

PLANNING

Date: Monday 2 November 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 Minutes

To sign the minutes of the meetings held on 27 July, 7 September and 5 October 2015.

3 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.

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

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

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

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).

5 **Planning Application No. 15/0704/01 - Land west of Fitzroy Road and north of Honiton Road, Exeter**

To consider the report of the Assistant Director City Development.

(Pages 5 - 46)

6 **Planning Application Nos. 15/0907/03 and 15/0909/03 Land off Exeter Road, Topsham, Exeter**

To consider the report of the Assistant Director City Development.

(Pages 47 - 58)

7 **Planning Application No. 14/1579/03 - Land to west of Pilton Lane, Exeter**

To consider the report of the Assistant Director City Development.

(Pages 59 - 72)

8 **Planning application No 15/1049/03 - Pilton House, Pilton Lane, Pinhoe**

To consider the report of the Assistant Director City Development.

(Pages 73 - 78)

9 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Assistant Director City Development.

(Pages 79 - 98)

10 **Appeals Report**

To consider the report of the Assistant Director City Development.

(Pages 99
- 100)

11 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. on Tuesday 17 November 2015. The Councillors attending will be Denham, Prowse and Williams.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 30 November 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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Agenda Item 5

ITEM NO. 5

COMMITTEE DATE: 2 NOVEMBER 2015

APPLICATION NO: 15/0704/01

APPLICANT:

CPG Development Projects Ltd

PROPOSAL:

Mixed use development of district centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial & Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Take-Away), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parks, infrastructure works, public realm and landscaping.

LOCATION:

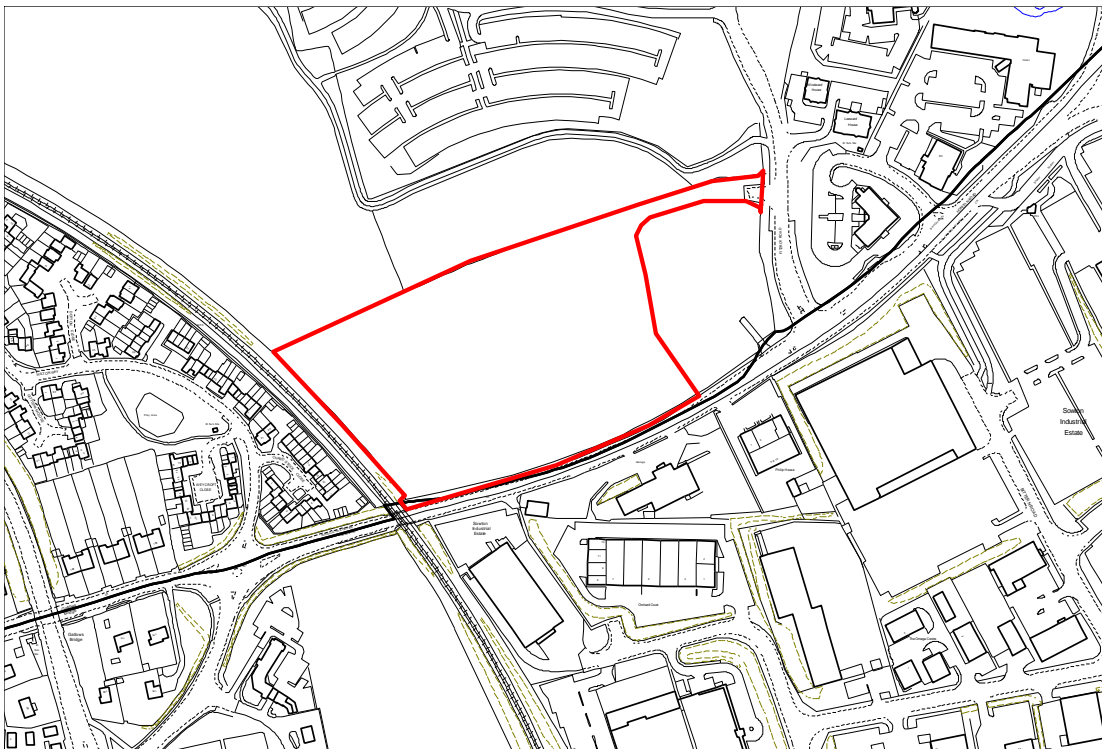
Land west of Fitzroy Road and north of Honiton Road, Exeter, EX1 3RS

REGISTRATION DATE:

16 June 2015

EXPIRY DATE:

15 September 2015



Scale 1:5000 This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction

HISTORY OF SITE

- | | | | |
|--------------|--|-----|------------|
| 11/1619/01 - | Outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only) | PER | 19/06/2012 |
| 12/0954/02 - | Hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 | PER | 17/12/2012 |

13/5128/03 -	June 2012) Variation of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012)	PER	24/03/2015
14/1615/01 -	Mixed use development to provide a District Centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial & Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Take-Away), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parks, infrastructure works, public realm and landscaping.	REF*	02/12/2014

***Reasons for Refusal of last application 14/1615/01**

- 1) The application site forms a significant part of the Monkerton and Hill Barton strategic allocation area. The scale and function of the proposed development would not accord with, and would be prejudicial to the achievement of, the strategic objectives for 'around 2,500 dwellings, and around 5 hectares of employment land and all associated infrastructure' at the Monkerton and Hill Barton area as set out in Policy CP19 of the Core Strategy.
- 2) The proposed development would not accord with the retail strategy focussed on mixed use development at the Bus and Coach Station in Exeter city centre and would therefore be contrary to Policy CP8 of the Exeter Core Strategy.
- 3) The application has failed to satisfy the sequential test and has not demonstrated that the Exeter Bus and Coach Station site would not be suitable for the proposed town centre uses in accordance with Policy CP8 of the Core Strategy and paragraphs 24 and 27 of the National Planning Policy Framework.
- 4) The application has failed to demonstrate that the proposed development would not result in a significant adverse impact on committed and planned public and private investment in centres in the catchment area of the proposal; and on town centre vitality and viability in accordance with Policy CP8 of the Core Strategy and paragraphs 26 and 27 of the National Planning Policy Framework.
- 5) The application conflicts with Core Strategy policies CP8 and CP19. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, section 70(2) of the Town and Country Planning Act 1990, and Paragraph 12 of the National Planning Policy Framework it should therefore be refused as other material considerations do not indicate otherwise.
- 6) Contrary to paragraph 32 of the National Planning Policy Framework, adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access and impact on the highway network.

DESCRIPTION OF SITE/PROPOSAL

The application site is located to the east of the city, and forms part of a relatively isolated block of agricultural land with housing to the west and commercial development to the east, north and south, including developments such as the recently constructed Premier Inn and Brewers Fayre, Met Office, Exeter Business Park and the Sowton Industrial Estate. The A3015 (Honiton Road) forms the southern boundary.

Covering 3.2 hectares, the site has a shallow slope running from north-west to the eastern boundary. There is a variable level change on the southern boundary up to a maximum of 2m down from the site to Honiton Road. It is bounded to the north, west and south by existing hedgerows and there is particularly dense planting along the railway embankment to the west. Landscaping on the eastern boundary embankment frames the existing hotel/pub site and its car park.

A planning application is made in outline with all matters reserved for future consideration apart from means of access. The proposal is to erect a mixed use development to create a new district centre to serve the east side of Exeter, comprising all or some of the following uses: Retail (A1) with associated Garden Centre; Financial and Professional Services (A2); Restaurants and Cafes (A3); Hot Food Takeaway (A5); Non Residential Institutions (D1); and Leisure (D2).

The planning application form and Planning Statement propose a development with gross internal floorspace of up to 16,127m² (GIA) 16,933m² (GEA), subdivided as follows:

- A1 - 11,102m² food and non-food including garden centre (7,217m² net sales excluding Garden Centre)
- A2 - 316m² financial and professional services
- A3 - 1,509m² food and drink including 'drive thru's'
- A5 - 116m² hot food takeaway
- D1 - 1,138m² leisure (gymnasium)
- D2 - 1946m² e.g. crèche and health facilities
- Up to 382 parking spaces (including 20 disability spaces)

The composition includes a small number of larger units to serve the wider district centre function serving East Exeter.

The proposal is substantially similar to an earlier application 14/1615/01 which was considered by Planning Committee on 1 December 2014 and refused on 2 December 2014. An appeal inquiry against refusal of that application is due to commence on 1 December 2015. The applicant has submitted the new application with additional information to respond to issues raised in the consideration of the previous application. The new application includes:

- A revised Transport Assessment reflecting dialogue with DCC
- Suggested planning conditions to mitigate the impact of the development

The restaurant use has been reduced from previous proposals to respond to Council concern over competition with emerging proposals in the City Centre.

The application is accompanied by a Plan 2176_PHL-001D 'Proposed Access Plan'. It is proposed that vehicular access for the development site would be provided via an existing priority junction on Fitzroy Road at the north east boundary (which also serves the existing hotel and pub). The internal road layout would join with this existing junction and provide the primary vehicular access to the development site. The submitted Highway Access Plan indicates a secondary access providing a connection to the site of already outline consented residential development to the north. Drawing PHL-002 Rev A shows a link road to the adjoining Hill Barton Consortium housing development to the north subject to conditions in consent 13/5128/03 and a link to Oberon Road having been made. However, whilst information was previously requested, confirmation has not been provided that land ownerships correspond with the application site boundary and that second access could be provided without the need to cross current or future third party land.

The proposed vehicular access would be accompanied by a footway/cycleway (much of which is already in place), which would link to pedestrian and cycle routes on Fitzroy Road and the wider network. Section 106 contributions towards a new footway/cycleway crossing of Fitzroy Road north of the access junction have already been secured. Stepped pedestrian access would also be provided to the south east, with two stepped and ramped accesses to the south and south west (three in total all fronting Honiton Road).

Plan 2176-PHL-007 Rev C shows S278 works to widen Honiton Road to provide a second eastbound lane for a length of approximately 115m from the Fitzroy Road junction, proposed bus stops and a new signalised pedestrian crossing. It is proposed that a pedestrian crossing would be constructed on Honiton Road to achieve links to the Sowton area.

The application seeks approval of a 'parameters plan' PR719-PL07 setting out maximum building scale and is accompanied by an illustrative Proposed Site Plan PR719-PL02 and illustrative Proposed Layout Plans of Blocks (PR719-PL03-6) and Elevations (PR719-PL08-13).

The Council considers that the development does not constitute EIA development requiring an Environmental Statement.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

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

- Air Quality Statement - Environ
- Archaeological (letter) - Cotswold Archaeology
- Design and Access Statement - Fletcher Rae
- Ecology Report - Sunflower International
- Flood Risk Assessment - Robson Liddle
- Geophysical Survey - Stratascan
- Ground Condition Report - Landmark
- Planning Statement, June 2015 - Rocke Associates
- Retail Statement, May 2015 - Mango Planning
- Statement of Community Involvement
- Transport Assessment, 10 June 2015 - WSP

Employment Land Submission

The Planning Statement refers to the significant supply of employment land now available around Exeter at Exeter Science Park, Exeter Gateway and Skypark. It argues, assuming a net developable area of 70%, there is a residual net supply of 126.57ha that would result in a 12-13.5 year land supply at latest take up rates. It also identifies an existing stock and market churn of 2.9 years each, a total supply of about 17.8 years.

Mango Retail Assessment

A Retail Assessment dated May 2015 has been submitted to address the reasons for refusal of the previous application. It utilises latest population and expenditure data and a new shopping survey of 800 households focused on Exeter and the north and east edge of the city. It provides further detail in respect of the intended retail mix of the proposal and the retail restrictions that may be considered appropriate.

The assessment notes there is already an identified need for a local centre to serve the area as evidenced by the Monkerton and Hill Barton masterplan and extant planning permission. The development will serve this need as well as providing a range of additional facilities to serve residential and business communities plus those passing the site.

The retail element is intended to include an anchor sales unit of about 3,948 m² net sales (which may sell clothes from up to 60% of its net sales area [according to the conditions offered by the applicant]), two units of about 901/929 m² (there is no certainty of these operators and/or that they will be clothing retailers and an M&S Simply Food (again, it may not be M&S Simply Food and could be another food retailer. Equally, it may not be just a foodstore and instead could be a mixed goods retailer of 715m² (there is no certainty of these operators and/or that they will be clothing retailers). The other five units total 724 m².

The assessment includes a health check of Exeter's existing retail centres. It concludes that Exeter City Centre is performing well despite difficult economic conditions of recent years, the overall environmental quality is very good, there is a large number of national multiple retailers as well as independent stores, vacancy rates are below average and there is a wide range of leisure and food and drink provision.

Heavitree is describes as a healthy and attractive district centre that continues to perform strongly notwithstanding the opening of Waitrose nearby. Pinhoe is observed as a healthy local centre.

The Retail Assessment applies the three main tests in Government policy, the sequential approach and the two impact tests on vitality and viability of existing centres and on existing, committed and planned investment.

The Sequential Approach

National and local planning policy guidance requires applicants to demonstrate that there are no sites within or at the edge of defined centres that are suitable, available and viable to meet the identified need. The applicant argues that there is a recognised need for a new centre to serve the immediate area. Part of the site was allocated for a local centre in the DDDPD (reference is to the draft December 2013). The applicant refers to various

precedents to argue that any sequentially preferred site must meet commercial requirements, be able to accommodate the proposal in full with consideration of reasonable flexibility (flexibility should not change the intended function away from the need it is intended to serve) and that the area of search be the intended catchment.

The only site identified as at issue in respect of the sequential test is the Bus Station. The applicant contends the mix of uses is different, the site is smaller and it would not meet the local needs of Monkerton and Hill Barton.

The developer considers the Bus Station site is not available to accommodate the proposals within a reasonable time period due to the various property interests. This conclusion was reached prior to the submission of the recent planning application.

The Developer argues the viability of the Bus Station is yet to be demonstrated, the site has not come forward in 20 years. The emerging scheme is leisure not retail led and there is no demand for retail floorspace at the site. It concludes a viable large mixed use development which also supports delivery of a new bus station is not likely to be viable without significant public investment.

Retail Impact

The report notes that the existing centres of Exeter, Heavitree and Pinhoe are performing well. The Retail Assessment is based on a new household survey of the specific catchment with a sample size of 800. The catchment approximates to a 10 minute drive time. The assessment uses a base year of 2015 and design year of 2020.

The overall pool of convenience goods expenditure in the catchment area is £464.09m in 2020.

At the base year of 2014, Sainsbury at Pinhoe £41m p.a. and Tesco Exe Vale £38.4m p.a. are identified as deriving most turnover from the study area. Sainsbury at Guildhall Centre is the largest city centre convenience store turnover £11.55m p.a. The assessment also estimates the turnover of the consented Morrisons at Middlemoor and notes that supermarkets compete on a like with like basis. The convenience turnover from the development, estimated at £6.85m p.a. at the M&S Simply Food will impact most notably on Waitrose and Sainsbury's at Pinhoe and have only a limited local impact on smaller local shops principally in Heavitree.

Exeter City Centre is estimated to have a comparison goods turnover of £511m p.a. at 2015 and Heavitree £2.9m p.a. Retail parks such as Stone Lane and Rydon Lane draw £35 - 38m p.a. at 2015. A future IKEA is also factored into the assessment.

Moor Exchange is estimated to have a comparison goods turnover of £19.65 – 32.25m p.a. The impact is assessed on the basis that Next or TK Maxx Homesense take the largest anchor unit. The assessment indicates that all defined centres will see significant growth in turnover between 2015 and 2020 notwithstanding the cumulative effect of IKEA and the application proposal. City Centre comparison turnover is estimated at £735m p.a. without Moor Exchange and £720m p.a. with it, about 2% impact. This is not considered to be significantly adverse.

The assessment judges leisure and restaurant uses against whether they would have a significant adverse effect on the vitality and viability of Exeter City Centre as a whole. It

argues any impact will fall on out of centre facilities in the locality and that vitality and viability of centres is underpinned by retail not restaurant/hot food provision.

The intended user of the D2 use is identified as “The Gym Limited”, a planning condition is offered preventing cinema use.

Impact on existing, committed and planned investment

The Bus Station is identified as the key investment site, a proposal they identify as leisure led. The assessment identifies the lack of evidence of effect on viability of a scheme in a similar appeal decision and of the viability of the Bus Station development ‘without a viable scheme’ they argue ‘there is no planned investment’, referring to the lack of any planning permission (application now received).

The developer also refers to the lack of confirmation of what is proposed at the Bus Station in terms of layout, mix and composition stating it is difficult to predict operations likely to be represented and therefore any material overlap in tenants.

Proposed Planning Conditions

The applicant proposes a series of draft Planning Conditions limiting the total overall floorspace and quanta per use class to the maximum specified and limiting the net sales area of retail (Class A1) to 7,217m², a single unit anchor unit of up to 5,807m² gross for non food retailing plus two additional units of up to 1,162m² gross of non food retailing, a single unit of up to 1,487 m² gross for predominantly convenience retailing, a single unit of up to 1,946m² gross for a gymnasium (Class D2) and 835m² for a community use Class D2 and 3 freestanding units for Class A3 (restaurants), not individually to exceed 506m² with optional ‘drive-thru’ facilities.

With the exception of the above no individual unit is proposed shall exceed 511m² gross and no subsequent amalgamations of units.

The proportion of floorspace in the anchor unit (A) dedicated to clothing and footwear shall not exceed 60% of the overall scheme and the retail units B and C shall not be predominantly clothing and footwear (but not to restrict sports and/or outdoor pursuits). Unit D shall not be used for comparison goods.

REPRESENTATIONS

The Council has received 108 representations relating to the proposed development. There are 15 objections and 93 letters of support.

Objections: 15

The Council has received 13 objections mainly relating to transport and retail matters, from individuals. It has also received objections from representatives of John Lewis, East Devon New Community Partners and the owners of Exebridge Retail Park. They can be summarised as:

John Lewis

The proposals could not be considered to be local in scale and type reflecting the local centre allocation and are not policy compliant, wish to avoid impact on the city centre.

The new application is broadly the same as the appeal scheme and gives rise to the same concerns. The additional information on proposed unit mix and sales area is welcome.

If the proposal is to be approved there should be specific controls over the nature and quantum of retail floorspace.

East Devon New Community Partners

Object strongly as they did to the previous similar application. The proposals are fundamentally related to the Cranbrook development. Moreover, the Moor Exchange proposals:

- are inconsistent with, and will undermine, the positively planned strategy for Exeter and East Devon that includes a clear strategy and hierarchy of defined centres;
- fail to satisfy the sequential test in so far as that should be applied to Cranbrook (irrespective of the conclusions that are drawn in relation to other alternative locations);and
- will have a substantial negative impact on Cranbrook town centre (and again irrespective of impacts on other centres) in particular investment therein

The delivery of Cranbrook Town Centre is at a key stage and everything is being done to ensure that Cranbrook can come forward at the earliest opportunity. The timing of the Moor Exchange proposal, as well as its undermining of the public and private sector investment in Cranbrook town centre, is therefore particularly unfortunate.

The prospect of a new consent at Moor Exchange can only serve to detract from and undermine the concerted investments being made in the delivery of the Cranbrook town centre.

Owners of Exebridges Retail Park

The policy context has not changed since the determination and appeal on the previous application, concerns raised in previous letters are requested to be considered.

Still have concerns regarding conclusions of the retail assessment, applicant has not sufficiently demonstrated no serious adverse impact on existing centres.

Scale of development significantly larger than envisaged local centre, 30% of turnover from outside the study area, a higher proportion than the city centre (20%) and retail parks (15%). It is clear the primary purpose is not to serve day to day local needs as a local centre but to provide an alternative destination to the city centre, £8.29m or 26% of comparison turnover is diverted from the city centre. Potential tenants include names who are not a local retail offer.

Impacts are understated due to use of a 2020 design year, 2018 appropriate.

Trade diversion from retail parks overstated, these are more typically retail warehouses with limited overlap.

Trade diversion from district/local centres of 0.2% and 0.1% unrealistically low and inconsistent with statements.

