

PLANNING

Date: Monday 30 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 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

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

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

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

4 **Bus and Coach Station Site**

In view of the significance of the planning application below and the multitude of issues which need to be taken into account, the application is to be considered at an Extraordinary Meeting of the Council in the Guildhall on 14 December 2015 starting at 6.00pm.

APPLICATION NO: 15/0791/01

LOCATION: Exeter Bus & Coach Station Redevelopment Area, Paris Street, Exeter, EX1

PROPOSAL: Demolition of existing buildings at Exeter Bus & Coach Station, no. 188 Sidwell Street & nos 1-29 (odds) Paris Street for a comprehensive retail-leisure led mixed use development comprising Use Classes A1, A2, A3, A4, A5 [retail including food & drink uses], D1 & D2 [assembly & leisure] & including a new Leisure Centre & new Bus Station, with associated access landscaping and public realm works.

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. 15/0907/03 and 15/0909/03 - Land off Exeter Road, Topsham, Exeter**

To consider the report of the Assistant Director City Development.

(Pages 5 -
24)

6 **Planning Application No. 15/0645/03 - 30-32 Longbrook Street, Exeter**

To consider the report of the Assistant Director City Development.

(Pages 25
- 34)

7 **Planning Application No. 15/0895/03 - Broadwalk House, Southernhay West, Exeter**

To consider the report of the Assistant Director City Development.

(Pages 35
- 42)

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

To consider the report of the Assistant Director City Development.

(Pages 43
- 58)

9 **Appeals Report**

To consider the report of the Assistant Director City Development.

(Pages 59
- 60)

10 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 15 December 2015 at 9.30 a.m. The Councillors attending will be Edwards, Lyons and Spackman.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 4 January 2016** 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: 30 NOVEMBER 2015

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

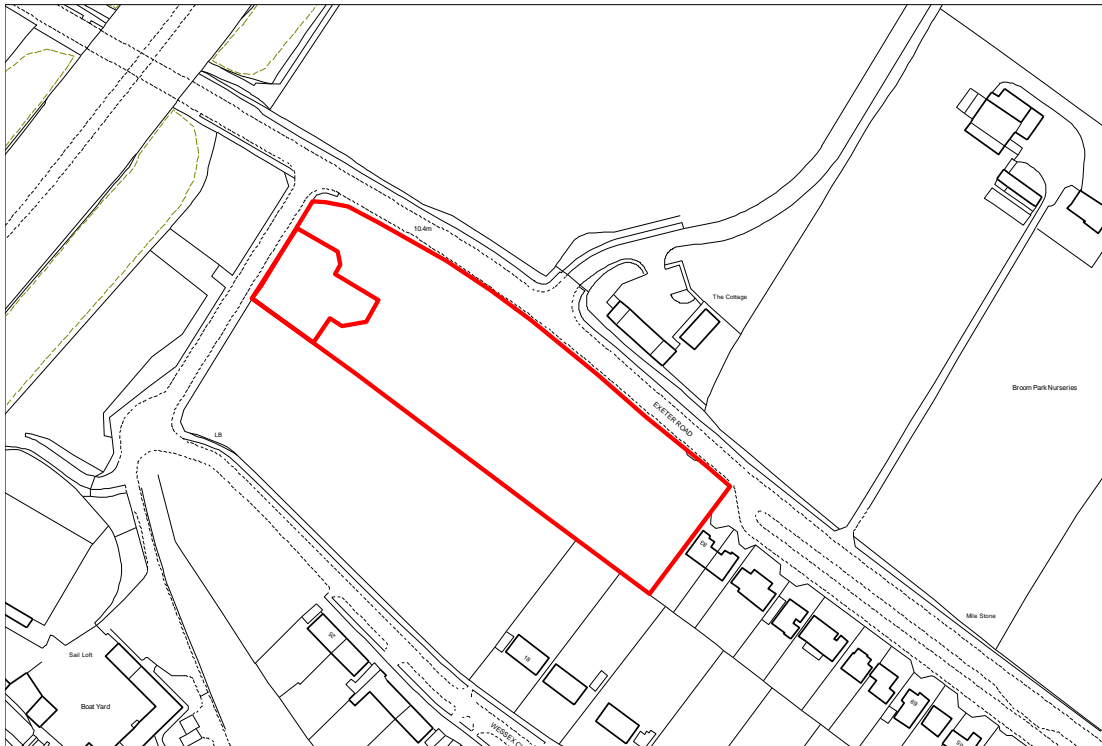
APPLICANT: Mr D Lovell
Heritage Developments (SW) Ltd

PROPOSALS: Six no. residential flats, car parking and associated facilities 15/0907/03); and Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27 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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UPDATE FROM PLANNING COMMITTEE MEETING HELD 2 November 2015

At the Planning Committee meeting held on 2 November 2015 there were three speakers; Cllr Baldwin, David Burley against the application and David Lovell in support of the application.

Councillor Baldwin expressed concern at the loss of Topsham Gap, the unacceptability of calling this development a "gateway", the 2/3 storey height on the corner, parking within The Retreat Drive, the distance to Ferry Road recreational area from the development site and the high density of the development.

David Burley reiterated that the site was until recently part of the Topsham Gap and protected by landscape setting designation. Concern was also expressed regarding the increased number of units to 28, the high density compared to surrounding buildings and the three storey height, all resulting in overdevelopment of the site. The architectural-design issues raised were regarding the impact on the backdrop trees at the rear of the site, access onto The Retreat Drive (owners not consulted during consultation process), encouraged parking on The Retreat Drive creating a safety hazard, omission of on-site play space and the dropping of discounted market housing.

In support of the application, David Lovell confirmed there would be extensive landscaping and planting, it would be a contemporary housing scheme using traditional natural materials and colours with houses based around courtyards and in a linear pattern with the mass and footprint closely following the outline application. The buildings would be in proportion with their setting, creating a gateway feature with only three of the buildings being three storey. The dwellings would be zero carbon homes with sound attenuation and mechanical heat recovery and ventilation and triple glazing.

Following the speakers, discussions ensued and it was agreed that the applications should be deferred to allow for further investigation into the following 3 issues:

- i) To investigate and negotiate whether open space should be provided on adjoining land instead of through a financial contribution.
- ii) To seek to achieve a lower density of development.
- iii) To clarify whether the Council's Housing Team positively supports the proposed arrangements for affordable housing.

Open Space/Contributions

The Local Plan Policy DG5 requires that family housing proposals should provide 10% of the gross development area as level open space. However, on developments of less than 50 dwellings, which this is, provision may be made off site or through a commuted sum, provided that the facilities are conveniently located to serve the development.

Consultation has been carried out with local residents to understand if the preference locally would be for open space to be provided within, adjacent to the site or a financial contribution. Seven responses have been received with the following summarised comments:

- Maintaining the land adjacent to the M5 as open space, whilst too small, would maintain a small amount of the 'Topsham Gap';
- Preference for a big open space next to Wessex Close behind the development as it is safer/healthier for children and away from the main road. Would provide more room for children, dogs, bicycling and disability access. Would stop more development, allowing a good mix of land available and providing open space aspect to Wessex Close as well as the new development;
- Possibility of a golf driving range;
- Concern that the creation of open space in Wessex Close may increase the number of people accessing the area, affecting the noise levels and privacy to the neighbourhood; access points, provision for cars and bikes; maintenance and safety issues if cars park along Retreat Drive;

Following discussions with the applicant, it has been confirmed by the applicant that there is an opportunity to provide an area of open space to the land to the rear of the development, along Wessex Close as part of the future development of that site. This, together with the open space within the Reserved Matters application and the Affordable Housing application, would comply with the 10% open space requirement for the overall development (the current

application and the site to the rear). On top of this, the developer is also still offering a financial contribution of £42,000 for the enhancement of the nearby Ferry Road Recreation Ground. The Ferry Road Recreation Ground has been confirmed as being 0.7 miles walk from the furthest point of the development site. Confirmation is awaited from the Council's Parks and Recreation department as to whether the contribution would be appropriate for the Ferry Road Recreation Ground or an alternative public open space. The use of the land within the adjacent Wessex Close plot for an area of open space would be in close proximity to the residents of this development and the immediately adjacent existing dwellings, satisfying some of the existing residents (as per the comments received), whilst also should not attract a wider area of visitors and thereby not increasing vehicle trips and additional parking.

