable defence along the riverside edge of the roadway, and replacing the existing 50 bollards set at 1 and 2 metre centres with 56 larger bollards (200mm diameter and 1300mm height) set at 1.75 metre centres on the same alignment. The proposals are considered to have a far lesser negative impact on the openness of the quay and the setting of Listed Buildings (Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard) than other options identified. The 'pop-up' defence type was discounted due to capital cost, ongoing maintenance cost and impact on the quayside surfaces and buried archaeology. The benches that are proposed to store flood boards close to where they are needed will replace existing benches and planters. Overall the proposals are not considered to introduce an unacceptable level of 'clutter' to the Quay.

The proposed defence line does mean that the Antiques Centre and the Transit Shed will be outside the line of the main defences. Options for protection of the Antiques Centre have been explored and it is not considered that this building can be provided with a 1 in 100 year standard of protection without significant detrimental impact on the appearance of this building, the Quay and setting of the aforementioned Grade I, II* and II Listed Buildings. The Antiques Centre is proposed to benefit from Individual Property Protection Measures (application of water proofing to 600mm in height and stop board in doorways) that will reduce the risk of flooding of the building from current risk levels. The Flood Protection Scheme will also reduce the flood risk at the Quay generally.

The plans have been revised to include two separate removable bollards allowing two separate entrances for car parking adjacent of the Antiques Centre.

The design of the pillar onto which the flood gate will close has been amended to reduce its apparent size and stop it reading as an element of the flood wall that extends from the wharf building.

The floodgate has been redesigned to close onto the north side of the wall avoiding obstructions to opening.

Outstanding issues

No defences for Clipper Quay are included in this application on the basis of the Environmental Agencies assessment that they are not required.

The use of the radial gate in itself would not achieve a reduction in water level to achieve 1 in 100 year flood protection.

The current proposals for a demountable 'bollard and board' demountable defence along the riverside edge of the roadway, and replacing the existing bollards, with flood board storage in seating boxes distributed around the Quay is considered to have a far lower impact on the openness of the quay and the setting of the various Listed Buildings (Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard) than the other options considered. Some existing seating, bollards and other structures can be removed to reduce clutter.

The detailed design and finishes of the floodgate, bollards, box seats and wall can be secured to be approved by condition. Condition 15 is recommended for this purpose.

Zone 5: Exeter Canal between Trews Weir and Bridge Road.

No specific objections have been received with specific regards the works in Zone 5. These comprise embankments alongside allotments between Trews Weir and Bromhams Farm. Timber clad walls along cycleway at Double Locks. Bank raising between Double Locks and Bridge Road.

Zone 6: St. James Mill Leat and Countess Wear.

Areas where there are no objection

Embankments and channel alignments at the Northbrook Golf Course and Crematorium. Embankments and flood walls through higher wear woodland. New flow control structure at St. James Mill leat.

New flood bank at Higher Wear field.

Main concerns and objections raised

Serious concern that 30 Mill Road now excluded from the original flood protection plan.

Concerns over access impacts during construction and operation phases lorries and heavy machinery through Mill Yard through Waring Bowen Court. Access through River Exe Country Park and/or with the creation of a temporary bridge is suggested. The need for a 46m x 3.5m wide carriageway as part of the sluice gate is disputed. It'll be a visual nuisance and destroy wildlife habitats and be out of keeping, it should only be a sluice.

Question the refusal of the EA to consider an alternative route beyond Withymead on the ground it was illegal, they have evidence that it is not.

Concern that the flood gates at Waring Bowen Car Park will cause higher flood threshold levels at the former Quay and that the scheme increases flood risk along Mill Lane and Kiln House.

A number of residents on Mill Road have requested more detailed information on flood risk to their property and that individual Property Protection measures are provided.

Want reassurances over the possible risk of sewage issues due the adjacent water pumping station not being protected.

Who manages the flood gate opening and closing at Waring Bowen Court?

Push back the embankment; create a Lake from the pond proposal to turn the marshland into world-class English Heritage Wildlife Habitat Reserve.

The EA have not considered the holts on the Mill Lane riverbank during their survey protection must be offered to Otter habitat.

What's the impact on the value of property and will they be compensated for loss of land and disruption?

Changes through pre-application and application

The scheme has been amended since originally submitted and now extends to provide protection to the bungalow at 30 Mill Lane.

The Environment Agency have confirmed that the provision of flood defence measures in the manner proposed does not result in additional flood risk to the undefended areas.

South West Water has been consulted on this planning application and have raised no concerns with regards the operation of their equipment in the areas. The scheme involves the sealing of manholes in the areas behind the flood defence to prevent flood water passing through the sewer network. Pumping out of water collecting behind the defences in a flood situation is also allowed for.

A scheme of management and maintenance of the flood defence structures, including responsibility for closure of the gate adjacent Waring Bowen Court can be secured by condition. Condition 13 is recommended for this purpose.

Outstanding issues

The effect of the proposals on property value is not a material planning consideration.

The roads at Mill Yard and Mill Lane between Waring Bowen Court and Countess Wear Road are private highway. These areas are narrow and with dwellings tightly to the carriageway in places and are poorly suited to HGV access. There are opportunities for construction phase access from the Valley Park. It is proposed that a Construction Environmental Management Plan that requires controls of aspects of the construction phase be secured by condition. These controls can include working hours, noise and vibration, construction traffic access to the site and pollution control. Specifically measures could be required to restrict any HGV or bulk transport use of roads for construction where an alternative was available. Condition 4 is recommended for this purpose.

The scheme includes an access structure across the Mill Leat at Waring Bowen Court. The parapet being 5 metres above the Mill Leat bed and up to 1.7 metres above the adjacent car park level. The land south of the Mill Leat not having public access this would principally

impact on views from private land at Waring Bowen Court. A flow control structure that allows water flow under this structure is included and this allows for fish and otter access. The proposals include for this to be timber clad, for landscaping and wetland habitat creation upstream of the structure to reduce its visual impact. Provided these matters are adequately addressed in detail, which can be required by condition. The necessity for 3.5 metre wide access being advanced by the Environment Agency and accepted as necessary for essential access, including during flood events when access from the river side may not be achievable, this proposal is considered acceptable. Condition 7, 12 and 15 are recommended to secure appropriate details as discussed above.

Whilst a route of defence further extending the scheme in the open land southwest of Countess Wear was consulted on at pre-application stage this was discounted due to the extent of works, cost and environmental impacts. The amended alignment proposed being acceptable in principle there is no planning reason to require a longer route.

The timber clad flood defence wall and gate at Mill Road will introduce a structure near the Grade II Listed Lime Kilns that will impact on the setting of that structure. The amendments that introduced the flood defence on this alignment were made provide protection to 30 Mill Lane, which is a bungalow. Whilst the harm to the setting of the Lime Kilns is acknowledged the benefits to protecting 30 Mill Road outweigh the harm to the setting of this heritage asset.

FURTHER CONDITIONS

In some locations such as at Sidings Field the defences proposed are inaccessible to the public, in others the public will come into direct contact with the defences, the defence line passes through areas of great historic significance and environmental sensitivity, for example at Eagle Cottages, The Quay and Mill Road. Particular care will need to be taken with finishes and external materials in many locations. The external materials used in the scheme should be reserved to be approved by conditions. Condition 12 is recommended to be attached to any planning consent and Condition 3 is recommended to be attached to the Listed Building consent to secure approval of materials.

The works will impact on a number of protected species (Badgers, Otters, Bats and Dormice) and the licence mitigation plans should be required to be submitted and approved. Condition 6 is recommended for this purpose.

The works proposed involve significant works of landscaping, biodiversity enhancements and tree planting which are required to make the scheme acceptable. The protection of retained features during construction is also necessary. Conditions 7, 8 & 9 are recommended for this purpose.

The works for the mitigation and enhancement of ecological and biodiversity impacts will need to be managed in the long term and it is essential that manuals are created, regardless who will be responsible for that future management, to ensure that this is done in the correct manner. Condition 11 is recommended to ensure such manuals are created.

The works will involve a great deal of movement of earth and materials and the handling thereof in an environmentally sensitive location site waste management plan that includes the movement and storage of soils is considered necessary and Condition 10 is recommended for this purpose.

The impact of the scheme upon buried archaeological remains is acceptable subject to an approved programme of archaeological work secured by planning condition. Condition 3 is recommended for this purpose.

During the construction phase there will be impacts, notably related to noise, traffic and air quality, but any impacts will be minimized through the application of appropriate mitigation measures within the design and through application of best practice during construction. These can be required to be submitted for approval and implemented by planning condition. Condition 4 is recommended for this purpose.

Further details. There are a number of areas of detail which it would be onerous to have expected at this stage but nonetheless need to be controlled in the interests of ensuring the acceptable appearance and particularly the impact on the Conservation Area and Listed Buildings of these matters. They include: The detailed design of the bollards (and covers thereto), storage benches and the fixing of these; the detailed design of each flap valve proposed; the detailed arrangement of pedestrian safety measures at the Exe Bridges junction; The detailed design and finish of floodgates at Station Road, Mill Road, and The Quay; The detailed design and fitting of Individual Property Protection measures at the Antiques Centre, Kings Wharf, and Quay Cellars. Condition 15 is recommended to be attached to any planning consent and condition 4 is recommended to be attached to the Listed Building consent to secure approval of such details.

CONCLUSIONS

The proposals are sustainable in economic, environmental and social terms and accord with the relevant planning policy criteria for the site, at national and local levels. The impacts on the setting and fabric of the affected Listed Buildings is accepted, given the benefits of the scheme and the alternative options.

15/0172/03 RECOMMENDATION

The Assistant Director City Development be granted delegated authority to **APPROVE** the application for planning permission subject to the following conditions (which may be varied or supplemented as appropriate):

- 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 9 March 2015 as superseded by revised drawing received on 17 May 2015 and 17 June 2015, and as modified by other conditions of this consent.

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

- 3) No development shall commence until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 4) No part of the approved development shall take place until a Construction and Environment Management Plan (CEMP) relating to that part of the approved development, and including any preparatory and enabling works, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a) The construction access points from the highway;
 - b) Restrictions to burning on site;
 - c) Hours of working, which unless otherwise agreed, shall be not carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - d) Dust suppression measures that shall be employed as required during construction in order to prevent off-site dust nuisance.
 - e) Noise, vibration and dust control measures and practices shall be employed as required during construction in order to prevent off-site nuisance.
 - f) The recording and handling of complaints relating to construction activity.

Reason: To protect the amenities of existing and future residents.

- 5) No part of the approved development shall take place until a full investigation relating to that part of the approved development, and including any preparatory and enabling works, 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. [Access](#) shall not be allowed into any of the completed areas of works until any approved remedial works relating to that area that are required 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: In the interests of the public safety.

- 6) The pre-construction surveys and mitigation plans for any works affecting European Protected Species shall be submitted to and approved in writing by the Local Planning Authority and works detailed therein shall be carried out in accordance with the approved plans.

Reason: In the interests of sustainable development.

- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and soils shall be submitted to the Local Planning Authority and no development shall take place on any part of the site until the Local Planning Authority have approved a scheme for that part of the site; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, the details of soils and seed mixes and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 8) No materials shall be brought onto any part of the site or any development commenced in that part of the site, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development in that part of the site the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 10) Before works commence on any part of the development hereby approved a plan for the management of site waste, including soils, relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved plan.

Reason: In the interested of sustainable development and the interests of human health.

- 11) Before works commence on any part of the development hereby approved, a manual for the management of and maintenance of the ecological, biodiversity enhancements and landscaping, relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interested of sustainable development.

- 12) Unless otherwise agreed in writing samples of the materials (and including the mortar, coursing and bonding of any block or brickwork), it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the

materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- 13) A scheme for the management, maintenance and operation of the flood defences (including all flow control structures and pumps) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and to ensure that provision is made for the ongoing operation of the scheme of defences.

- 14) A scheme for the advance warning of the closure of flood gates across Station Road and the management of traffic during any closure shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This scheme shall be implemented before these gates are first brought into use.

Reason: In the interests of sustainable development and highway safety.

- 15) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to and approved in writing by The Local Planning Authority.

- a) The detailed design of the flood defence gates at Station Road.
- b) The detailed design of the storage benches, bollards (including coverings), flood gate, wall, and the supporting structures and foundations thereof, and works of surfacing and ground re-profiling at the Quay.
- c) The detailed design and construction of the Individual Property Protection measures to The Antiques Centre, Kings Wharf and Quay Cellars.
- d) The detailed design of the flood defence gate at Piazza Terracina.
- e) The detailed design of all flap valve closures to be provided to existing pipe outfalls.
- f) Details of the works to Quay Bridge.
- g) The detailed arrangement of the junction of the propose ramps with the footpath and cycle path at Exe Bridges North.
- h) The detailed design of the flood defence gates at Mill Road.
- i) Details of the root protection measures implemented at the London Plane Tree in design and during construction.
- j) Detailed design of the Flow Control Structure on St. James Mill Leat at Waring Bowen Court.

Reason: Insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development.

15/0173/07 RECOMMENDATION

The Assistant Director City Development be granted delegated authority to **APPROVE** the application for Listed Building Consent subject to the following conditions (which may be varied or supplemented as appropriate):

- 1) 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 9 March 2015 as superseded by revised drawing received on 17 May 2015 and 17 June 2015, and as modified by other conditions of this consent.

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

- 2) C08 - Time Limit - L.B. and Conservation Area
- 3) Unless otherwise agreed in writing samples of the materials (and including the mortar, coursing and bonding of any block or brickwork), it is intended to use externally in the construction of the development in shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area to ensure a satisfactory appearance and implementation of the development in the interests of protecting the character appearance and setting of Listed Buildings and the character and appearance of the Riverside Conservation Area.

- 4) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to and approved in writing by The Local Planning Authority.
 - a) The detailed design of the storage benches, bollards (including coverings), flood gate, wall, and the supporting structures and foundations thereof, and works of surfacing and ground re-profiling at the Quay.
 - b) The detailed design and construction of the Individual Property Protection measures to The Antiques Centre, Kings Wharf and Quay Cellars.
 - c) Details of the works to Quay Bridge.
 - d) The detailed design of the flood defence gates at Mill Road.

Reason: Insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development in the interests of protecting the character appearance and setting of Listed Buildings and the character and appearance of the Riverside Conservation Area.

APPENDIX 1 - Detailed description of works.