No indication of trade diversion for the 30% derived outside the study area.

Support: 90

There have been 16 letters of support from businesses in eastern Exeter. Many of these make similar statements that Moor Exchange proposes a wide range of high quality retail and leisure facilities which are currently not available to their staff locally. Due to the time pressures of the working day, the majority of staff are unable to travel into the city centre during the week and thus are reliant on shopping elsewhere en route home around the county. The current application proposals will raise the standards of retail and leisure provision on the East side of Exeter and remedy the existing deficiencies of the area in terms of town centre facilities for the substantial existing and future business communities. These district centre facilities proposed will enhance the attractiveness of the employment district for the business and staff and no doubt assist with ongoing inward investment for the area.

The representations include Exeter Science Park who state it is vital to the success of the Science Park that current and future tenants have access to high quality leisure and retail facilities within close proximity and they believe that it is essential that the proposal should proceed.

There have been 77 representations in support from individuals who work and/or live in the area. A number of these are from work email addresses so it is unclear whether they are a personal or company view.

Principal planning issues raised can be summarised as follows:

- The proposal will enhance local facilities for staff and those visiting the area.
- Improved facilities will make the local employment areas more attractive to employers and employees.
- Alternative facilities (including the city centre) are not easy to access.
- Spending power of employees would be retained in Exeter.
- The proposal will boost the economy of the area and provide more employment.
- The proposal will help to address a lack of facilities local to Exeter Business Park.
- The scheme will serve other development areas including Cranbrook, Exeter Science Park and Pynes Hill.
- A 'Local Centre' will not deliver what the area needs in terms of a range of uses.

CONSULTATIONS

Devon County Council (Highways Authority)

Large parts of the Highway Development Manager officer's comments are reproduced in full.

The submitted application follows a similar application for the site for a mixed use development which was refused by the Local Planning Authority in December 2014.

For this application, the total scale of the development has been slightly reduced from 16,000 to around 15,000 square metres. Nevertheless, from a transport perspective the total predicted traffic generation of the site, as set out in paragraph 6.1.4 (970 two way PM peak hour trips) is comparable to the original application (954 two way PM peak hour trips). On that basis, the updated comments to the previous application are still applicable and set out below.

Following the previous highway consultation response and refusal of the application at Exeter Planning committee, the applicant and Highway Authority have been in discussion in an effort to reach agreement over the vehicular impact of the Moor Exchange development and need for any mitigation.

Further discussions have taken place regarding the likely break down of trips and the following has been agreed.

- 20% of the predicted trip generation will be linked (internalised)
- 55% will be pass-by trips (ahead movements becoming left/right in & left/right out)
- 25% Mix of Primary (20%) and Diverted (5%) (new trips on the network)

Although it is agreed that the development will have a lesser impact than set out in the original TA the proposed development will still substantially increase traffic movements at the Fitzroy Road junction, particularly the level of right turn traffic into and out of the site. The current right turn facility into the site from Honiton Road can accommodate 8 vehicles.

Preceding the westbound approach to Fitzroy Road is Moor Lane Roundabout, a major gateway into the city from the strategic road network and identified as a critical highway constraint. It is therefore essential that demand for the right turn movement in any one signal cycle does not exceed the storage.

The increase in demand will increase the likelihood of this blocking and to ensure the strategic corridor is not blocked, green time would need to be reallocated to this movement. This green time will need to be taken from other movements – namely Honiton Road outbound and the right turn movement out of the site. Queuing on Honiton Road outbound is already a point of concern and substantial worsening of this would not be acceptable.

To mitigate against this, the applicants have now proposed widening of approximately 100 metres along the Honiton Road frontage. This is identified on *Drawing 2176-PHL-007 Revision C* and includes relocation of the existing eastbound bus stop into the widened section and the addition of a Toucan crossing (as required with the original outline app 11/1619/01 granted 19-06-2012) to the west of the widening opposite Heron Road. The operation of the signals themselves, particularly with regards providing the right run in a separate signal stage, will also need to be amended.

An acceptable Stage 1 Road Safety audit of the proposals has also been submitted.

The additional lane will considerably increase outbound throughput at the signals, allowing full saturation flow to be maintained for a much greater period of time. It will also help with better use of the outbound lanes, particularly allowing more traffic to access the underutilised right hand lane. As such, the current vehicle throughput on Honiton Road can be achieved with a shorter amount of green time.

The applicants have confirmed the works to Honiton Road will be provided through S278 works linked to the application. The applicant is advised that detailed design will need to be progressed in liaison with the highway authority, but the submitted mitigation works are broadly acceptable and sufficient to overcome the highway authorities concerns with the acceptability of the application. The applicant is advised that the provision of a shared use footway, where achievable, along the frontage of the site would also be desirable.

These improvements are desirable immediately, but not strictly required until the site is partially built out. A condition is therefore recommended to ensure that these works, including the Toucan crossing are provided prior to the occupation of any A1 use on the site.

The submitted parameters plan indicates three pedestrian and cycle links to the southern boundary and a single link to the north of the site. These are welcomed, although the applicant is advised that a suitable cycle connection from the southern boundary to the northern boundary is essential. These links, and the connections to the south, should be secured by appropriate conditions.

Finally the submitted plans also indicate provision of a vehicular connection to the northern boundary with the adjacent Hill Barton Consortium residential site. There has been substantial debate about the timing of the delivery of this, and a Section 73 application to vary the timing of this link to a date no later than 4 months after the opening of a link to Oberon Road was previously approved. This position still holds and a condition to that effect should be attached to any approval.

These improvements are sufficient to overcome the previous concerns and therefore, subject to conditions being attached in the granting of any permission, no objection.

Highways England

Highways England formally directs planning conditions attached to the delivery of highway works.

It notes during the assessment of the 2014 application, concerns were raised in respect of the operation of Moor Lane roundabout, which forms part of the local road network. During peak periods this queues back towards junction 29, and this situation will worsen as development comes forward in the local area.

The directed condition relates to completion of improvement works to the Moor Lane roundabout or completion of the Tithebarn Link Road to the A30 or provisions in place to use Science Park Drive in the interim. It is understood that an agreement to use Science Park Drive has nearly been concluded.

Natural England

Natural England has no comments to make.

ECC Environmental Health

The conclusions of the air quality report are accepted, no mitigation works are required. The Senior Environmental Technical Officer comments that a noise impact of the entire proposal should be submitted prior to determination. If mitigation measures are required, these should be included on any consent as conditions. If the above information were satisfactorily received it is recommended that conditions requiring the following should apply:

- Implementation of agreed noise mitigation measures
- A Construction and Environment Management Plan should be approved by the planning authority prior to the commencement of development

Environment Agency

No objection.

Met Office

The Met Office has no objection to the proposal on the basis that the highest point of development is 53.4 m AOD as indicated on the submitted design and access statement. If development was to exceed that height there may be unacceptable degradation to the Met Office operations. It proposes a planning condition:

There should be no building or structure with height greater than 53.4m as indicated on the submitted Design and Access Statement. Any plantings or trees would also need to not be allowed to exceed this height now or in the future.

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 - Spatial Strategy

CP2 - Employment

CP3 - Housing

CP8 - Retail

CP9 - Transport

CP10 - Meeting Community Needs

CP11 - Environment

CP12 - Flood risk

CP13 - Decentralised Energy Networks

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
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
DG3 - Commercial Development
DG4 - Residential Layout and Amenity

Development Delivery Development Plan Documents

(Publication version July 2015, these policies carry less weight than those in an adopted plan).

DD2 – Employment land provision
DD3 – Retention of employment land
DD4 – Local services in employment areas
DD14 – Bus and Coach Station area
DD32 - Local Energy networks

Exeter City Council Supplementary Planning Documents

Planning Obligations SPD
Residential Design Guide SPD

Other Guidance

Monkerton and Hill Barton Masterplanning Study

OBSERVATIONS

Principle of Development

The National Planning Policy Framework is clear that,

‘The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...’

The adopted Core Strategy includes ten objectives. Objective 2 is
“Develop the potential of the city for further economic and commercial investment by:

....

Providing sufficient land and an appropriate range of accommodation for businesses particularly in the Monkerton/Hill Barton, Newcourt and Matford areas.”

The Exeter Core Strategy includes a strategic allocation for around 2,500 dwellings alongside 5 hectares of Employment Land in the Monkerton and Hill Barton area and supporting infrastructure. Supporting infrastructure includes a Local Centre (as defined). The application has been identified and advertised as a departure from Development Plan policies because it conflicts with landscape setting policy LS1 of the Exeter Local Plan First Review and because the proposed development would not accord with provisions for a Local Centre (including local retail facilities) at Monkerton and Hill Barton as set out in policies CP8 and CP19 of the Exeter Core Strategy

The Publication Version DDDPD Policy DD2 allocates the current planning application site for employment development and associated infrastructure. This includes the area covered by the previous outline consent.

The Publication Version DDDPD (July 2015) Policy DD3 provides that proposals involving the loss of employment allocations will not be permitted unless the alternative use is sustainable in the location proposed and it is demonstrated that development for an alternative use represents an opportunity that would create significant economic benefits for the city and its travel to work area; or the site or premises is not viable for employment use, cannot reasonably be made viable for such use and has been actively marketed at a reasonable price or rent for at least 12 months prior to the planning application being submitted. In this case the proposed use is not sustainable with regard to the retail strategy, there are no significant economic benefits, JLL concluded the site is viable for employment and the site has never been actively marketed.

Were the Planning Committee to resolve to approve the planning application, it would need to be referred to the Secretary of State so that he would determine whether or not he wished to 'call it in'.

Landscape Setting

Whilst technically a departure from Local Plan policy LS1, the principle of development in the Monkerton and Hill Barton Strategic allocation area is accepted through the more up to date Core Strategy and the previous planning consent 11/1619/01. As the site sits within the Strategic Allocation area, policy LS1 is not considered significant in this case.

A Local Centre

Policy CP19 of the Core Strategy identifies a (single) Local centre (defined) as part of the package of infrastructure needed to deliver sustainable development for the Monkerton and Hill Barton area. This is in the context of a wider retail strategy (set out through the Core Strategy) that defines a network and hierarchy of centres. The principle of whether the Core Strategy should provide for a Local or District Centre was considered at length during public Examination of the Strategy (which the applicant's agent and former agents participated in).

Core Strategy definition of a Local Centre

'A range of small shops of a local nature serving a small catchment area'.

Core Strategy definition of a District Centre

‘A group of shops normally containing at least one supermarket or superstore and a range of non-retail services and public facilities’

Monkerton and Hill Barton Local Centre (Core Strategy Policy CP19)

‘... all associated infrastructure including: Local centre to provide shops, doctors surgery and community facilities...’.

The Core Strategy’s Examiners report summarised the issue as follows:

‘...it was queried whether a local or district centre should be sought. It was also argued that new community facilities along the Honiton Road frontage would be needed to serve ‘Monkerton south’. The masterplan study reviewed options for a new centre (or centres) and I have insufficient evidence that Policy CP19 is inconsistent with PPS4 or out of line with Exeter’s hierarchy of centres. Flexible application of the plan and masterplan should allow for appropriate provision of shopping and community facilities as the urban extension develops.’

Exeter’s only District Centres are at Heavitree, St Thomas (including Exe Bridges Retail Park) and Topsham. The smallest is Heavitree District Centre, which has a commercial floorspace of around 7,000m². The Council has identified 10 existing local centres. At approximately 4,000m², and accommodating a range of uses, Polsloe Bridge is the largest; much larger than the average. A further new Local Centre is allocated at Newcourt. By way of context, City Centre commercial floorspace currently amounts to approximately 120,000m².

Local Services in Employment Areas

The applicant argues that the proposal will provide services to the local employment area around Sowton/Exeter Business Park. The Publication Version DDDPD states (para28/29) that:

“... the Council recognises that many of the successful employment areas in Exeter would benefit from the provision of some local services which would otherwise be located in existing centres. This could assist the workforce, be attractive to inward investors seeking a suitable location and should also reduce the need to travel by car. Local services could include a child care nursery, a medical practice or walk in centre, a dentist, a chemist, a post office, a bank, cash points, a sandwich bar or a small convenience store for top-up purchases (with Class A1 floorspace not exceeding 280 sqm)⁷.

The acceptance of local services within the city’s employment areas must not set a precedent for other uses. Planning permission should only be granted if it is demonstrated that the local service is not already suitably provided within the area. The service should meet local workforce needs only and not generate trips by people living or working outside the employment area and such services should be located within reasonable walking distance of the local workforce (which would normally be approximately 400 metres).

Policy DD4 identifies those criteria that a proposal for a local service must meet to be acceptable.

DD4: Development involving the provision of local services within the employment areas at Matford, Marsh Barton, Pinhoe, Sowton, Exeter Business Park, Newcourt, Pynes Hill and Peninsula Park will be permitted provided that:

- (a) the service is designed to serve local workforce needs only;
- (b) there is not sufficient provision to meet local workforce needs through existing services in the area;
- (c) it would be located within reasonable walking distance of the local workforce, taking into account new or enhanced routes provided or funded by the developer;
- (d) it would provide clear benefits to the environment and the road network by reducing the need for workers to travel outside of the employment area during the working day; and,
- (e) it would not harm the primary function of the area as a business park or industrial estate”.

Policy DD4 provides that the provision of local services will be permitted provided that the service is designed to serve local workforce needs only. The scale of the current proposal is designed to serve more than local needs.

Existing Planning Permission

The City Council applied the flexibility sought by the Core Strategy Examiner when approving previous proposals for development on the site in 2012. In addition to the Premier Inn hotel, consent was granted for a mix of uses with up to 3,000m² of floorspace, including up to 1,600m² of Class A floorspace as part of a predominantly Use Class B (employment) scheme.

The Planning Statement submitted in support of those proposals confirmed that:

The proposed site provides the opportunity to link the new residential development to the north with the employment area of Sowton, Exeter Business Park and the Met Office with the existing Honiton Road Park and Ride facility, as well as ensuring the provision of supporting facilities during the plan period.’ (6.55); and,

‘The concept for developing a local commercial centre is two-fold; the first to serve the existing employment areas and the second to provide for the new residential area as it is developed between 2006 and 2026’. (7.38)

A Hierarchy of Centres

There have been significant representations in favour of the proposed development that indicate some local demand for the proposals. This is not, however, considered to constitute evidence that the needs the Core Strategy seeks to provide for would not be met through Policy CP19 and delivery of the existing planning permission on the site.

The Core Strategy is clear in its aspirations for a new centre as supporting infrastructure for the Monkerton and Hill Barton area. Policy CP19 proposes the provision of a new local centre to include shops, doctors surgery and community facilities, whilst Policy CP8 notes that “local retail facilities will be required as part of the community provision at the Monkerton/Hill Barton and Newcourt urban extensions”.

This application proposes a significant amount of retail floorspace which can sell a wide range of goods from a variety of unit sizes. This is likely to attract a wide variety of retailers,

many of whom are likely to be national multiple retailers. Such a form of development is very likely to lead to a retail destination with a large catchment area and this is confirmed by the applicant's own Retail Assessment which indicates a significant part of the turnover of the proposed development will be drawn from people living outside of Exeter. This role and function does not sit comfortably with the allocation of a local centre, which is intended to meet local needs. Neither would it contribute towards minimising the need to travel and reducing greenhouse gas emissions.

Moreover, there is no evidence that:

- A Local Centre (such as the one already permitted on site) would not meet local day-to-day needs;
- Development of a Local Centre (such as the one already permitted on site) would be unviable. The CIL Charging Schedule suggests that local centre development is viable;
- Exeter's identified network and hierarchy of centres (as set out in the adopted Core Strategy) is incorrect.

The conclusion that the proposed development would not accord with the identified hierarchy of centres also needs to be seen in a wider context. Local Centres have been secured for each of the growth areas (residential and employment) east of Exeter in East Devon (including at the Science Park). With a balance of facilities already provided for, the proposed development could damage the sustainability of those communities by drawing people away from local facilities.

There is not considered to be an existing or prospective deficiency of shopping and community facilities on the eastern side of Exeter or east of Exeter. The Council's retail strategy is considered to be up to date. Whilst it is recognised that the Core Strategy Examiner's report sought flexibility in applying policy CP19, the existing consent is considered to demonstrate such flexibility. It is not considered that the Core Strategy provides for a 10-fold increase in the amount of retail floorspace to be delivered on the site as now proposed.

In addition, Cranbrook town centre has outline planning permission. The town is being developed at a considerable pace. As with the other growth areas, it is not considered reasonable that a significant departure from the adopted Exeter Core Strategy should come forward in order to provide a range of additional shopping facilities for Cranbrook. To provide for Cranbrook would contribute towards minimising the need to travel and reducing greenhouse gas emissions.

Status of the Masterplan Study

The Masterplan Study was adopted for 'development management purposes' in 2010 before examination and adoption of the Exeter Core Strategy. It has not been adopted as a Supplementary Planning Document and the Core Strategy is clear that development of the area should only have general regard to the Study. In this context, the City Council has granted planning permission for developments that do not accord with framework principles of the Study.

The Study can only be accorded limited weight. It forms part of the evidence base that provides for the Core Strategy's strategic allocation but is not adopted policy. The Core Strategy Examiner's comments that the Masterplan Study and Core Strategy provision for a local centre

should be applied flexibly do not somehow elevate the Study's status. The requirements of the Core Strategy (including policies CP8 and CP19) are a key starting point.

The applicant contends that the Masterplan Study provides for a district centre in name and description. However, whilst a 'District Centre' is referred to in a single instance, the term 'Local Centre' is used synonymously on several more occasions.

Moreover, the Study indicates a centre (on Pinhoe Road) comprising a very high density mix of uses, including residential development at 65+ dwellings per hectare and office/employment elements. The proposed development would not deliver anything like this mix of uses.

Most importantly though, the Masterplan Study does not form policy (but was available at the time of policy formulation). The Core Strategy sets out the adopted retail strategy and specific policies for the area and this proposes one new local centre as 'associated infrastructure' to support housing and employment development. In light of its scale, nature and catchment area, the proposed development would not accord with even the most flexible interpretation of those policies.

Available development land

All matters above are particularly important because there is a limited supply of development land around the city. The application proposals would be prejudicial to the achievement of the principal strategic objectives for the Monkerton and Hill Barton Area, namely the delivery of around 2,500 dwellings and 5ha of employment land.

Whilst it is recognised that there may be reasons to apply Core Strategy provisions flexibly, this does not mean (as the applicant suggests) that provisions for a local centre as supporting infrastructure equate to a 'town centre' local to the Monkerton and Hill Barton Area whose land take is immaterial.

In the case of the recent proposals submitted by IKEA for retail development at Newcourt the Council accepted that the development would accord with the Core Strategy's definition of employment development because it would create, 'significant economic benefits for the city and the travel to work area' and comply with Core Strategy Policy CP2.

The development proposed through this planning application would not accord with the Core Strategy's employment land definition or policy CP2. For that reason it would be prejudicial to achievement of the strategic objectives for the Monkerton and Hill Barton area. The applicant identifies that around 2.2 hectares of extra development land would be required to accommodate the proposed development over and above the land take of the already significant retail, restaurant and local facilities (a very similar range of uses apart from comparison retailing) with extant consent on site.

The application permitted in 2012 (11/1619/01) demonstrates that Class B employment development can be delivered. The 2.2 hectares that would be 'lost' if the proposed development were approved should instead make an important contribution to key development strategy outcomes (including those identified at policy CP19). The proposed development would not be in conformity, or even general conformity, with the Core Strategy. The DDDPD Publication Version July 2015 allocated the 3.2ha site for employment uses,

this allocation includes the entire site in the event that the local centre is not capable of being implemented.

The Council has commissioned Jones Lang LaSalle to advise on employment land issues with regard to this planning application and at the forthcoming planning appeal. The issues relate to the loss of 2.2ha of employment land from the total supply to serve the Exeter area and the strategic allocation and the qualitative issues due to the potential for high quality office development in this area close to the Met office and Science Park.