The existing Section 106 agreement of the Outline Approval states:

2. "Before Occupation of any Dwelling the Owner shall submit to the city Council for approval:
 - a) A plan showing the area or areas comprised within the Site to be used as Open Space;
 - b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and
 - c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space".
3. "Within three months of occupation of the final Dwelling on the Development to be Occupied, the Owner shall layout and construct the Open space in accordance with the specifications for them submitted for approval or approved by the City Council pursuant to Paragraph 2".

Officers suggest that if permission is granted, that the S106 agreement is amended to read: "Before Occupation of any Dwelling the Owner shall submit to the city Council for approval and implementation:

- a) A plan showing the area or areas to be used as Open Space together with a financial contribution of £42,000, unless otherwise agreed in writing with the Local Planning Authority;
- b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and
- c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space".

Density of Development

It was requested that discussions take place with Heritage Homes with respect to reducing the density of the development. Following these discussions, additional data has been provided, which is shown in the table below, which demonstrates that the site coverage has reduced from Outline to the Reserved Matters/Full Application stage by 65 square metres. Although the additional Affordable Housing units have been added to the development, this has only added an additional 83 square metres to that approved at Outline. This has been achieved through a reduction in the overall size of the dwelling units in order to provide dwellings to a broader spectrum of the house buying market and the increase in height to 3 storeys for the Affordable Housing Units and 2 units within the Reserved Matters site.

Application Stage	Outline	Reserved Matters & Full Application	Overall difference (m ²)
Site Coverage (m ²)	1302	1237	65 ↓
Floor Area (m ²)	2619	2702	83 ↑

In terms of the number of dwellings, It is noted that an expected maximum yield of 16 dwellings is referenced in the Revised 2013 SHLAA. However, this is a guide and Policy CP4 of the Core Strategy seeks the highest appropriate density compatible with the protection of the character and quality of the local environment. The Outline Application granted approval to 23 dwellings and the overall total currently proposed between the Reserved Matters and the Full Application for the Affordable Housing is 28 dwellings, an increase of 5 units. The density per hectare is 30 dwellings which is in line with other developments recently approved and constructed in the Newcourt area and therefore no changes to the proposal have been proposed by the applicant. Examples of nearby developments are:

Holland Park – 25dph
RNSD Persimmon Homes – 35dph
Old Rydon Ley – Barratt Homes – 45-50dph
Seabrook Orchards – 30-40dph

Affordable Housing Provision

The Housing Team confirmed that an additional contribution of £42,827.45 as previous discussions had been based on 27 units and the overall scheme is now for 28 units. It has been confirmed by the Developer that the additional contribution is acceptable and will be incorporated into the revised Section 106 agreement. The Housing Team has confirmed that this approach is what has been negotiated and agreed with the Developer for the Affordable Housing delivery.

Further Comments Received

Additional comments have also been received during the open space consultation, reiterating:

- The density is up to 3 times that of surroundings with an increase of numbers from the SHLAA yield of 20, outline approval of max 23 and current application of 28, creating an urban form on the suburban fringe of a small town.
- 3 storey building out of context with surroundings.
- Buildings directly abutting the footpath of the Retreat Drive, which is currently green edged, without any separation or landscape between the Drive and the new development.
- Fronting of accesses directly onto Retreat Drive, encouraging parking on a private road near a dangerous road junction.
- Residents opinions have been canvassed and generally the view is:

Option 1 – Land alongside M5 – Access could only be achieved by children leaving the development site by the service road-path, crossing Retreat Drive at the junction with Exeter Rd and is therefore undesirable on safety grounds.

Option 3 – S106 contribution to enhancement to the Recreation Ground – The Recreation Ground is 1km away and could not be used safely by most children. This was not considered viable.

Option 2 - Wessex Close – The majority responding felt this location was preferable. ECC's presentation suggested the whole field would be used for recreation use and

not be otherwise developed but only part of the field would be used for recreation. This is misleading. At the very least the area around the SW corner at the junction of Wessex Close with Retreat Drive along the full length of the field abutting Retreat Drive should be used, allowing existing mature landscape to be retained. The residents feel that a recreation space in this location should only be accessed from within the new development and no access to Wessex Close/Retreat Drive should be permitted, to deter either road to be used as overspill parking.

As neither option 1 or 2 land is within the red line the applicant only has the option of:

- a Withdrawing the current application and resubmitting with the play area incorporated and if resident suspicions of further over development allayed, with comprehensive proposals for the remaining inner field.
- b Incorporate the play space within the current red line reducing unit number on the application site.

Final Recommendation

Having discussed the above items with the applicant it is considered that:

1. Open Space – although the Local Plan Policy requires open space provision, it also states that for less than 50 dwellings, that open space can be provided elsewhere or a commuted sum will be accepted as an alternative. It has been agreed that open space will be provided and a commuted sum payable and therefore this is considered to be acceptable and the S106 amended to reflect this;
2. Following the requirement to review the density of the development by the Planning Committee, the Applicant provided additional information and the densities of other new developments have been considered. No reduction in the number of dwellings has been proposed by the applicant. The density, height and design of the development is considered to be acceptable.
3. The Affordable Housing provision offering is considered to be acceptable.

The recommendation is therefore APPROVAL subject to an amended S106, with conditions.

REPORT FROM 3 NOVEMBER 2015:

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 mitigation 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 rain screen 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 re-pointed 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 variation to the Open Space requirement and to the Affordable Housing typology proposed:

Open Space:

The S106 agreement shall be amended to read:

“Before Occupation of any Dwelling the Owner shall submit to the city Council for approval:

- a) A plan showing the area or areas within the current application sites to be used as Open Space together with a financial contribution of £42,000, unless otherwise agreed in writing with the Local Planning Authority;*
- b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and*
- c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space”.*

Affordable Housing:

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 – 13 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.

Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27 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).

APPROVE subject to a revised Section 106 agreement and 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. Nos. EXRD-PL1,3,7 & 9/ EXRD-PL2,8 & 10/ EXRD-PL18 & 19/ EXRD-PL20-22*) and 20th October 2015 *Dwg. Nos. EXRD-001-SITE PLAN/EXRD-002-HARD LANDSCAPING LAYOUT 1 of 2/ EXRD-002-HARD LANDSCAPING LAYOUT 2 of 2/EXRD-004-SITE PLAN WITH OPEN SPACE/ EXRD-PL4/ EXRD-PL5 & 6/ EXRD-PL11 & 12/ EXRD-PL13/ EXRD-PL14-17*), 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.

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

- 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 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.
- 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 13 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 inter-visibility 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.

- 23) All gates to private gardens shall only be recessed by a maximum of 500mm.

Reason: To ensure the community is designed in a safe and secure way and in compliance with Policy DG7 of the Exeter Local Plan.

Six no. residential flats, car parking and associated facilities (15/0907/03)

APPROVE subject to a revised Section 106 agreement and 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 17th August 2015 (*Dwg. No. EXRD-PL23-28*) and 20th October 2015 (*Dwg. Nos. EXRD-001-SITE PLAN/EXRD-002-HARD LANDSCAPING LAYOUT/EXRD-004-SITE PLAN WITH OPEN SPACE*), 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 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 part of 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.
- 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 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.

- 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 13 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.