DESCRIPTION OF WORKS

| ZONE 1 : COWLEY TO ST DAVIDS | |
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| East bank downstream of Cowley Bridge and Cowley Field | <ul style="list-style-type: none"> • New 360m long 2.0 to 3.0m high flood embankment to protect railway with a riverside slope at 1:8 gradient to allow grazing/mowing by landowner. • New drainage ditch to collect run-off from railway • New 65m long 3.0m high sheet-pile wall to tie into existing railway defences |
| Sidings Field and Wagonners Way | <ul style="list-style-type: none"> • At 'Sidings Field', widen existing 790m long grassed earth bank and raise by 1.4m above existing levels to 2.5m above surrounding ground levels, planted with species-rich grassland. • Restore 2ha of land area to wetland habitat, incorporating a large multi-stage backwater with a 5m minimum offset between the backwater and the flood-bank. The linear backwater will have aquatic ledges at different depths, re-seeding of upper slopes (wetland meadow mix) and pre-vegetated coir pallets placed intermittently around backwater. Backwater will be designed to drain fully into the river during low flows (to ensure no entrapment of fish) • Create sandmartin nesting sites along the edge of the river at the existing Radial Gate structure. |
| Olds View and St Davids Station | <ul style="list-style-type: none"> • Provide 120m of new 1.1m high brick-clad flood defence wall to protect Olds View and the railway station from the River Exe. • Provide 360m of new 1.0m high brick-clad flood defence wall to protect the station from the River Exe in the vicinity of the Signal Box. • Parapet and soffit improvements to enhance resilience of two existing railway bridges south of St Davids Station • New 60m long 0.7m high flood embankment between the River Exe and Exwick Flood Relief Channel to protect railway, planted with species-rich grassland. |
| St Andrews Road | <ul style="list-style-type: none"> • IPP (e.g. temporary defences) to be deployed in some areas along St Andrews Road. |
| ZONE 2: EXWICK AND FLOWERPOT FIELDS | |
| West Bank, Station Road | <ul style="list-style-type: none"> • Widen and raise by 0.35m the current grass-covered earth embankment that runs for 140m from the east of the Riverview Drive residential area southwards to Station Road and include a sheet-pile cut-off. • Enhance the sward of the whole field at Exwick Acres with a diverse seed mix that brings in pollinating insects and provides space for a different experience by users. • Incorporate access track on east side of earth embankment. • Install 1.5m high timber clad flood gate to allow the defence line to cross Station Road. Re-profile carriageway and footpath at Station Road. • Replace and raise existing masonry-clad flood wall to 0.7m high, reclaiming stone cladding for proposed flood wall, |

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| | extending south of Station Road by 60m. |
| Exwick Playing Fields | <ul style="list-style-type: none"> • Construct 220m of 0.4 to 0.8m high flood defence bank between Station Road car park and Exwick Health Centre, seeded with an amenity grass mix. • Construct 70m of 0.9m high flood defence bank at Exwick Health Centre. • Construct 810m of 0.3 to 0.8m high ground raising and flood bank between Exwick Health Centre and the Exwick FRC railway bridge around edge of existing playing fields. • Strengthen bridge and parapet over Exwick FRC in agreement with Network Rail. |
| East Bank, Station Road, Waggoners Way and St David's Station | <ul style="list-style-type: none"> • Install 1.1m high steel flood gate at level crossing. The gate will generally be kept open and recessed into an adjacent flood defence wall, but will be closed in the event of a flood warning of sufficient magnitude. |
| ZONE 3: CENTRAL EXETER | |
| East Bank, Bonhay Road and Eagle Cottages | <ul style="list-style-type: none"> • New 60m long 1.0m high grass covered earth bank through the ECC park next to the Exeter-Waterloo railway line. • New 175m long 1.0 to 1.9m high defence wall (clad in bricks or timber where visible from the road or gardens) running south from the park next to the river and along the western side of Bonhay Road. Construct pedestrian flood gates within flood defence wall to allow continued access to gardens. • Modify inlet to existing higher leat to allow complete closure in flood conditions. • Improve existing IPP at the Mill-On-The-Exe Public House including improvements to flood resilience of building. This will include works to the inlet and outlets from the mill leat that runs in culverts under the property. • Improve standard of protection to vulnerable properties in the vicinity of the Bonhay Road, Eagle Cottages, Princess Alexandra Court, Exe Street and Tudor Street by constructing a series of walls around Eagle Cottages and Princess Alexandra Court. The defences will be integrated with existing brick-clad boundary and building walls (including some glass parapet flood defences to maintain river views). Overall length of new walls total 120m and finished defence levels will be up to 1.4m above existing ground levels and adjacent building floor levels. Construct pedestrian and vehicular flood gates within flood defence walls to allow continued access to property gardens. Defences to Eagle Cottages will include a glass barrier above brick clad parapet height. • Infill gaps and raise existing 1.5m high bank between the road and the river to the south of the junction of Tudor Street and Bonhay Road by 0.7m, to a height of 2.2m above adjacent ground levels, and extend this southwards through the park to connect to the Exe Bridges. Total embankment length 235m. Provide a vehicle access gate through the defence. Plant new trees to replace any trees felled to accommodate the bank through the park. |

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| West Bank, Okehampton Street | <ul style="list-style-type: none"> • Provide brick-clad flood walls to raise the defence level of 170m of existing grass-covered flood defence embankment that runs from Flowerpot Meadow Playing Fields to Exe Bridges by up to 1.3m, incorporating localised accommodation works (i.e. glass flood wall) to minimise impact on the Royal Oak Public House and adjacent car-park. At its highest point (next to Exe Bridges), the completed embankment will be approximately 3.0m above road level (Okehampton Street). This defence plays an important role in the protection of St Thomas. To improve the standard of protection of this embankment at Okehampton Street, a 110m long sheet-pile cut-off will be incorporated into the embankment into the underlying soil, thus reducing the risk of groundwater flow under the bank during high river flows. Landscape banks to reduce their steep profile, wherever space allows and plant with native non-woody species. • Localised ground-raising up to 0.5m high and 120m long will be provided in the landscaped area on the west bank between the two Exe Bridges. Cultivate and reseed Exe Bridges Area to develop species-diverse grass sward. • Improvements will be made to the quality of amenity and access along the top of the flood defence. • New trees will be planted to replace any trees that will be felled to accommodate the bank through Exe Bridges. |
| West Bank, Shooting Marsh Stile (downstream of Exe Bridges) and Haven Road | <ul style="list-style-type: none"> • Construct 170m of new mini-piled masonry-clad reinforced concrete wall on top of the existing masonry retaining wall to raise the defences at Gervase Avenue, Shooting Marsh Stile and the Malt House Public House. The wall will be approximately 2.0m above existing ground levels and the footpath will be raised to preserve river views over the new parapet, with steps adjacent to the defence alongside the Malt House. A bridging structure will be used over the roots of the mature London Plane Tree at this location to minimise impacts on the tree root zone. • South of the pub, the existing 190m long defence wall next to Haven Road will be raised to 1.0m above the footway and new raised access ramps will be provided to preserve access over the defence. |
| ZONE 4: EXETER QUAY | |
| West Bank, Piazza Terracina | <ul style="list-style-type: none"> • Existing buildings in the Waterside Development at Haven Road have thresholds above required defence levels, although lower-storey car-parking exists below this. • Raise ground levels at the openings between buildings by modifications to existing flights of steps. • Construct a masonry-clad 80m long defence wall to a height of 0.5m above ground level next to the grassed area between the Canal Basin and the river. • A timber-clad flood gate will be formed at the northern end of this defence, which will connect across access route to adjacent defences. |
| The Quay | <ul style="list-style-type: none"> • New waterproof boundaries will be provided to the recently completed redevelopment of the former nightclub. This will incorporate 65m of glass-panel flood defences. • A headwall and flow control structures will be provided to the rear (upstream side) of the existing Quay Bridge to prevent floodwater from entering the Cricklepit Leat during flood conditions. This structure will be fitted with an otter-friendly opening to allow continued use of the leat by otters. |

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| | <ul style="list-style-type: none"> • IPP will be provided to the Antiques Centre, including waterproofing of the lower part of the existing brick walls to 0.6m and installation of removable stop-log boards across the openings. • New demountable flood defences will be provided along The Quay road from Quay Bridge to The Waterfront pub at Kings Wharf. This will include a new timber clad gate across the road. Demountable defences will be stored locally in new timber-clad bench structures. • Back of defence drainage will be provided along the line of the temporary defences and connecting to a sump in the carpark next to the Antiques Centre. • IPP, in the form of demountable flood boards or flood doors will be provided to the Waterfront Pub in Kings Wharf and the historic tunnel boutiques and storage units along the Quayside. • In-channel habitat enhancement at Higher Leat (Cricklepit Mill Stream) outlet. • A back of the defence drainage system will be provided to the quayside to discharge into the Higher Leat (Cricklepit Mill Stream). When the Leat is outlet-blocked by high water levels in the Exe, temporary pumping of the trapped surface water will be implemented. |
| <p>ZONE 5: EXETER CANAL</p> | |
| <p>West Bank, Defences to the Canal</p> | <ul style="list-style-type: none"> • The Canal and Bromhams Farm Playing Field act as a flood defence to the Marsh Barton Area, but is in itself an important asset in terms of tourism, historic and cultural heritage and ecology. Furthermore, the east bank of the canal accommodates a single large sewer that connects the city of Exeter to the Countess Wear Treatment Works, and flood damage to the canal banks could lead to rupture of this. • Construct 540m of flood bank up to 0.7m high adjacent to the boundary of the existing allotments between Trew's Weir and Bromhams Farm Playing Field. Embankment is to be planted with wild flower seed mix. • Construct 400m of timber clad sheet pile flood wall around Double Locks Pub increasing flood defences by up to 1m above the footpath/cycleway. Intermittent slopes will be integrated into the sides of the flood wall to provide landscaping and biodiversity value. • 180m of 0.7m high bank raising to existing canal bank flood defences between Double Locks and Bridge Road. • Construct 75m of 0.4m high flood bank and raised cycle path along the alignment of the canal to tie into high ground at Bridge Road. |
| <p>ZONE 6: COUNTESS WEAR</p> | |
| <p>East Bank, Mill Lane, Countess Wear</p> | <ul style="list-style-type: none"> • Construct new 58m long, 1.2m high ,earth embankment from the high ground within Exeter City Pitch & Putt, across the existing Northbrook channel (new channel will be diverted - see Northbrook). • Install new flow control structure across Mill Leat, located upstream of existing channel bifurcation at Mill Drive and downstream of Northbrook diversion. The control structure will contain an automatic float device, which will stop flows into Countess Wear during high water levels. • Install new 100m long, 1.0m high reinforced concrete flood wall |

| | |
|-------------------------------|--|
| | <p>that will pass through the Higher Wear woodland with a cycle/footpath ramp over the defence at the location of the existing footpath.</p> <ul style="list-style-type: none"> • Construct new 200m, 2.1m high flood bank in the Higher Wear field. Embankment slopes are shallow (1 in 8) to allow continued grazing of this land. • Install new flow control structure across the Mill Leat, at Waring Bowen Court car park, to control downstream flows into Mill Road and Mill drive. • Above the control structure, provide new vehicle access route into Higher Wear field from Waring Bowen court, to include a flood gate across the access entrance • Raise new defences at Waring Bowen Court and 30 Mill Road by installing a new sheet pile flood wall along existing property boundaries to connect to Mill Road. • Construct new 2.0m high 3.0m wide timber-clad flood gate across Mill Road. The support structure for the gate will be integrated into a new flood defence wall to connect into high ground on the eastern side of the road. • Render-finished reinforced concrete flood defence walls to Number 34 Countess Wear Road. |
| Higher Wear | <ul style="list-style-type: none"> • Provide in-channel enhancements at St James Leat including river restoration measures to provide improved in-channel habitats. Improve eel habitat and improve fish passage in existing channel and new diversions to complement existing eel habitat. • Improve existing public access while balancing recreational need with biodiversity. • Mosaic of wetland habitats, including channels, backwaters, scrapes and wet woodland habitats. • Include at least one new flowing channel – offtake from u/s end of backchannel and joining back further downstream. |
| North Brook | <ul style="list-style-type: none"> • Realign North Brook through crematorium with bridge over. • Enhancements constrained to below sewer. In-channel enhancements & longer channel for diversion route. • Sewer diverted 50m upstream • Refer to upstream of Topsham Road for example of typical river features. |
| Surface Water Pipes along Exe | <ul style="list-style-type: none"> • Surface water outlet pipes along the Exe will require threshold assessment and potential for additional flap valves at outlet. |

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Figure 2.1a Exeter Flood Defence Scheme

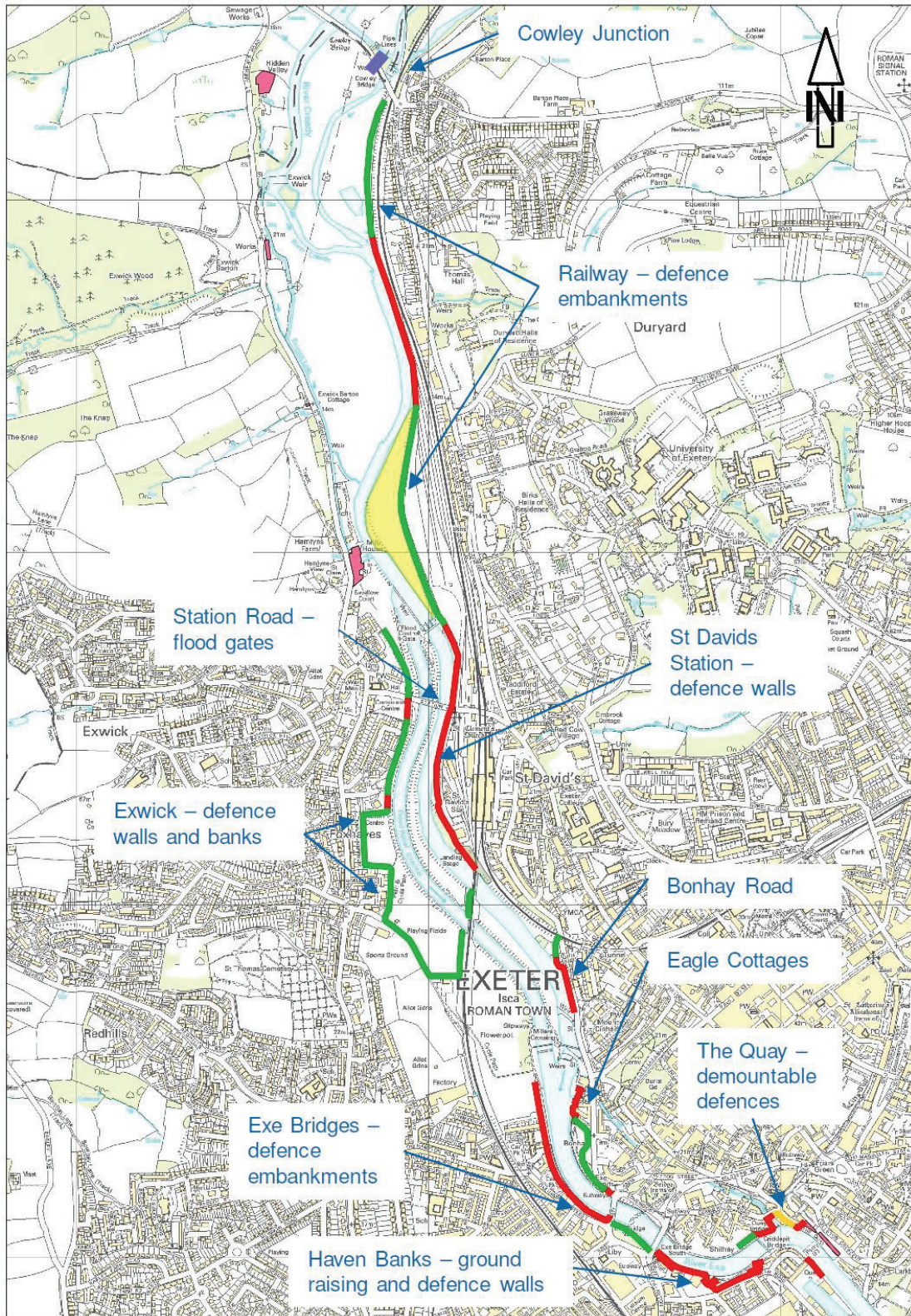
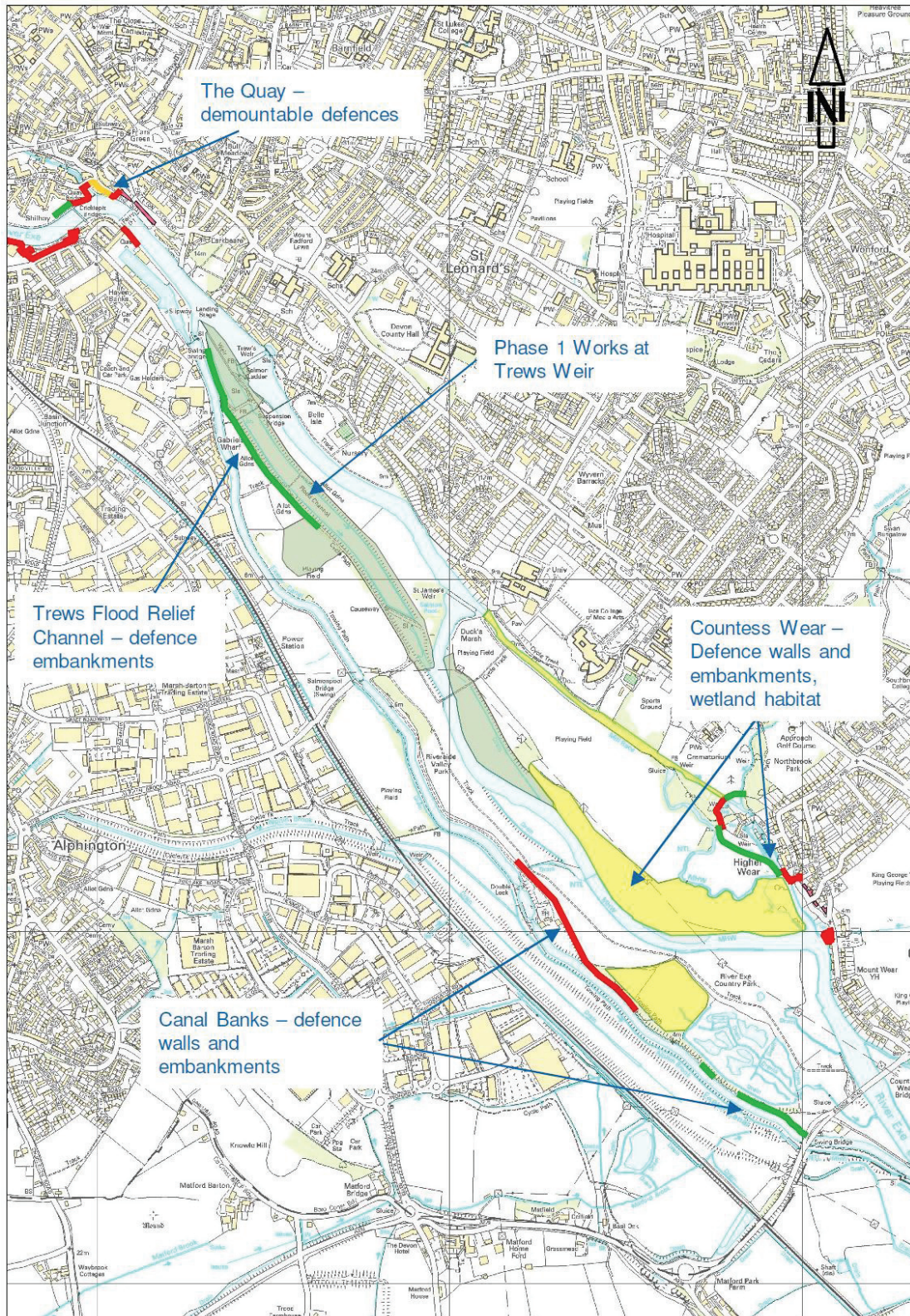