Jones Lang LaSalle advise that there is now 2 years supply of offices in the greater Exeter area covered by the City and West End of East Devon, however, there is very limited Grade A stock. It has undertaken an analysis of employment land based upon sites identified in the applicant's planning statement and identifies an average office take up of 175,000 sq ft per annum over 2006-14. It has also rated each site as a potential office location concluding that the Moor Exchange site could accommodate 140,400 sq ft as a pure office campus or 90,000/97,500 sq ft with a local centre of the scale approved and the site scores highly in terms of location, availability, suitability and market attractiveness. It concludes that at the take up rate of 175,000 sq ft pa the available sites could provide 9.84 years supply, with slightly over 2 years current supply and a churn of about 2.5 years there is about 14.5 years supply of land and buildings at today's date.

JLL concludes there is a need for high quality office sites in Exeter and specifically around the Exeter Business Park. Moor Exchange is a natural extension to the business park and on a par with it, Exeter Gateway, Pynes Hill and Skypark. Subject to a pre-let, an office scheme is viable in the current market producing a land value similar to that paid NE of Exeter Business Park.

JLL notes that Moor Exchange has not been market tested neither as an employment site or the consented scheme featuring a mix of employment and a local centre.

Officers consider that the report identifies a qualitative case to seek to protect and encourage the office use of the part of the site not approved as a local centre. The case is less compelling in quantitative terms, 14.5 years supply would more cover the Core Strategy plan period to 2026 but a limited range and choice of sites in later years and is not sufficient for the East Devon plan period to 2033.

Retail Issues

Exeter's Core Strategy has been prepared to objectively identify and meet the housing, business and other development needs of the city, whilst responding positively to wider opportunities for growth. The Strategy plans positively for growth in the city centre and seeks to ensure the vitality and viability of other centres through managed growth, whilst recognising that there may be a role for retailing at other out of centre sites. It does not offer any support for retail development of this scale or nature in this location and, instead, identifies other priorities.

The Mango Retail Assessment has sought to address 'town centres first' considerations including Core Strategy policy CP8 and decision making guidance set out at NPPF paragraphs 24, 26 and 27. In doing so, a Retail Assessment with sections on 'sequential' and 'impact' tests has been prepared. If the tests are satisfied, that should weigh in favour of the proposals. If either test cannot be met, the application should be refused.

Sequential Test

The sequential test set out at NPPF paragraph 24 requires that,

'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'

Policy CP8 of the Core Strategy accords with this position. The Publication Version DDDPD July 2015 Policy DD14 proposes a retail, leisure and enhanced bus station comprehensive mixed use development of the Bus Station reflecting Policy CP8.

Impact Test

The impact test is set out at NPPF paragraph 26 and applies to this application. It requires that the following impacts of a proposal are considered:

- Impacts on existing, committed and planned investment in a centre or centres; and
- Impacts on town centre vitality and viability

Expert consultants, Bilfinger GVA, have been appointed to assist the Council in considering these issues. Their advice in a letter dated 20 August 2015 is attached to this report. The conclusion is reproduced below:

'Paragraph 27 of the NPPF indicates that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the impact tests outlined at paragraph 26 of the NPPF, then it should be refused. This approach is supported by the contents of the NPPG which note that "it is for the applicant to demonstrate compliance with the impact test in support of relevant applications" and "it is for the applicant to demonstrate compliance with the sequential test".

In this instance, we consider that the BCS site represents a sequentially preferable alternative site which is available for redevelopment and suitable to accommodate the proposed development when appropriate allowance is made for flexibility in scale and format. As a consequence, we consider that the Honiton Road proposal is contrary to paragraph 24 of the NPPF and Policy CP8 of the Exeter Core Strategy. We also consider that the proposal is likely to lead to a significant adverse impact on investment in Exeter city centre given its impact on the BCS scheme. As a consequence, the proposal is contrary to paragraph 26 of the NPPF and Policy CP8 of the Core Strategy.

In addition, there applicant has, in our opinion, failed to provide sufficient information and analysis to demonstrate compliance with the 'impact of town centre vitality and viability' limb of the NPPF impact test. This is contrary to the requirements of the NPPG and therefore at the present time we are unable to conclude that the proposal will not have a significant adverse impact upon nearby 'town centres' such as Exeter city centre and St Thomas district centre.

In addition, we also consider that the content of the current application is contrary to the requirements of Policy CP17 of the Core Strategy which promotes a local centre in the Monkerton and Hill Barton strategic area.'

The applicant was provided with a copy of the Council's retail consultant's initial advice shortly after it was received and it was agreed that the respective retail consultants could meet to discuss areas requiring clarification to identify areas of dispute, common ground or further information / clarification that was needed. That discussion, on 11 September, covered the current application and previous scheme subject to the appeal. The discussion covered the catchment area used for the survey, relationship to a forthcoming Exeter and East Devon survey and information available on the current planning application for Princesshay Leisure but focused on the extent to which concerns over the policy compliance of the proposal could be controlled by planning conditions while remaining within the broad remit of the description of development.

Proposed Imposition of control requiring provision of a supermarket/superstore

Following that meeting and legal and retail advice, the Council's retail consultant wrote to the applicant on 23 September. He noted a key part of the description and promotion of the scheme is the phrase 'district centre'. Leaving aside the fact that the Council's Core Strategy promotes a 'local centre' at Monkerton / Hill Barton, the Core Strategy defines a district centre to include at least one supermarket or superstore and these also featured in the definition in the now superseded previous Government guidance PPS4. Therefore to control the development to the type sought in the application and the Core Strategy definition, the Council was considering whether the imposition of a set of controls requiring provision of a superstore/supermarket along with other uses would address its sequential and impact concerns. The following were specifically suggested:

Restriction on the largest unit on the western side of the parameters plan to a single Class A1 supermarket or superstore with floor space to be agreed and no sub-division.

The other northern block shown on the parameters plan would be limited to the unit numbers, gross floor space unit sizes and use classes shown in the design and access statement.

Limit on number of restaurant cafe units and 3 out of 4 should operate as combined restaurant and drive through facilities, not optional drive through.

If the applicant had accepted this proposal it would become necessary to consider whether this should lead to a change in the recommendation to one of approval subject to planning conditions. A key consideration would be whether the development (as so conditioned) would be acceptable despite its non-compliance with the policy requirements for the Monkerton/Hill Barton strategic allocation, as a result of the replacement of the proposed local centre by a district centre and the consequential foregoing of other preferred uses (particularly Class B employment) on the balance of the site.

Applicant response to proposed imposition of control requiring supermarket/superstore

The applicant's retail consultant responded on 12 October on a without prejudice basis having taken commercial market advice that:

There is no commercial market for a large foodstore in Exeter. There is however interest from Lidl for a 2,369 sq m gross store at this site.

My client is prepared on a without prejudice basis to amend the current application scheme to accommodate this requirement as an anchor foodstore to the District Centre, in lieu of an equivalent quantum of non food floorspace.

We are also prepared to accept a condition limiting the use of this quantum of floorspace to a single floorspace.

Within the same gross floorspace parameters as the current application we have sought to amend the floorspace mix of the scheme on the illustrative plan to accommodate a store of this size. This results in the removal of the two mid size non food units, loss of the garden centre, relocation of the M&S Simply Food unit and the inclusion of a 5,800 sq m non food sub dividable unit.

The changes in gross floorspace arising are summarised as follows:

(Sq M)	Application	Proposed	Change
Convenience	1,603	3,972	2,369
Comparison	9,499	7,110	-2,389
-compromising Next	6,457	5,807	-650
-local shops	765	765	0
-other*	2,277	538	-1,689

* Note that at present Unit D is shown as a divided unit of 2 x 269 sq m to meet either potential small local store or larger more general unit demand e.g. for sports or pets

Officer observations

Whilst the inclusion of the foodstore/supermarket is a positive, the applicant wants to retain the ability to accommodate a full-line Next store. Given that the planning conditions need to keep to the spirit of the original application (i.e. the total quantum of development), the unwillingness of the applicant to go for a larger supermarket means that the surplus floorspace from the small foodstore/discounter will need to be filled by other comparison A1 floorspace and this remains an issue of potential significant harm to the planned investment on the Bus and Coach Station and failure to satisfy the sequential test.

Environmental Impact Assessment (EIA)

The application was accompanied by a 'screening request'. The proposal was screened (in combination with nearby development proposals) in accordance with the Environmental Impact Assessment Regulations and was not considered to require an Environmental Statement.

Visual Impacts and Residential Amenity

The existing ground level of the site is approximately 40m Above Ordnance Datum (AOD). The proposed parameters plan PR719-PL07 seeks approval of maximum building scale, including height. The plan also implies a layout that would result in service access at the northern and western boundaries. The maximum height of the proposed northern block is

53.4m AOD, and the western block 50.5m AOD, with buildings at the south east corner with a height of 45.2m AOD.

The Hill Barton Consortium raise concerns on the previous application that the proposed buildings will result in adverse impacts on the residential amenity of neighbours. In the context of an intervening rail line, it is considered that the scheme could come forward without resulting in an unacceptable impact on residents of Wilton Way and Chard Stock Close. To the north, there is no detailed planning permission for residential development. In view of the distance of the proposed buildings from the site boundary it is considered that both developments could come forward without resulting in unacceptable residential visual amenity impacts.

An appropriately worded planning condition could secure preparation, agreement and implementation of a landscape masterplan; incorporating structural planting to ensure visual compatibility between the proposed development and adjacent residential development.

Noise

The City Council has already accepted the principle of storage and distribution development on the application site (ref. 11/1619/01). This could involve plant and equipment as well as noise from deliveries and operation. In that case it was concluded that planning conditions could be applied to require a noise survey and management plan (including for deliveries). It is considered that the same approach could apply in this instance in combination with controls on construction hours

Highways and Sustainable Transport

The proposed improvement to Honiton Road to increase the length of the two lanes outbound increase capacity at the junction.

The proposed pedestrian and cyclist arrangements are considered acceptable. The Toucan crossing on Honiton Road would help to facilitate trips to the site from Sowton. Accessibility to and from housing areas to the north can be addressed by planning conditions.

The Transport Assessment has been updated using TRICS data and states that trips at Fitzroy Road/Honiton Road junctions are high, however there is a reduction in traffic on the local network including the critical Moor Lane junction and M5 Junction 29 due to pass-by and linked trips. There is no highway authority or Highways England objection to the development.

Drainage

The drainage strategy relies entirely on infiltration. Based on its implementation the Environment Agency raises no objection to the development. It is considered that a drainage solution can come forward in accordance with Core Strategy policy CP12 and this could be secured through an appropriately worded planning condition.

Sustainability

The application's Design and Access Statement states an aim to achieve Excellent BREEAM credentials. Achievement of BREEAM Excellent would accord with Core Strategy Policy CP15 and could be secured by planning condition.

A local energy network is proposed for the area. The Publication Version DDDPD (July 2015) Policy DD32, proposes a local energy network at Monkerton and Hill Barton defined on the Proposals Map to include the Moor Exchange site. Within this area development of this site must be designed to be compatible with a network and allow connection when the network is available. The application does not commit to network connection but it is considered that this could be secured through a suitably worded planning condition, unless it can be demonstrated that connection would not be viable or feasible.

Ecology

A Preliminary Ecological Appraisal was submitted with the application. It concludes that no further ecological work will be required, that mitigation and enhancement of ecological impacts can be achieved through the provision of nesting boxes and that there will be no implications for European protected species. Natural England make no specific comments and it is not considered that further commitments would be required as a result of applying their Standing Advice.

Heritage

The letter submitted with the application from Cotswold Archaeology confirms that investigation work was completed and signed off pursuant to planning conditions of the earlier planning permission.

Financial Considerations

The proposed 13,043 m² of gross floorspace in Class A1-5 use would yield a CIL payment of about £1.85m at the 2015 rate of £141.87 sqm. The Council may benefit from retention of non domestic rates of several hundred thousand pounds per annum, this would be more than the previously approved scheme. There may, however, be indirect losses due to appeals against valuations elsewhere. This income could be used to help support development growth in the area but the Council has made no project specific decisions. The money cannot, therefore, be relied upon to deliver infrastructure improvements that may be needed to make the proposed development acceptable.

Job Creation

The application's Planning Statement indicates that around 400 jobs (gross) would be created by the proposals. The applicant contends that this is more jobs than Class B employment uses (particularly storage and distribution) would generate. In headline terms, office or mixed employment development on the site would not deliver significantly more jobs but could help to achieve the economic expansion and diversification envisaged through the Core Strategy.

Rather than being a full time equivalent figure, many of the estimated 400 jobs would be 'part- time flexible opportunities. Nevertheless, the creation of 400 jobs would be a notable benefit of the proposals. Similarly, a stated construction and fit out investment of more than £40 million, creating around 150 temporary jobs, is a notable positive consideration.

As above however, whilst positive benefits of the scheme, it is not considered that these estimated figures would result in significant economic benefits to the city and the Travel to

Work Area to the extent that the proposals should be considered to comply with the Core Strategy definition of employment land and policy CP2.

Representations from Local Employers

The applicant has generated a considerable number of positive representations from local residents and businesses. These generally cite the importance of facilities to meet day-to-day needs and in many cases the attractiveness of the applicant's wider potential offer (often with reference to the applicant's indicative layout plan).

Maintaining the attractiveness of Exeter Business Park and Sowton as strategic employment areas is a key Core Strategy objective but the importance of an extensive retail offer in addition to the other uses and facilities applied for is unclear. Again, the retail assessment indicates only a small proportion of non-food shopping trips in the study area start or end at work.

The submitted Transport Assessment indicates a relatively high proportion of locally diverted, linked and pass-by trips from vehicles already on the network. What proportion of those pass-by trips can be expected to relate to local employment sites (rather than other locations accessed via Honiton Road) is unclear.

The transport evidence is understood to be based on national comparators. Its focus is on vehicular movements. Nevertheless, it is reasonable to expect that the local centre facilities proposed would generate a significant number of 'basic lunchtime trip[s] or local shopping trip[s]', including by other modes. Whether the majority of the proposed development floorspace (indicatively comparison retailing) would also generate a high proportion of sustainable movements from the local employment areas is much more doubtful and not supported by the submitted retail assessment local survey evidence.

Officer conclusions

The applicant considers that the proposals are in accordance with the Exeter Core Strategy and that there are no contrary material considerations, development plan policies are considered to be up to date to the extent that they support a new centre on the site but out of date in terms of implied restrictions on its scale and composition. The proposals are considered to be sustainable development when assessed against the NPPF framework taken as a whole due to economic growth and investment, provision of customer choice and a heart to the community whilst protecting other retail centres and promote sustainable transport by minimising trips. Officers disagree for the reasons summarised below.

There is not a surplus land supply at Monkerton/Hill Barton, including land supply for employment development on the fringes of Exeter Business Park, that would allow for the proposed development to come forward in addition to the proposals of Policy CP19. If the appeal proposals proceed they will be at the expense of the mix of uses set out in Policy CP19 and so will be in conflict with the strategic allocation.

While the proposal will provide employment, this will not be higher quality jobs that would reflect the potential of this location and the Council's strategy.

The appeal proposals are not appropriate in scale and character to the role and function of the proposed location. The applicant has misinterpreted Policies CP8 and CP19 of the Core Strategy. When those policies are read in their proper context, they do not promote anything

more than “*local retail facilities*” in the Monkerton/Hill Barton area as part of a “*local centre*”. Having regard to the expected realistic catchment area of the proposed development, the proposal is not a retail development that is in accordance with either Policy CP8 or Policy CP19.

The proposals are contrary to the retail strategy in the Core Strategy which seeks to promote retail land uses, as part of a mixed use development, on the Bus and Coach Station in Exeter city centre. The Bus and Coach Station site is a suitable and available sequentially preferable alternative to the appeal site. When full and proper account of the NPPF requirement for flexibility is taken into account, then the BCS site is a suitable alternative location.

The proposal is likely to have a significant adverse impact upon planned investment in the Bus and Coach Station site.

Regard has been had to the positive considerations in favour of the proposal including letters of support for the development, including the proximity to local businesses and transport facilities and capital investment in the development site. These are not considered to represent material considerations that outweigh the strategy for the Monkerton/Hill Barton area.

The proposal conflicts with Policies DD2-4 of the Publication Version DDDPD for the reasons outlined. This plan carries some weight at this stage of preparation.

The appellant was invited to amend the scheme to include a large supermarket or superstore that would have created a district centre within the normal definitions. This would have addressed some but not all of the impacts of the scheme. However, the applicant advised there is no market for a large superstore and the smaller Lidl proposed would still leave some space for a large Next of similar comparison goods store that would not address the issues of the sequential approach and impact on planned investment at the Bus and Coach Station.

RECOMMENDATION

REFUSE

- 1) The application site forms a significant part of the Monkerton and Hill Barton strategic allocation area. The scale and function of the proposed development would not accord with, and would be prejudicial to the achievement of, the strategic objectives for ‘around 2,500 dwellings, and around 5 hectares of employment land and all associated infrastructure’ at the Monkerton and Hill Barton area as set out in Policy CP19 of the Core Strategy.
- 2) The application conflicts with the proposed employment allocation in Policy DD2 of the Publication Development Delivery Development Plan Document, Policy DD3, that seeks to resist loss of employment allocations and Policy DD4 that limits local services within employment areas to those designed to serve the workforce need only.
- 3) The proposed development would not accord with the retail strategy focussed on mixed use development at the Bus and Coach Station in Exeter city centre and would therefore be contrary to Policy CP8 of the Exeter Core Strategy.

- 4) The application has failed to satisfy the sequential test and has not demonstrated that the Exeter Bus and Coach Station site would not be suitable for the proposed town centre uses in accordance with Policy CP8 of the Core Strategy and paragraphs 24 and 27 of the National Planning Policy Framework.
- 5) The application has failed to demonstrate that the proposed development would not result in a significant adverse impact on committed and planned public and private investment in centres in the catchment area of the proposal; and on town centre vitality and viability in accordance with Policy CP8 of the Core Strategy and paragraphs 26 and 27 of the National Planning Policy Framework.
- 6) The application conflicts with Core Strategy policies CP8 and CP19. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, section 70(2) of the Town and Country Planning Act 1990, and Paragraph 12 of the National Planning Policy Framework it should therefore be refused as other material considerations do not indicate otherwise.

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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20th August 2015

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BY E-MAIL

Dear Richard

Proposed Mixed Use Development, Honiton Road, Exeter

Introduction

Further to your recent instructions, I write to provide advice in relation to the retail and town centre planning policy aspects of an application for outline planning permission on Honiton Road in Exeter. This application seeks outline permission for a mix of land uses within classes A1, A2, A3, A5, D1 and D2 and associated works on land to the north of Honiton Road in the eastern part of the Exeter urban area.

This is the second outline application for retail and leisure development on this site since 2014, with the previous proposal (Reference: 14/1615/01) refused by Exeter City Council ('ECC') in 2014. That proposal was for a very similar form of development and the content of that application, along with ECC's reasons for refusal and the advice provided by Bilfinger GVA, is discussed further later in this letter.

In line with our instructions from ECC, we have carried out a review of the information which has been submitted in support of this outline application, including:

- o The application form;
- o Covering letter, dated 12th June 2015;
- o Planning Statement (prepared by Rocke Associates, dated June 2015);
- o Various proposed site plans and drawings;
- o Retail Assessment (prepared by Mango, dated May 2015); and
- o Design & Access statement (prepared by Fletcher Rae).

For the avoidance of doubt, it should be noted that the majority of proposed site and layout plans, and elevations, have been submitted by the applicant for illustrative purposes only¹ although a site location plan, site parameters plan, site access plan and maximum floorspace and building height parameters are submitted for approval. Further information on these plans and parameters is contained later in this letter.

¹ As confirmed by paragraph 1.5 and Schedule 1.4 of the Planning Statement

The proposal has been considered in the context of the development plan for the area and other material planning policy considerations, such as the National Planning Policy Framework ('NPPF') and the National Planning Practice Guidance ('NPPG').