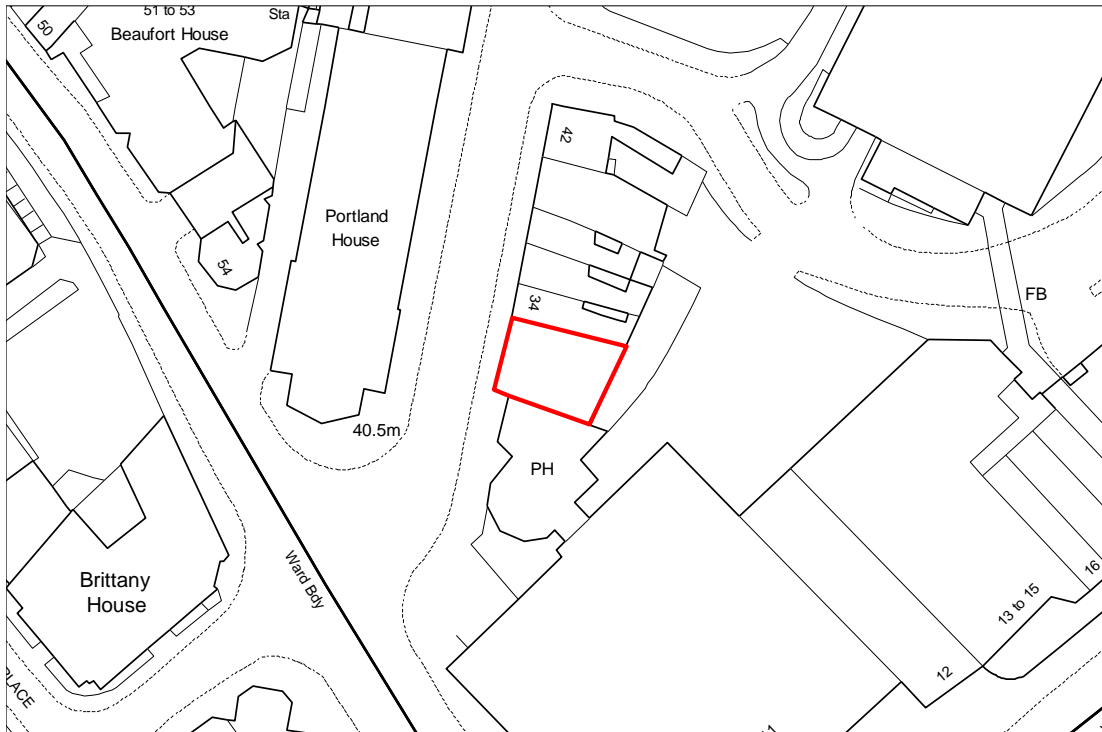
Reason: To ensure the satisfactory drainage of the development.

Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 30 NOVEMBER 2015

APPLICATION NO: 15/0645/03 FULL PLANNING PERMISSION
APPLICANT: Mr N Radbourne
Barchester Properties
PROPOSAL: Construction of a six storey building comprising ground floor retail use and student accommodation for 25 studio units
LOCATION: 30-32, Longbrook Street, Exeter, EX4 6AE
REGISTRATION DATE: 09/06/2015
EXPIRY DATE: 04/08/2015



Scale 1:1000

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HISTORY OF SITE

Planning permission was granted in 1989 and subsequently renewed in 1994 for a three storey building comprising of a shop/office for financial and professional services (Use Class A2) on the ground floor and first/second floor for office use (Class A2).

An application for a nine storey building comprising of a retail unit on the ground floor, office at first floor and 13 two bed roomed apartments was withdrawn in 2008.

DESCRIPTION OF SITE/PROPOSAL

The application site is located on the eastern side of Longbrook Street between the King Billy public house and No.34 The Hair Shop. The site was previously used a vehicle repairs garage, which has since been demolished and consequently the site has remained open and vacant for several years. In addition, the application site includes land beyond an existing brick wall which appears to be part of the John Lewis rear service/parking area. The agent has confirmed that the land is not within John Lewis's ownership and therefore forms part of the application site.

The application site has a frontage of 10 metres and extends to the rear by 20 metres along its northern boundary with the hairdressers and a distance of 15 metres along its southern boundary with the King Billy public house. Given the tapered nature of the site, the rear boundary has a width of 12 metres. The rear section of the site includes part of the historic boundary wall which is to be retained, repaired and reduced in height by approximately 1 metre to allow light into the lower rear section of the proposed building. In addition, the existing pedestrian access is to be repositioned within the existing wall to benefit the proposed building's internal layout.

The application site is adjacent the detached King Billy building, which due to the changes in levels along Longbrook Street appears as a three storey building, although in terms of use comprises a public house on the ground floor with a residential flat above. To the north of the site lies a three storey row of terraced properties, albeit with some properties incorporating dormer windows within the roofspace, containing a mixture of retail and financial/professional service use on the ground floor with residential and/or storage uses above. On the opposite side of Longbrook Street, Portland House comprises student accommodation within a six and seven storey building reducing to four storeys on the lower part of Longbrook Street, which eventually leads into the Longbrook Street Conservation Area. The application site occupies a prominent location at the top of Longbrook Street and approximately 40 metres to the south the Conservation Area. Although located between two existing three storey structures any new building would also be viewed against the backdrop of the John Lewis building.

The application seeks to provide a new retail unit on the ground floor with a further five floors above each containing 5 units to provide a total of 25 studio flats. The resultant six storey building would occupy the majority of the site, with the rear boundary of the building located adjacent to the existing brick boundary wall. Pedestrian access would be gained from the building through this existing wall via a new repositioned access way and lead to an outside area containing floor mounted cycle stands for up to 25 bikes and a secure communal bin storage building. The retail unit would occupy a floor area of 70 sq metre, with direct access from Longbrook Street via double doors within a predominantly glazed shop front. This would also allow for deliveries as per the current arrangement for the commercial units within the existing parade of 5 units comprising of a hairdressers, opticians, estate agents, butchers and language school. A ramp from Longbrook Street allows access to the student flats above via the stairs and lift and also provide access through the building to the rear outside cycle/bin stores. The student flats follow an identical arrangement over the five floors with each flat served from a central corridor, which accesses the stairs and lift. All the flats have ensuite facilities and range in floor area from between 13.5 sq metres and 19.5 sq metres.

The ground floor front elevation is predominantly glazed fronting onto Longbrook Street with an area allowed for shop signage above. The other ground floor elevations are obscured by the existing neighbouring buildings or the historic boundary wall. The main element of the upper building is a proposed red brick finish, with grey powder coated aluminium infill panels and grey powder coated aluminium framed doubled glazed windows. The windows and panels are combined to provide a series of horizontal and vertical features within the main red brick facade. In addition, the windows are designed to be dual facing within three of the four corners of the building. Obscurely glazed windows are proposed within the lower south eastern section of the building to prevent overlooking into the existing windows contained within the first floor flat of the King Billy public house.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design and Access Statement, Transport Report, Heritage Statement and Environment/contamination reports have been submitted with the application.

REPRESENTATIONS

6 letters/emails including one from Exeter Civic Society of objection/comment have been received which cover the following issues:-

- i) Building too high and will appear out of place within the existing streetscene;
- ii) Proposed timber cladding is an unacceptable material for this location; (*external material has since been changed from the original submission*)
- iii) Too many students within Exeter and in particular the St James Ward;
- iv) Site would be better suited for affordable housing;
- v) Loss of light to adjacent business;
- vi) Overlooking into the neighbouring residential flat within the upper floor of the King Billy public house;
- vii) Restricts the future development of the adjacent site;
- viii) Internal accommodation too small for future residents;
- ix) Lack of a common room for student use;
- x) Proposed bin/cycle storage located within neighbours ownership (*since clarified that it is within the application site*);
- xi) Ground floor retail unit will be difficult to let.

1 letter of support which comments that the proposal will improve the streetscene in this location.