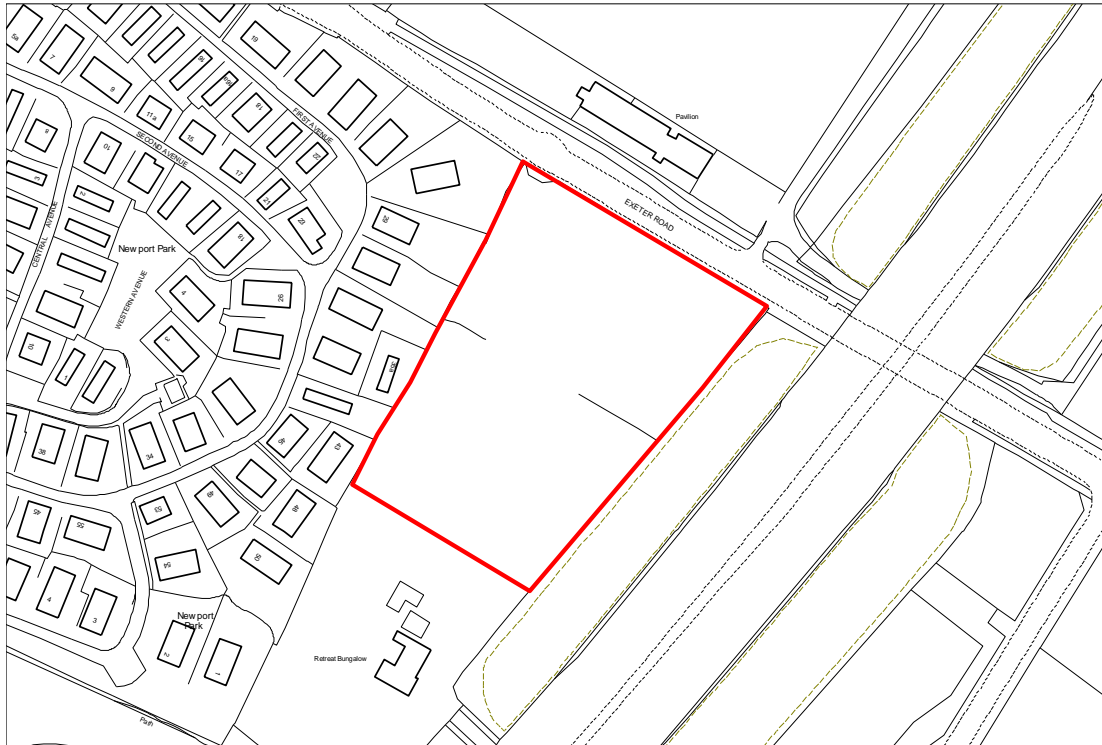
Figure 2.1b Exeter Flood Defence Scheme



ITEM NO. 2

COMMITTEE DATE: 29 JUNE 2015

APPLICATION NO: 14/2083/03 **FULL PLANNING PERMISSION**
APPLICANT: ALDI Stores Limited
PROPOSAL: The erection of Class A1 foodstore (1,635 sq m gross) with associated access, car parking and landscaping, and other associated works.
LOCATION: Land to the south of Exeter Road, Exeter Road, Topsham, Exeter, EX3
REGISTRATION DATE: 30/09/2014
EXPIRY DATE: 30/12/2014



Scale 1:2000
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HISTORY OF SITE

There is no relevant planning history relating to this site.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 0.62 hectare parcel of land situated on the south side of Exeter Road sandwiched between the park homes at Newport Park (to the west) and the motorway embankment (to the east). There is an existing stone wall forming the northern boundary of the site with Exeter Road, whilst the embankment between the site and the motorway contains a number trees that will be unaffected by the development. To the south lies an existing residential property.

Permission is sought for the erection of a Class A1 food store with a gross floor area of 1635m² together with associated access, car parking and landscaping. The existing stone wall to Exeter Road would be removed and a new access to the site formed along with a new footpath across the site frontage. The store building would be located parallel to the eastern

boundary with servicing to the rear. A total of 98 parking spaces are proposed distributed primarily between the store building and Exeter Road and along the western boundary.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

- Planning Statement
- Design and Access Statement
- Retail Assessment
- Historic Environment Appraisal
- Drainage Strategy
- Transport Statement
- Archaeological Geophysical Survey
- Extended Phase 1 Habitat Survey Report
- Reptile Survey Report
- Arboricultural Impact Assessment & Tree Protection Plan
- Arboricultural Method Statement
- BREEAM Pre-Assessment
- Energy Statement
- Statement of Community Involvement
- Air Quality Assessment

REPRESENTATIONS

Numerous representations, both in support and objection, have been received in respect of this application. These representations have raised the following issues -

Objections (134 received, including representations on behalf of the Co-op and Dart Properties, and comments from the Topsham Society)

- impact on Topsham town centre/independent local shops, including those at Lower Wear
- wider social implications of any resulting loss of shops and services at Lower Wear
- contrary to national retail policy- sequentially preferable sites/retail impact
- impact on planned retail investment within Newcourt (Rydons/Seabrook Orchards)
- retail assessment - incorrect assumptions/analysis
- impact on community life of Topsham, including community events
- impact on delivery of community/social facilities within nearby Seabrook Orchards development
- not necessary - other similar shops/large stores easily accessible and local Co-op expanding
- traffic congestion/accidents
- highway safety - impact on cycle route
- poor design - out of character/adverse visual impact
- loss of Topsham gap/degradation of Topsham's identity
- detract from character/attractiveness of Topsham as a destination
- contrary to Development Plan
- better alternative locations i.e. within nearby Rydons/Seabrook developments/Newcourt Strategic Allocation
- loss of jobs in local businesses made unviable
- lack of footpath across site frontage
- noise - refrigeration units
- over spill parking in locality
- increased pollution, including light/noise
- impact of motorway noise on staff/visitors
- will encourage further car journeys and is thereby not sustainable development
- impact on wildlife

- will increase flooding risk, especially to road

Support (111 received)

- lack of progress with regard to delivery of retail provision within Newcourt development
- result in valuable revenue to the Council - business rates and CIL contributions
- welcome addition - nearest supermarket currently some distance away
- would reduce need to travel to shop
- cheaper alternative to existing shops
- increase choice
- create jobs locally
- limited impact on other local shops - different nature/customers
- will draw trade from other major supermarkets people already go to by car rather than impact on shops in Topsham
- meet needs of residents in new developments
- prolong independence by providing local facility
- meet a need for those without cars or unable to afford public transport
- easily accessible site by cycle/on foot to many people

CONSULTATIONS

Environment Agency - "as the site is in Flood Zone 1 and under 1 hectare we would rely on the best practice guidance for surface water management contained in our standing advice."

Environmental Health - request a noise impact assessment (since submitted and accepted), clarification of hours of use of lighting, scope of air quality assessment (since updated and agreed), and potential need for separate consent from the Environment Agency in respect of proposed on-site sewage treatment works. Recommends conditions relating to land contamination, Construction and Environment Management Plan (CEMP), delivery hours and plant noise and lighting.

RSPB - Highlight benefits of, and opportunities for, biodiversity enhancement as part of the development.

Natural England - No response received.

DCC (Head of Planning, Transportation and Environment) - No objection subject to conditions. The full observations of the Highway Authority on the merits of the proposal are included later in this report under the appraisal of the highway/transportation issues.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
National Planning Policy Framework
National Planning Policy Guidance

Exeter Local Development Framework Core Strategy
Core Strategy Objectives
CP1 - The Spatial Approach
CP8 - Retail
CP9 - Transport
CP10 - Meeting Community Needs
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
S1 - Retail Proposals/Sequential Approach
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
T9 - Access to Buildings by People with Disabilities
T10 - Car Parking Standards
C5 - Archaeology
LS1 - Landscape Setting
LS4 - Local Nature Conservation Designations
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG3 - Commercial Development

Exeter City Council Supplementary Planning Document

Planning Obligations SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD
Newcourt Masterplan
Draft Development Delivery DPD

OBSERVATIONS

Principle of development

In both the Adopted Local Plan and the Exeter Local Development Framework Core Strategy the site is identified as forming part of the landscape setting of the city and thereby subject to policies LS1 and CP16 respectively. Consequently this proposal constitutes a 'departure' and has been advertised accordingly. Notwithstanding this the context of this specific site has to be taken into consideration when assessing the current proposal. The land to the north, on the other side of Exeter Road, comprises part of the Newcourt Strategic Allocation which is proposed for around 3500 dwellings, 16 hectares of employment land and all associated infrastructure. The strategic allocation effectively removed the LS1 designation from that land. Consequently the application site is left as a small isolated parcel of land sandwiched between existing residential development and the motorway. In this context it is considered that it has a very limited future role in contributing to the wider landscape setting of Exeter. This is further emphasised by the fact that in the Draft Development Delivery DPD the landscape setting designation is removed from this land. Consequently the land is no longer considered worthy of protection from development in principle.

Assessment of the Proposal

Having established that there is no 'in principle' reason why the application site should not be developed it is necessary to assess the specific material planning considerations associated with the proposed development. In the context of this proposal the main considerations are considered to relate to retail issues, highway/transportation, site layout/design/landscaping, ecology/sustainability and archaeology.

Retail Issues

This section of the report sets out the policy position with regard to retail considerations, pre-application advice provided by officers on retail matters, the initial advice of the Council's retail consultant on the submitted application material, previous report to Planning Committee (April) and circumstances leading to its deferral, additional information submitted and the further advice of the Council's retail consultant with regard to the issues of sequential test and impact associated with this proposal.

Core Strategy policy CP8 deals with the provision of further retailing within the City and the evidence base for the policy comprises a retail study commissioned by the Council and carried out by consultants DTZ in 2008. To maintain and enhance the vitality and viability of the City Centre the policy identifies the provision of 3000m² of net retail convenience floor space within the city centre. It also states that retail development outside the city centre should be located in the district or local centres, with out-of-centre sites only considered if there are no suitable sites in, or on the edge of the city centre, district or local centres, and the proposal would cause no significant overall impact on the existing centres and would bring net benefits. The supporting text to the policy states "In planning for new retail provision DTZ emphasises that the capacity forecasts set out in its 2008 study are intended as an indication of the likely order of magnitude of future floor space capacity (if forecast trends are realised), rather than as growth targets or rigid limits to growth." The former requirement for applicants to demonstrate that there is 'need' for development proposals has also been removed from the Government town centre policy. In considering this proposal against policy CP8 both of the above are relevant and in this context the issue of 'need' for a further convenience retail in Exeter is not considered to be an overriding material factor. Rather the key issues relate to sequential and impact tests as set out in the NPPF and reflected in policy CP8 and CP19. National Planning Policy with regard to retail matters is set out in paras 23-27 of the NPPF, and in the Planning Practice Guidance.

In this context the questions to be considered are -

- Is there a sequentially preferable site in the context of development plan policies and the NPPF
- What is the impact of the proposal on other planned in centre retail investment
- What is the impact of the development on the vitality/viability of City Centre and existing district/local centres.

The specific requirements for sequential and impact tests are set out in paras 24 and 26 of the NPPF respectively as follows -

Para 24 - "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

Para 26 - "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."*

Despite the fact that this development is below the impact test threshold the Council suggested a retail assessment addressing both the sequential and impact tests was submitted to assist it in assessing the merits of the proposal. The applicant submitted an assessment, and in the light of representations, particularly in relation to the applicant's appraisal of sequentially preferable sites, and impact the Council sought independent retail advice from GVA.

In terms of the sequential test pre-application discussions with the applicant identified the need to consider potential sites within Topsham, Countess Wear, Heavitree and the local centres proposed in Core Strategy policies CP8 and CP19; and shown on the allocations map within the emerging Development Delivery DPD for the Newcourt strategic allocation. The Council's retail consultant in appraising the submitted Retail Assessment concludes that of the two local centres proposed within Newcourt, the one within the Seabrook Orchards development (which benefits from outline planning permission) is clearly a sequentially preferable site to that proposed. The other proposed local centre within Newcourt (former Upper RNSD - which has detailed planning permission), and the other sites referred to above, although technically considered sequentially preferable, are discounted as alternative sites to that proposed on grounds of suitability and/or availability. The applicant has dismissed the potential site within the Seabrook Orchards development on the grounds of suitability - stating that a discount foodstore such as that proposed by Aldi would not be consistent with the Council's definition of a 'Local Centre' as "A range of small shops of a local nature serving a small catchment area." Furthermore, the applicant argues that as well as being unsuitable for their proposal, this site should be discounted as sequentially preferable on the grounds of availability. They argue that currently the site only benefits from an outline consent that is non specific on the content/nature of the approved centre, and that given the lack of progress in relation to delivery of this development the site cannot be considered to be available within a reasonable timeframe.