The Proposed Development

The site subject to this outline application lies to the north of Honiton Road in the eastern part of the Exeter urban area. The site is undeveloped and forms part of a wider area known as Monkerton and Hill Barton.

The site is subject to an outline planning permission, granted in 2012, for mixed-use development including use classes B1, B8, D1, D2, C1, A1, A3, A4 and A5. A reserved matters application pursuant to the approved outline permission, for a hotel and restaurant, was also granted in 2012 and these uses have now been constructed. Whilst the outline permission has now been implemented, condition 3 on the permission requires the submission of reserved matters before the expiration of three years from the date of the permission. That date was 19th June 2015 and therefore the reserved matters for the remainder of the development can no longer be submitted and approved. However, we understand that a subsequent permission for this development has been granted via an application under Section 73. Notwithstanding this position, it is worth highlighting the controls over the approved retail floorspace:

- Condition 17 restricts the pub/restaurant element of the hotel use to no more than 750sq m. The same condition also restricts the total amount of Class A retail floorspace to 1,600sq m, with no more than 900sq m devoted to A1 or A3/4/5 uses.
- Condition 18 restricts the maximum size of Class A units to 750sq m
- Condition 19 prohibits the inclusion of an 'drive-thru' element within the Class A3/4/5 uses.

As noted at the start of this advice letter, the current outline planning application proposes a mixture of Class A1, A2, A3, A5, D1 and D2 uses. All matters of detail, apart from access are reserved for detailed consideration and many of the plans and drawings submitted by the applicant are for illustrative purposes only. However, paragraph 1.3 and schedules 1.1, 1.2 and 1.3 of the Planning Statement confirm that approval is sought for the following:

- Site location plan (PR719_PL01)
- Site parameters plan (PR719_PL07)
- Proposed access plan (2176_PHL_001D)
- The following floorspace and height parameters:
 - A maximum floorspace of 16,933sq m gross external area (or 16,127sq m gross internal area)
 - A maximum building height of 53.4m AOD.
- The following floorspace per use class:
 - A1: 11,102sq m
 - A2: 316sq m
 - A3: 1,509sq m
 - A5: 116sq m
 - D1: 1,138sq m
 - D2: 1,946sq m

Table A below compares the type and scale of the proposed floorspace within the current application and the previous outline application refused in 2014:

Table A: maximum floorspace by land use type with 2014 and 2015 proposals

Use	2014 Application	2015 Application
A1	11,102sq m	11,102sq m
A2	316sq m	316sq m
A3	2,100sq m	1,509sq m
A5	116sq m	116sq m
D1	975sq m	1,138sq m
D2	1,937sq m	1,946sq m
Total	16,288sq m²	16,127sq m

As can be seen from Table A above, the amount of floorspace per land use type is very similar between the previous and current proposals, with the exceptions being a reduction in the amount of A3 space (by around one quarter) and a small increase in the amount of D1 and D2 floorspace.

Within the 2014 proposal, no controls over the proposed retail and leisure floorspace were offered by the applicant. However, Appendix 4 of the Planning Statement submitted in support of the current application does offer a number of controls (via planning condition). These proposed controls are appended to this letter and we make the following observations:

- The net sales area of the proposed Class A1 retail floorspace is equivalent to 70% of the proposed gross floor area³. For modern retail floorspace (particularly comparison goods retailing) located in out of centre locations this is relatively low amount of net sales floorspace. Whilst these gross and net floorspace levels set the parameters for the assessment of this application, these are maximum, not rigid, floorspace levels. As such:
 - they allow for a flexibility in the total amount of net and gross floorspace that can be built at the application site;
 - they allow for flexibility in the balance between net and gross floorspace within the development; and
 - it suggests that, in future, the amount of net sales area in the development could be increased (although that would be subject to the need for a separate approval).
- Despite the contents of paragraphs 1.3 and 1.5 of the Planning Statement, the proposed conditions incorporate reference to plans and drawings that the applicant has not submitted for formal approval. As such, we question whether references to these illustrative plans in conditions 3-8, renders these proposed condition less than precise.
- Notwithstanding our concerns over the references to illustrative plans in conditions 3-8, it should be noted that the unit size controls in condition 8 do not control the number of units in the development and only (potentially) control the maximum unit sizes. As a consequence, it must not be assumed that there will be 16 separate units in the development (as shown on illustrative plan PL02).
- Conditions 4-6 refer to both a series of illustrative plans and include the text “or any alternative configuration of floorspace that may be approved for this part of the development through the reserved matters to be submitted pursuant to this planning permission”. In our opinion, the inclusion of this text suggests that the proposed conditions are not precise.

² it will be noted that the constituent land use parts of the 2014 proposal add up to 16,546sq m GIA although the applicant sought approval for a maximum of 16,288sq m GIA.

³ Excluding the proposed garden centre

- Leaving aside the concerns over the references to the illustrative plans and the references to alternative scenarios, the “anchor unit” in the development can sell clothes and footwear from up to 60% of its net sales area although there is no restriction on the range of goods which the remainder of the floorspace (which will no less than a minimum of 40% of the net sales area) can sell.
- The controls over the sale of clothing and footwear within Units B & C shown on the illustrative layout plans (PL02 and PL03, and which may in any event be subject change) are not very precise. The control is via the word “predominantly”, although this is not defined and is open to different interpretations. In any event, subject to this vague control, the range of goods which could be sold from the remainder of the floorspace is not controlled.
- A similar situation occurs for Unit D where the balance between convenience and comparison goods uses is also controlled by the word “predominantly”. Whilst this will generally mean that a large part of the floorspace in this illustrative unit (which in any event appears to be subject to future changes) should sell convenience/food goods, the remainder of the floorspace is not controlled in the range of comparison goods that it can sell.
- Following the concerns raised in our previous advice regarding the use of the Class D2 floorspace, the applicant intends to restrict this floorspace to a gym only.
- Four Class A3 café/restaurant units are shown on the illustrative layout plans (PL02, PL05 and PL06) with conditions 3(f) and 8 seeking to allow three “freestanding” units and one “in-line” unit (i.e. a unit which is physically connected to the other Class A and D uses). We would recommend that ECC consider whether such an arrangement is precise enough to be enforceable. In any event, it is notable that the ability to provide ‘drive-thru’ facilities within the three “freestanding” units are “optional” which appears to cause a tension with the justification which the applicant is using with regards the sequential and impact tests within its Planning Statement and Retail Assessment.

Planning Policy Context

The planning policy context for the application site and the proposed development was outlined in detail in our previous advice letter and, as a consequence, there is no reason to repeat this information again this letter.

However, since the completion of our previous advice, ECC has published for consultation the Publication version of its Development Delivery Development Plan Document (‘DDDPD’). Proposed Policy DD14 of the DDDPD proposes retail and leisure development and an enhanced bus station as part of a comprehensive mixed use development at the existing Bus and Coach Station area. In addition, the proposals map proposes to allocate the application site on Honiton Road as an ‘employment site’ under Policy DD2. The proposals map indicates a district/local area to the east of Hill Barton Road, to the north-west of the application site. At present, this area does not accommodate a defined centre in the adopted Local Plan and therefore it is reasonable to assume that this allocation is referring to the proposed new centre as set out in the Core Strategy.

Compliance with the Development Plan

The information submitted by the applicant in support of the latest application follows a similar approach to the previous application. In particular, the Planning Statement suggests that:

- o The applicant site is the only opportunity to provide a new centre in the Monkerton and Hill Barton strategic allocation;
- o The development at the application site can serve both local communities and local businesses;
- o The outline permission granted in 2012 cannot be delivered and there has been little developer/occupier interest;
- o The size of the current application site is one-third of the size of land allocated for the Pilton Centre elsewhere in the strategic allocation area;
- o There are no floorspace limits in the Core Strategy or the masterplan; and
- o The distinction between local and district centres is "out of date".

The Retail Assessment provides a more limited analysis in relation to the development plan allocation although it does repeat the point that there is no longer a distinction, in national policy, between local and district centres.

In our opinion, the information submitted by the applicant in relation to the current applicant does not provide materially different information and/or analysis from the previous proposals and, as a consequence, we continue to repeat our analysis at pages 6-8 of our previous advice letter to ECC. In particular, we consider that the proposed development does not conform to the development plan expectation for a local centre within the Monkerton and Hill Barton area and instead would provide a retail and leisure development which has a catchment which is well beyond that of a local or even district centre.

In relation to the suggestion that references to local and district centres serve no purpose and are out of date, we cannot agree with these views. Whilst the NPPF no longer provides a specific definition for local and district centres, references to both in the 'town centres' definition clearly suggests that the NPPF recognises that local and district centres are two separate entities. In addition, the Core Strategy does provide definitions for these centres and this document was found to be sound in the context of the draft NPPF which also did not provide specific national definitions.

On this basis, we cannot agree with the contents of the Planning Statement and the Retail Assessment that that sequential and impact tests are not required. We consider each in turn below.

The Sequential Test

Given that the applicant site is specifically not allocated in the development plan for the proposed development and given our opinion that the content of the proposal does not conform to the requirements of the development plan, we consider that there is a need to consider the compliance of the proposal with the sequential test.

The information submitted by the applicant appears to infer that the area of search for alternative locations should be limited to the eastern side of Exeter given the alleged purpose of the development. We do not agree with this approach as the development, due to its scale, range of land uses and the type of retail goods and services that could be sold, is likely to have a catchment that extends across the whole of Exeter and into the surrounding rural area (in a similar manner to the city centre). As a consequence, we consider that it is entirely appropriate for the search for alternative locations to consider the whole of the Exeter urban area, particularly the city centre, given the role, function and catchment of the proposed development.

The Planning Statement and Retail Assessment both consider the Bus and Coach Station ('BCS') site in Exeter city centre which was the sole focus for the sequential site assessment exercise for the previous proposal. Both documents attempt to discount the BCS site on the basis of the following:

- The BCS site is not large enough, which appears to be on the assumption that only 1.4/1.5 hectares of land is available;
- The BCS site is being promoted for a leisure-focused development;
- The need to include a new leisure centre on the BCS site is incompatible with the current proposals at Honiton Road;
- The BCS site cannot accommodate the development proposed at Honiton Road, even taking into account the need for flexibility;
- When considering flexibility, significant reductions in the range and quantum of development will change the intended function of the development away from the need that it is intended to serve;
- Proposed A3 uses will be 'drive-thru' uses, which are incompatible with the BCS redevelopment;
- The BCS site is not available, due to vacation of the bus station not occurring until late 2016 and the need to consolidate a number of freehold and leasehold interests;
- The site is not viable, based on the lack of a planning application for redevelopment and the history of proposals at the BCS site; and
- It is alleged that there is no demand for retail floorspace at the BCS site.

In response to the contents of the Planning Statement and the Retail Assessment we consider that there are a number of points to be made. However, before doing so, it is important to acknowledge that the applicant's assessment of the BCS site was made before the submission of the current outline planning application for the redevelopment BCS site. Whilst the lack of an application was a criticism of the viability and suitability of the BCS site in itself, the content of the application provides additional information which would not have been available to the Honiton Road applicant when completing its sequential site analysis.

The first criticism made is that the BCS site is only 1.4-1.5 hectares in size and it is suggested that this differentiates the BCS from the Honiton Road. This was based on an assessment of the BCS site a few years ago and the new application provides a lot more clarity over the redevelopment area. The current BCS application site extends to 3.3 hectares although this includes property along Sidwell Street which is proposed to remain along with land which is allocated to the new leisure centre and bus station. Based upon the exclusion of these elements, the plan at Appendix 5 to the applicant's Planning Statement suggests an available redevelopment area of 1.54 hectares and this is smaller than the Honiton Road application site area of 3.2 hectares. However, notwithstanding the applicant's slightly different approach to the area covered by the bus station and the leisure centre, the largest contributory factor to these different areas is the inclusion of a large amount of surface car parking and vehicle highway in the Honiton Road proposal.

The Honiton Road proposal needs to provide this level of parking as it lies in an out of centre location unconnected with other retail, leisure and other main town centre uses (including public car parking areas). The BCS redevelopment does not necessarily need to provide a large area of parking as it is well located in the city centre and close to a number of existing large-scale parking facilities. Indeed, this shows the flexibility that can be employed when a development incorporating similar retail and leisure uses is located within or on the edge of Exeter city centre. This is reinforced by the scale of floorspace which is proposed on both sites. The Honiton Road application proposes circa 16,000sq m gross whilst the BCS application proposes circa 17,300sq m gross.

The applicant also dismisses the BCS redevelopment as being a leisure led redevelopment and thus not being able to accommodate the retail and leisure development which is being proposed at Honiton Road. However, examination of the current BCS application reveals that apart from the specific leisure centre and bus station elements, there is not rigid mix of Class A and Class D uses/floorspace. In this way, the BCS and Honiton Road proposals are similar, reflecting the ability for reserved matters applications to be submitted which conform to the detailed commercial requirements of retail and leisure operators. Indeed, it is clear from the parameter plans submitted with the BCS application that the development can accommodate both larger scale retail occupiers along with smaller scale retail units alongside café/restaurant and leisure uses.

In relation to the need for flexibility, whilst the applicant's Retail Assessment correctly acknowledges the need to take this matter into account, there is very little information and analysis to explain the boundaries of flexibility that can be employed in this instance. Given that the scale and format of the Honiton Road proposal is, in our opinion, well beyond what is to be expected of a 'local centre' we do not consider that flexibility is constrained in this respect. In addition, this is very much a speculative development with no specific end-operators and which is submitted in such a form that could lead to a number of different development permutations.

Moreover, the controls over the size of units and the range of goods that could be sold from the Honiton Road development are such that a wide range of retailers could be accommodated and there is no evidence to demonstrate that retailers and service providers who could occupy the Honiton Road development could not also occupy the BCS redevelopment scheme.

In terms of the availability of the BCS site, the criticisms made by the applicant appear to centre upon the existing Stagecoach use and the other freehold/leasehold interests. In relation to the vacation of the site by September 2016, this is now just over one year away and we are aware of plans that Stagecoach has put in place to move its adjacent depot use to another location in Exeter. In addition, it would be very surprising if Henderson and The Crown Estate would have spent time and money progressing their plans for the BCS site without the co-operation of Stagecoach in relation to a replacement bus station use. Similarly, it would also be surprising for The Crown Estate to pursue redevelopment without a strategy for the relocation of their existing tenants on Paris Street. Indeed, apart from Stagecoach and The Crown Estate, the only other landowner whose land will be redeveloped is the City Council. Overall, we consider that the BCS can be classified as available for the purposes of the sequential test.

Finally, there is also a criticism in the text of the Retail Assessment that there is no demand for retail floorspace at the BCS and correspondence from BNP and CSP is proven. However, the BNP/CSP correspondence does not back up the statements made in the Retail Assessment and instead seeks to concentrate upon the retailers who may be interested in taking space in the Honiton Road development and the café/restaurant operators who may be interested in taking space in the BCS redevelopment scheme. In our opinion, the information provided does not prove that the BCS redevelopment project is not viable.

Overall, we do not consider that the information and analysis submitted by the applicant has demonstrated that BCS site is not a suitable and available alternative for the proposed development when sufficient account is taken of the need for flexibility. In particular, the BCS site is being made available for redevelopment and an outline planning application has now been submitted. In addition, the BCS site is able to accommodate the same scale of retail and leisure development as the Honiton Road proposal, including different sizes of retail and leisure units.

Impact

In line with the approach to the sequential test, the location and planning policy status of the application site and proposed development indicates that ECC should assess the impact of the proposed development on the health of nearby defined 'town centres' and also the impact on investment in 'town centres'. We deal with each criterion in turn below.

Impact on 'town centre' vitality and viability

The focus for the applicant's assessment of the impact of the proposed development on the health of nearby town centres is a quantitative assessment of existing convenience and comparison goods shopping patterns along with an assessment of pattern of trade draw to the proposal and the pattern of trade diversion from existing stores and centres. Separate assessments for convenience and comparison goods shopping are provided and we provide our observations on these assessments below:

Underpinning the applicant's latest assessment is a new **survey of household shopping patterns**. The commissioning of a new survey is, in principle, to be welcomed given the concerns that were raised

over the survey used in the previous application. However, in outlining the basis for, and content of, the new survey, the applicant appears to infer that we criticised both the sample size and the geographic coverage of the previous survey. This is not correct, as the concern was directed towards the sample size alone and not the geographic extent of the survey.

Unfortunately, whilst the new survey commissioned by the applicant has increased the survey sample size for each of the individual survey zones, the area covered by the survey has been scaled back to a much smaller area. The previous survey covered the whole of Exeter's urban area and extended to Okehampton and Tavistock in the west, beyond Cullompton to the north, Honiton and Sidmouth in the east and Teignmouth in the south. The new survey does not extend beyond the western edge of Exeter and now stops short of Honiton, Cullompton and Teignmouth. We consider that this is a curious approach given that the applicant is forecasting that 30% of the turnover of the proposed development will be drawn from residents outside of the new survey area and that 20% of the turnover of the city centre, which is a key focus for the impact assessment, will also be drawn from outside of this area.

Indeed, these 'inflow' assumptions are interesting in themselves as:

- Despite the claims that the proposed development is seeking to fulfil which it describes as bring a 'district centre' and the development plan describes as being a 'local centre', 70% of the turnover of the comparison goods element is being drawn from a large area of central and eastern Devon with another 30% from beyond. This reinforces our earlier comment that the proposed development, by the applicant's own admission, is serving a very wide catchment.
- It is interesting to note that, on a proportionate basis, the applicant expects the Honiton Road development to draw a larger proportion of its turnover from a wider area than does the city centre. This illustrates the applicant's intention that the proposed development will compete with the city centre.
- The applicant's approach to the pattern of trade draw appears to contradict the comments of paragraph 7.5 of the Retail Assessment which suggest that large parts of Devon would not expect to look to the proposed development for shopping provision.

A similar pattern appears to emerge for the proposed convenience goods floorspace as, whilst paragraph 7.21 of the Retail Assessment suggests that 75% of the development's convenience goods study area derived turnover will be drawn from Exeter's urban area, this is equivalent to only 50% of the overall convenience goods turnover being drawn from residents of Exeter.

In relation to the turnover of existing floorspace, the applicant's assessment applies the market share data from its new household survey to available convenience and comparison goods expenditure. This pot of available expenditure has been calculated using population and per capita expenditure data sourced from Experian. We have checked this data and it would appear that, whilst the population data appears to be very similar, the applicant's per capita comparison goods expenditure data is different to the data provided to us by Experian. This is a matter upon which further information should be sought from the applicant.

Turning to **the turnover of the proposed development**, the applicant's assessment assigns a convenience goods turnover to indicative Unit D. This is based upon Marks & Spencer Simply Food and extends to 715sq m net. However, it should be noted that the illustrative plan for Unit D shows the unit extending to circa 1,500sq m and thus the applicant's assessment is showing only 50% of this unit being used for net sales which appears to be very low.

With regards to the turnover of the proposed comparison goods floorspace, the applicant's assessment⁴ assumes that 6,502sq m will be devoted to net sales area and the turnover calculations appear to be based upon the illustrative unit layout plan. However, the calculation of the individual unit sizes is not clear.

⁴ Table 5, Appendix 8 of the Retail Assessment

In relation to the turnover of the comparison goods floorspace, the applicant adopts 'low' and 'high' sales density rates and the basis for these are explained in Table 5 (Appendix 8) in the Retail Assessment. In principle, we would recommend using the higher turnover levels in any assessment as it provides a worse-case analysis. In relation to the sales density levels adopted by the applicant, the rates adopted for Next and Primark appear to match data from the 2015 edition of Retail Rankings⁵. However, the density adopted for Sports Direct appears to be too low at £4,075/sq m⁶ whilst there are sports retailers such as JD Sports with higher densities.

In addition, the sales density analysis presented by the applicant is sensitive to the assumptions which are made about the identity of retailer and the size of the unit that they occupy.