St James Neighbourhood Forum raise no objection but highlight some concerns following a meeting of the Forum's Planning and Design Panel:

- i) the development should comply in every respect to Neighbourhood Plan policy C2;
- ii) alternative forms of residential use would have been suitable for this site and acceptance that purpose built student block in this location should not be taken as a general acquiescence for more student accommodation in St James;
- iii) Panel would have preferred the proposed building being 1 storey lower but acknowledge tall buildings in the immediate vicinity;
- iv) clarification over the access of area for cycle storage and refuse collection area needed;
- v) ensure roofscape of the proposed building is well integrated into the final design and has a low visual impact. Suggest that this matter can be controlled by condition;
- vi) details of the materials will be crucial to the success of the scheme in particular around the windows and ground floor interface with Longbrook Street and should be controlled by condition;
- vii) need for a Construction Management Plan given the small constrained nature of the site and the potential significant disruption which could occur during the construction phase;
- viii) concern regarding the apparent isolation of students given the very small self contained rooms and lack of communal and administrative space. Reassurance is required that the room sizes are adequate, well ventilated and doubled glazed for better sound proofing.

CONSULTATIONS

The County Head of Planning, Transportation and Environment comments that student units in this location is acceptable from a highway view. Secure cycle parking should be provided within the provision of sufficient numbers of Sheffield stands as set out in the Sustainable Transport SPD.

Environmental Health Officer recommends that conditions should be imposed in respect of hours of construction/demolition within a Construction and Environmental Management Plan, contamination report and noise mitigation measures.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP5 - Student Accommodation
CP8 - Retail Development
CP10 - Meeting Community Needs
CP15 - Sustainable Construction
CP17 - Design and Local Distinctiveness

St James Neighbourhood Plan March 2013

D1 - Good Quality Design
D2 - Retail and Commercial Frontages
C2 - Large Scale Purpose Built Student Accommodation
SD4 - Adapting to Climate Change
T1 - Sustainable Transport

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
H1 - Search Sequence
H2 - Location Priorities
H5 - Diversity of Housing
S1 - Retail Proposal
S3 - Shopping Frontages
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology
EN2 - Contaminated Land
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version)

DD1 - Sustainable Development
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles

Exeter City Council Supplementary Planning Documents:-

Sustainable Transport March 2013

OBSERVATIONS

The proposed scheme is for a mixed use development comprising a retail unit on ground floor but the predominant use is for student accommodation. Although the retail unit would be outside the City Centre's designated primary and secondary shopping area it would be within an established retail parade. Consequently this additional retail unit would add to the vitality and viability of the area and would be wholly appropriate in this location. The principal consideration for this application is therefore the appropriateness of a student accommodation use in this location and the impact of the proposed building of the character and appearance of the area.

The principle of student accommodation in a City Centre location is supported to by Exeter's development plans including the Core Strategy, St James Neighbourhood Plan, Exeter Local Plan, University Supplementary Planning Guidance and the publicised version of the Development Delivery Development Plan Document subject to certain criteria. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that '*75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre*'. Whilst some concern has been raised regarding the need for additional purpose built student accommodation in the city, the University's plans for growth means that an approximate 1,900 additional bedrooms will still be needed by 2018/19 and therefore if appropriate sites are available opportunity for new purpose built accommodation should be welcomed provided they meet the relevant development plan policies. The detailed considerations of the policies are contained with the St James Neighbourhood Plan, Exeter Local Plan and the Development Delivery Development Plan Document.

The Exeter St James Neighbourhood Plan Policy C2 states that large scale (ie 10 or more beds) purpose built student accommodation will be permitted in areas where it can be properly integrated into the urban area which means locations:-

- a) *that are not predominantly characterised by intact streets of traditional terraced, semi detached and detached forms of 2-3 storey residential development;*
- b) *where the servicing and parking requirements could be achieved with no unacceptable impact on the amenity of the adjacent area for residents;*
- c) *where the scale and massing of any purpose built accommodation proposed would be broadly similar to that of surrounding buildings.*

The Exeter Local Plan Policy H5 also supports student accommodation providing that:-

- a) *the scale and intensity of use will not harm the character or the... locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problem.*
- b) *the proposal will not create an over concentration of the use in any one area of the City which would change the character of the neighbourhood or create an imbalance in the local community;*
- d) *student accommodation is located so as to limit the need to travel to the campus by car.*

The publication version of the Development Delivery Development Plan Document contains specific criteria against which purpose built accommodation will be permitted namely:-

- a) *it responds well to the local context and reinforces local distinctiveness*
- b) *appropriate provision is made for refuse storage, parking for disabled persons and cycle parking;*
- c) *sufficient internal and external amenity space is provided such that students feel at ease and comfortable;*
- d) *it does not detract from the amenity of neighbouring residents; and*
- e) *a suitable management plan is submitted to demonstrate how the property will be managed in the long term to ensure acceptable amenity levels for occupiers and neighbouring residents.*

The city centre location for this student scheme minimises the relevance of many of the criteria which are set out in the above policies. The St James Neighbourhood Plan, Local Plan and Development Delivery Development Plan Document in part seek to address issues raised when new purpose built accommodation is located close to existing residential properties. In this location the area is of mixed uses but predominantly commercial in character, as expected within a city centre setting. Whilst there is some impact of the

residential amenity from the building, as will be explained later, the surrounding uses and buildings are essentially non residential. Consequently it is considered that impact of the use in the area would be acceptable, particularly given the presence of an existing and larger student scheme in Portland House, located on the opposite side of the road. It is not considered that the combined number of students in this area would result in an over concentration in the immediate locality, given the overall activity associated within a city centre location and limited student numbers proposed for this scheme. Indeed the provision of additional student numbers within a central location and away from the more established residential area is to be welcomed and accordingly minimises the amenity concerns which the criteria within the relevant policies seek to address. In conclusion, it is considered that the principle of student use in this location is acceptable representing a site which is easily accessible to the university campus and with limited impact, in terms of use, on the surrounding existing commercial and residential occupants.

Whilst it is considered that the provision of student accommodation in this central location is supported, further assessment is needed to address issues relating to external appearance of the building within Longbrook Street against the relevant development plan policies. The fundamental issue for this application is the height and external treatment of the proposed building and its appropriateness within this location. As previously stated the proposed six storey building would be located between existing three storey buildings. However the wider setting of the area comprises taller buildings and in particular the John Lewis store. However it would not be appropriate to use the John Lewis buildings as the guiding reference point in terms of height, as clearly a building of a similar height would be wholly inappropriate for this site. Consequently an assessment is needed as to the appropriate scale of building when viewed within its more immediate setting and in particular its location approximately 40 metres from the Longbrook Street Conservation Area. The Inspector who allowed the appeal for an additional storey at the Portland House building opposite commented in 2014 that *'the building is located at the southern end of Longbrook Street, in close proximity to a number of other tall buildings. In this context the impact of the limited additional mass created at 6th floor height would be unexceptional. There would be no adverse impact on the character and appearance of the Conservation Area'*. Whilst it should be noted that this related to an existing building rather than a new building, as is the case for this application, the acknowledgement of the building height characteristics of the area is important. It is considered that the site requires a building of significant presence to match the changing character of the area as reflected by the John Lewis refurbishment and more recently the Portland House development. Given the limited site area this can be achieved by a taller building than its immediate neighbours. Whilst the proposed building is higher than the adjacent three storey terraced parade it does not overly dominate these buildings, as can be seen from the photomontage images. The need for a 'gateway' building can be highlighted by the negative appearance of the existing King Billy public house within Longbrook Street, which is a poorly designed building and which fails to take proper account of its prominent location. The proposed height of the building would create the necessary presence required by this site without over-dominating the immediate neighbouring building. Whilst the overall height of the building has been reduced since its initial submission it is considered that a lower building would fail to maximise the need for focal building in this location.