The Council's retail consultant (GVA) does not support this view. However it was suggested in their initial advice that there needs to be some reasonable prospect of the Seabrook Orchards centre being able to accommodate the proposed store, taking into account a degree of flexibility in scale and format. It was advised that further information was required in this respect - at that time whilst the Seabrook Orchards site could offer a sequentially preferable location there was no evidence to show how the planned centre could be a suitable alternative to the proposed site. The current lack of infrastructure (principally access) to serve the proposed site within Seabrook Orchards was not considered reason to automatically discount the site. However it was advised that further information be sought in respect of progress in terms of delivery of the Seabrook Orchards site, particularly with regard to when the necessary infrastructure is likely to be in place to open up the site. This additional information was requested from the developer of the Seabrook Orchards development to both substantiate their objection to this proposal and inform the Council's consideration of the proposal.

Turning to the issue of retail impact, of which there are two aspects as mentioned above - impact on other planned retail investment and impact on viability/vitality of City Centre and existing district/local centres. The applicant's submitted Retail Assessment concludes that the proposal would have no 'significant' adverse impact in either of these respects. Many of the representations received, and particularly those received on behalf of the developer of Seabrook Orchards and the Co-op in Topsham, have challenged the basis of the submitted retail assessment and its conclusions. Having considered the representations and the submitted retail assessment GVA initially advised the Council as follows -

- In respect of impact on planned retail investment (principally that within the two proposed local centres within Newcourt) - as the proposal would be competing for the same catchment area and expenditure the current proposal is likely to have an impact upon the delivery of those local centres, at best stalling their delivery, and at worst compromising their delivery at all. It is relevant to note that apart from securing the necessary planning consents (in respect of the Seabrook Orchards site albeit only outline) there is no evidence available to demonstrate that meaningful discussions have been entered into, or contracts signed, with retail operators relating to the delivery of retail floor space within these local centres. In terms of the significance of the impact, if particular weight is placed upon the importance of delivering a new local centre within the Newcourt area (and it does form part of adopted policy in the form of policy CP19 of the Core Strategy) , then it could be concluded that the proposed Aldi store does have the potential to exhibit a significant adverse impact upon the delivery of this planned retail investment.
- In respect of impact on the vitality/viability of the City Centre and existing district/local centres - due to methodology adopted he concludes that the submitted retail assessment is of limited value in considering impact on vitality/viability. Based on their own analysis he concludes the proposed Aldi store would have a 7% impact on the annual turnover level of Topsham district centre. This is a clear adverse impact upon the health of Topsham district centre however in isolation this is not considered to amount to a 'significant adverse impact' in terms of policy set out in the NPPF (para 27) that would warrant refusal of the proposal on impact grounds. Notwithstanding this the advice states that were the proposed Aldi store to be delivered in addition to the proposed retail floor space within the two local centres at Newcourt (i.e. the delivery of those two centres is not prejudiced by this proposal - as is the case argued by the applicant) then in combination there is the possibility of 'significant adverse impact' upon Topsham district centre. It only highlights the 'possibility' of such impact due to the uncertainties surrounding the quantum of retail floor space that might come forward within the proposed Newcourt local centres.

Both the applicant, and principal objector provided responses to the Council's initial retail advice and further information to support their respective positions. Based upon this a report was prepared for the Planning Committee on the 27th April that highlighted the finely based nature of the retail considerations associated with the proposal. It concluded that although Seabrook Orchards was a sequentially preferable site it was not necessarily available and viable based on available information, and that in terms of impact both on Topsham District Centre and planned investment at Seabrook Orchards this was unlikely to be significant and therefore approval was recommended. Further representation was received prior to that committee which expressed concern that further advice had not been sought from the Council's retail consultant in response to additional information submitted by the principal objector and questioned the interpretation of the advice provided to the Council by its retail consultant. In these circumstances it was suggested that the conclusions, and hence recommendation contained in the report were erroneous. As a consequence consideration of the application was deferred to enable further clarification to be sought from the principal objector with regard to various matters including the potential timing of delivery of retail provision within the Seabrook Orchards development, what the appropriate timeframe to consider 'availability' should be, viability (in terms operator interest/marketing undertaken), likely content and trading characteristics of any local centre provided within Newcourt, and from the Council's retail consultant with regard to additional information provided and the interpretation of their initial advice.

Additional information was subsequently provided from the main objector in respect of the potential timing of delivery/availability of retail facilities within the Seabrook Orchards development, viability of those facilities (in terms of interest from commercial operators and the impact of approval of the current application upon those interests), the importance of the retail element of the proposed local centre within the Seabrook development to the delivery of the other elements (such as the school, community building, and health facilities), sustainability benefits of co-location and impact on other existing nearby retail facilities.

The applicant's agent responded to this information stating the following –

- fails to adequately address areas of clarification requested
- is incorrect in terms of assessment of 'availability', citing guidance that doesn't apply to retail policy/practice and ignoring relevant appeal decisions/cases
- timings of delivery of access to potential local centre site are such that time scale is not comparable to that for delivery of application site, and should therefore be disregarded as being available
- suggests the two expressions of interest in delivering retail provision have only retrospectively been sought following deferral, and as such are merely commercial positions statements that should be afforded little weight
- lack clarity about scale and content of likely retail floor space within Seabrook local centre, one being for a store significantly smaller than the Aldi proposal, and one much larger than the size indicated in the outline consent
- Co-op interest contradictory to their objection to proposal on grounds of impact upon existing Topsham store

Thereby advocating that Seabrook local centre should not be considered a suitable and available alternative to the current proposal, that meaningful evidence of a significant adverse impact has not been substantiated, and that therefore the application should be approved.

Further representations were received in response to the applicant's response. Based on the additional information supplied by the Seabrook Orchards developer, the applicant's response to that information, and further advice from the Council's retail consultant, who has reviewed all of the additional information and representations received since the application was deferred from the April Committee, the following conclusions with regard to the Sequential and Impact Tests as set out in the NPPF have been reached.

Sequential Test

The National Planning Policy Framework and policy CP8 of the Core Strategy foremost require development for main town centre uses (including retail) to be located in existing or planned centres. If suitable sites are not available, the next preference is for 'edge of centre' locations and then the most accessible out of centre sites.

A Local Centre is proposed as part of the strategic allocation at Newcourt. Already two centres have planning permission there. Both are considered sequentially preferable locations, even if not sequentially preferable sites and should therefore be assessed for their availability and suitability. The first is at 'The Rydons', the site of the former upper RNSD, which benefits from extant detailed permission dating back to 2008 but never implemented. The other is at 'Seabrook Orchards', which is a site benefiting from outline planning permission for up to 700 dwellings, and supporting infrastructure, on land across Exeter Road to the north of the current application site.

Even with considerable flexibility on the part of the current applicant, it is not considered that The Rydons site would be suitable to accommodate the proposed development.

With regard to whether or not the Seabrook Orchards site represents a sequentially preferable site the issue is best summarised as follows within the latest advice from the Council's retail consultant -

"Within our previous letter, we indicated that the proposed new local centre within the Seabrook Orchards development was to be considered as a sequentially preferable alternative to the ALDI application site. However, we suggested that further information and evidence was required to demonstrate that it is a suitable and available alternative location.

In relation to suitability, little further information and analysis is submitted by the applicant, although there is reference, in an e-mail from Turley (on behalf of the applicant) dated 20th May, to interest from the Co-op for a circa 500sq m store in the proposed local centre. Turley make the point that this size of store is smaller than the proposed ALDI store. In basic terms, these are two different store sizes but it is important to point out that the size of the store which could be provided as part of the new local centre does not have to be limited to 500sq m.

This is illustrated by the plan submitted to the Council by the promoters of the Seabrook Orchards development. It shows how, in illustrative terms, a retail store of the scale proposed by ALDI can be accommodated in the proposed new centre. We consider that this is the sort of information which was sought by our previous advice letter and shows how the proposed local centre can provide a suitable sequentially preferable alternative location to the application site.

In relation to the issue of availability, the promoter of the Seabrook Orchards development has submitted further information to illustrate how the necessary infrastructure can be provided in order to provide an access to the new local centre. This information shows how the first phase of residential development is being delivered by Bloor Homes and how the road infrastructure in this phase would be delivered by January 2017 (based upon the current arrangements between the land owner and developer).

In response, the e-mail dated 20th May from Turley provide their own interpretation of what this construction programme means for the availability of the land for the proposed local centre and when construction can commence. Turley's interpretation is that construction of the new centre cannot start until the access road within the phase one land has been completed. On this basis, Turley suggest that is not available now and refer to the Rushden Lakes call-in decision.

We do not agree with the analysis provided by Turley. First, we see no reason why construction of the new local centre cannot start before the access road on the phase 1 land has been completed and opened to the general public. Second, we do not agree with the suggestion that a site which can be made available by January 2017, some 18 months away, is not available. We consider that, even if construction could not start until January 2017, this is a reasonable period of time to wait to provide a store/centre which is part of the development plan strategy.

As a consequence, we consider that the additional information supplied by the promoter of the Seabrook Orchards development has been able to show how the proposed new local centre can offer a sequentially preferable alternative to accommodate the proposed foodstore within a reasonable amount of time. Therefore, on the basis of the available information, we consider that the proposed development fails the sequential test and the City Council should consider refusal of this application under paragraphs 24 and 27 of the NPPF, Policy CP8 of the Core Strategy and saved Policy S1 in the Local Plan."

Impact Test

The impact test, again set out in the National Planning Policy Framework and Core Strategy, requires that out of centre planning applications should be refused if the proposed development would result in a 'significant adverse impact' on existing identified centres or planned centres in the catchment of the proposal. In this case, the centres of focus are Topsham District Centre and the proposed Local Centre at Newcourt (Seabrook Orchards).

Impact on Topsham District Centre

The initial expert advice to the Council from GVA, indicated that the proposed development would result in an adverse (but not significant adverse) impact on Topsham District Centre. The focus of this impact is considered likely to be borne by existing convenience

goods retailers, particularly the Coop (which is one of approximately 90 commercial units in the centre). GVA concluded that, whilst the isolated impact of the proposed supermarket on Topsham District Centre may not be significantly adverse there are concerns that the in-combination impacts of the proposed store and development of local facilities including the local store at Seabrook Orchards may be significantly adverse.

Impact on investment at Seabrook Orchards

A local centre in the Newcourt area forms part of the up to date development plan's retail strategy. It is also a fundamental part of the success and sustainability of the Seabrook Orchards scheme and the retail element itself is essential to achieving the occupation/delivery of the remaining element such as the doctor's surgery, crèche and a cafe. Without the retail element there is a risk these will not be achievable. Significant weight should therefore be accorded to potential impacts on its delivery. The advice of GVA concludes that the proposed supermarket, 'has the potential to exhibit a significant adverse impact upon the delivery of this planned investment'. Whilst it is recognised that the consultants have referred to the 'potential' adverse effects, rather than 'likely', the thrust of their comments is that the likelihood of significant adverse effects considerably detracts from the merits of the current supermarket proposal.

Having reviewed all the additional information from the applicant and principal objector submitted since the deferral from the April Committee the Council's retail consultant has provided the following advice in respect of retail impact considerations associated with this proposal -

"In our previous advice letter concern was expressed over the impact of the proposed store on the delivery of investment in Seabrook Orchards local centre. The additional information from the applicant (in the e-mail from Turley dated 20th May) focuses on the correspondence from the Co-op (dated 7th May) and dismisses it as a 'commercial position statement'. Whilst this correspondence was sent after the deferral of this application at the April planning committee, we have no reason to suggest that it is not a genuine concern. In any event, it accords with our own views on this issue and it is notable that the promoter of the Seabrook Orchards development has consistently raised this as an area of concern.

Beyond the reference to the correspondence from Co-op, the applicant's latest submission does not provide any further information or analysis in relation to the impact of the proposed store on nearby defined town centres. Therefore, we remain of the view that the proposed development is likely to have a detrimental impact upon investment in a planned new local centre. Whilst the final decision on this matter rests with the City Council, it is our view that this is likely to represent a significant adverse impact upon planned investment and, if the Council agrees with this conclusion, then it should consider refusal of this application under paragraphs 26 and 27 of the NPPF and also due to a conflict with the Core Strategy.

In relation to the impact of the proposed store on defined 'town centres' our advice remains unchanged and will be dependent on whether the proposed retail store is delivered alongside a new foodstore in the new centre at Seabrook Orchards. If it is, then we consider there will be a significant adverse impact upon the health of Topsham district centre. The basis for this conclusion is outlined in greater detail on pages 13 and 14 of our previous advice letter."

It is clear from GVA's further advice that the additional information supplied since the deferral of the application from the April committee has clarified matters in respect of both the sequential test and impact issues associated with this proposal, and added further weight to the concerns set out in their original advice. It is acknowledged that the applicant has a different view in respect of both the impact of the scheme on planned investment/Topsham District Centre and whether or not Seabrook Orchards represents a sequentially preferable location in terms of suitability and availability. Notwithstanding this it is now considered, having revisited the initial advice from GVA, and with regard to the additional information

submitted since April and the further advice provided by GVA, that the retail considerations relating to sequential test and impact are sufficient to warrant refusal of the application.

Highway/Transportation Issues

The key considerations from a transportation perspective relate to the capacity of the highway network to accommodate traffic associated with the proposal and the ability to provide a safe and suitable access to the site for the proposed development. Based on the submitted Transport Statement, and following negotiations regarding the access onto Exeter Road and the design/layout of the on-site parking and internal circulation routes, the Highway Authority have provided the following consultation response which addresses the relevant transportation related issues –

"Traffic Generation

Based on survey data from comparable Aldi and Lidl stores taken from the TRICS database, the proposed store is expected to attract 120 two way PM peak hour trips into and out of the site. These figures are considered realistic.

Reflecting that the proposed use as a food store, a high proportion of trips to the site will be either pass by or diverted trips and the additional traffic from the site therefore limited. The information submitted by the applicant suggests that pass-by/diverted trips will account for 30% of traffic to the store- giving a resulting 80 two way trips. Evidence from other food stores, including that within TRICS Research Report 95/2, suggests this proportion is typically higher and therefore the applicants indication that in peak hours the development will result in 80 new two way vehicle trips is, in all likelihood, an over estimation.

Furthermore, in practice, the majority of trips can be expected to divert from other foodstores in the area, including the two other Exeter Aldi stores at Pinhoe and Alphington. As a result, although there will be additional trips on the highway in the vicinity of the proposal, there may be a small reduction felt elsewhere on the network. Therefore, on balance, the additional traffic arising from the development is not a significant cause for concern.

Access

Pedestrian/Cycle -The proposed foodstore can be expected to attract a significant amount of local traffic on foot. However there is currently no footway connecting the site to the surrounding network. To address this, the applicant has proposed providing a footway of approximately 1.8 metres width from the north west corner of the site west to the existing bus stop serving Newport Park. To provide this footway will require reducing road width to 6.0 metres, a minimum to enable two buses to pass. Such road widths are considered acceptable and, by narrowing the carriageway, will also help to reduce speeds on this section of Exeter Road. To the east of the site, a path along the eastern boundary to the store access will connect to a new shared use path under the motorway to the existing bus stop. A new shared use path will also be provided along the site frontage with Exeter Road. Details of the off-site footway works are shown in Drawing SK01 Rev E and are considered acceptable. This will tie into the access works proposed as part of an adjacent application (14/1605/01) and access works relating to Seabrook Orchards to the west. The exact details of this tie will need to be agreed through the detailed design process. The proposed footway will need to be provided before any part of the site comes into use and the applicant is advised that no works can take place on the public highway until a Section 278 agreement is in place between the applicant and the highway authority.