In relation to the turnover of the proposal which has been used to estimate its **impact on existing stores and centres**, we have already noted our concern that an assumption has been made that 30% of the comparison goods turnover is assumed to be drawn from outside of the study area. Notwithstanding this concern, it would appear from the applicant's analysis that part of the total comparison goods turnover of the proposal has been excluded from the financial impact analysis. For example, Table 16 (Appendix 8) of the Retail Assessment appears to show that £22.57m has been assessed for the purposes of the trade diversion assessment and this figure matches the 'turnover from study area' figure (which is equivalent to only 70% of total comparison goods turnover) given in Table 5. The figures in Table 16 appear to be carried forward into Table 17 of the applicant's assessment although, when expenditure inflow into the study area is taken into account, Table 17 shows an expenditure diversion of £25.93m. Whilst this would appear to suggest that some additional expenditure diversion will take place from non-study area residents/visitors who already visit stores in Exeter, there is still some £6.3m of comparison goods expenditure missing from the applicant's assessment.

A similar concern is also raised in relation to the convenience goods assessment where the diversion assessment in Table 13 (Appendix 8) of the applicant's Retail Assessment accounts for only £5.69m of the total £6.85m convenience goods turnover of the proposed development (based upon the scenario put forward by the applicant).

In relation to the pattern of trade diversion put forward by the applicant's assessment, Table 13 indicates the following scale of diversion to the proposed convenience goods floorspace:

- £0.13m – M&S, Exeter city centre
- £0.93m – Tesco, Digby
- £0.63m – Waitrose, Heavitree
- £0.05m – M&S Simply Food, Exe Bridges
- £0.1m – Morrisons, Prince Charles Road
- £0.09m – Sainsburys, Alphington Road
- £0.04m – ALDI, Alphington Road
- £1.9m – Sainsburys, Pinhoe
- £0.17m – ALDI, Exhibition Way
- £1.45m – Morrisons, Middlemoor
- £0.02m – Tesco Express, Heavitree
- £0.01m – Co-op, Heavitree
- £0.11m – Tesco, Exmouth
- £0.01m – Tesco Express, Exmouth

As a starting point, it must be acknowledged that the applicant's assessment is based on the assumption that Marks & Spencer will occupy the proposed development and operate a Simply Food store from 715sq m net sales area. Such a scenario is entirely possible under the controls put forward by the applicant, although it is not the only scenario with other types of food retailer being able to occupy the proposed development and in different scales and formats of space. Indeed, occupation of illustrative unit D appears to be contrary to normal commercial practice.

⁵ published by Mintel

⁶ Retail Rankings suggests £5,213/sq m

However, based on Marks & Spencer occupying the store, we find it difficult to agree with some parts of the pattern of diversion out forward by the applicant. For example, it is difficult to see how the ALDI store on Exhibition Way would experience a higher level of diversion from the nearby Marks & Spencer Simply Food at Exe Bridges/St Thomas bearing in mind the latter would be the same type of store as in the proposal. Similarly, a higher amount of diversion is assumed to come from the Tesco store in Exmouth than the M&S at Exe Bridges. In addition, whilst we would agree that a large element of trade will come from the nearby large Waitrose, Morrisons (Middlemoor), Sainsburys (Pinhoe Road) and Tesco (Digby) supermarkets, we consider that the amount of diversion from other Marks & Spencer stores in Exeter has been under-estimated.

Turning to the pattern of comparison goods trade diversion, Table 17 (Appendix 8) indicates that £25.9m of the turnover of the proposed development will come from the following sources:

- o £10.4m – Exeter city centre
- o £0.08m – Heavitree
- o £0.02m – St Thomas
- o £0.04m – Topsham
- o £0.04m – Pinhoe
- o £6.5m – Rydon Lane Retail Park
- o £5.2m – Sowton Retail Park
- o £3.2m – Stone Lane Retail Park
- o £0.4m – Exe Bridges (which is part of St Thomas district centre)
- o £0.05m – B&Q, Alphington Road

In order to understand whether this pattern of diversion (for the reduced amount of expenditure which has been included in the applicant's analysis) is reasonable we have considered the retail uses present in each of the above locations and also the retail offer which has been assumed for the purposes of the applicant's analysis.

As a starting point, it is important to note that the applicant's analysis is not precise over the basis for its analysis. The table after paragraph 3.7 of the Retail Assessment indicates that the anchor unit will be a clothing store with the other two large units selling clothing and sports goods. Paragraph 3.5 of the same document introduces the possibility that the anchor unit may be occupied by Next or TK Maxx/Homesense although there is not further information on the range of comparison goods that will be sold. Indeed, due to the size of the anchor unit there is a possibility that, contrary to the table after paragraph 3.7, this unit may not just sell clothing, footwear and fashion goods. Similar uncertainty can be found in relation to the other two large comparison goods units.

However, it is clear that there is a 'clothing/fashion' theme throughout the applicant's assumptions and this has guided our assessment of the trade diversion analysis. In addition, we have borne in mind that there is further comparison goods floorspace which the applicant has suggested will be occupied by health and beauty, travel goods, phone and cycle goods stores.

Given the retail offer assumed by the applicant's Retail Assessment we would agree in principle that the city centre will be the largest single source of trade diversion. However, based upon the contents of Table 17 of the applicant's assessment the proportion of (partial) turnover is only 42%. Bearing in mind the applicant's assumptions regarding the content of the proposed comparison goods floorspace and the shopping patterns for clothing and fashion goods, we consider that this scale of diversion is likely to be too low.

This is reinforced by the assumption that a large amount of trade will be diverted from retail warehouses in Sowton, Rydon Lane Retail Park and Stone Lane Retail Park although none of these provide a large amount of clothing and fashion retailers. For example, the only clothing store at Rydon Lane is a sports retailer (Sports Direct), the only clothing retailer at Stone Lane is Matalan and the retailers at Sowton include a Matalan clearance store, DIY warehouses, sports goods stores and a Toys R Us store. Despite this tenant mix, the applicant is predicting that around £15m of comparison goods expenditure will be diverted from these locations which is 50% higher than the city centre. In

our view, this is an unreasonable prediction. Indeed, if there is likely to a retail park which will suffer trade diversion it is Exe Bridges which accommodates Next and TK Maxx and which is part of the defined St Thomas district centre.

Indeed, on the issue of Exe Bridges and St Thomas district centre, which is in our opinion the most likely of the retail parks and district centres in Exeter to suffer a trade diversion to the proposal, the applicant's assessment does not provide any health check information nor any information or analysis regarding the linkages and relationship between the retail park and the more 'traditional' parts of the district centre. In our opinion, where there is a link between these different parts of the centre, then diversion from the retail park could have a knock-on impact on the remainder of the centre. This needs to be investigated by the applicant in order that a final view on the significance of the impact of the Honiton Road proposal can be established.

Overall, it is our view that the applicant's impact analysis is incomplete, in terms of the assessment of the financial impact of the proposed development and the assessment of the impact on St Thomas district centre. In addition, there is concern over the decision of the applicant to reduce the size of its study area for the financial impact assessment yet predict that one third of the comparison goods turnover of the proposal will be attracted from outside of this area. Finally, there is also particular concern that, on the proposal's turnover which has been included in the impact assessment, an under-estimate has been made of the diversion from Exeter city centre and St Thomas district centre alongside an over-estimate of the diversion from other out of centre retail warehouses which do not appear to have a particularly strong trading overlap with the type of store that the applicant is assuming will occupy the Honiton Road development.

Impact on Investment

In relation to the applicant's assessment of the impact of the proposed development on 'town centre' investment, the focus falls upon the BCS site. The applicant's Retail Assessment concludes that there will be no adverse impact upon planned investment on the BCS for the following reasons:

- o the BCS scheme is a leisure-led scheme with no material overlap with the Honiton Road application;
- o there is a condition preventing the Honiton Road scheme providing a cinema, which is a potential element of the BCS redevelopment project;
- o there will not a any material overlap in the tenants sought by both proposals and they will provide different formats;
- o support can be drawn from the principles and circumstances established as part of the recent Rushden Lakes decision;
- o there has not been any planning application for the BCS sites and no operator interest; and
- o there is not a viable scheme at the BCS site.

In response to the analysis put forward by the applicant, we would note that there is now an outline planning application for retail and leisure development at the BCS site and the content of this application indicates that wide range retail and leisure uses could be accommodated. Indeed, we consider that, based upon the scale and type of floorspace that can be provided within the BCS scheme, and the lack of any strict controls over the type of convenience and comparison goods retailing (along with café/restaurant provision), there is the potential for a considerable overlap between the tenants which could be accommodated in both schemes. This is reinforced by the nature of both applications and the different permutations of development that could be provided.

In relation to other factors, the NPPG provides guidance as to how to assess the potential impact of proposals on development. It notes that the following should be considered:

- o the policy status of the investment (i.e. whether it is outlined in the Development Plan);
- o the progress made towards securing the investment (for example if contracts are established);
- o the extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence.

In relation to the above NPPG factors, it should be noted that the BCS redevelopment is a key part of the city centre and retail development strategy in the development plan and is allocated for the same type of land uses as being provided by the Honiton Road proposal.

In relation to the progress being made, it is clear that one of the land owners, The Crown Estate has been working with development partners, the City Council and Stagecoach in order to bring forward a redevelopment scheme and this has recently culminated in the submission of an outline planning application. There is no suggestion that any on the land owners are not 'on board' with the redevelopment proposals and it is clear that Stagecoach are making plans to reorganise their facilities in the central part of Exeter.

There is also clear concern from the investor in the scheme: The Crown Estate. They have objected to the previous (very similar) application and whilst we are not aware of any further specific objection to the current application, it is clear that there objections continue given their decision to obtain Rule 6 party status for the forthcoming public inquiry later this year.

In relation to turnover levels, a clear conclusion cannot be reached on this element due to a number of concerns with the applicant's financial analysis. However, where there is a significant fall in potential turnover levels, then this could in our opinion be further cause for concern over the potential to invest in a location such as the city centre. In addition, the availability of comparison goods expenditure in the Exeter area will also, in our opinion, provide a guide to the confidence of retailers and developers to invest. At the present time, the City Council, in conjunction with East Devon District Council ('EDDC') is undertaking a retail and leisure study and this will provide a view on the forecast level of available expenditure to support new retail floorspace in the local area. That study is being informed by a new survey of household shopping patterns which is larger in scope than the applicant's survey and is likely to be more representative of the catchment area of comparison goods shopping in Exeter (particularly the city centre). We recommend that the new retail and leisure study and its retail expenditure/floorspace capacity assessment is used to inform the 'impact on investment' test.

Overall, we continue to have a particular concern that the Honiton Road proposal, given its scale and land use offer, is likely to have a significant adverse impact upon the planned/committed investment at the BCS site in Exeter city centre. There is, based upon the available evidence and the nature of the controls offered by the Honiton Road applicant, likely to be significant overlap between the type of retail and leisure uses sought by both developments. This has the potential to cause harm to the ability to deliver the BCS scheme. This scenario has already been acknowledged by the promoters of the BCS scheme who have submitted objections to the Honiton Road proposals and will be presenting evidence on these issues at the public inquiry associated with the (very similar) first Honiton Road proposal later this year.

Conclusions

Paragraph 27 of the NPPF indicates that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the impact tests outlined at paragraph 26 of the NPPF, then it should be refused. This approach is supported by the contents of the NPPG which note that "it is for the applicant to demonstrate compliance with the impact test in support of relevant applications" and "it is for the applicant to demonstrate compliance with the sequential test".

In this instance, we consider that the BCS site represents a sequentially preferable alternative site which is available for redevelopment and suitable to accommodate the proposed development when appropriate allowance is made for flexibility in scale and format. As a consequence, we consider that the Honiton Road proposal is contrary to paragraph 24 of the NPPF and Policy CP8 of the Exeter Core Strategy. We also consider that the proposal is likely to lead to a significant adverse impact on investment in Exeter city centre given its impact on the BCS scheme. As a consequence, the proposal is contrary to paragraph 26 of the NPPF and Policy CP8 of the Core Strategy.

In addition, there applicant has, in our opinion, failed to provide sufficient information and analysis to demonstrate compliance with the 'impact of town centre vitality and viability' limb of the NPPF

impact test. This is contrary to the requirements of the NPPG and therefore at the present time we are unable to conclude that the proposal will not have a significant adverse impact upon nearby 'town centres' such as Exeter city centre and St Thomas district centre.

In addition, we also consider that the content of the current application is contrary to the requirements of Policy CP17 of the Core Strategy which promotes a local centre in the Monkerton and Hill Barton strategic area.

I trust that the contents of this advice letter are sufficient for your current purposes. However, if you have any queries, or require additional information and advice, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M S Morris'.

M S Morris BSc(Hons) DipTP MRTPI
Director – Planning, Development & Regeneration
For and on behalf of GVA Grimley Ltd

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Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 2 NOVEMBER 2015

APPLICATION NOS: 15/0907/03 & 15/0909/02 Full Planning & Reserved Matters

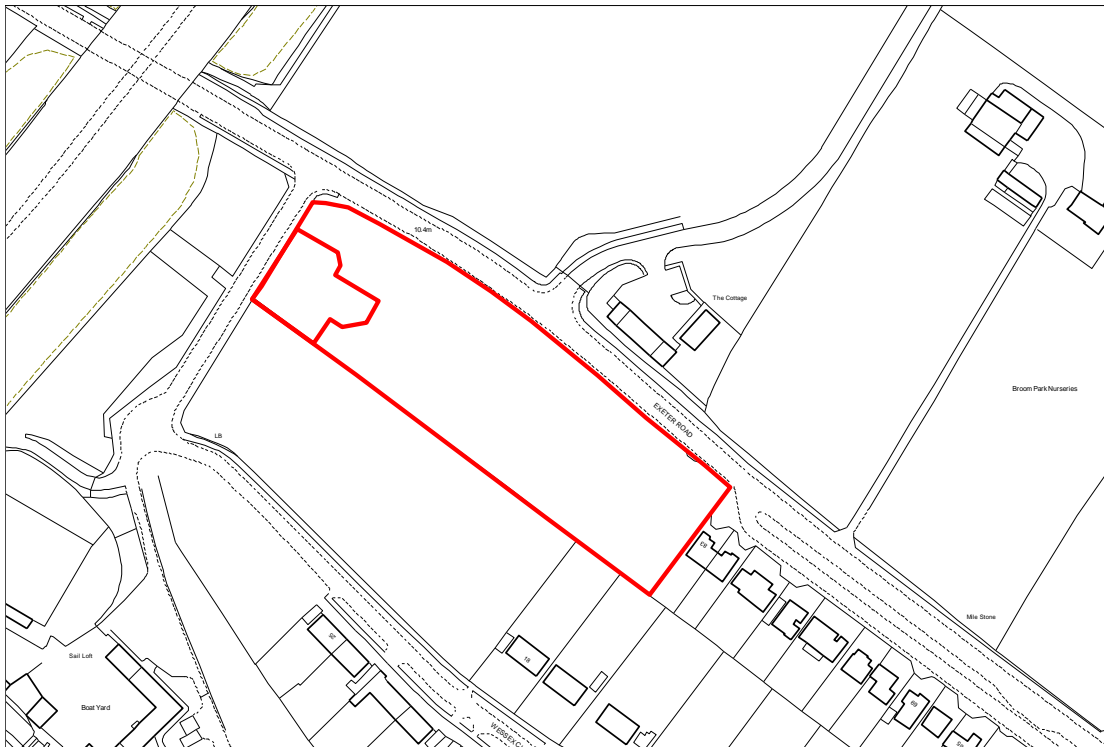
APPLICANT: Mr D Lovell
Heritage Developments (SW) Ltd

PROPOSALS: Six no. residential flats, car parking and associated facilities 15/0907/03); and Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27th July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02).

LOCATION: Land off Exeter Road, Topsham, Exeter

REGISTRATION DATES: 21/08/15 (15/0907/03) and 17/08/2015 (15/0909/02)

EXPIRY DATES: 16/10/2015 (15/0907/03) & 20/11/2015 (15/0909/02)



Scale 1:2500

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HISTORY OF SITE

14/1605/01 Development of up to 23 dwellings, access and PER 27/07/2015 associated services.

DESCRIPTION OF SITE/PROPOSAL

The site lies on the southern side of Exeter Road and to the east of the M5 motorway bridge. To the east, along Exeter Road, is a continuous frontage of housing accessed off a separate

service road, south of which lies a further area of established residential development. To the west, on the opposite side of the M5 motorway embankment and facing the Topsham Football Club which has recently been granted approval for a retail store, together with a new housing development (Seabrook Orchards) adjacent to the Football Club.

The site is flat, with open frontage to the north adjacent to Exeter Road, but contained on the southern boundary, on the adjoining land, by a row of mature trees. These trees are protected by a group TPO (No. TPO 602).

The proposals are for a Reserved Matters application for the development of 22 dwellings following approval of the Outline Application 14/1605/01 and six Affordable Housing apartments in one block, a total of 28 dwellings.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application site is approximately 0.78 hectares. The applications are for the reserved matters comprising of 22 dwellings and 6 no. 2 bedroom flats. Vehicular access is to be off Exeter Road only by way of an extension to the existing service road, as consented by the outline permission 14/1605/01 (no secondary access from Retreat Drive is required). The internal road layout serves 3 courtyard clusters of dwellings including access through the site to the remaining corner of the development where the Affordable Housing will be located.

The preliminary ecological survey concluded that the field has minimal value to wildlife and that the proposed development would not have any detrimental effect on the site's ecology or on the habitat value of adjoining land. Additional planting and landscaping will be undertaken throughout the development as well as bird nesting boxes on trees that grow along the southern boundary of the site.

A detailed gradiometer survey was carried out which detected a number of anomalies including those of possible archaeological significance. A full archaeological assessment is currently being undertaken on site.

A Tree Preservation Order covers trees along the southern boundary of the site. Only the T12 (Sycamore) and trees within A2 (Ash, Poplar, Sycamore and Willow) are affected by the proposed development and consent has been granted to fell both T12 and A2.

The noise survey showed that noise levels are dominated by the M5 which runs along the embankment to the west of the site. Noise levels across the site have been shown to fall in the LOAEL (Lowest Observed Adverse Effect Level) classification and therefore there is a requirement to mitigate and reduce noise levels to a minimum. The initial report concluded that noise levels can be fully addressed and suitable imitation provided for residential use of the site to comply with current national planning guidance.

The air quality assessment concluded that the proposed development for the original 23 dwellings was unlikely to generate a significant amount of traffic and following assessment of the results of air quality monitoring by ECC, it was concluded that the air quality across the site is likely to be acceptable for residential development without the need for mitigation.

The affordable mix of dwellings is proposed to be amended. Provision for eight affordable units was made in the outline consent. It is now proposed that two of these be brought forward as part of this reserved matters application with the remaining six delivered as part of the full application dealing with the residual site area. Amenity space is provided with the layout.

The resulting overall average net density proposed would be 29dph. Adjacent residential

development is built at a lower density than this, Exeter Road being 21dph and Wessex Close at 9dph. A mix of two storey dwellings are proposed, set in courtyards perpendicular to Exeter Road, with a two bedroom, three storey dwelling located at plot 18, adjacent to the block of three storey Affordable Housing. There are also 2 no. one bedroom ground floor flats. The six flats are served from a parking forecourt to the rear of the building with amenity space to the south and north and pedestrian access only onto Retreat Drive. Bin stores are incorporated within the parking forecourt.

The entire development will be designed to a high level of sustainability with each dwelling designed to achieve a zero carbon energy rating.