In addition to the height of the building, its elevational treatment is an important consideration to ensure the successful integration of the building into the surrounding area. The original submission proposed a timber clad building, which was considered to be an inappropriate choice of material within its setting of predominantly rendered and brick faced neighbouring buildings. Whilst the choice of material did not necessarily have to reflect these types of materials the architect was asked to explore alternative external finishes. Following several options submitted the scheme now proposes a combination of a red brick and aluminium clad finish. This will reflect the material found with the adjacent terraced parade and although clearly of contrasting heights will help to visually link the new and old buildings. It is considered that the use of this similar material is helpful to reduce the negative visual perception of the

building's height, which was questioned within the earlier submission. Whilst the use of red brick could be considered a 'safe' option given that many buildings in the area use a similar material, it is considered that the inclusion of metal infill panels and windows, including the corner window arrangement will create the necessary level of visual interest a building in this location requires.

In conclusion, it is considered that the combination of the building's scale and proposed external materials would create an appropriate building within this location. Whilst the site is located outside the Conservation Area, clearly its height would inevitably mean that it would be seen from inside and within the setting of the Longbrook Street Conservation Area located approximately 40 metres away. It is considered that the assessment of the building's design takes account of the conservation area's proximity and accordingly represents a building which will preserve and enhance the character and appearance of the area.

Following comments raised on behalf of the occupants of the first floor flat within the King Billy public house, partial obscure glazing has been introduced within a section of the building to avoid the previously unacceptable relationship between the student accommodation use and an existing bedroom window. This arrangement is now considered acceptable and a condition can be imposed to ensure that this is maintained. In addition, the owners of the neighbouring hairdressers have raised concern about loss of light to their rear studio area as a result of the scale and massing of the building. Unfortunately the development of this site will inevitably result in loss of light to this room and to eliminate this problem completely would require a complete redesign which could make the site undevelopable. Given the length of time that the site has remained vacant and the need for a scheme which contributes to the character and appearance of the area this is not a preferred option. However it is considered that further investigation into creating a lighter coloured material closest to the affected roof light windows could be beneficial and therefore may result in amended plans being submitted to address this matter.

The scheme does involve the renovation and reduction of the historic boundary wall to the rear of this site as well as a repositioning of the existing opening. The Heritage Officer has assessed the detailed submitted with the application and included within the Heritage Statement and concluded that subject to an archaeological condition being imposed the scheme is acceptable. As a result of additional comments made by the Heritage Officer further investigation work was undertaken in respect of the underground passages but concluded that the proposed building will have no impact on these existing structures.

A Section 106 Agreement will be required for a student management plan. Some comment was raised about the size of units and lack of common room leading to concern about the social well being of the students who occupy the rooms. However it is considered that the necessary support and, if needed, management of student behaviour in relation to nearby existing uses can be control through this management plan.

In conclusion, it is considered that the scheme represent an opportunity for the site, which has remained vacant for many years to be developed for uses which are appropriate for this location. Whilst initial concerns were raised about the height and external finish of the buildings these issues have now been satisfactorily resolved and the scheme is considered acceptable. The development will generate a Community Infrastructure Levy payment of approximately £26,000 and provide the City Council a New Homes Bonus of approximately £115,000.

DELEGATION BRIEFING

7 July 2015 - Members were advised that the application related to a six storey development that would comprise ground floor retail and five storeys of student flats between the hairdressers and the King Billy pub on Longbrook Street. A parking area together with cycle spaces and bin storage had been identified but appeared to be outside the application site. This issue had not been clarified. It was considered that the case for six storeys,

notwithstanding the student flats on the opposite side of the road, had not been proved. It was not thought that the size of the John Lewis building was relevant in this context, as it was considered to be unique in the city landscape. The timber cladding proposed was not felt appropriate in a city centre location although the statement that the building could act as a gateway feature for Longbrook Street was felt to be relevant. The St. James Forum had been consulted and verbally shared the views set out above. Members supported refusal of the application under delegated powers.

21 July 2015 - Since the previous delegation meeting the agent had submitted two alternative designs each with different proportions of render, brick and some timber cladding. It was contended by the agent that the render reflected the render used on the John Lewis building. The applicant had served notice on the City Council of its wish to purchase the land to pursue this proposal and an agreement would need to be reached separately from the planning consent. The applicant would be advised of the need for a secure area for bin storage given that some problems had been experienced by occupiers of flats above shops adjacent to the site with uncontrolled access to their bins.

It had been hoped that a more unique design should be aimed for and, although a tall building would be appropriate, given the heights of neighbouring buildings it was thought that further consideration should be given to the impact of the building from all directions. Members supported further discussions with the applicant, advising that any timber cladding was not supported and that part red brick would be a preferable to improve the overall building's appearance. Details of window treatment would also be sought. The proposal would be further considered at the next delegation briefing.

15 September 2015 - Members considered that the proposal submitted since the original application had some merit and consequently with the heights of neighbouring John Lewis building and the Portland House buildings, a six storey building could be considered acceptable, although one Member stated that a reduction by one storey would be beneficial.

Although few objections had been received, the St James Neighbourhood Forum had echoed the call for a higher quality design whilst also expressing concerns over the height. A minor concern regarding the potential overlooking from windows into the first floor of the King Billy pub had been supported and the applicant was willing to provide obscure glazing as appropriate. Further negotiations would take place with the applicant on the design issue and, because of the high profile of the site, the application would be put to the Planning Committee.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan **APPROVE** the application 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 3 November 2015 (dwg no. GA-01; GA-02; GA-10; EL-01; EL-02; EL-03 & EL04) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases;

availability of areas to accommodate operatives' vehicles, construction plant and material; emissions of noise and dust and hours of demolition/construction work.

Reason: In the interest of the environment of the site and surrounding areas.

- 5) The contamination remediation must be carried out in accordance with the John Grimes Partnership Environmental Report dated January 2015, unless otherwise agreed in writing by the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
- 6) C57 - Archaeological Recording
- 7) The building hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 8) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
a) windows to include means of opening, reveals, cills and headers;
b) layout of roof area and roof mounted plant equipment;
c) shop front external window and door display;
d) rainwater goods; and
e) refuse storage building.
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 9) Before the first occupation of the building hereby permitted the window in the southern elevation as shown on dwg no. EL-02 shall be fitted with obscure glazing to be agreed in writing with the Local Planning Authority and shall be permanently retained in that condition thereafter.
Reason: To prevent overlooking of the neighbouring residential flat

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

Background papers used in compiling the report:

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

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Agenda Item 7

ITEM NO. 7

COMMITTEE DATE:

30 NOVEMBER 2015

APPLICATION NO:

15/0895/03

FULL PLANNING PERMISSION

APPLICANT:

Purple Investment Management LLP (The Crown Estate)

PROPOSAL:

Refurbishment and change of use of ground floor to provide 2 no. Class A3 restaurants, including erection of conservatories and laying out of external seating areas; remodelling of public realm including hard and soft landscaping and associated works (Departure from Local Development Plan)

LOCATION:

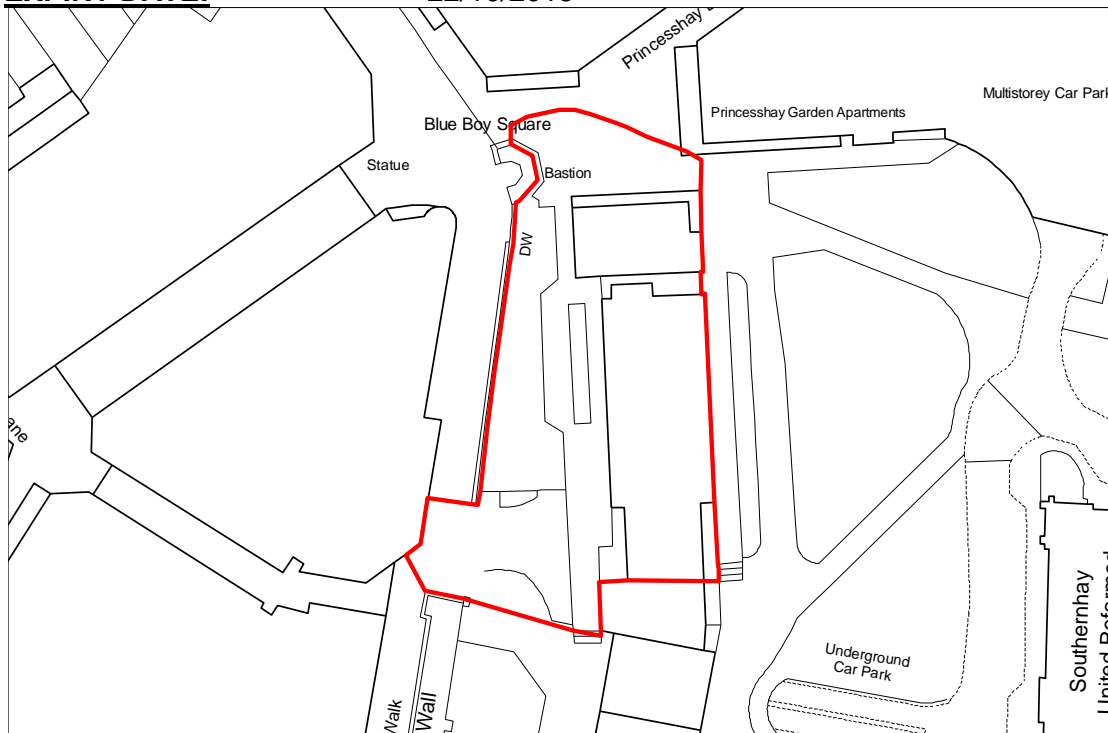
Broadwalk House, Southernhay West, Exeter, EX1 1TS

REGISTRATION DATE:

13/08/2015

EXPIRY DATE:

22/10/2015



Scale 1:1000

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HISTORY OF SITE

07/0812/03 -	Alterations to lift shaft, stairs, ventilation shafts, provision of glazed pergola over stairwell, balustrading, cycle stands at rear of south door and to the south of north door	PER	08/06/2007
02/0300/03 -	Redevelopment to provide buildings for mixed uses: retail - including department store (Class A1), financial and professional services (Class A2), food and drink (Class A3), business (Class B1); 112 residential units; Tourist Information Office; Heritage Centre and Shopmobility; public toilets and multi-storey car park (286 spaces); to include demolition, refurbishment, alterations and	PER	09/05/2003

11/2046/03 - extensions, public spaces, highway works, landscaping and excavations to accommodate basement servicing and associated works. Change of Use of part of ground floor from business to medical. PER 16/03/2012

DESCRIPTION OF SITE/PROPOSAL

The development site is 2 existing office units that form ground floor, north end of Broadwalk House in Southernhay, and land to the west of this including public realm and the City Wall. Broadwalk House is a 5 storey office block which currently has approximately 40% vacancy rates and occupiers including a bank with customer access on the ground floor, solicitors, the RSPB and many other B1 and A uses. The proposed development is for the refurbishment and change of use of the two vacant ground floor units from estate agents offices/medical consulting rooms to provide two class A3 restaurants, including the erection of two single-storey largely glazed extensions, and the laying out of external terraced seating areas, with associated remodelling of public realm including hard and soft landscaping and the creation of a circular plaza feature. Due to policy E3 'Retention of Employment Land', of the Local Plan Review, this application is a departure from Local Development Plan as this policy seeks to protect employment uses (B class) in locations including Southernhay.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement
Noise Assessment Report
Arboricultural report

REPRESENTATIONS

Two letters of objection have been received from two separate occupiers of offices in Broadwalk House, Tozers solicitors and the RSPB, and 10 letters have also been received from residents including at Trinity Apartments and Princesshay Garden Apartments next to the Broadwalk House site, and from an address in Bristol and another in Matlock, Derbyshire. Objections are over to impacts on residential amenity, and amenity of office workers in Broadwalk House, odour and noise from restaurants, removal of trees, and the potential for anti-social-behaviour, Tozers Solicitors have also stated that this application is a departure from the Development Plan

CONSULTATIONS

Exeter City Council (ECC) Archaeologist and Historic England (HE):

The ECC Archaeologist and Historic England initially raised concerns, which are set out below in terms of Historic England's response:

We do not oppose the proposed use of the building for restaurants, nor the majority of the proposals for reordering the area outside the building to accommodate a new path, lighting, and outdoor seating areas. However, the proposed tree planting and associated seating at the west end of the site on the historic line of the City Wall are not acceptable due to their potential harmful impact on the archaeological remains of the scheduled monument. These items should be omitted from the proposals and a less harmful scheme should be undertaken for this section of the application site. We also recommend that the development should be accompanied by an archaeological programme for investigation and recording of archaeological remains. If these issues are addressed then we have no objection to the application.

After submission of revised drawings the ECC Archaeologist has agreed to the revisions and set out requested conditions:

- a) The setting of this section of the Roman and medieval city wall (a scheduled monument, equivalent in importance to a Grade I listed building) will be improved by the proposals, including the removal of the 1970s upcast or bank against its outer face, and, from a heritage point of view, from the removal of the trees, that were mostly

- planted in the 1970s and are located too close to the face of the wall, with the result that one at least is causing the wall to crack and bulge. Whilst trees can often form a very visible and attractive part of the character of an area, they are essentially have a limited lifespan and can be replaced, whereas a city wall built 100s of years ago cannot, and is rather expensive to rebuild or repair should any of it collapse.
- b) The proposals for the plaza area and its central feature are now acceptable as they should not involve any ground works that will disturb or remove any buried remains of the city wall in this location, and involve the delineation of the line of the wall in the paving.
 - c) The proposal to re-use some of the Roman and medieval architectural stonework from the Princesshay excavations in a low wall within the scheme is welcome, although this should be the wall adjoining the ramp rather than the wall of one of the restaurant bin stores. It should include provision for some interpretation, so that people know what they are looking at, and the details can be agreed under a condition on a permission.
 - d) The relatively limited ground works involved in the development are unlikely to have much or any impact on buried remains, and as much as there will be an impact this is acceptable subject to archaeological recording, ensured through attaching the standard C57 condition to a consent.

Historic England have yet to respond to the second consultation however an oral update will be given at the Committee Meeting.

Devon County Council Highways:

The submitted application is for a change of use of the Ground Floor of Broadwalk House North on Southernhay Way from financial/professional services and other non-residential institutions to restaurants and cafes.

By nature of any cluster of city centre restaurants and cafes, the proposed developments are not expected to result in a significant uplift in vehicular traffic and the existing pedestrian provision within the vicinity of the site and the surrounding shopping area is deemed to be suitable. Therefore, from a highways perspective the principal of the development is not a significant concern.

As the site is located on a public highway, it is essential that construction works are carefully managed to minimise the impact on the highway. This could include the careful management of the transportation of building materials to and from the site particularly in the areas where there is a dense population of pedestrians which is common at this site with it being on the periphery of Princesshay Shopping Centre. The applicant is advised to meet with representatives of the highway authority prior to commencing any works to agree the construction arrangements. These arrangements should be secured by condition.

The suggested condition is:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity.

Devon and Cornwall Police Architectural Liaison officer:

Owing to the surrounding use types and current reported crime rates in the vicinity the police would have no objection in principle to A3 use of the area subject to the following points:

1. Hours of opening and use

Currently unknown. Any premises that form part of the early and late night economy has the potential to impact on crime and disorder if the premises are to be liqueur licensed.

Based on surrounding premises licensing times run to midnight, we would therefore seek that all premises are conditioned to cease operating at midnight.