Vehicular - Vehicular access is proposed from a simple T junction onto Exeter Road. The principle of this access type is acceptable and formal analysis shows this to work within capacity. To promote sustainable travel, pedestrian/cycle priority will need to be provided across this access, which the applicant has indicated they are willing to accept. Following concerns that the proximity of the initial location of the access (in the centre of the boundary with Exeter Road) to areas where on site turning manoeuvres would take place would result in blocking back onto the highway the applicant has now shifted the access east and amended the layout of on-site parking. Following these changes, and subject to inclusion of pedestrian/cycle priority across the access, the arrangements shown in Drawing SK09 are acceptable and should be secured by condition.

Travel Plan

It is pleasing that a draft Travel Plan has also been submitted alongside the application and the full details of the Travel Plan should be agreed prior to occupation. Influencing travel patterns of customers may be more challenging and to help in achieving this consideration should be given to providing real time bus information within the store (as is provided at Waitrose, Heavitree Road).

Construction

To mitigate the impact on Exeter Road, adequate space will need to be made available within the site for construction traffic. It is recommended that this is secured by condition.

Conclusion

Following iterative changes to the on-site layout and access location, coupled with provision of footway along Exeter Road I am satisfied that a safe and suitable access to the site can be achieved. A high proportion of traffic to the proposed food store is likely to already be on the network, and is not of significant concern. No objection subject to conditions."

Notwithstanding the concerns raised in representations relating the traffic impacts of the proposal, in the absence of any significant adverse transportation issues being raised by the Highway Authority, it is not considered that there is any justifiable transportation related reason to resist the application.

Site layout/design/landscaping

The proposed building is sited parallel, and as close as is practical to, the eastern boundary of the site, with servicing to the rear and customer parking facilities located to the north, south and west of the store itself. This positioning of the building helps to maximise the distance between it and surrounding residential properties which, together with existing boundary treatments and new proposed fencing will help to minimise any potential impact on those properties arising from the operation of a retail store on the site. Due to the size of the site, number of parking spaces required, servicing and internal vehicular circulation arrangements, there is limited scope for new landscaping.

The store itself comprises a flat roof building with parapet capping around the top of the building, a canopy wrapping around the north-west corner of the building providing protection from the weather to the store entrance, shopping trolley storage areas and cycle parking, and a high level strip of glazing to the North-west elevation of the building facing the main parking area which helps to break-up the massing of this elevation. The external materials comprise rendered walls and powder coated aluminium shop fronts.

Overall the size of the building, and its design, is considered acceptable in the context of the site.

Ecology/sustainability

The potential presence of slow worms on parts of the site was identified in the Extended Phase 1 Habitat Survey Report. Consequently further survey work was undertaken which has established a small population of slow worms on the site. Although limited in number these are a protected species and would need to be translocated to a suitable alternative habitat prior to the commencement of the development. This can be secured by an appropriate condition.

Some limited perimeter vegetation would be retained as part of the development. Most notably the embankment to the motorway along the eastern boundary (outside the application site) would be unaffected by the development and continue to contribute to biodiversity in the locality. A condition relating to submission of a wildlife management plan identifying how the design of the development would maximise opportunities to enhance the ecological interest of the site would be required were permission to be granted.

The applicants have indicated that the development is likely to achieve a BREEAM rating of 'Very Good'. Core Strategy policy CP15 requires new development to achieve an 'Excellent' rating. A condition requiring this standard to be achieved, unless it was demonstrated that it is unviable or feasible to do so prior to the commencement of the development, would be required were permission to be granted.

Archaeology

The submitted geophysics and desk top study report, together with historical information relating to the adjoining site provides sufficient information to assess the potential impact of the development on heritage assets in the form of archaeological remains. Based on this information it is not considered that any remains present on site would be so significant as to preclude development in principle. However, it is important that any features of archaeological interest present on the site are identified and recorded. This could be secured by an appropriate condition were permission to be granted.

Financial Considerations

This development would be CIL liable and based on the indicated floor space of 1635m² this would generate a CIL contribution of approximately £231,957 based on the current CIL rate applicable to consents granted in 2015. The proposed retail store would also generate retained business rates.

Conclusion

The visual impact of the building, relationship to surrounding properties, and the means of access to it from the public highway, are considered acceptable. Therefore the determining issues in respect of this application relate to the suitability of the site for retail development in sequential terms, and the retail impact of the development upon planned retail investment in the proposed nearby local centres at Newcourt, and on the vitality and viability of Topsham district centre. Para 27 of the NPPF states -

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

The planning merits of this application in terms of retail issues are acknowledged as finely balanced. However, based on all the information now available, and the advice from GVA in respect of the analysis of the retail issues set out in this report, it is considered that the sequential test is failed by this proposal, that the impact on planned investment at Seabrook Orchards would be 'significantly adverse', and in the event that the application scheme were to come forward alongside the delivery of retail provision within that development, that the cumulative impact upon Topsham District Centre would also be 'significantly adverse'. Therefore, on balance the retail issues are considered overriding and the recommendation is one of refusal.

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposed development, which lies in an out of centre location, fails to meet the provisions of the sequential test, as set out in paragraphs 24 and 27 of the NPPF, and is thereby contrary to that document, policies CP8 and CP19 of the Adopted Exeter Local Development Framework Core Strategy and saved policy S1 of the Exeter Local Plan First Review 1995-2011.
- 2) The proposed development would have a significant adverse impact upon investment within the planned local centre at Newcourt in conflict with paragraph 26 of the NPPF, which in turn could undermine the overall sustainability of the

Newcourt Strategic Allocation, and is thereby contrary to paragraph 27 of the NPPF, policies CP8 and CP19 of the Adopted Exeter Local Development Framework Core Strategy and saved policy S1 of the Exeter Local Plan First Review 1995-2011.

- 3) In the event that both the proposed development, and retail provision within a local centre forming part of the Newcourt Strategic Allocation were to proceed the cumulative impact upon the vitality and viability of Topsham District Centre would be significantly adverse. Thereby the proposal would be contrary to paragraphs 26 and 27 of the NPPF, policy CP8 of the Adopted Exeter Local Development Framework Core Strategy and saved policy S1 of the Exeter Local Plan First Review 1995-2011.

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. 3

COMMITTEE DATE: 29 JUNE 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).



Scale 1:1000

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DESCRIPTION OF SITE/PROPOSAL

This application for four dwellings (three terraced and one detached) is on land directly to the rear of the former Crawford Hotel, Locally Listed Building. The site, approx 0.1ha in size, is vacant and has no clear use. A 2-3m high wall fronts Percy Road. Percy Road is otherwise predominantly lined by terraced 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 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

13 objections and 3 comments have been received. The main points include:

- 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 green field run-off 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.

Further correspondence received 16 June confirmed that the Environment Agency support the conclusions and recommendations of the Revised FRA (March 2015).

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 on street parking. However, direct access on to the highway of Retail Park Close is not possible without being 'ransomed'. 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.

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

The site was viewed by Councillors Mitchell, Lyons, Choules, Bialyk and Clarke. They viewed it from Percy Road and Retail Park Close. Members 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.

Planning Committee 30th March

The report was considered by Planning Committee. The Minute states:

"The City Development Manager presented the application for a development of the four dwellings (three terrace units and one detached) to Planning Committee. He advised that the Environment Agency had no objection on flood prevention and drainage grounds. Following some discussion Members considered that a preferable solution would be to access the site from Retail Park Close.

RESOLVED that planning permission for a development of four dwellings (three terrace units and one detached) be **DEFERRED** for discussions with the City Council regarding the possibility of access from Retail Park Close.”

The Assistant Director City Development (ADCD) and Corporate Manager Property subsequently met Cllr Edwards and Cllr Bialyk (13 April 2015) to examine the possibility of access being gained over ECC land to the rear of the site, prior to contact being made with the agent. Following the meeting the ADCD contacted the agents to seek a meeting. The agents agreed to approach the applicant to discuss their position but indicated a reluctance to consider a change in the access arrangements. The Agent subsequently met the ADCD and Corporate Property Manager on site 12 May 2015.

On 16 April DCC’s Highway Development Management Officer met with the agents on site. Discussions included narrowing of the access on to Percy Road from 4.8m with 3m radii to 3.5m with 2m radii, so only one parking space was lost on street. DCC Highways were comfortable with this solution. The new access would also act as a turning head for the benefit of the existing residents on Percy Road. The developer could also look at whether a turning head and adoption of the road could be provided on the development site. The Highway Authority view is that access via the Retail Park Close is better, particularly for construction, but is not essential.

23rd March to 8 June

Officers looked in detail at facilitating access from Retail Park Close. Following protracted correspondence, meetings and site visit attended by the agent, Assistant Director (City Development) and the Corporate Property Manager, the agent advised that the client would not be willing to purchase the land to facilitate access from Retail Park Close, that DCC Highways has not objected to the access off Percy Road and that there is no requirement to provide a separate construction access and DCC Highways has not objected to the proposed Percy Road access being used for both residential and construction traffic (5 June 2015). In addition, the agent advised that the applicant does not require additional garden land (8 June 2015). The Highway Authority have confirmed that a permanent access to serve the residential units from Percy Road and access for construction vehicles during the construction period from the same access is satisfactory.

RECOMMENDATION

Subject to receipt and written approval by the Local Planning Authority of a revised plan detailing the front elevation fenestration on the terrace and the rear elevation of the detached dwelling, APPROVE subject to the following conditions:

CEMP condition with construction access from RPC - but not necessarily now!

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). 14-018 0-0001; 14-018 0-0002; 14-018 1-0003 (access as amended by drawing 8519-PHL-001B), on 5 June 2015 (dwg. no. 8519-PHL-001B)*) and supporting documents including the FRA (Revised March 2015), Ecological Assessment J1103.013 and transport Assessment (dated 13 February 2015) 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.

- 13) Prior to occupation of any dwelling hereby approved place until details of provision for nesting birds 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 local
- 14) 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.
- 15) 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 local
- 16) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
Reason: In the interest of the environment of the site and surrounding areas.

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

Background papers used in compiling the report:

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

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Agenda Item 7

ITEM NO. 4

COMMITTEE DATE:

29 JUNE 2015

APPLICATION NO:

14/2062/02

APPLICANT:

Mr Biddle

Persimmon Homes South West

PROPOSAL:

Reserved matters application for construction of 160 dwellings and associated works. (Phase 1 development area).

LOCATION:

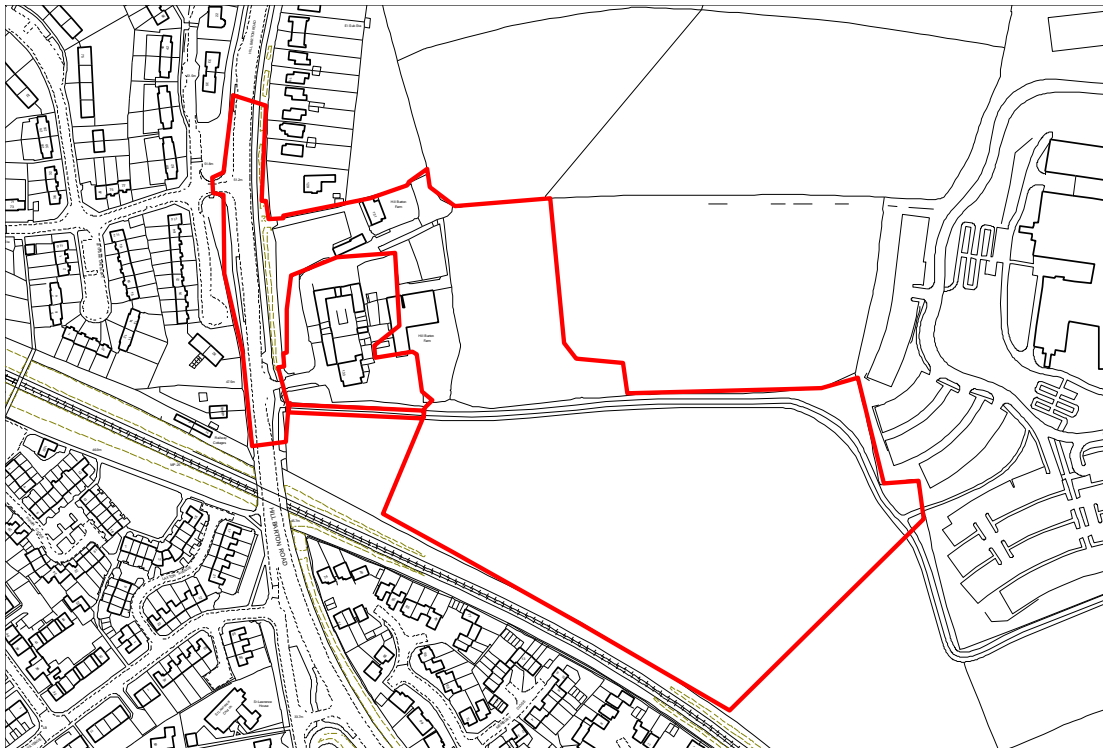
Phase one, Land to north, west & south of Met Office off, Hill Barton Road, Exeter, EX2

REGISTRATION DATE:

15/09/2014

EXPIRY DATE:

15/12/2014



Scale 1:4500

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HISTORY OF SITE

- | | | |
|---|-----|------------|
| 12/0472/01 - Mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access). | Per | 29/11/2013 |
| 14/0832/03 - Variation of condition 25 relating to timing of provision of a vehicular link between the site and Oberon Road (Ref. No. 12/0472/01 granted 29-11-2013). | Per | 13/06/2014 |
| 14/4806/03 - Construction of a new roundabout access junction from Hill Barton Road and associated landscaping and infrastructure works. | Per | 03/03/2015 |
| 14/2063/32 - Details for Phase 1 of the development pursuant to Condition 4 (framework plan and statement on appearance palette) of applications 12/0472/01 and 14/0832/03. | PER | 02/04/2015 |

DESCRIPTION OF SITE/PROPOSAL

The application site comprises part of the land covered by the outline planning consent ref 12/0472/01 (as modified by 14/0832/03). It constitutes the first Phase of the wider development. The site includes part of the existing highway comprising Hill Barton Road and the land on the east side of Hill Barton Road enveloping around Hill Barton Farmhouse (No.133) and either side of the pedestrian/cycle path running from Hill Barton Road down to the Met Office boundary.

The application comprises a 'reserved matters' proposal for 148 dwellings with associated roads, parking provision and open space. Access to the site for the first Phase is shown via a new signalized junction onto Hill Barton Road situated adjacent to no. 129. The development comprises a mix of 2, 3 and 4 bed dwellings served by a combination of on-plot, courtyard and on-street parking spaces. The layout provides for potential road links to subsequent phases of the wider development.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

- Planning Statement
- Framework Plan
- Arboricultural Constraints Report

REPRESENTATIONS

2 letters of representation has been received raising the following points -

- access arrangements to No. 129 Hill Barton Road
- lack of landscaping information
- impact on existing cycle/foot path from Hill Barton Road to Met Office during construction in terms of potential disruption of its use

CONSULTATIONS

Environment Agency - "This proposal has been submitted without a Flood Risk Assessment (FRA). We agreed a FRA in respect of the outline application (12/0472/01) and recommended that either a detailed scheme for the management of surface water be conditioned or the application not be determined until such a scheme is approved. I will leave the decision, regarding this application, to your Council."

Exeter Airport - No safeguarding objections provided that all safeguarding criteria are met, as stipulated in the AoA Advice Notes, and there are no changes made to the current application."

Highways Agency (now Highways England) - No Objection.

Natural England - No objection in terms of impact on statutory nature conservation sites. With regard to impact on protected species refer to standing advice.

Environmental Health - Draw attention to need to comply with noise and contaminated land conditions attached to outline consent.