REPRESENTATIONS

Twelve representations for each application have been received and the objectors mention the following issues as the reasons for their objection:

- Increase in the number of dwellings from 23 at outline to 28
- Increase in density of development above yield identified in the ECC last Strategic Housing Land Assessment
- Impact of motorway noise
- Three storey height of some elements of the development
- Lack of recreation areas for children
- Impact on the highway network and increased congestion
- Access onto and increased parking on Retreat Drive
- Small garden sizes
- Loss of the Topsham Gap
- Removal of hedgerows, trees and landscape
- Materials and architecture that is out of style with the character of the area
- Change to the character of the area
- Site layout is contrary to the linear character of the existing area
- Loss of privacy

CONSULTATIONS

The Highway Development Management Officer (Exeter) at Devon County Council - comments that the development was considered in the outline and, based on an expected generation of 125 daily vehicle trips with approximately 10% of these trips occurring in the AM and PM peak hours, was not expected to have a severe impact on the operation or safety of the public highway. The traffic from the additional 6 units (representing an additional 5 units from the outline) on the site proposed through application 15/0907/03 do not change this conclusion.

Vehicular access for the 22 dwellings, plus 6 units in 15/0907/03, is proposed from a new priority junction onto Exeter Road which will replace the existing service road junction in front of number 83, which will be reinstated as verge. The new junction meets the relevant visibility standards for the 85th percentile speed on Exeter Road (55 metres for 35 mph) and is therefore accepted. This visibility and splays for the access onto Exeter Road should be secured by condition.

The development creates a new pedestrian/cycle route from the service road to Retreat Drive running parallel to Exeter Road. This route is part segregated and part along the estate road, which given the low flows and design speed on the estate roads is accepted. A connection is also proposed to the sites south west border to provide permeability to any future development on the adjacent land. A condition is recommended to ensure these

delivered at an appropriately early stage of development on this site.

To tie into adjacent development proposals, and as per the outline application, off site upgrades to provide a 3.0 metre shared path on the south side of Exeter Road between the site and the Motorway bridge, including the provision of tactile paving on the crossing of Retreat Drive, should be secured through an appropriate agreement.

The applicant has also proposed relocating the existing inbound bus stop by the motorway bridge further east to better serve the development. This will also be more convenient for existing residents on the Service Road and Wessex Close and is welcomed. A request should be made to the County Council to relocate this when required, and the costs of doing so will need to be met by the applicant.

The proposed internal road layout reflect a more contemporary approach to residential road design in keeping with the principles of Manual for Streets and is acceptable. The applicant has been in liaison with the highway authority regarding the extent of adoption and drainage strategy. These are broadly acceptable and, along with the details of the adoptable layout (street lighting/kerbs/margins) should be secured by condition. To progress adoption of the estate roads by the County Council the applicant is advised that will need to enter an agreement under Section 38 of the Highways Act 1980 with the County Council.

Senior Arboricultural Officer - Comments as follows:

Oak tree T14

While the removal of Oak tree T14 was recently refused, the applicant was advised an application to reduce the tree would be looked upon sympathetically as the tree is in a state of decline (application 15/0653/04). This application was submitted prior to the submission of applications 15/0907 & 15/0909. With the proposed change of land use adjacent to the Oak tree (T14), and the increase of activity around the tree, its loss is considered acceptable.

The trees which are protected by a group TPO (no. 602) on the boundary between the two fields replaced with an area of new consolidated landscaping:

Individually the trees are of moderate quality but as a group they represent an important linear feature, as they are highly visible from Exeter Road and contribute to the visual amenity of the area. Owing to the size of the trees, once the site area between the trees and Exeter Road is developed the trees will no longer be highly visible. Owing to the above and the presence of the mature trees to the south west of Wessex Close that will remain visible, the removal of the trees will not have a significant impact on the visual amenity of the area. The planting of high quality trees adjacent to Exeter Road will provide adequate compensation for the loss of the feature.

Oak tree T1

The large Oak tree T1 on the attached plan will not be impacted if the access road to this part of the site is dug to full depth construction.

The construction of the road and the installation of associate services will encroach into the root protection area of the Oak tree. Provided tree protection fencing is erected prior to the commencement of any work on site, (see tree protection condition) the tree should not be significantly adversely affected.

Sycamore Tree T4

This tree is shown for removal, the tree is located close to tree T3 a Norway Maple. The Sycamore tree is an attractive tree but together with tree T3 dominate the north western boundary of an adjacent property. The Norway Maple tree (T3) will be retained accordingly, there will not be a significant adverse impact upon the visual amenity of the area.

Environmental Health - has no objection subject to the receipt of additional information

regarding noise levels at second floor level of the residential flats, contaminated land investigation and results, a Construction and Environment Management Plan and Noise Insulation.

Environment Agency - has no comment.

Natural England - advises that the proposal is not necessary for the management of the European site and is unlikely to have a significant effect on a European site, and could therefore be screened out from any requirement for further assessment. A separate Habitat Regulations Assessment will not be required providing that the authority ensures that mitigation measures will be delivered at a rate commensurate with that of permissions for new dwellings.

Mitigation for this development should be secured through an appropriate condition restricting occupancy until sufficient mitigation has been delivered.

Principal Project Manager (Heritage) - advises that the site for the Affordable Housing forms part of the overall site that contains Roman remains that are currently being excavated and recorded under a condition of the outline approval. As a full planning permission would supersede the outline permission, the standard condition for Archaeological Recording shall be attached to the current application.

Devon & Cornwall Police - makes the following comments:

Defensible Space and territoriality: defensible space is provided but not segregated. This arrangement often leads to resident conflict when people park in front of gardens or when children are playing. There are also pockets of green space where ownership is unclear. These should be within the ownership and control of individual properties and clear boundaries should be established. Left over spaces become neglected or mis-used for play areas, dog fouling or parking.

Excessive or unsafe permeability: the parking area to plots 21 and 22 is pedestrian permeable to public space and this is a concern as it opens car parking areas and rear gardens to multiple access points. It also creates a short cut through semi-private space. This is a potential escape route for criminals and a cut through that can generate anti-social behaviour. It is recommended to close off this route with a defensible space boundary treatment such as railings or railing top wall to border the pavement of Retreat Drive and the new development returning to building line of plot 21.

Lighting: Effecting lighting schemes ensure effective surveillance and reduce fear of crime. Areas of parking that will be on un-adopted roads must maintain the highways level of lighting using pole mounted solutions not bollard lighting.

Service alleyways breaking building line: gates to garden areas should be fixed as near as practicable to the front of the building line to prevent void areas where criminals can hide.

Senior Housing Development Officer - confirms that there have been ongoing discussions with the developer regarding the Affordable Housing provision prior to the submission of the two applications based on 27 units and it was agreed that there would be 6 no. two bedroom flats for social rent and 2 no. one bedroom flats for intermediate rent. This is different from the Affordable Housing provision set out in the existing Section 106 Agreement.

The two applications now provide 28 units. The additional open market unit now needs to be taken into account and the most appropriate way of calculating is via a commuted sum, which equates to £42,827.45.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012
Manual for Streets 2007

Exeter Local Development Framework Core Strategy

CP1 – Spatial approach
CP3 – Housing development
CP4 – Housing density
CP5 – Meeting Housing Needs
CP7 – Affordable Housing
CP11 – Environment
CP13 – Decentralised energy networks
CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011

AP1 – Design and Location of Development
H1 – Housing land search sequence
H7 – Housing for disabled people
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T10 – Car parking standards
LS1 – Landscape setting
EN2 – Contaminated land
DG1 - Objectives of Urban Design
DG2 – Energy conservation
DG4 – Residential Layout and Amenity
DG5 – Provision of open space and children’s play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Exeter Development Delivery Document – Publication Version 2015

DD1 – Sustainable Development
DD8 - Housing on Unallocated Sites
DD9 - Accessible, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing out Crime
DD29 – Landscape Setting Areas

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2014
Archaeology and Development SPG 2004
Draft Planning Obligations SPD 2014
Public Open Space SPD 2005
Residential Design Guide SPD
Trees and Development SPD
Sustainable Transport SPD 2013

OBSERVATIONS

Density, Scale and Design

The design of the properties is contemporary using smooth render with white finish and natural clay rainscreen cladding in terracotta and beige to match the localised brick and stone colouring but using modern materials. The clay will weather naturally as it ages. The pitched roofs would be zinc coated aluminium standing seam with the flat roofs finished with a single ply membrane. The windows will be dark grey foil coated uPVC and the entrance doors aluminium with high thermal insulation to assist with achieving zero carbon efficiency. There is a mix of two and three storey elements with the three storeys being located at the corner of the site on Exeter Road and Retreat Drive and the Affordable Housing 3 storey building located further along Retreat Drive. It is considered that the varied height elements are acceptable given that they create a gateway to the entrance to Topsham, creating a feature and are in scale given the height of the adjacent embankment and bridge of the M5. The building line is forward of that of the original dwellings further along Exeter Road, however, the placement of the gateway buildings allows the buildings to be brought forward, with a gradual step back, opening up views along Exeter road and to the existing houses. The proposed landscaping scheme as it matures, will also screen much of the new development.

It is acknowledged that local objectors are still concerned with the loss of the Topsham Gap, however, the principle of development on this site was established through the approval of the outline application. The density of the development has subsequently increased from the previously approved 23 units to 28 in total with the current two applications. However, this increase is considered to be acceptable given that the design of the properties is still meeting the National Housing Standards and the ECC garden size standards.

The courtyards create smaller residential communities off the main access road, with natural surveillance over the parking spaces. The Devon & Cornwall Police has raised concerns regarding the parking area to plots 21 and 22, which is pedestrian permeable and this is a concern as it opens car parking areas and rear gardens to multiple access points creating a potential escape route for criminals and a cut through that can generate anti-social behaviour. It has been recommended to close off this route with a defensible space boundary treatment to Retreat Drive. However, this would create a semi-gated community, which is contrary to Policy DG4 and the Residential Design Guide where pedestrian permeability is encouraged. The parking area will have the benefit of natural surveillance from the living rooms of the affordable housing units and the living rooms of plots 20 and 22. The entrance to the parking area is also directly visible from the Exeter Road.

The D&C Police has also expressed concern regarding the pockets of green space where ownership is unclear and service alleyways breaking building line with gates to garden areas set back. The pocket spaces are important to create informal recreation spaces for play and will be under the management company for maintenance. It is agreed that the creation of service alleyways should be avoided and therefore a condition is recommended to bring the gates to private gardens in line with the front building line of the dwellings to avoid hiding spaces.

Boundary Treatments

Private garden and parking areas will be enclosed by fences as described below as well as rendered block walls with blue engineering brick plinth finished on top with plain tiles and a single course of blue engineering bricks.

Noise

It is accepted that the proximity to the M5 and Exeter Road will create noise and this is taken into account through the construction methods of the dwellings and flats. The buildings will

be solid construction, with triple glazing, acoustic ceilings and additional roof insulation. Ventilation is mechanical, to ensure compliance with the zero carbon rating.

In order to reduce the noise within garden areas, the buildings have been placed to provide a buffer. In other, more open areas, 1.8m high fences and acoustic fences are proposed.

The original outline application proposed the use of the green area on the opposite side of Retreat Drive to be used as open space. However, with the site being immediately adjacent to the M5 bridge and embankment, it is now proposed to instead make a financial contribution of £40,500 for the enhancement of the existing playing fields and recreation ground in Ferry Road, Topsham. Within the site, there are small areas of open public space where landscaping is proposed which could be used as informal play areas.

Highways

Concerns have been raised regarding the future impact on the Highway network and additional congestion. However, the DCC Highways Engineer has confirmed that there is no objection to the number of dwellings on the site and the number of resulting vehicle trips. There is support for the removal of the access onto Retreat Drive, instead moving all vehicle movements to Exeter Road where a longer and clearer visibility splay is available. The majority of the internal roads will be adopted by DCC, with the courtyard and parking areas remaining with a private management company for ongoing upkeep and maintenance. The main access road will be tarmac, with the courtyards and parking spaces being constructed of block paving and setts. There remains concern by local residents that Retreat Drive may be used for parking but since this is a private road, permission would need to be sought from the landowner to secure and enforce yellow lines to prevent parking.

The internal road has been narrowed through discussions with the Highways Officer to 3.5m, reducing the amount of tarmac required whilst still providing adequate width for cars, refuse and fire engines.

Landscaping

There have been continued discussions with the Trees Officer regarding the existing trees on the site and the proposed re-planting. The majority of the protected trees are on the site to the south but there were two protected trees within this plot, both of which have been granted approval for removal. The existing stone wall adjacent to Exeter Road is to be renovated and repointed with a beech hedge to the rear and new lime trees planted with an area of turf below to screen the development in the future. Across the site areas of mixed planting are proposed with new alder, snowy mespilus, cockspur, crab apple and callery pear trees.

Section 106

The Section 106 Agreement is proposed to be revised to take account of the revised open space contribution and for a variation to the Affordable Housing typology proposed. Previously, it was agreed that there would be five 2/3 bedroom houses socially rented, with three 2/3 bedroom intermediate rental housing. The revision seeks to instead provide 2 no. one bedroom flats as intermediate rental housing and 6 no. two bedroom flats to be socially rented. The housing team has advised that this revision is acceptable but was based on the overall provision of 27 houses. As 28 houses are now proposed in total, there will be an additional commuted sum payable. This is to be finalised with the developer and will also form part of the varied S106.

DELEGATION BRIEFING – 13th OCTOBER 2015

It was confirmed at the Delegation Briefing that the two submissions would come to

Committee on 2 November with clarification to be provided on the Affordable Housing Provision and who is paying for the relocation of the bus stop.

The Affordable Housing Provision is now clarified within the Housing comment in the earlier Consultation Section of this report. Devon County Highways have also confirmed that the funding of the bus stop relocation will be via the developer.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) C06 - Time Limit - Approval of Reserved Matter
- 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 17th August 2015 (*Dwg. No(s). RTRT-001-Site Plan/EXRD-PL23-28/RTRT-003-Hard Landscaping*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) 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 before their construction begins. 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
- 4) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.
Reason: To encourage travel by sustainable modes
- 5) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.
- 6) No more than 14 dwellings in the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width between the site access and Retreat Drive, as indicated on the October 2015 site plan, has been provided and made available for public use. Such a link shall be 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 NPPF.
- 7) Samples of the materials 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.

- 8) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of 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.

- 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) No materials shall be brought onto the site or any development commenced, 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 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.

- 11) All trees shall be a minimum of 10-12cm girth and shall be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted must comply with *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant is advised to seek approval from the Planning Department that the form and quality of the trees is acceptable.

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

All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.

- 12) All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.

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

- 13) 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.
- 14) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 14 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 15) No part of the development hereby approved shall be brought into its intended use until a visibility splay at the site access to Exeter Road has been provided, where the visibility splay provides 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 55 metres in both directions, and retained for that purpose.
Reason: To provide adequate visibility from and of emerging vehicles required to provide a safe and suitable access to the site.
- 16) No development related works shall take place within the site 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.
- 17) Prior to the occupation of the dwellings hereby approved, a wildlife plan indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.
- 18) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP, the following restrictions shall be adhered to:
- a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be 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;
- c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The approved CEMP shall be adhered to throughout the construction period.
Reason: To protect neighbouring residential amenity.
- 19) No development shall take place until a scheme for protecting the proposed development from noise has been submitted to the Local Planning Authority and approved in writing. All works that form part of the scheme shall be completed before any of the permitted development is occupied. *The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.*
Reason: To protect future residential amenity.
- 20) 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: In the interests of the amenity of the occupants of the building(s) hereby approved.
- 21) 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.
- 22) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

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

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

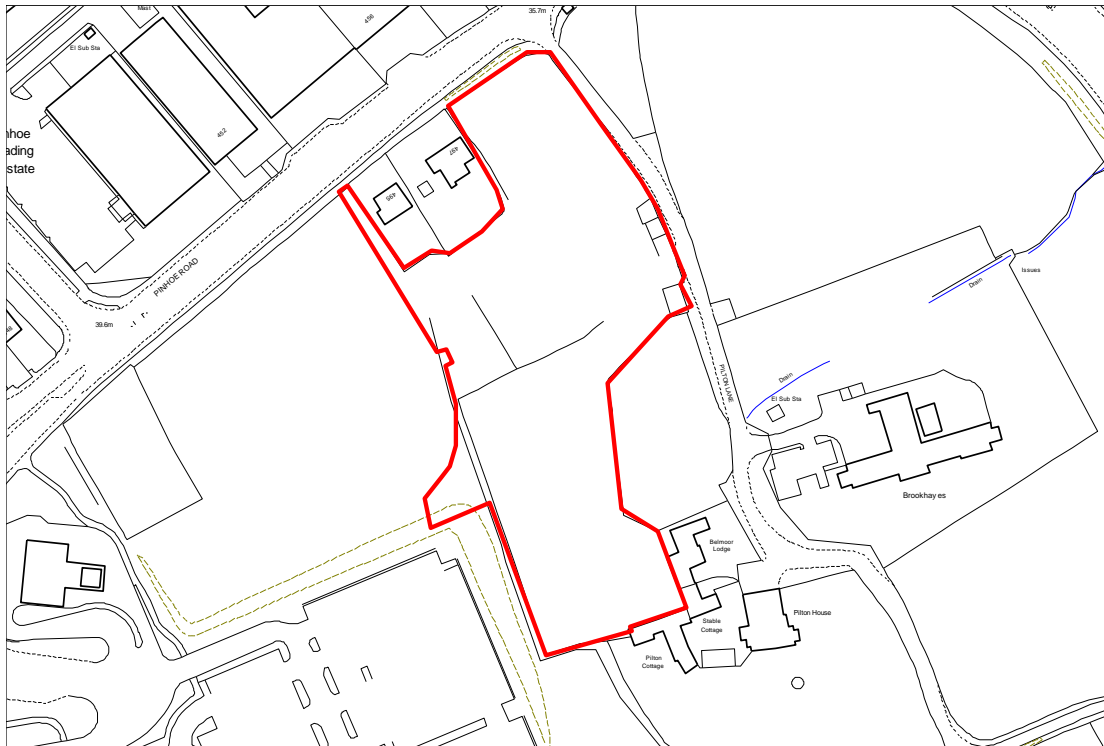
Agenda Item 7

ITEM NO. 7

COMMITTEE DATE: 2 NOVEMBER 2015

APPLICATION NO: 14/1579/03 FULL PLANNING PERMISSION
APPLICANT: Strongvox and M Baker (Property Services) Ltd
PROPOSAL: Residential development of the site to accommodate 53 dwellings and associated works (Revised plans reducing number of dwellings from 73 to 53)
LOCATION: Land to west of, Pilton Lane, Exeter, EX1
REGISTRATION DATE: 04/07/2014
EXPIRY DATE: 03/10/2014

HISTORY OF SITE



Scale 1:2500

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Application Site

08/0336/01 - Residential development and access to highway (appearance, landscaping, layout and scale reserved for future consideration). REF 08/10/2009
13/3962/03 - Formation of vehicular access off Pinhoe Road to serve future development. Approved 11/12/2013.

Adjoining Land

14/1669/03 - Erection of a public house/family restaurant with manager's accommodation at first floor level plus car parking, landscaping and all associated development. Approved 07/10/14.

15/0829/01 - Outline application for up to eight dwellings with access from Pilton Lane (all other matters i.e. appearance, landscaping, layout and scale reserved for future consideration). Currently under consideration.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 1.1 hectare parcel of land located on the south side of Pinhoe Road, close to the Sainsbury supermarket. To the north and west of Pinhoe Road there is a mixture of residential, commercial and industrial premises many of which are accessed directly off Pinhoe Road. The site is bounded to the north by Pinhoe Road and 2 existing residential properties, to the east by Pilton Lane, an area of undeveloped land and existing residential properties, and to the west by a new road being constructed to serve the application site/adjoining development land and Sainsbury's car park in the southwest corner.

Full planning permission is sought for residential development of the site. The submitted scheme originally comprised 73 units served via the new road being constructed off Pinhoe Road, which has the benefit of a separate approval granted in December last year, to serve this site and the adjoining land. The scheme has been amended as a result of negotiations and now comprises 53 dwellings. The scheme comprises a mix of 1 and 2 bed apartments, 2 and 3 bed houses. The apartments are contained in 2 separate 3 storey blocks.