2. Surveillance

A change in the public realm that will attract more users has the potential to require more formal surveillance to prevent conflict, disorder or misuse.

Owing to the location being shielded by both the Roman Wall and the building line to Southernhay surveillance from passing Police and Security patrols will be lower. There is also a lack of monitored CCTV surveillance from the Council EBAC and pub watch scheme over the area of this application.

The Police would seek that either formal security patrols are present during evening and late night economy opening times, or that a monitored CCTV link is implemented with Exeter City Council/Princesshay.

This is requested owing to the proximity of Princesshay and the High Street likely to attract footfall.

3. Lighting

A good lighting scheme promotes feeling of safety, security and surveillance with evening or night time economy. The scheme should provide:

- Adequate illuminance levels
- Good uniformity
- Low light pollution
- Good aesthetic appearance
- Regular maintenance
- Vandal resistant equipment and materials
- Depending on the environmental zone, lux levels of 20 lux with an overall uniformity value of no less than 0.4.

4. Management

As discussed, management of the public realm is important to ensure that it is not misused by vagrants or revellers when businesses are closed. It can be addressed as above.

All seating and movable items (such as planters etc) should be fully removable and stored in a safe location or fully fixed to prevent misuse.

5. Void spaces

Bin storage areas must be fully enclosed and locked at all times when not in use.

The proposals show some void areas at entrance points in the building line where glass units protrude outwards from the building.

These areas can be prone to rough sleeping or misuse by revellers from other premises especially if balconies or covers provide shelter above. The building line should be as flat as possible removing void and hiding areas.

After receiving comments from the Police Architectural Liaison Officer in reply Wayne Pearce, the Centre Director, from the Princesshay Shopping centre Management, stated that:

- in relation to point 1 Hours of Use, The proposed hours of operation would meet this point, save where an application for a special licence is made by the licensee.
- point 2, Surveillance, The area is already covered by CCTV monitored 24/7/ 365 by the Princesshay control room. Coverage is afforded to both sides of the Roman Wall. The area is monitored by security foot patrols 24/7/365. This is the approach we have adopted for all licensed premises operating in Princesshay since its opening in 2007. The behaviours mentioned have are not typical within Princesshay
- point 3 lighting, The lighting design scheme deals with these elements, and the overall lighting level will rise. This coupled with the increased visitor numbers will promote the feeling of safety and security within the area.
- point 4 management, This regime is already in place within Princesshay, and the same regime will be employed in this area.

- point 5 void spaces, bins, rough sleepers, etc, Bins will be stored in a locked area. The area is patrolled 24/7 to address any issues raised by rough sleeping or antisocial behaviour.

Environmental Health ECC:

Requested further information which has then be supplied and has stated that "the impact of plant noise can be controlled by conditions setting noise limits" and that in regards to odour extraction this can be set by a prior to operation condition requiring the applicants to submit details. The consultation response noted that there will be some noise impacts resulting from the proposed use but that it is ultimately a planning decision rather than an Environmental Health one due to the fact that the impacts would be relatively minor and not result in any exceedance of noise standards but could still affect the ambience of the area. She has also suggested several other conditions:

- The uses hereby permitted shall not operate other than between the hours of 8am to 11pm (Sunday to Thursday) and 8am to 12 midnight (Friday and Saturday).
- The external seating areas shall not be used after 11pm on any night, and all furniture that is removed for storage over night shall have been moved before 11pm.
- There shall be no live or recorded music played outside.
- Total noise levels from all building services plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 30 dB at the facade of the Trinity and Princesshay Garden apartments. The noise level can be measured at a surrogate point, and the level at the facade predicted by calculation to demonstrate compliance with this condition.

Landscape Officer:

The Landscape Officer made several suggestions for amendments to the initial plans which were:

- Proposed city wall paving: the face of the city wall should be delineated as a straight line following the existing face to left and right of the existing opening. On the Roman Walk side the inner face of the wall should be represented by blending the proposed and existing paving as suggested by the revised drawing but with a tapered layout reflecting the different widths of the wall either side of the opening. I would advise that porphyry setts (purple/red) should be used to pick up on the colour of City Wall stone instead of the proposed dark grey granite.
- Proposed tree planter: the finite container volume will restrict choice of species and size of tree, limit lifespan thus requiring early replacement and require a much higher level of maintenance: much more detail is required about how these issues will be addressed.
- Levels information is needed in and around the proposed steps, planter and ramp to allow further consideration of the potential location of the found fragments of stonework: HE to be consulted.

The Landscape Officer has agreed that the revised plans are acceptable.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance: NPPF, PPG

Exeter Local Development Framework Core Strategy:
CP2 - Employment development

Exeter Local Plan First Review 1995-2011:
E3 - Retention of employment land or premises
S5 - Food and Drink
TM5 - City Wall
C5 - Archaeology
EN5 - Noise

Exeter City Council Development Delivery DPD

OBSERVATIONS

Principle of Development

The proposed development is for the change of use of two existing, ground-floor office units within the Broadwalk House complex on Southernhay. The proposed change of use would be to 2 restaurants, class A3, with projecting single-storey conservatory extensions, external seating areas in the form of two semi-circular terraces and alterations to the public realm including the creation of a circular 'plaza' feature. The development site is part of the Broadwalk House complex, which is a slab block of offices located at the northern end of Southernhay West. It is currently under occupied with approximately 40% vacancy rates. The proposed development would change from designated employment uses in 'B' class to A3 restaurant use, which is against policy CP2 of the adopted Core Strategy which seeks to protect designated employment sites including in Southernhay. However policy CP2 recognises that alternative uses can present opportunities that could achieve 'economic benefits for the city' and the travel to work area. It should also be noted that although policy CP2 seeks to retain Southernhay in 'B' class employment uses the majority of premises are occupied by professional services entities such law firms, estate agents and accountants which are recognised as being in 'A' uses, with minimal use of premises for 'B' use class purposes. This has also been the case for the two units which are the subject of this application with one unit previously used for an estate agents (use class A2) and a medical consulting room (use class D2). Under the GPDO 2015 there is the provision for prior approval to a change of use from A2 uses to A3 so at least one of the units may have been able to change use under Part 3 Class C, (although this would not have included works to the public realm). Given that there would be economic benefits to the city in terms of employment opportunities within the catering industry the proposed the change of use is acceptable in principle and in compliance with policy CP2.

Visual Impacts

The proposed development would make minor alterations to the Roman Walk side of Broadwalk house including creating two projecting single storey 'conservatory' style extensions. These would be modest in scale and keeping to the same design aesthetic as the host block and would not be out of character with the existing townscape or of an overly dominant scale. The proposed works to the public realm including the creation of the plaza feature would be acceptable.

Residential Amenity and anti-social behaviour

The applicants have requested hours of operation for the proposed restaurants which can be mandated by planning condition and are not unreasonable. Although the police architectural liaison officer has raised certain issues in relation to potential anti-social behaviour the applicants manage the entire Princesshay complex with adequate and extensive CCTV coverage, and security guards 24 hours a day and this proposed development would also be part of the security remit and therefore would be unlikely to present any significant new anti-social-behaviour issues.

Several letters of objection have been received from residents and owners of apartments in Trinity Apartments, which is located above the main shopping centre in Princesshay. These have chiefly been concerned with noise and odour issues related to the proposed development. However the submitted acoustic report has demonstrated that sound levels would be below those stipulated in policy EN5 and pre-commencement conditions would be attached to any permission granted requiring submission of details of odour extraction equipment, therefore it would be possible to control and limit impacts on residential amenity.