RSPB - Refer to condition requiring an Ecological Method Statement and Ecological Management Plan and the importance of this in terms of long term biodiversity enhancement of the site.

Police Architectural Liaison Officer - Welcomes overall layout and highlights some detailed matters of design relating to parking provision, defensible space, lighting and access arrangements that can assist in limiting crime through design.

Met Office - No objection based on indicated ridge heights of buildings.

DCC (Head of Planning, Transportation and Environment) - Comments in summary as follows - "In summary, a safe and suitable access can be achieved for all users. Subject to a condition securing an appropriate pedestrian /cycle crossing of the existing Met Office Cycle Path, and satisfying the outline conditions, no objection."

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework
Planning Practice Guidance

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach
CP3 - Housing Distribution
CP4 - Density
CP5 - Meeting Housing Needs
CP7 - Affordable Housing
CP10 - Meeting Community Needs
CP11 - Pollution and Air Quality
CP12 - Flood Risk
CP13 - Decentralised Energy Networks
CP14 - Renewable and Low Carbon Energy
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
T2 - Accessibility Criteria
T5 - Cycle Route Network
LS1 - Landscape Setting
H7 - Housing for Disabled People
L4 - Provision of Playing Pitches
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
C5 - Archaeology

Exeter City Council Supplementary Planning Document

Residential Design Guide (adopted September 2010)

Affordable Housing SPD

Monkerton and Hill Barton Masterplan Study (adopted November 2010)

OBSERVATIONS

As this application constitutes a 'reserved matters' application for the first phase of a wider development, with the principle of development being established via the outline consent, the main considerations relate to detailed matters in respect of design/layout/amenity standards, transportation matters, and affordable housing provision.

Design/layout/amenity

One of the conditions of the outline consent required that a 'Framework Plan' be submitted and approved for each phase of the development subject to a reserved matters application. The purpose of this document was to demonstrate that each phase of the wider development coming forward was in accordance with the broad principles established in the outline indicative master plan, and the parameter plans and Design and Access Statement approved at the outline stage. Such a plan has been agreed for the phase of development the subject of this application, and the agreed Framework Plan for this phase also set out the indicative location and type of buildings, public and private open space, parking approaches, building design and appearance palette.

The essential elements of the layout comprise a main vehicular access from Hill Barton Road into the site with a spine road linking to adjoining developments and future phases of development. The spine road crosses the existing cycle/foot path that leads from Hill Barton Road to the Met Office/Fitzroy Road, and then continues through the development (running almost parallel with the railway line) up to south-east boundary of the first phase. The layout has been designed so that dwellings front onto the main spine road. Three secondary roads feed off this spine road to serve additional housing. This road hierarchy facilitates the creation of distinct character areas within the development. Two small areas of open space are incorporated within the overall layout for this site and the adjoining Hill Barton house site. One is centred on an area of retained trees (this space spans the current application site and that of the adjoining application site for Hill Barton house) and the other runs alongside the cycle/foot path. Houses have been arranged to front onto both of these spaces. The layout has also been developed to take account of the applicant's recent acquisition of Hill Barton House and the redevelopment of that site as part of the wider proposals (a separate application for this land has been submitted and is also on this agenda for consideration). Overall the layout is considered logical and appropriate to the site and its constraints.

The scheme provides a total of 148 units comprising a mix of detached, semi-detached and terraced properties ranging from 2 to 4 bedroom dwellings. A high proportion of the total number of units are 2 and 3 bedroom properties reflecting the current demand for smaller house types. Overall the mix of house types is considered acceptable. The layout has been the subject of significant negotiations to achieve acceptable private amenity space and separation distances between properties. All of the houses are provided with private gardens, the majority of which comply with the standards set out in the Council's Residential Design SPD. The small proportion that are under the standard are only marginally short and, in the context of the overall layout and need to maximum housing delivery, the level of private external amenity space provided across the scheme is considered acceptable. Likewise the separation distances between dwellings are considered acceptable in the context of the overall scheme.

As originally submitted the proposal raised significant concerns in terms of internal amenity space standards. In particular one of the 2bed house types proposed (Alnwick) was very small and significantly short of the space standards set out in the Council's Residential

Design SPD. This was compounded by the fact that this house type made up a significant proportion of the total number of units proposed. Taken together with the other 2 bed house type they comprise nearly 50% of the dwellings proposed on the site.

The required gross internal floor area (GIA) for the smallest 2 storey house type in the Council's Residential Design SPD is 83m². The Alnwick house type originally proposed has a GIA of just over 58m² - approx 31.95% smaller than the required standard. In negotiations with the developer officers have maintained that this significant degree of under-compliance with the standard set out in the Residential Design SPD is unacceptable. The applicant argued that the Alnwick represented an efficient entry level dwelling that was inherently affordable for 1st time buyers and was proving very popular on other developments within the southwest, including at Cranbrook. As part of their justification for wishing to use this house type they also highlighted that the smallest house type specified in the Council's Residential Design SPD was a 2bed 4person house whereas the Alnwick was a 2bed 3person home for which the Council didn't have a space standard. They also argued that national space standards that were emerging that did have a standard for a 2bed 3person house type of 70m² and that in this context the Alnwick should be considered acceptable. The developer arranged a site visit to one of their developments in Wellington for officers and Members to view a completed Alnwick with a view to convincing the Council that its use on this site was acceptable. Officers acknowledged the national space standards but highlighted that the Alnwick house type still fell significantly short of the national standard for a 2bed 3person house (over 15% under the required national standard). Following the site visit the developer was advised that this house type was still considered unacceptable.

Subsequently, the developer has agreed to substitute the Alnwick with a 2bed 3person house type (The 640) that has previously been accepted by the Council on the lower RNSD development. This house type has a GIA of just under 68m² and is therefore nearly compliant with the national standard for a 2b 3p house. It is almost 10m² larger than the Alnwick and in the context of a small house this is considered a significant improvement. Whilst it is still quite small one of the reasons it was accepted on the Lower RNSD site is because it maximises useable internal space by minimising the area taken up by circulation space. Looking at individual living areas within this house type the combined living/dining/kitchen area and second bedroom slightly exceed the Council's specified standard, while the main bedroom is only marginally under. In this context, the 640 house type is considered acceptable on this site and overcomes the significant concerns with the previously proposed Alnwick house type. The other 2bed house type proposed (Hanbury) is marginally larger than the 640 and is also considered acceptable for this site.

Having regard to both the Residential Design SPD and the national space standards the other house types are considered suitable for use on this site given the site constraints and desire to maximise the delivery of housing on the site. Most are compliant with the overall GIA requirement and have compliant kitchen/living/dining areas, and 1st bedrooms. Although 2nd and 3rd bedrooms are marginally undersize in some cases the deficiencies are considered to be within acceptable tolerances. There is one house type that is marginally under the required GIA (The 3 storey Souter) however the living/kitchen/dining area and main/3rd bedroom within the house are compliant. Furthermore, as there are only 6 of this house type across the development it is not considered that the use of this house type is significant enough to justify a refusal of the proposal.

Open space is provided as part of the development and has to be considered in the context of the overall outline consent. Given the context of the overall outline consent later phases will provide the more significant areas of open space. In conjunction with that proposed as part of this phase the overall provision will be consistent with the master plan.

A strategic landscaping scheme has been submitted that indicates appropriate retention of existing trees that contribute visually to the site, landscaping of the open spaces, and additional landscaping/trees within the street scape (most particularly along the spine road to create a strong tree lined character to this road. This will be further enhanced by planting

relating to individual plots which will form part of a landscaping scheme to discharge the relevant condition of the outline consent. The outline consent also incorporates a condition requiring an ecological method statement and management plan to be submitted prior to the commencement of the development. It will be expected that this will incorporate details of the number and type of bird/bat boxes to be incorporated within the development.

Transportation matters

Part of the first phase comprised in this application adjoins a neighbouring residential development site (David Wilson Homes) and the proposed road layout incorporates a connection to the road within that development. This is important in terms of permeability and ensuring that development across the Monkerton/Hill Barton Strategic Allocation is in accordance with the master plan objectives. The layout also provides for sensible road connections to further phases of the outline consent that will come forward in due course.

This scheme has been designed based on a new traffic light controlled junction from Hill Barton Road into the site as per the original outline permission. Since then consent has been sought, and granted, for an alternative access arrangement incorporating a roundabout (Application 14/4806/03). As both access arrangements have consent the developer can choose which access to implement and in the event that they decide to pursue the roundabout option they would need to seek approval for an amendment to this scheme to accommodate the roundabout layout.

As submitted the road leading into the site from the junction with Hill Barton Road incorporates provision for a bus stop. This would seem a logical location given the various potential routes that a bus service could take through the wider development as it proceeds, and is easily accessible from all points within the current application site. The new spine road will bisect the existing cycle/foot path that runs through the site and it is considered that the detailed design of the crossing and arrangements to secure continued use of the cycle/foot path during construction should be secured by a condition requiring details to be agreed. As part of the S106 Agreement land is to be reserved within the first phase for a new rail halt. The initial layout failed to provide adequately for this in terms of the amount of space and access. Negotiations have secured amendments to the scheme that now incorporate the reservation of the rail halt land with suitable access and surveillance by surrounding properties.

The parking strategy adopted for the development has been the subject of significant negotiations. As originally submitted there was considered to be an over reliance on the use of right-angled car parking in front of dwellings leading to a very vehicle dominated environment. Through negotiations a greater degree of on-plot parking has been introduced along with parallel road parking introduced in suitable locations. Significantly more planting has been introduced to break up the visual impact of right angled parking where it is still used. This approach will create a far more visually pleasing and less car dominated environment but it does result in the need for limited parking courts to be utilised to provide the parking spaces displaced to accommodate the landscaping and ensure that an appropriate number of parking spaces are provided to serve the development as a whole.

The layout provides a clear street hierarchy with the main road running through the site with pavements either side. Leading off the main road are secondary streets, some of which are reduced in width with footpaths confined to one side, those in turn lead to shared surface streets serving more limited numbers of dwellings.

The scheme as submitted incorporates a new vehicular access leading off the main new access road into the site to serve No. 129 Hill Barton Road. This would facilitate the closure of the existing access to this property direct from Hill Barton Road and is considered satisfactory in highway terms. From a planning perspective this is considered to adequately address the representation received from the owner/occupant of that property.

The Highway Authority have indicated that subject to some minor points regarding road specification and internal junction details, which can be dealt with through discharge of conditions attached to the outline consent, the proposal is acceptable in terms of transportation issues.

Affordable Housing

The S106 Agreement attached to the outline consent requires 25% of the dwellings on site to be provided as affordable housing in the form of social rented and intermediate accommodation. The 25% would comprise a proportionate mix of the house types proposed for the overall site. The submitted proposals for the reserved matters site, together with the application for Hill Barton House itself, indicate provision of 41 dwellings in total comprising 2, 3 and 4 bed units. Applying the agreed S106 across the two sites would actually require 42 units (due to rounding up i.e. 25% of 166 = 41.5 dwellings). This, along with cluster sizes, is the subject of on-going negotiations the outcome of which will be reported via the update sheet or verbally at Committee. The distribution of these units are spread across the site in clusters. The size of the clusters need to be considered in the light of the SPD and taking into account the overall layout of the site.

Whilst it is anticipated that the overall number of affordable units will be amended to be acceptable the S106 Agreement also requires a proportion of those units to be provided as wheelchair accessible and supported units. This issue is also the subject of continuing negotiations with the developer and the outcome of these negotiations will also be reported via the update sheet.

Dependant upon the outcome of these on-going negotiations it is likely that a deed of variation of S106 in respect of affordable housing provision will be required.

Conclusions

As the first phase of a wider development within the Monkerton/Hill Barton strategic allocation area this development is important to the Council's delivery of housing. The scheme has been developed with reference to wider objectives, the Monkerton/Hill Barton Master Plan, and the site constraints. It has been the subject of significant negotiations, particularly with regard to internal amenity standards of the smaller units. This has resulted in a change to the smallest house type proposed and the application as revised is considered acceptable subject to the outcome of the on-going negotiations in respect of affordable housing.

RECOMMENDATION

Approve subject to the completion of a deed of variation of the existing S106 Agreement in respect of affordable housing provision, and subject to the following conditions:

In the event that the deed of variation is not completed within 6 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to REFUSE permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the deed of variation.

APPROVE subject to the following conditions:

- 1) All conditions imposed on application number 14/0832/03 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C15 - Compliance with Drawings

- 3) No development works comprising either a temporary construction crossing or permanent highway crossing of the existing cycle/footpath running through the site shall be carried out until detailed drawings and arrangements to secure unrestricted use of the route by pedestrians and cyclists throughout the course of the development, including any necessary temporary diversion measures, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: In the interests of permeability and maximisation of opportunities for the adoption of sustainable transport choices in connection with both travel to work and recreation.

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

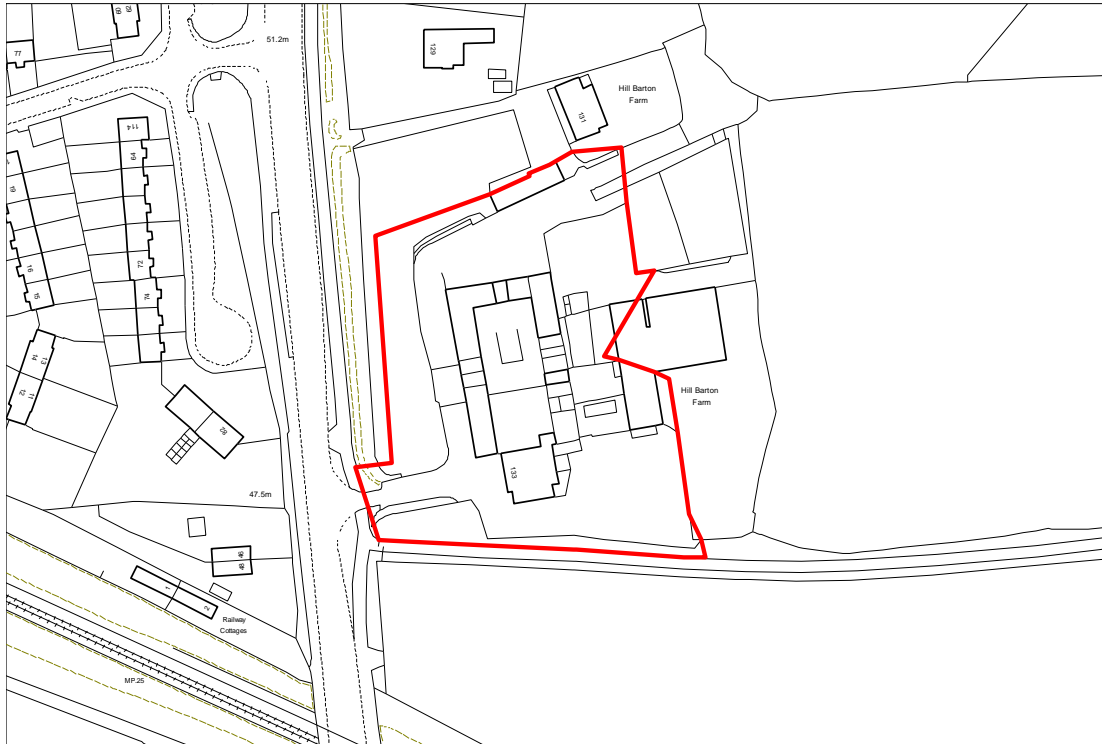
Files of planning applications available for inspection from the Customer Service Centre,
Civic Centre, Paris Street, Exeter: Telephone 01392 265223

Agenda Item 8

ITEM NO. 5

COMMITTEE DATE: 29 JUNE 2015

APPLICATION NO: 15/0457/03 **FULL PLANNING PERMISSION**
APPLICANT: Persimmon Homes (SW) Ltd
PROPOSAL: Development of 18 dwellings and associated works.
LOCATION: Hill Barton House, 133 Hill Barton Road, Exeter, EX1 3PP
REGISTRATION DATE: 23/04/2015
EXPIRY DATE: 23/07/2015



Scale 1:2000

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HISTORY OF SITE

| | | | |
|------------------------------------|---|-----|------------|
| 01/1312/03 - | Change of use to home for adults with learning difficulties (Class C2) | PER | 19/10/2001 |
| 14/1788/19 - | Prior notification of proposed demolition of 133 Hill Barton Road, and some associated outbuildings, to enable construction access relating to application 12/0472/01 | PER | 20/08/2014 |
| Relevant history on adjoining land | | | |
| 12/0472/01 - | Mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) | Per | 29/11/2013 |
| 14/0832/03 - | Variation of condition 25 relating to timing of provision of a vehicular link between the site and Oberon Road (Ref. No. 12/0472/01 granted 29-11-2013) | Per | 13/06/2014 |

| | | | |
|--------------|--|---------------------|------------|
| 14/4806/03 - | Construction of a new roundabout access junction from Hill Barton Road and associated landscaping and infrastructure works. | Per | 03/03/2015 |
| 14/2063/32 - | Details for Phase 1 of the development pursuant to Condition 4 (framework plan and statement on appearance palette) of applications 12/0472/01 and 14/0832/03. | PER | 02/04/2015 |
| 14/2062/02 | Reserved matters application for construction of 160 dwellings and associated works. (Phase 1 development area). | Also on this agenda | |

DESCRIPTION OF SITE/PROPOSAL

The application site is situated on the east side of Hill Barton Road and comprises Hill Barton House and curtilage, and associated outbuildings (the site area is 0.69 of a hectare). The site is surrounded by land which has the benefit of outline planning permission for residential development and lies within the Monkerton and Hill Barton Strategic Allocation.