The proposed internal road layout essentially follows the drainage diversion route and consists of a T-junction off the new road running approx west to east across the middle of the site with dwellings either side, and a road running south off this with dwellings either side.

The proposal incorporates parking to serve the proposed dwellings. An area of public open space to the south of the site adjoining the nearest neighbouring properties has been incorporated as a result of negotiations.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

Planning Statement
Design and Access Statement
Transport Assessment
Archaeological Survey
Arboricultural Constraints Report
Extended Phase 1 Habitat Report
Geotechnical Report

REPRESENTATIONS

Originally submitted scheme

The 73 unit scheme as initially submitted attracted 9 letters of representation - 7 objections, and 2 comments raising the following issues -

- Contrary to Local Plan - Landscape Setting designation
- Contrary to Monkerton and Hill Barton Master Plan - intention for mixed uses in 'Pilton Centre' to function as local centre
- Congestion arising from single access point/additional traffic
- Air pollution
- Excessive density
- Impact on residential amenity of existing properties

- Over reliance of parking courts
- Lack of communal space for flats
- Lack of renewable energy sources/energy conservation
- Lack of open space/play area
- Over concentration of social housing - anti-social behaviour
- Loss of privacy
- Failure to comply with internal and external amenity standards
- Lack of community facilities in the area
- Height of block closest to Pinhoe Rd - scale out of keeping and impact on street scene
- Impact on wildlife
- lack of mix of house types
- Capacity of schools to cope with extra people
- Drainage issues - adjoining properties have septic tanks which drain over part of application site creating water logging and on occasion odour issues - scope for mains connection
- Relationship to other land parcels - comprehensive approach or at least not prejudicing future development/creating land locking.

Revised Plans

Following negotiations the scheme has been amended to 53 units. These revised drawings were re-advertised and have attracted 6 additional representations some of which have re-iterated the issues highlighted above. The following additional issues have been raised -

- security, access for decoration/maintenance of existing properties/boundary walls
- consider open space to meet needs of occupants without encouraging anti-social behaviour
- still adverse privacy impact due to separation distances from existing properties
- lack of parking provision
- poor design
- single point of access from Pinhoe Road with associated impact on congestion/air quality
- still prejudicial to development of adjoining land

CONSULTATIONS

Environment Agency - Object as insufficient information provided to demonstrate that surface water will be appropriately managed and will not increase flood risks on site or elsewhere. Site area is over 1 hectare and therefore Flood Risk Assessment (FRA) is required.

South West Water - Highlight locations of public water main and sewers, limits on proximity of building works to them and confirms that only foul drainage will be permitted to be connected to the public foul or combined sewer. Expectation of Sustainable Urban Drainage solution to deal with surface water.

Natural England - No objection in terms of impact on statutory nature conservation sites. Refer to standing advice in terms of assessing potential impact on protected species. Highlight opportunities for biodiversity enhancement.

RSPB - Express disappointment at lack of reference to biodiversity elements of Council's Residential Design SPD, highlight absence of public green space within the scheme, and refer to need for bat/bird boxes to be incorporated within the scheme.

Highways Agency - No objection - advocate proportionate contribution to wider infrastructure improvements.

Environmental Health - Insufficient information to determine that the site is suitable for development in respect of noise and air pollution. Given proximity to busy road and Air Quality Management Area highlight need for Noise and Air Quality Assessments to demonstrate acceptability/identify mitigation measures. If deemed acceptable following above recommend conditions relating to noise and air quality mitigation, Construction and Environmental Management Plan, and hours of construction work.

DCC (Education Authority) - Comment as follows - "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 £126,112 for primary school facilities and £74,605 for secondary school facilities, equivalent to 11.10 and 4.09 children respectively. These figures have been calculated in accordance with the county council's 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) - Summary of consultation response is as follows: -

"In summary, the proposed layout is broadly acceptable and suitable vehicular access is provided. The proposed sustainable links are welcomed, although there are still some details regarding pedestrian provision at the main vehicular access that need to be resolved. Subject to appropriate conditions to secure these and a contribution towards Travel Planning for the site, no objection."

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - NPPF - particularly Paras 11-16 Presumption in favour of sustainable development, Para 17 Core Planning Principles, Paras 29-41 Promoting sustainable transport. Paras 47-55 Delivering a wide choice of high quality homes, Paras 56-68 Requiring Good Design, Paras 126-141 Conserving and enhancing the historic environment.

Exeter Local Development Framework Core Strategy

Objectives 1, 3, 8 and 9

CP1 - The Spatial Approach

CP3 - Housing Distribution

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP12 - Flood Risk

CP14 - Renewable and Low Carbon Energy

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of New Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T10 - Car Parking Standards

C1 - Conservation Areas

C2 - Listed Buildings

C5 - Archaeology

LS1 - Landscape Setting

EN2 - Contaminated Land

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG4 - Residential layout and Amenity

DG6 - Vehicle Circulation and Car Parking in Residential development

DG7 - Crime Prevention and Safety

Development Delivery DPD Publication Version 2015

DD1 - Sustainable Development

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD22 - Open Space

DD25 - Design Principles

DD26 - Designing out crime

DD28 - Heritage Assets

DD30 - Green Infrastructure

DD31 - Biodiversity

DD32 - Local Energy Networks

DD34 - Pollution

Exeter City Council Supplementary Planning Documents :-

Residential Design Guide

Affordable Housing

Planning Obligations

Public Open Space

Trees and Development

Archaeology and Development

Sustainable Transport

Other relevant documents : -

Monkerton and Hill Barton Master plan

OBSERVATIONS

Background to the proposal

The site is identified for development in the Exeter Local Development Framework Core Strategy and the Monkerton and Hill Barton Masterplan Study. On the "Illustrative Masterplan" the land is indicated as potentially comprising part mixed use centre with the remainder as residential development. The masterplan only signifies one potential way in which the development of the land could come forward as part of the strategic allocation. It does not signify the only acceptable way in which the land/development could come forward. Since the Masterplan Study was undertaken numerous development proposals have come forward in the strategic allocation, including the consented mixed use development on land at Fitzroy Road and the new public house adjoining the site. It is not considered that the development of the application site for residential purposes would be inconsistent with the Core Strategy policies CP17 and CP19 or the Monkerton and Hill Barton Masterplan, particularly in the context of the demonstrable need for the provision of additional housing.

As originally submitted the layout for 73 dwellings raised concerns with regard to the relationship to existing properties surrounding the site, compliance with internal and external amenity standards and over reliance on parking courts as a parking strategy. Extensive negotiations have taken place to address these issues which have resulted in a significant reduction in the number of dwellings proposed for the site (down from 73 to 53). As a consequence of reducing the number of dwellings that could be achieved on site the applicant had questioned the viability of the development overall, particularly in terms of ability to provide affordable housing. It was made clear that this was a priority for the Council and consequently the applicant had to look at the land deal as part of the negotiations. The currently proposed layout takes into account the significant constraints of the site and the complex negotiations between all parties and officers.

The main considerations in respect of this application relate to design/layout/amenity standards, transportation issues, housing issues (including affordable housing), archaeological impact, and sustainability/drainage matters.

Design/layout/amenity standards

The site is bordered by existing houses to the north and south, and also wraps around another parcel of land bordering Pilton Lane. Early negotiations sought to encourage the inclusion of this land to ensure comprehensive development however the applicant subsequently advised that they had been unable to reach agreement with the landowner and therefore wished to proceed with the application as submitted. The surrounding dwellings and adjoining land, together with a required drainage diversion zone form constraints on the potential layout of the site. The scheme as originally submitted for 73 dwellings was considered unacceptable and has been the subject of significant negotiations to secure a better relationship to surrounding housing and land. The implication of achieving internal/external amenity standards and parking provision that is considered acceptable has been a reduction in the number of dwellings delivered to 53 units.

Whilst a comprehensive scheme including the adjoining parcel of land fronting Pilton Lane would have been welcomed it is not considered essential to the efficient development of either the application site itself or the adjoining land. It is not considered that approval of this application would significantly compromise the efficient development of the adjoining site, particularly given that the Highway Authority have no objection in principle to that site being served directly from Pilton Lane. It is not considered that a layout combining both sites would necessarily yield a greater number of dwellings than looking at the sites in isolation, particularly allowing for the provision of any necessary road access between the 2 sites. Consequently, the proposed layout is considered acceptable having regard to the wider issue of the efficient development of land.

The relationship to existing dwellings bordering the southern part of the site (some of which have windows directly on the boundary with the site) was of particular concern. This has been addressed by the inclusion of an area of open space in this corner of the site, with new dwellings arranged to front onto it. This has improved the separation distances significantly and whilst it is acknowledged that residents would prefer greater separation, and remain concerned about the implications of use of the open space upon their residential amenity, this approach is considered acceptable. Local residents expressed a preference for a fenced off area of land that could have been offered to them for rent or potential purchase as a buffer. Such an approach would reduce the developable area of the site and result in a further reduction in the number of dwellings delivered. The amended layout proposed, with appropriate landscaping is considered a reasonable compromise approach to this relationship and the creation of an informal natural buffer with a high level of natural surveillance from the properties fronting the open space. Overall, in the context of the site constraints, the desire to maximise the delivery of open market and affordable housing on the site, the proximity to existing open space at Pinhoe and Exhibition Fields, and with regard to viability and incentive to bring this land forward for development the amount of open space to be provided on site is considered an acceptable compromise notwithstanding it is less than 10% of the site area.

The roof of plot 34 has been hipped to reduce the impact on the adjoining property and the elevation facing the neighbour contains no windows. In the context of a blank elevation with hipped roof the separation distance in this instance is considered acceptable.

Transportation issues

- linkages to surrounding land
- Sustainability/Travel Plan
- parking

Vehicular (and main pedestrian access) to the site is obtained from a new t-junction onto the new road that feeds onto Pinhoe Road which serves the new public house and adjoining land. Within the site the proposed road layout is heavily influenced by the drainage diversion zone and essentially consists of 2 arms one of which runs towards the eastern site boundary with Pilton Lane and the other which runs at right angles to serve the southern part of the site. The proposal incorporates provision of a pedestrian/cycle only link to Pilton Lane at approximately the midpoint of the site in the interests of sustainability and linkages to the wider locality. Pedestrian/cycle access is also provided in the north of the site onto Pinhoe Road.

The site is well located in terms of proximity to local facilities and bus routes, and in this context is considered a sustainable location for residential development. It is proposed to include a Travel Plan contribution within the proposed S106 Agreement as advised by the Highway Authority. The layout also provides for cycle parking within the rear gardens of individual dwellings and communal bike storage areas to serve the apartments.

The approach to parking provision to serve the development comprising a mixture of on-street parking, on plot parking in the form of garages with an additional space in front of them, and small groups of parking spaces in parking courts located close to the dwellings they are intended to serve. This approach is considered to represent a satisfactory mixed approach to the provision of parking to meet the needs of the development.

The Highway Authority has indicated that the proposal is acceptable from a transportation perspective.

Housing issues

- overall mix
- affordable

Some of the representations have referred to a lack of mix in terms of the house types proposed for this site. The revised negotiated layout provides the following mix of accommodation types -

- 21 apartments (of which 6 are 1-bed and 15 are 2-bed)
- 1 2-bed bungalow
- 2 2-bed flats over garages
- 29 3-bed houses

This demonstrates a mix of 1, 2 and 3 bed properties are being proposed and this is considered a reasonable mix of house types/sizes on a site of this size in this location.

In terms of affordable housing, 18 of the units will be affordable comprising a mix of social rent and shared equity units in line with the Council's policy requirements. The mix of house types provided as affordable housing, specifically the inclusion of a wheelchair accessible bungalow, has been agreed following consultation with Housing colleagues.

Overall the total mix of house types and level of affordable housing provision is considered acceptable.

Archaeological Impact

According to records the application site was formerly part of a medieval hamlet and consequently it has been necessary for the developer to undertake trial trenching and investigations on site to ascertain whether or not this has any implications for the potential layout of the site. The archaeological investigations carried out have revealed only limited remains on site, largely due to probable previous disturbance, and therefore this has no implications for the proposed layout.

Sustainability/Drainage

The site lies within the Monkerton and Hill Barton Strategic allocation and therefore it is expected that the dwellings would be connected to the proposed district heating network and designed accordingly to facilitate such connections. This will be secured through the proposed Section 106 Agreement. Conditions are proposed to secure compliance with Level 4 of the Code for Sustainable Homes in respect of energy and CO2 emissions in line with Core Strategy policy.

The site is accessible to local facilities and in close proximity to bus routes that facilitate connections to public transport nodes. Overall it is considered that the proposal amounts to sustainable development.

At present the drainage arrangements proposed are unclear and the Environment Agency have objected based on the absence of a Flood Risk Assessment and clear demonstration that surface water will be managed in a way that flood risks on site or elsewhere are not increased as a result of the development. South West Water have indicated that only foul drainage will be permitted to be connected to the public sewer and that there is expectation that surface water will be dealt with by means of a sustainable drainage scheme. This matter has been raised with the applicant and further clarification will be provided prior to determination of the application by Planning Committee.

Financial Considerations

This proposal will be CIL liable at a rate of £90.80/m². Based on the number and mix of dwellings proposed, and indicated floor areas, this would equate to approximately £407,000 in CIL contributions before the application of any relief associated with affordable housing. The developer would however be entitled to claim relief from CIL in respect of the affordable housing units meaning that the final sum payable would be lower.

The proposal would also generate a significant sum in New Homes bonus. It is estimated that this would be approximately £457,700 (*Band D (National average) £1439.22 x 6 x 53 units*), of which 80% would come to the City Council.

Section 106/CIL

This development will be CIL liable as stated above. The Education Authority has 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 the following matters -

- affordable housing
- district heating
- open space - public access and maintenance arrangements
- travel plan - financial contribution £500/dwelling

Conclusions

Overall it is considered that the revised layout represents a suitable solution to the development of the site given the constraints. Subject to satisfactory resolution of the proposed drainage arrangements, including a revised consultation response from the Environment Agency, the proposal is considered acceptable.

RECOMMENDATION

Approve subject to satisfactory clarification of the drainage proposals and further comments of the Environment Agency and South West Water, and 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) 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 18th June 2014 and 7th August, 23rd September, 6th and 13th October 2015 (*dwg. nos. 435 102 Rev A, 435 011 Rev S, 435 012 Rev F, 435 015 Rev B, 435 017 Rev A, 435 016 Rev A, 435 121 Rev C, 435 201, 435 202, 435 203, 435 103 Rev C, 435 109, 435 110 Rev B, 435 111 Rev C, 435 112, 435 120 Rev C, 435 121 Rev B, 435*

122 Rev B, 435 123 Rev C, 435 124 Rev C, 435 125 Rev C, 435 126 Rev C, 435 130 Rev B, 435 131 Rev B, 435 140 Rev B, 435 141 Rev C, 435 160 Rev C, 435 161 Rev C, 435 162 Rev C, 435 1635 Rev B, 435 180 Rev B, 435 181 Rev B, 435 200 Rev B and 931/PA/02) as modified by other conditions of this consent.

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

- 3) Samples of the materials it is intended to use 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.

- 4) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing. The drainage details submitted pursuant to this condition shall accord with the submitted Flood Risk Assessment *****. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory drainage of the development.

- 5) 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 buildings 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: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 6) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified on drawing no 931/PA/02. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development 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.

- 7) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

a) There shall be no burning on site during demolition, construction or site preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall be 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;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

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

- 8) 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 in accordance with the CIBSE Heat Networks Code of Practice 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.
- 9) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, 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 commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 9 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 11) 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.
- 12) No part of the development hereby approved shall be occupied until the pedestrian crossing facilities at the junction of the main access road and Bakers Way have been provided and maintained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and retained for that purpose at all times.
Reason: To ensure a safe and suitable access is provided for pedestrians to the site.
- 13) No more than 50% of the development hereby approved shall be occupied until the pedestrian/cycle connections of 2.0 metres width from the development to Pinhoe

Road and of 3.5 metres width to Pilton Lane, as indicated on Drawing 012 Revision F, have been provided. Thereafter they shall be retained for this purpose at all times.

Reason: To provide safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 14) 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.
- 15) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 16) Prior to the commencement of the development hereby approved the further reptile survey work identified on page 11, Section 4.2 of the Extended Phase 1 Habitat Report by First Ecology dated May 2013 shall be carried out, and the results and any mitigation measures (including timeframe) arising from the findings shall be submitted to, and be agreed in writing by, the Local Planning Authority. Thereafter the development shall proceed strictly in accordance with the agreed details.
Reason: To ensure that appropriate measures are in place to identify and mitigate any impact on resident reptile populations occupying the site.
- 17) The landscaping scheme detailed on drawing no 931/PA/02 shall be implemented in accordance with a timeframe that shall be agreed in writing by the Local Planning Authority prior to the occupation of the first dwelling on the site.
Reason: In the interests of the visual amenity of the area.
- 18) Notwithstanding the details shown on drawing no 931/PA/02 further details of the proposed landscaping and boundary treatments in relation to the public open space at the southern end of the site, and the timeframe for implementation of those works, shall be submitted to, and be approved in writing by the Local Planning Authority prior to the occupation of the first dwelling hereby approved.
Reason: To ensure that the landscaping and boundary treatment of the public open space is properly considered and designed in terms of both the visual amenity of the area and the residential amenity of the occupants of surrounding properties.
- 19) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted above ground floor level in the east elevation of plot 34 without the prior written approval of the Local Planning Authority.
Reason: To protect the residential amenities of the occupants of the adjoining property.
- 21) Prior to the commencement of the construction of Plots 8, 9, 10 and 11 fronting Pinhoe Road Air Quality and Noise Impact Assessments shall be undertaken and the results, together with any necessary mitigation measures, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed strictly in accordance with the approved details.
Reason: In the interests of the residential amenities of the future occupants of these properties.

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 8

ITEM NO. 8

COMMITTEE DATE: 2 NOVEMBER 2015

APPLICATION NO: 15/1049/02 RESERVED MATTERS
APPLICANT: Mr Kaye & Miss Warren
PROPOSAL: Reserved matters for two dwellings
LOCATION: Pilton House, Pilton Lane, Exeter, EX1 3RA
REGISTRATION DATE: 29/09/2015
EXPIRY DATE: 24/11/2015



Scale 1:1250

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HISTORY OF SITE

12/0806/01 Two detached dwellings (All matters reserved for PER 24/10/2012
future consideration)

DESCRIPTION OF SITE/PROPOSAL

The site is a rectangular area of land covering approximately 0.17ha. It is mainly laid to grass, and forms an extended garden area to Pilton House, which is to the north. A line of dense conifer trees separate the site from the more formal garden area around Pilton House. These trees mark the northern boundary of the application site. The southern boundary of the site follows the line of Harts Lane. This boundary is also marked by a line of dense trees, which are mostly conifers. Towards the site entrance, in the south west corner, and immediately adjacent to the trees that form the southern boundary, is a garage block with an associated access drive. This falls outside of the application site and is to be retained by the applicant.

To the east of the application site is Pilton Lane, which is approximately 2-3m below the level

of the application site. The boundary is marked by a steep bank with hedgerow planting along the top. The western site boundary borders an area of grass which is not included within the application site. Beyond this is the drive leading to Pilton Cottage, which benefits from access rights via the application site entrance, and a further line of trees which separates the site from the buffer zone to Sainsbury's car park to the west. The site level generally falls from south to north.

The site is accessed by a wide double gated entrance off Harts Lane.

The wall around Pilton House, fronting Pilton Lane, is Grade II listed.

Following approval of the Outline Consent for two dwelling houses in 2012, this is a reserved matters application for the access, design, layout and materials for the two dwellings.