Archaeology, and Conservation Area impacts

The ECC Archaeologist has agreed that the revised drawings are acceptable and that through planning conditions any undisturbed archaeology can be protected and recorded during the construction phase. Further response to the proposed revisions are awaited from Historic England which will be given as an oral update to the planning committee

Trees and Public Realm

The Landscape Officer has made various recommendations in relation to the public realm, detailed above, which have been taken onboard by the applicants with drawings revised accordingly. The application does involve removal of some trees however this is deemed to be acceptable in this instance as it is from a relatively small section of the public realm adjacent to the City Wall. One of the trees is the subject of a TPO and has already been granted approval for removal under a separate application

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.
- 4) C57 - Archaeological Recording
- 5) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of smoke, fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions thereafter.
The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.
Reason: To protect neighbouring amenity.
- 6) The uses hereby permitted shall not operate other than between the hours of 8am to 11pm (Sunday to Thursday) and 8am to 12 midnight (Friday and Saturday).
Reason: To protect neighbouring amenity.

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

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

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 30 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

30/11/2015

All Planning Decisions Made and Withdrawn Applications Between 22/10/2015 and 19/11/2015

Application Number:	15/1076/06	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	10/11/2015	DEL
Location:	87 Polsloe Road, Exeter, EX1 2HW			
Proposal:	T1 - Ash - Remove branch overhanging 5 Clifton Hill			

Application Number:	15/1079/06	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	10/11/2015	DEL
Location:	2 Tresillian Gardens, Topsham, Exeter, EX3 0BA			
Proposal:	T1 - Eucalyptus - Crown reduce by 30%			

ALPHINGTON

Application Number:	15/1057/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	05/11/2015	
Location:	129 Cowick Lane, Exeter, EX2 9HF			
Proposal:	Demolition of existing dwelling. Erection of two-storey detached dwelling with integral garage, and external landscaping to front and rear gardens.			

Application Number:	15/1013/18	Delegation Briefing:		
Decision Type	Withdrawn by Applicant	Decision Date:	17/11/2015	DEL
Location:	8 Trusham Road, Marsh Barton Trading Estate, Exeter, EX2 8QH			
Proposal:	Certificate of Lawfulness for change of use from Class B8 to A1 with internal works.			

Application Number:	15/0863/03	Delegation Briefing:	15/09/2015	0
Decision Type	Permitted	Decision Date:	26/10/2015	DEL
Location:	20 Hennock Road East, Marsh Barton Trading Estate, Exeter, EX2 8RU			
Proposal:	Redevelopment of existing industrial site to provide new storage/warehouse/office building			

Application Number:	15/1036/37	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	26/10/2015	DEL
Location:	Lexus / Toyota Garage, Zone D, Matford Green Business Park, Yeoford Way, Marsh Barton Trading Estate, Exeter, EX2			
Proposal:	Alterations to external cladding (Non material minor amendment to planning application14/0681/03)			

COWICK

Application Number:	15/1044/06	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	06/11/2015	DEL
Location:	Moorlands, 5 Little Johns Cross Hill, Exeter, EX2 9PJ			
Proposal:	T1 - Beech - Crown reduce by 3-4M			

Application Number:	15/1206/37	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	18/11/2015	DEL
Location:	Parkland House, Barley Lane, Exeter, EX4 1TA			
Proposal:	Non-material amendment sought to replace approved elevation treatment from stone to cream render (original application ref.: 14/1962/03).			

DURYARD

Application Number:	15/1045/04	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	09/11/2015	DEL
Location:	5 Kingfisher Drive, Exeter, EX4 4SN			
Proposal:	T1 - Turkish Oak - Fell			

Application Number:	15/0550/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	02/11/2015	DEL
Location:	10 Curlew Way, Exeter, EX4 4SW			
Proposal:	Garden room extension			

EXWICK

Application Number: 15/1083/03 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 17/11/2015 DEL
Location: 9 Woolsery Close, Exeter, EX4 8BN
Proposal: Construction of rear extension and garage

Application Number: 15/1029/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 26/10/2015 DEL
Location: 50 Celia Crescent, Exeter, EX4 9DU
Proposal: T1 - Oak - Crown lift lower branches

NEWTOWN

Application Number: 15/1097/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 10/11/2015 DEL
Location: 27 Belmont Road, Exeter, EX1 2HF
Proposal: T1 - Walnut - Prune branches overhanging greenhouse
G1 - Various - Prune back to boundary

Application Number: 14/4657/03 **Delegation Briefing:** 09/06/2015 0
Decision Type Refuse Planning Permission **Decision Date:** 12/11/2015 DEL
Location: The Plot Of Land Between Dwellings 39-41 Toronto Road, Exeter, EX4 6LF
Proposal: Demolition of eleven garages replaced with 5 apartments within a 3 storey development.

Application Number: 15/1042/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/11/2015 DEL
Location: 45 Denmark Road, Exeter, EX1 1SQ
Proposal: Utility Room extension. Alterations to garage

Application Number: 15/0998/03 **Delegation Briefing:** 10/11/2015 0
Decision Type Permitted **Decision Date:** 17/11/2015 DEL
Location: 3, Hampton Buildings, Blackboy Road, Exeter, EX4 6SR
Proposal: Demolition and reconstruction of an existing dwelling

Application Number: 15/0978/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 28/10/2015 DEL
Location: 163 Magdalen Road, Exeter, EX2 4TT
Proposal: New access to Barrack Road formed in brick wall and alterations to front garden to provide parking, pedestrian gate and render east elevation of property

Application Number: 15/0979/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 28/10/2015 DEL
Location: 163 Magdalen Road, Exeter, EX2 4TT
Proposal: New access to Barrack Road formed in brick wall and alterations to front garden to provide parking, pedestrian gate and render east elevation of property

Application Number: 15/1014/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 28/10/2015 DEL
Location: Ivy Cottage, Jesmond Road, Exeter, EX1 2DF
Proposal: Two storey side extension, partial demolition of existing lean-to extension, insertion of 2no. rooflights

PENNSYLVANIA

Application Number: 15/1054/18 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 03/11/2015 DEL
Location: 3 Collins Road, Exeter, EX4 5DQ
Proposal: Single storey rear extension and rear dormer to existing loft conversion

Application Number: 15/1008/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/10/2015 DEL
Location: Exe View Meadow, Stoke Hill, Exeter, EX4
Proposal: New insulated shed incorporating improved welfare facilities.

Application Number: 15/0879/03 **Delegation Briefing:** 27/10/2015 0
Decision Type Permitted **Decision Date:** 02/11/2015 DEL
Location: 7 Elliott Close, Exeter, EX4 5ED
Proposal: New Dwelling on land adjacent to 7 Elliot Close

PINHOE

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: 30 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: Land at Salters Road, adjacent to Ruby Court. The appeal was allowed for a new single storey one bedroom private residential dwelling.

The main issues were the effect of the proposal on the character and appearance of the area; whether the proposal would provide reasonable living conditions for prospective occupiers and whether the proposal would attain, what the Council termed, high standards of sustainable design.

This proposal was considered different to previous proposals for the site and merited fresh analysis. The Inspector thought this application was: modest in scale and largely concealed behind a sandstone retaining wall; would not be prominent in the street scene and would not interfere to any significant degree with the existing sense of space between Ruby Court and the row of houses to the north east. The Inspector also considered that the proposed design was a sensitive one, did not mimic what is adjacent and adopts some simple forms that would serve to reduce its apparent scale. It would defer politely to its neighbours and be contextually appropriate.

In respect of outlook and living conditions, the outlook from front and side facing windows would be close to boundaries on the site but the front facing would serve the bedroom and the side facing, serving the kitchen/dining room and living room. The outlook from the latter would be restricted but overall it was concluded that the outlook would be perfectly adequate. He considered that type of courtyard garden proposed can be successful.

Whilst noting the content of documents including the Residential Design Guide, the Inspector was content that Building Regulations would offer sufficient coverage to ensure suitable standards of sustainable design.

He applied two additional conditions regarding restricting working hours and potential contamination.

4. New Appeals

4.1 One new appeal has been lodged: 94 Whipton Lane.

The application seeks to convert a triple garage into a self contained dwelling.

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
01392 265275