Full planning permission is sought for the erection of 18 dwellings (7 x 2bed, 8 x 3bed and 3 x 4bed). Three of the properties would be served by the existing access off Hill Barton Road with the remainder accessed via the new road network forming part of the 1st phase of the residential development that wraps around the site. The application includes associated parking and private amenity space to serve the proposed dwellings and an area of open space occupied by existing trees that are to be retained as part of the development.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

- Planning Statement
- Design & Access Statement
- Written Scheme for a Staged Programme of Archaeological Work
- Results of an archaeological trench evaluation of Phase 1 development land
- Geotechnical and Geo-environmental Report
- Transport Technical Note
- Technical Note - Ecological Addendum
- Arboricultural Constraints Report
- Flood Risk Statement

REPRESENTATIONS

2 letters of representation (1 objection, 1 comment) have been received raising the following issues -

- loss of habitat for bats and nesting birds
- long term danger to cyclists arising from new road cutting across existing cycle way
- inconvenience to cycling traffic during period of construction works
- what measures will be in place to ensure pedestrians/cyclists are still able to use combined path from Hill Barton Road to Met Office during construction?

CONSULTATIONS

Met Office - "no objection to the proposal subject to the ridge heights of the completed dwellings being no higher than as shown within drawing no 2104/HB-125 C1 dated April 2015 provided by the applicant, which indicates ridge heights of each individual plot of between 55.2 to 59.7 AOD."

Exeter Airport - "Exeter International Airport has no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AoA Advice Notes, and there are no changes made to the current application."

Wales and West Utilities - conclude "Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable."

Environmental Health - recommends conditions relating to Construction and Environment Management Plan (CEMP) and land contamination.

Police Architectural Liaison Officer - No objection, subject to minor design comments regarding surveillance and ownership boundaries.

DCC (Education) - "This letter provides Devon County Council's response to the above planning application on education matters. Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them. Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £49,182 for primary school facilities and £22,340 for secondary school facilities, equivalent to 3.69 and 1.22 children respectively. These figures have been calculated in accordance with the County Councils Education Infrastructure Plan and S106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that these contributions would be provided for through CIL. If the application is approved we will deem the houses to be built and the number of school spaces considered to be available in Exeter will be reduced accordingly - this will be taken into account when calculating contributions from future applications. I trust the above provides information that will be helpful in the determination of the application."

DCC (Head of Planning, Transportation and Environment) - Formal observations awaited. However it is understood that there are no fundamental issues with the proposal from a transportation perspective.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework
Planning Practice Guidance

Exeter Local Development Framework Core Strategy

CPA - The Spatial Approach

CP3 - Housing Distribution

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP10 - Meeting Community Needs

CP11 - Pollution and Air Quality

CP12 - Flood Risk

CP13 - Decentralised Energy Networks

CP14 - Renewable and Low Carbon Energy

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

T2 - Accessibility Criteria

T5 - Cycle Route Network

LS1 - Landscape Setting

H7 - Housing for Disabled People

L4 - Provision of Playing Pitches

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

C5 - Archaeology

Exeter City Council Supplementary Planning Document

Residential Design Guide (adopted September 2010)

Monkerton and Hill Barton Master plan Study (adopted November 2010)

OBSERVATIONS

Background

The current application site is surrounded by land that is under the control of the Hill Barton Consortium, and which benefits from outline planning permission for residential development. At the time the outline planning permission was granted Hill Barton House and curtilage was under different owner. Since that time Persimmon (one of the parties making up the Consortium) have acquired Hill Barton House and its curtilage and are now looking to redevelop it for residential purposes in conjunction with the development of the Consortium land. Persimmon have applied for 'reserved matters' approval for the first phase of the wider outline application site and this is also on this agenda (application 14/2062/02). In order to achieve efficient planning of the area the two schemes have been worked up together. This has meant that the application boundary for this full application is larger than the confines of Hill Barton House and its curtilage and includes part of the site that already benefits from the outline consent (this has avoided the situation of an application site boundary bisecting through the middle of houses or having houses within one application site and their garden within another).

The main considerations in respect of this application relate to the principle of residential redevelopment of the site, design/layout/amenity standards, transportation matters, ecology/sustainability and affordable housing.

Principle of residential redevelopment of site

The site lies within the boundary of the Monkerton/Hill Barton Strategic Allocation as identified in the Council's adopted Core Strategy and is subject to Policy CP19 of that document. This policy identifies the strategic allocation area for the provision of around 2500 dwellings, 5 hectares of employment land and all associated infrastructure. Given this context the principle of residential redevelopment of the site is acceptable.

Design/layout/amenity standards

The layout and form of this proposal has quite properly been developed in conjunction with the adjoining 'reserved matters' application to produce a logical layout and maximise the site's potential. Had this site been considered in isolation its potential, in terms of the number of dwellings it could have delivered, would have been relatively limited. Considering the two together has allowed the road layout/access to be consistent. The 18 dwellings proposed for this site comprise a mix of 2, 3 and 4 bed properties, and include detached, semi-detached and small terraces of dwellings. This is considered an acceptable mix of properties that would relate well to the adjoining site. All of the properties are provided with private gardens that comply with the standards set out in the Council's Residential Design SPD. The separation distances between individual properties are such that appropriate levels of privacy will be afforded to future residents of the development.

The initial submission proposed the use of the small house type (Alnwick) that was also proposed on the adjoining reserved matters application site. This was considered unacceptable as it fell significantly short of the internal space standards within the Residential Design SPD. However the developer has now agreed to substitute this house type with an alternative that is more compliant and considered acceptable in the context of the overall scheme.

The layout incorporates an area of open space that contains some prominent trees that are to be retained and is contiguous with an area of open space being provided on the adjoining site. Together these two elements combine to create a more attractive space that will contribute positively to the overall character of the area.

Transportation matters

The existing access to Hill Barton House is to be improved to serve 3 detached dwellings directly from Hill Barton Road. Whilst this approach maintains a vehicular access that crosses the foot/cycle path running alongside Hill Barton Road, given the limited number of properties it serves, and the fact that users of the foot/cycle path in this location are already used to traffic in association with the original use of Hill Barton House entering/leaving the site at this point, it is considered that this is acceptable. The remainder of the properties are accessed via the new main road off Hill Barton Road into the adjoining wider development site and the internal road network within that site. This approach is considered acceptable. In the interests of permeability it is considered that the footpath from the road within the site should be extended across the frontage of plot 18 to link to the pavement on the main road.

Parking to serve the properties is almost entirely provided on-plot except for 3 properties in the corner of the site where the parking spaces are provided in a group accessed off the turning head of the road. These spaces are directly overlooked by the properties they serve. Each property is provided with a minimum of 2 parking spaces.

Ecology/Sustainability

There is existing potential habitat on site, principally for birds and bats. The submitted information in relation to ecological matters refers to timing of works and mitigation measures that would be adopted in the implementation of the development to ensure that ecological interests were protected. Across the site slow worms had already been translocated to suitable habitat elsewhere on site. The outline for the wider site contains a condition relating to the submission and agreement of an Ecological Construction Method Statement and Ecological Management Plan, and it would seem prudent and logical to reiterate that condition in respect of this application. This would ensure that any protected species are satisfactorily dealt with and that the ecological interest of the site is appropriately protected and enhanced.

The drainage scheme incorporates underground surface water attenuation tanks to limit the discharge rate of surface water, and the submitted Flood Risk Statement indicates that the discharge rate and connection point have been agreed with South West Water.

As with other developments within the Monkerton/Hill Barton Strategic Allocation these dwellings will be required to connect to the proposed decentralised energy network in the locality and this will need to be secured through an appropriate Section 106 Agreement.

Affordable Housing

Although the submitted layout does not identify any affordable housing within the 18 plots subject to this full application (part of which for the reasons previously identified in this report overlaps with the extant outline consent) the adjoining 'reserved matters' application does identify 41 affordable houses equating to almost 25% of the total number of units provided across the two sites (total number of dwellings across two schemes is 166, 25% = 41.5 dwellings). Negotiations are on-going to secure 42 affordable dwellings across the 2 sites to reflect the rounding up provisions within the S106 Agreement. Subject to this being achieved this is considered an acceptable approach given that a scheme purely confined to the site area of Hill Barton House would not in itself deliver a sufficient number of dwellings to trigger the provision of affordable housing. A further legal agreement will be required in connection with this application to ensure that the required level of affordable housing is delivered across the two sites.

CIL/S106

The 18 houses the subject of this application will be CIL liable. The Education Authority have referred to funding of additional school places through CIL contributions derived from this proposal. However, no decision on the allocation of CIL contributions associated with this application have been taken, and therefore there can be no assumptions made in this respect.

A Section 106 Agreement will be required in respect of connection of houses to district heating and affordable housing.

Conclusions

Looking at the layout comprehensively as part of the wider development surrounding it is a sensible approach and ensures that housing delivery across the two sites is maximised, and that the most appropriate design solution is achieved. The scheme has been amended following negotiations and is considered to be acceptable in the context of the site constraints and surrounding development proposals.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement covering the items referred to above, and subject to the following conditions:

In the event that the Section 106 Agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to REFUSE permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the Section 106 Agreement.

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings

- 3) C17 - Submission of Materials
- 4) C11 - Sewage Disposal
- 5) C35 - Landscape Scheme
- 6) C70 - Contaminated Land
- 7) C57 - Archaeological Recording
- 8) Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of development or site preparation, an Ecological Method Statement and an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. They shall include (but not be limited to) a lighting plan to ensure a dark corridor for commuting bats, a reptile mitigation plan and opportunities for enhancement.
Reason: In accordance with the terms of the submitted Environmental Statement and to protect and enhance biodiversity.
- 9) C38 - Trees - Temporary Fencing
- 10) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
Reason: In the interest of the environment of the site and surrounding areas.
- 11) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 12) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.
Reason: To ensure the satisfactory drainage of the development.
- 13) Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.

- 14) 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.
- 15) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 16) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 17) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing prior to occupation of any dwelling hereby permitted, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

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 9

ITEM NO. 6

COMMITTEE DATE:

29 JUNE 2015

APPLICATION NO: 15/0247/03 **FULL PLANNING PERMISSION**
APPLICANT: Mr J Thompson
PROPOSAL: Demolition of existing double garage and shed for the erection of new two storey dwelling
LOCATION: Site at rear of 16 West Avenue, Hoopern Lane, Exeter, EX4 4SD
REGISTRATION DATE: 03/03/2015
EXPIRY DATE: 08/06/2015

HISTORY OF SITE

15/0247/03 - Demolition of existing double garage and shed for the erection of new two storey dwelling.



Scale 1:1000

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DESCRIPTION OF SITE/PROPOSAL

The site comprises of part of the garden and garaging for a semi-detached house on West Avenue.

The main property is not listed but located within Longbrook Conservation Area. The proposal seeks the demolition of the existing double garage (29.15sqm internal floor area) (and shed) identified as making neutral contribution to the conservation area. The construction of a two storey dwelling (122.75 sqm) with associated parking is proposed.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

D&A Statement.

REPRESENTATIONS

9 objections have been received. The main points including:

- The property incorporates 3 separate freehold 2 bed flats on each of its three storeys. Construction of a dwelling is over development and over intensification of the site.
- West Avenue is a Conservation Area. The proposal violates its status. It is insensitive and inharmonious.
- It would set a precedent for “Mews style” house building.
- The applicant wants to “connect with the garden” but the proposal alienates all other neighbours from theirs and the privacy that is currently enjoyed.
- The proposed development destroys visual, aural and odour amenity for neighbours.
- The materials are inharmonious and will dominate views.
- The proposal will result in over looking. If a mezzanine were to be built the impact will be exacerbated.
- The proposal will result in escalated and targeted anti-social behaviour and together with the intensive student foot traffic (day and night) will make this dwelling unsuitable for habitation.
- A lack of amenity space is provided for the remaining flat (No.16A).
- The development has insufficient space.
- The mature hedge and trees opposite the site will be overbearing and will be threatened.
- The planned car parking space is also totally unsuitable.
- There is no space or room to put out the wheelie bins on refuse / re-cycling days.
- The roof is un-necessarily prominent and will cause shading.
- Should planning consent be forthcoming ensure pd rights are removed.
- Ensure the shed will be removed as part of the planning consent.
- Insufficient space for construction vehicles / skips.
- Hoopern lane is a bridle path not a highway.
- Student occupation of the remaining flat and proposed dwelling that may result is strongly resisted.

3 comments received. The main points relating to:

- precedent for further development
- roof pitch is unnecessarily steep, prominent and will result in shading.
- The application does not meet the requirements of Policy SD3 of the Exeter St James, Neighbourhood Plan.
- Hoopern lane is narrow and predominantly pedestrian.

CONSULTATIONS

St James Forum: this application does not meet all requirements for infill sites in policy SD3 of the Neighbourhood Plan for St James. The Forum is particularly concerned about parking and access provision (SD3c) and that the proposal will set a precedent for infill for the semi-detached properties on the east side of West Avenue. Hoopern Lane is narrow at the point of access from the property and is predominantly a pedestrian path, used at all times of the day by university students and other residents.

DCC Highway Authority - no specific comments provided. Standing advice applicable.

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

OBSERVATIONS

- Detailed pre-application discussions were undertaken prior to the submission of the application.
- The proposed dwelling meets the requirements of the Residential Design SPD both in respect of internal space standards and outdoor amenity space. Following the submission of additional information (11 May 2015) the outdoor amenity space of the remaining flat (No.16a) will meet the requirements of the Residential Design SPD.
- Intervisibility is acceptable between the proposed dwelling and those of 16 West Avenue.
- Overlooking of neighbouring gardens will be minimal. The roof terrace (in existing use) with privacy screens are already in place. Neighbouring amenity will not worsen.
- The proposal will undoubtedly create a change to the urban grain / character of the Conservation Area. However, the existing garage does not make a positive contribution to the character of it. Not all neighbouring properties are capable of a similar scheme. This proposal sets a very high standard should others be forthcoming. The proposal creates frontage on to the public realm (Hoopern Lane) to the benefit of all users / property owners along it.
- Should planning consent be forthcoming a condition will be attached to remove Permitted Development Rights to ensure the amenity of neighbouring properties is retained and a condition relating to the storage of construction materials and parking of construction vehicles.
- Following further discussions and amendments to the drawings the Highway Authority are satisfied that the proposal meets Highway Authority requirements.