The layout plans show shows a 4-5 bed house and a 3 bed house, both two storeys high with attached garages. They would be served by the existing concrete shared vehicular access with driveways constructed from pavers. The materials would be selected face brick/rendered panel with natural slate roofing, hardwood windows and doors and brown plastic fascias and guttering. The houses are both located outside of the root protection area as identified by the previous Arboricultural Report, ensuring that the existing tree screening will be retained.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design and Access Statement has been submitted. The houses have been designed to be similar in appearance but of differing sizes. Plot 1 has a bedroom suspended over the front elevation to create a porch and an interesting entrance feature. Plot 2 has a similar design but with a front gable and traditional porch under a mono-pitch roof. The houses are based upon traditional designs.

Internally, the houses have been designed to conform to the current Building Regulation requirements. The room sizes and garden areas meet the standards set out in the adopted Residential Design Guide. The Lifetime Homes Standard in new developments has been incorporated and the dwellings include ground floor utility rooms with shower and a ground floor bedroom/study.

REPRESENTATIONS

None received to date.

CONSULTATIONS

Senior Environmental Technical Officer - advises that the development is within a Smoke Control Area, which places control on the emissions of smoke from domestic fires and solid fuel boilers. Careful design of the flue may be required in order to prevent the appliance causing a nuisance by fume or odours. Advice should be sought from the Environmental Protection Unit.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP4 – Housing Density

CP5 - Meeting Housing Needs

CP15 - Sustainable Construction
CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 – Design and location of development
AP2 – Sequential approach
H1 – Housing land search sequence
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG4 – Residential layout and amenity
DG7 – Crime prevention and safety
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T10 – Car parking standards

Exeter Development Delivery Document – Publication Version 2015

DD1 – Sustainable Development
DD8 – Housing on Unallocated Sites
DD13 – Residential Amenity
DD20 – Sustainable Movement
DD21 – Parking
DD22 – Open Space
DD25 – Design Principles
DD26 – Designing out Crime

Exeter City Council Supplementary Planning Documents

Residential Design Guide (adopted September 2010)
Monkerton and Hill Barton Masterplan Study

OBSERVATIONS

The site falls within an area designated as a major urban expansion for the City in the Council's Core Strategy. The development of the area is guided by the Monkerton and Hill Barton Masterplan Study which was adopted for Development Management purposes in November 2010, hence the outline application was approved for two dwellings in 2012.

The design of the two dwellings is respectful of existing properties in the area, taking advantage of the surrounding landscaping to screen the new development and to provide privacy to the new dwellings.

The use of the existing access to the site was previously confirmed to be appropriate by the Highways Engineer. Ownership from the shared access will be delineated by the paved driveways.

The illustrative layout plan has had regard to the Council's adopted SPD on Residential Design. It has been satisfactorily demonstrated that two dwellings can be accommodated which can meet the relevant space and privacy standards in the SPD, meaning also that the dwellings will conform with the new National Housing Standards.

A Section 106 Agreement is in place for the provision of the following contributions, indexed from 2012:

Education: £7,776

Highways & Transportation: £8,224

European protected sites mitigation: £700

These payments shall be received prior to the commencement of the development.

The proposal does not involve any alteration to the Grade II listed wall around Pilton House and would have no adverse impact on the setting of the wall.

The application is from a staff member and is therefore required to be reported to Committee.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) The development hereby approved must be begun within five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 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 29th September 2015 (*Dwgs. Named: Site Plan/House Type 1 & 2 elevations/House Type 1 & 2 Floor Plans/Cross Sections/Schedule of Accommodation*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use 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 the 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.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority prior to the occupation of the dwellings; the scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided in accordance with details hereby approved and shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 9) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes during the construction period.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site during the construction period having regard to the limited width of access to the site, in the interest of public safety.
- 10) 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.
- 11) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, 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.
- 12) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 11 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 13) 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: In the interests of local amenity
- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

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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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 2 November 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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Exeter City Council

02/11/2015

**All Planning Decisions Made and
Withdrawn Applications Between 25/9/2015 and 22/10/2015**

ALPHINGTON

Application Number: 15/0623/03 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 05/10/2015 DEL
Location: 22 Smith Field Road, Exeter, EX2 8YD
Proposal: New Bungalow

Application Number: 15/0871/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/10/2015 DEL
Location: Manor Mews, Cowick Lane, Exeter, EX2 9JG
Proposal: Change of use from residential institution (Class C2) to 13 bedroom House of Multiple Occupation (sui generis) for up to 18 persons

Application Number: 15/0955/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/10/2015
Location: 4 Trusham Road, Marsh Barton Trading Estate, Exeter, EX2 8QH
Proposal: Change of use to sales, repair and maintenance of Motorcycles (sui generis)

Application Number: 15/0856/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/10/2015
Location: 1, Chestnut Court, Dawlish Road, Exeter, EX2 8XY
Proposal: Two storey rear extension

Application Number: 15/0940/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2015 DEL
Location: 6 Marsh Green Road North, Marsh Barton Trading Estate, Exeter, EX2 8NY
Proposal: Change of use from B1 to B1 and D1.

Application Number: 15/0939/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: Church View, Rectory Drive & 4 Lovelace Gardens, Alphington, Exeter, EX2 8XJ
Proposal: T2 - Birch - Fell (4 Lovelace Gardens)
T3 - Holly - Remove limb (4 Lovelace Gardens)

COWICK

Application Number: 15/0731/03 **Delegation Briefing:** 13/10/2015 0
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: Westover, Little Johns Cross Hill, Exeter, EX2 9PJ
Proposal: Side two-storey garage and bedroom extension. New Design Received 21 September 2015

Application Number: 15/0862/03 **Delegation Briefing:** 13/10/2015 0
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: 19 High Meadows, Exeter, EX4 1RL
Proposal: Single storey rear extension and extension to terrace

DURYARD

Application Number: 15/0996/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2015 DEL
Location: Cottage Farm, Belle Vue Road, Exeter, EX4 5BD
Proposal: Construction of bunded oil tank container with wall and gate for screening for domestic heating purposes

Application Number: 15/0114/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/09/2015 DEL
Location: Belle Vue, Belle Vue Road, Exeter, EX4 5BP
Proposal: Erection of a replacement dwelling.

EXWICK

Application Number: 15/0908/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/10/2015
Location: Old Redhills Hospital Site, Exwick Road, Exeter, EX4 2DA
Proposal: Listed building consent for window repairs and replacement with like for like materials

Application Number: 15/0925/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2015
Location: Webley House, 44, Larch Road, Exeter, EX2
Proposal: Proposed new dwelling adjacent existing house

Application Number: 15/0993/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/10/2015 DEL
Location: 75 Gloucester Road, Exeter, EX4 2EB
Proposal: Addition of pitched roof above side extension

HEAVITREE

Application Number: 15/1003/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: 85 Fore Street, Heavitree, Exeter, EX1 2RN
Proposal: New advertisement signs to be erected besides forecourt fuel pumps.

Application Number: 15/0938/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 30/09/2015 DEL
Location: 23 Nicholas Road, Exeter, EX1 3AT
Proposal: Single storey rear extension

Application Number: 15/0963/18 **Delegation Briefing:**
Decision Type Permission Required **Decision Date:** 30/09/2015 DEL
Location: 33 Normandy Road, Exeter, EX1 2SR
Proposal: Single storey rear extension

MINCINGLAKE

Application Number: 15/0956/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2015
Location: 17 Summerway, Exeter, EX4 8DA
Proposal: Replace flat roof to side extension with pitched roof

Application Number: 15/0790/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 14/10/2015 DEL
Location: Monkton House, Pinn Lane, Exeter, EX1 3RG
Proposal: Conversion of barn to form 2 no. dwellings and associated parking

Application Number: 15/0981/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2015 DEL
Location: 6 Parkers Cross Lane, Exeter, EX1 3TA
Proposal: Rear single storey extension and installation of dormer windows and rooflights.

Application Number: 15/0934/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/09/2015 DEL
Location: 14 Mayfield Road, Pinhoe, Exeter, EX4 8PR
Proposal: Alterations to, and raising of, roof on dwelling, dormer window at rear and extension

POLSLOE

Application Number: 15/0819/03 **Delegation Briefing:** 18/08/2015 0
Decision Type Permitted **Decision Date:** 12/10/2015 DEL
Location: 38 Polsloe Road, Exeter, EX1 2DW
Proposal: Change of use for No. 37a Polsloe Road from residential (C3) to provision of Medical and Health Services (D1) with erection of new reception structure to the rear of the building and associated landscaping and car park works. Removal of tree. Installation of signage to the front of the site.

Application Number: 15/1006/40 **Delegation Briefing:**
Decision Type Prior Approval Not Required **Decision Date:** 16/10/2015 DEL
Location: Ladysmith Road Post Office, 66 Ladysmith Road, Exeter, EX1 2PP
Proposal: Change of use from post office to dwelling.

PRIORY

Application Number: 15/0814/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/10/2015 DEL
Location: Flat 14, Exeter Castle, Castle Street, Exeter, EX4 3PU
Proposal: Proposed internal alterations to No.14 for the proposed change of use to dwelling (13/3121/07)

Application Number: 15/0931/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/10/2015 DEL
Location: 6 West Street, Exeter, EX1 1BA
Proposal: Repair of damaged 19th century sash windows, reinstatement of the missing glazing bars, and enhancement of some of the original historic and architectural character of the listed building.

Application Number: 15/0448/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 12/10/2015 DEL
Location: Exeter College, Queen Street, Exeter, EX4 3SR
Proposal: W1 - Various - Reduction of a group of trees to the South West of Exeter College and the North East of Lower North Street

Application Number: 15/0830/03 **Delegation Briefing:** 13/10/2015 0
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: 43 Mount Dinham, Exeter, EX4 4EB
Proposal: Living room extension to ground floor flat to provide carers bedroom

Application Number: 15/0708/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2015
Location: 9a, North Street, Exeter, EX4 3QS
Proposal: Conversion and internal alterations of the first, second and third floors to form No. 8 one and two bedroom flats.

Application Number: 15/0709/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2015 DEL
Location: 9,9a,11 North Street, Exeter, EX4 3QS
Proposal: Conversion and internal alterations of the first, second and third floors to form No. 8 one and two bedroom flats.

Application Number: 15/0944/05 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 20/10/2015 DEL
Location: 55 High Street, Exeter, EX4
Proposal: Installation of new fascia signage on a listed building.

Application Number: 15/0722/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 22/10/2015 DEL
Location: 17 Bartholomew Street East, Exeter, EX4 3BG
Proposal: Change of use of ground floor to create four new dwellings and retain two commercial units (Class B1a), at first floor to create two new dwellings and associated alterations to elevations.

Application Number: 15/0904/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 28/09/2015 DEL
Location: St Olaves Court Hotel, Mary Arches Street, Exeter, EX4 3BA
Proposal: T1 - Ash - Crown reduce by 3-4 M
 T2 - Poplar - Prune back from building
 T3 - Beech - Prune back from building and crown lift

ST JAMES

Application Number: 15/0723/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/10/2015 DEL
Location: 64 Danes Road, Exeter, EX4 4LS
Proposal: Change of Use from 7 person House of Multiple Occupation (HMO) to 8 person HMO

Application Number: 15/0915/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: Portland House (Ground Floor), Longbrook Street, Exeter, EX4 6AH
Proposal: Change of use from A1 (retail) to A3 (cafe and restaurant) including air conditioning and extraction

Application Number: 15/0800/03 **Delegation Briefing:** 01/09/2015 0
Decision Type Permitted **Decision Date:** 14/10/2015
Location: 47-48 Sidwell Street, Exeter, EX4 6NS
Proposal: Change of use of two units mixed use (retail/food) A1/A3 into 1 unit A3/A5 (restaurant/takeaway including alterations to shop frontage and alterations to rear elevation.

Application Number: 15/0596/03 **Delegation Briefing:** 18/08/2015 0
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: 16 Pennsylvania Road, Exeter, EX4 6BH
Proposal: Two storey rear / side extension and demolition of rear outbuilding.

ST LEONARDS

Application Number: 15/0967/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/10/2015 DEL
Location: 14 Lyndhurst Road, Exeter, EX2 4PA
Proposal: T1 - Norway Maple - Reduce by 40%
G2 - Lawson Cypress - Reduce by 1.5M

Application Number: 15/0066/03 **Delegation Briefing:** 29/09/2015 0
Decision Type Permitted **Decision Date:** 07/10/2015 DEL
Location: 7 Colleton Mews, Exeter, EX2 4AH
Proposal: Conservatory to side and rear. Dimensions are 6100mm wide x 2100mm projection x 2100mm eaves height x 2470mm ridge height.

Application Number: 15/0526/03 **Delegation Briefing:** 18/08/2015 0
Decision Type Permitted **Decision Date:** 07/10/2015 DEL
Location: 4 Magdalen Road, Exeter, EX2 4SY
Proposal: Gym and ancillary living accommodation in detached building

Application Number: 15/0965/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: 10 Leighdene Close, Exeter, EX2 4PN
Proposal: T34 - Copper Beech - Prune North & South face by 2M and crown raise to 4M above ground floor level.

Application Number: 15/0982/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: 1 Claremont Grove, Exeter, EX2 4LY
Proposal: T1 - Yew - Crown raise to 2.5M and prune.

Application Number: 15/0661/03 **Delegation Briefing:** 18/08/2015 0
Decision Type Refuse Planning Permission **Decision Date:** 14/10/2015 COM
Location: Land adj 16, Barnardo Road, Exeter, EX2
Proposal: Construction of two semi-detached dwellings

Application Number: 15/0995/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 19/10/2015 DEL
Location: 66 Magdalen Road, Exeter, EX2 4TN
Proposal: T1 - Holm Oak - Reduce by 50%

Application Number: 15/1023/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 19/10/2015 DEL
Location: 6 St. Leonards Road, Exeter, EX2 4LA
Proposal: T1 - Magnolia - Prune overhanging branches.

Application Number: 15/0911/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: 1 Claremont Grove, Exeter, EX2 4LY
Proposal: Alterations to bike shed, coach house and store

Application Number: 15/0912/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: 1 Claremont Grove, Exeter, EX2 4LY
Proposal: Two new internal openings. Alterations to bike shed, coach house and store.

ST LOYES

Application Number: 15/1052/03 **Delegation Briefing:**
Decision Type Withdrawn by Applicant **Decision Date:** 02/10/2015
Location: 31 Rifford Road, Exeter, EX2 5JT
Proposal: vehicular access will be made across two pedestrian pavements and the area being paved is not within the curtilage/ boundary of the property

Application Number: 15/0980/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/10/2015
Location: 4 Lords Way, Exeter, EX2 5UG
Proposal: Single storey rear extension

Application Number: 15/1005/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 19/10/2015 DEL
Location: Bishops Court Industrial Estate, Sidmouth Road, Exeter, EX2 7JH
Proposal: T1 - 3 - Oak - Prune back to allow 2m clearance of roof

Application Number: 15/0885/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 25/09/2015 DEL
Location: Maran-Atha, Heath Road, Exeter, EX2 5JX
Proposal: Modify roof from hipped roof to gable end on front elevation

Application Number: 15/0781/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: Land between Centurian Mill & Units D2/D3, Kestrel Way, Sowton Industrial Estate, Exeter, EX2 7LA
Proposal: Erection of warehouse/distribution (B8) unit with associated access and parking

Application Number: 15/0936/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2015 DEL
Location: The Exeter Arms Hotel, Rydon Lane, Exeter, EX2 7HL
Proposal: Replacement of existing signage scheme in keeping with the Toby brand

ST THOMAS

Application Number: 15/0098/03 **Delegation Briefing:** 01/09/2015 0
Decision Type Permitted **Decision Date:** 25/09/2015 DEL
Location: 63 Cowick Street, Exeter, EX4 1HW
Proposal: Permanent use of land for car valeting services including construction of car wash and associated buildings

Application Number: 15/1040/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 20/10/2015 DEL
Location: Land to the south of Exeter Road (ALDI), Exeter Road, Topsham, Exeter, EX3
Proposal: Display of four signs (One freestanding double faced post mounted, one wall mounted hanging sign, building entrance sign, and one external poster frame sign unit.)

Application Number: 15/0913/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 25/09/2015 DEL
Location: 2 Rydon Lane, Exeter, EX2 7AW
Proposal: Erection of two-storey side extension and single-storey rear extension

Application Number: 15/0898/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/09/2015 DEL
Location: 21 Swallowfield Road, Exeter, EX2 6JD
Proposal: Two storey side extension

Application Number: 15/0837/03 **Delegation Briefing:** 29/09/2015 0
Decision Type Permitted **Decision Date:** 01/10/2015 DEL
Location: Topsham Surgery, Holman Way, Topsham, Exeter, EX3 0EN
Proposal: Alterations and extensions to existing doctor's surgery to increase accommodation (Class D1) and provide on-site pharmacy (Class A1)

WHIPTON BARTON

Application Number: 15/0937/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/10/2015 DEL
Location: 4 The Panney, Exeter, EX4 8QT
Proposal: T1 - Oak - Crown reduce by 2M

Application Number: 15/0762/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2015 DEL
Location: 61 Whipton Lane, Exeter, EX1 3DL
Proposal: Ground floor side and rear extension

Application Number:	15/0869/03	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	02/10/2015 DEL
Location:	Whipton And Pinhoe Labour Club, Vaughan Road, Exeter, EX1 3JT		
Proposal:	Erection of fence up to 2m and 2.4m in height		

Total Number of Decisions Made:	95
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Local Government (Access to Information) 1985 (as amended)

Background papers used in compiling the report:

Files of Planning Applications available for inspection from:

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

Telephone No: 01392 265223

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 2 November 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 One decision has been received since the last report: 56 Beacon Lane.

The applicant had submitted two appeals relating to this property.

The first application (ref 14/0928/03) was refused in September 2014 (Appeal A). The Inspector dismissed this appeal.

The second application (ref 15/0027/03) (Appeal B) was allowed giving permission to demolish the existing side extension and garage; and construction of a new detached dwelling and associated works subject to conditions. Both sites relate to the side garden area of a detached bungalow. The issue here was for non-determination where the Council had not provided any indication of what the decision would have been. The Inspector considered the issues to be:

- I. the living conditions privacy of the occupiers of 118 St Katherine's Road
- II. the character and appearance of the area
- III. highway safety

This summary compares some of the principal issues of Appeal B against Appeal A.

The dwelling in the revised proposal has no first floor windows overlooking the rear gardens and this would not result in intrusion of privacy as would have been the case in the first appeal. Whilst there are no dormers within view from the appeal site they are evidenced in a new development at 48 Beacon Lane and also on the frontage of the property immediately to the south east. Whilst the use of timber cladding would be unusual, it was considered that the existing lack of coherence of design and architectural styling in the vicinity would not make the dwelling look so out of place that it should be dismissed.

In terms of character and appearance, the proposed dwelling would be orientated with a gable end facing the road. It would be slightly narrower than the dwelling in Appeal A and there would be a greater distance to the side boundaries. It was considered that this would not conflict with Council policies.

In respect of Highway safety, the Inspector noted that the new dwelling would utilise the same driveway as the host property which has limited visibility to the right on existing. However, with restricted parking and a current 20mph limit, the situation would not change from that currently in existence.

He also considered that being modest in size and with the distance and angle of its relationship with No 117, it would not be overbearing to occupiers of that property.

In respect of Highway safety, the Inspector noted that the new dwelling would utilise the same driveway as the host property which has limited visibility to the right on existing. However, with restricted parking and a current 20mph limit, the situation would not change from that currently in existence.

The Inspector added a further condition requiring the submission of samples of materials to be used in the external surfaces; details of hard/soft landscaping and boundary treatment; working hours and requiring that the development be carried out in accordance with the approved plans.

The appellants had put forward a number of issues which they considered merited a claim for costs. The Inspector considered each of the issues raised. He decided that the Council had not prevented or delayed development and the award of costs was not therefore justified.

4. New Appeals

- 4.1 One new appeal has been lodged: Quay Gardens, Monmouth Hill, Topsham. The applicant sought to separate the house and barn annex into two separate dwellings, adding a kitchen to the barn.

5. Public Inquiries

- 5.1 The Waddeton Park Limited Inquiry at Exeter Road, Topsham will start on 24 November.
- 5.2 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
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