Objections / comments relating to:

- Precedent - Each site is considered on its own merits. This proposal sets a high standard to which any future development should attain.
- Occupation by students - The proposal does not change the ability (or otherwise) of No.16A or the proposed dwelling from being occupied by students. Policy constraints (Article 4 Direction) remain in place.
- Materials - Should planning consent be forthcoming a condition will be attached regarding materials.
- Anti social behaviour and littering - Frontage on to the public realm / informal surveillance should act as a deterrent to further anti-social behaviour.
- Mature hedge / trees - Sufficient distance is provided between the proposal and existing trees. The upper floor is to bathroom and bedroom accommodation. Pressure for crown reduction is not considered significant.
- Parking provision - The proposal meets the requirements of the Highway Authority.
- Bin storage is provided.
- Orientation and the asymmetrical roof form minimises overshadowing.
- reference to Hoopern Lane as being a bridle path is not significant to this application.

For the reasons outlined above, the proposal complies with Paragraphs 17.3, 17.4, 17.5, 17.6, 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 C1, DG1(a, b, d, e, f, g & h) and DG4 (a & b) of the Exeter Local Plan First Review 1995-2011 because:

- i) the proposed dwelling would not be harmful to the character or appearance of the Conservation Area or those properties neighbouring; 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.

Delegation Briefing 24 March 2015

The owner of the proposed development lived in the middle floor flat of the three storey house and owned the bottom half of the garden fronting onto Hoopern Lane. A neighbour who had objected was concerned that the house would be built immediately butting up to Hoopern Lane in the residents small bit of garden with only a few feet for a very small car parked parallel to the road and between the house itself and the road. Although the property was in an Article 4 Direction area, the objector was concerned that not only the new dwelling but all of the existing house would be occupied by students. Anti social behaviour, graffiti etc was already being experienced and there was a fear that this would increase in spite of the possibility that this dwelling would provide additional surveillance.

Objections also included loss of privacy, loss of light, impact on Conservation Area and change in the urban grain. It was also suggested that it could lead to a precedent for similar use of gardens in the area. The roof height could be considered to be over bearing although the dwelling itself would be 23 metres from the rear extension of the existing house and therefore acceptable. Both internal and external measurements were acceptable in terms of SPD residential design guidance. The Highways Officer had not objected. Concern had also been expressed in terms of impact on the area.

Members supported a site inspection.

Member Site Visit 14 April 2015

Members who visited the site were concerned about the loss of outdoor amenity space for the existing 16A flat. The remaining area would not comply with the City Council's adopted Residential Design Supplementary Planning Document (SPD). They were also concerned about the precedent that the proposal would set, proximity to the trees on the opposite side of Hoopern Lane, noise and nuisance (from pedestrians along Hoopern Lane) for the future occupiers of the new dwelling and impact on the character of the conservation area (particularly the urban grain).

Delegation Briefing 12 May 2015

Additional information (received 11 May 2015) was presented to Members. Although concerns had been expressed that a bedroom would be close to Hoopern Lane and therefore the occupant would experience noise from passing students it was noted that any such noise would be experienced by other properties in the area.

Members supported approval of the application under delegated powers.

Delegation Briefing 9 June 2015

The additional information received 11 May 2015 had been presented to Members at the Delegation Briefing the following day. As such it was added as an additional item on the day and was not included on the Delegation Briefing agenda. Whilst those Members present supported approval under delegated powers, those Members who were not present were concerned that the application had not been fully and transparently discussed. As a result, it was brought back to Delegation Briefing on the 9 June having been included on the agenda.

Members again discussed the application at length and noting the objections received its referral to Delegation Briefing on a number of occasions, Members requested the application be brought to Planning Committee.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) UN7 - Unique Condition 7.
- 2) C05 - Time Limit – Commencement.
- 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 3 March 2015 (*dwg. no(s). 14.02.10B, 14.02.11C, 14.02.13 & 14.02.14*) and on 11 May 2015 (*dwg.no. 14.02.15*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) C17 - Submission of Materials.
- 5) C35 - Landscape Scheme.
- 6) In the event of failure of any trees or shrubs, planted as a privacy screen to the rear of No16, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) C23 - Permitted Development Restriction.
- 8) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 9) 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.
- 10) Prior to the commencement of the development full details (including sections) of the garage fold back doors shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.
Reason: To ensure the proposal conforms with the visual amenity requirements of the area.
- 11) Details of the parking and turning of construction vehicles and the loading and unloading of construction materials / waste shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and shall be adhered to during the construction of the development.
Reason: To ensure the safety and well-being of neighbouring residents.
- 12) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no

change of use from C3 (Dwelling House) to C4 (House in Multiple Occupation) shall be carried out within the curtilage of the dwelling without the formal consent of the Local Planning Authority.

Reason: In order to protect the residential amenity of the surrounding area and to prevent overdevelopment.

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 10

ITEM NO. 7

COMMITTEE DATE: 29 JUNE 2015

APPLICATION NO: 15/0354/03 **FULL PLANNING PERMISSION**
APPLICANT: Mr Bowkett
Exeter Council for Voluntary Service
PROPOSAL: Change of use from B1 to D1- Non residential institutions
LOCATION: Wat Tyler House, 3 King William Street, Exeter, EX4 6PD
REGISTRATION DATE: 22/05/2015
EXPIRY DATE: 17/07/2015

HISTORY OF SITE

| | | | |
|--------------|--|-----|------------|
| 04/2045/03 - | Provision of air conditioning unit on east elevation | PER | 01/02/2005 |
| 08/1909/03 - | Security shutters on east elevation | WRT | 08/12/2008 |



Scale 1:1250

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DESCRIPTION OF SITE/PROPOSAL

Planning permission is sought for the change of use of a section of the building from an office use (B1) to a clinic/health centre use (Use Class D1). The area that this includes is approximately 1/5th of the site, and the remaining area of the building will continue to function as a B1 use. The use of the different sections of the building will be interlinked as there are crossovers between the occupants and clients of both parts of the centre. No external changes are proposed as part of this application.

REPRESENTATIONS

None received.

CONSULTATIONS

None received.

OBSERVATIONS

The change of use of a section of the building from its current B1 use to D1 is deemed acceptable and is in accordance with relevant planning policy.

Partial use of this building as a clinic/health centre use (Use Class D1) is appropriate as the site is located within the city centre which therefore means that the site is accessible through public transport, close to other services and in a location that is not surrounded by residential properties. The proposed use therefore complies with policy CS2 of Exeter Local Plan First Review 1995 - 2011.

The minor loss of office space (Use Class B1) is not deemed detrimental to the overall use and function of this site, and the scheme is likely to enhance the service provided at the site. As such the scheme is felt to comply with policy E3 of Exeter Local Plan First Review 1995 - 2011, as the change of use will not harm the employment opportunities in the area.

On balance the change of use is deemed to be in compliance with relevant planning policy and is therefore recommended for approval.

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 26 March 2015, 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

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 29 JUNE 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

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Application Number: 15/0287/03 **Delegation Briefing:** 26/05/2015 0
Decision Type Permitted **Decision Date:** 29/05/2015 DEL
Location: 12 Green Lane, Exeter, EX4 1RF
Proposal: Two storey side extension

Application Number: 15/0338/03 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 01/06/2015 DEL
Location: 19 High Meadows, Exeter, EX4 1RL
Proposal: Single storey rear extension and extension to terrace

Application Number: 15/0149/03 **Delegation Briefing:** 26/05/2015 0
Decision Type Permitted **Decision Date:** 03/06/2015 DEL
Location: 1 St. Philips Court, Buddle Lane, Exeter, EX4 1JB
Proposal: Proposed 2 storey side/rear extension

EXWICK

Application Number: 15/0401/03 **Delegation Briefing:** 26/05/2015 0
Decision Type Permitted **Decision Date:** 15/06/2015 DEL
Location: Rededowne, Nadderwater, Exeter, EX4 2JF
Proposal: Additional storey to create two storey dwelling.

Application Number: 15/0305/01 **Delegation Briefing:** 09/06/2015 0
Decision Type Permitted **Decision Date:** 16/06/2015 DEL
Location: 78 Rowan Way, Exeter, EX4 2DT
Proposal: Proposed 2 storey dwelling and parking (In Outline)

HEAVITREE

Application Number: 15/0395/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 05/06/2015 DEL
Location: 61 Fore Street, Heavitree, Exeter, EX1 2RJ

Application Number: 14/0963/03 **Delegation Briefing:** 13/05/2014 0
Decision Type Refuse Planning Permission **Decision Date:** 05/06/2015 COM
Location: Land to west of, Pilton Lane, Exeter, EX1
Proposal: Three storey building containing 41 retirement apartments including communal facilities and associated car parking and landscaping

Application Number: 13/4984/01 **Delegation Briefing:** 27/01/2014 0
Decision Type Permitted **Decision Date:** 15/06/2015 COM
Location: Land known as Monkerton Farm on western and eastern sides of Cumberland Way, Exeter
Proposal: Residential development scheme of up to 400 dwellings including new access to Cumberland Way and internal roads to accommodate two way public transport link between Cumberland Way and Harts Lane, and associated infrastructure (All matters reserved for future consideration apart from access)

Application Number: 15/0463/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/06/2015 DEL
Location: 1 Fox Road, Exeter, EX4 8NB
Proposal: Front single storey porch

Application Number: 15/0396/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 17/06/2015 DEL
Location: 19 Bindon Road, Exeter, EX4 9HN
Proposal: Extend rear dormer and provide new front dormer

POLSLOE

Application Number: 15/0619/17 **Delegation Briefing:**
Decision Type Was lawful use **Decision Date:** 04/06/2015 DEL
Location: 15 Monks Road, Exeter, EX4 7AY
Proposal: Use of property as a 7 bedroom House of Multiple Occupation (sui generis)

Application Number: 15/0454/18 **Delegation Briefing:**
Decision Type Was lawful use **Decision Date:** 16/06/2015 DEL
Location: 72 Ladysmith Road, Exeter, EX1 2PP
Proposal: Rear dormer and roof lights to the front.

Application Number: 14/4686/03 **Delegation Briefing:**
Decision Type Withdrawn by Applicant **Decision Date:** 21/05/2015
Location: Cathedral Court, Southernhay East, Exeter, EX1 1AF
Proposal: Proposed installation of external air conditioning unit to the rear of Cecil Boyall House

Application Number: 14/4750/07 **Delegation Briefing:** 10/03/2015 0
Decision Type Permitted **Decision Date:** 04/06/2015 COM
Location: Flat 8, Exeter Castle, Castle Street, Exeter, EX4 3PU
Proposal: Proposed internal alterations to create mezzanine floors and installation of 3 No. rooflights

Application Number: 15/0335/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/06/2015 DEL
Location: 85 South Street, Exeter, EX1 1EQ
Proposal: Change of Use from A1 (retail use) to A2 (estate agents).

Application Number: 15/0589/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/06/2015 DEL
Location: 39/41, St. Davids Hill, Exeter, EX4 4DA
Proposal: 2.no proposed signs

Application Number: 15/0103/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 11/06/2015 DEL
Location: 9B Richmond Road, Exeter, EX4 4JA
Proposal: Removal of condition 6 of application 08/0676/03 to enable 2.no of the 3.no garages to be converted to habitable space.

Application Number: 15/0430/40 **Delegation Briefing:**
Decision Type Prior Approval Not Required **Decision Date:** 12/06/2015 DEL
Location: 17 Bartholomew Street East, Exeter, EX4 3BG
Proposal: Conversion of the first floor office to 2 - 3 bedroom apartments

Application Number: 15/0496/06 **Delegation Briefing:**
Decision Type Withdrawn by Applicant **Decision Date:** 22/05/2015
Location: 1 Elm Grove Road, Exeter, EX4 4LL
Proposal: T1 - Copper Beech - Crown thin by 20% (North/NorthWest)

Application Number: 15/0444/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 27/05/2015 DEL
Location: 69 Oxford Road, Exeter, EX4 6QX
Proposal: Replacement rear extension

Application Number: 15/0319/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/05/2015 DEL
Location: 32 Well Street, Exeter, EX4 6QQ
Proposal: Two storey extension at rear and form 2 flats

Application Number: 15/0423/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/05/2015 DEL
Location: 10 The Quadrangle, Horseguards, Exeter, EX4 4UX
Proposal: Loft conversion

Application Number: 15/0424/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/05/2015 DEL
Location: 10 The Quadrangle, Horseguards, Exeter, EX4 4UX
Proposal: loft conversion

ST LEONARDS

Application Number: 15/0437/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 11/06/2015 DEL
Location: 1 Knightley Road, Exeter, EX2 4SR
Proposal: First floor extension

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 29 June 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?

1.1 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:

2.1 Members are asked to note the report.

3. Summary of decisions received

3.1 Two appeal decisions have been received and are summarised below:

(i) St Leonards Lodge, Jennifer Close, Exeter – This was an appeal against consent to undertake work to three protected trees. The Inspector ordered that the Condition regarding replacement planting be amended with the wording he proposed.

(ii) 32 Liberty Way, Exeter – The application sought approval for a side extension to the dwelling. The site accommodates a two story dwelling with single storey garage attached to the side, having a significant front set back. The dwelling is located within a row of similar dwellings which appear identical, share similar front building lines and are detached, albeit joined by their garages. The Council's SPD states that side extensions should have a setback of at least 900mm from the main front building line. The existing dwellings contain clear rhythmic gaps formed by the set back garages. In this case, although the proposal allows for a setback as set out in the SPD, its reduced setback compared with the current garage, and the other houses in the row, would cause it to appear obtrusive, incongruous and out of character with the prevailing form of development. He considered the development would have additional detrimental effects on the character and appearance of the streetscene. The proposed glazing on the first floor would be out of character with both the dwelling and its neighbours. He concluded that the proposal would have a harmful impact on the character/appearance of the surrounding area and that it would conflict with the Council's Core Strategy and Local Plan.

4. New Appeals

4.1 No new appeals have been confirmed.

5. Home Farm Appeal

5.1 Following a hearing on 8 June, a High Court judge has dismissed the Council's application to quash a Planning Inspector's decision to allow outline permission for 120 homes at Home Farm, Church Hill, Pinhoe.

After taking legal advice, the Council challenged the Inspector's decision on grounds that she had erred in her interpretation of national planning policy on meeting housing

needs. In particular, although the adopted Core Strategy's housing requirement included an element of growth in relation to students, she did not take into account the contribution made by student accommodation to housing supply in Exeter. The application to quash the decision was resisted by the Secretary of State and the applicants (Waddeton Park Ltd and the RB Nelder Trust).

Justice Hickinbottom ruled that Inspector made no error in her interpretation of national planning policy. She was entitled to her view on student accommodation, because the Council had provided insufficient evidence at the Home Farm Inquiry to demonstrate the extent to which students were included in the adopted housing requirement. The judge also ruled that, even if the Inspector had approached the issue differently, she would inevitably have come to the conclusion that the proposal was sustainable development and would therefore have allowed the appeal.

A copy of the judge's ruling can be viewed at
<http://www.bailii.org/ew/cases/EWHC/Admin/2015/1663.html>

6. Public Inquiries

- 6.1 The Waddeton Park Limited Inquiry at Exeter Road, Topsham will take place on 24 November.
- 6.2 The Honiton Road mixed use development Inquiry will take place in the first week of December.

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