

PLANNING

Date: Monday 3 October 2016
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 Sutton (Chair), Lyons (Deputy Chair), Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

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.

Office of Corporate Manager Democratic & Civic Support

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

www.exeter.gov.uk

Public Speaking

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

4 Planning Application No. 16/0405/16 - Belgrave Road, Exeter

To consider the report of the Assistant Director City Development.

(Pages 5 -
28)

5 Planning Application No. 16/0849/01 - Playing Field off Wear Barton, Exeter

To consider the report of the Assistant Director City Development.

(Pages 29
- 60)

6 Planning Application No. 16/0963/03 - Exeter Road, Exeter

To consider the report of the Assistant Director City Development.

(Pages 61
- 70)

7 List of Decisions Made and Withdrawn Applications

To consider the report of the Assistant Director City Development.

(Pages 71
- 116)

8 Appeals Report

To consider the report of the Assistant Director City Development.

(Pages
117 - 120)

9 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 18 October 2016 at 9.30 a.m. The Councillors attending will be Bialyk, Harvey and Sutton.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Wednesday 5 October 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.

Follow us:

www.twitter.com/ExeterCouncil

www.facebook.com/ExeterCityCouncil

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

This page is intentionally left blank

ITEM NO: 4

COMMITTEE DATE: 03/10/2016

OFFICER'S UPDATE REPORT

EXPIRY DATE: 30 June 2016

PLANNING OFFICER: HHS

APPLICATION NO: 16/0405/03

LOCATION: Stagecoach Devon Ltd, Belgrave Road, Exeter, EX1 2LB

PROPOSAL: Demolition of existing buildings. Redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.

This supplementary report is an update to the report on this planning application that was considered by Planning Committee on 5 September 2016, the decision being deferred at that committee. The original report follows as Appendix 1.

Previous consideration by Planning Committee

Ms Goddard, General Manager of the Unit 1 nightclub, spoke against the application expressing concern that potential noise from the night club had not been adequately addressed and complaints from future residents of the development might lead to pressure for restrictions on the business. Mr Yeates spoke in support of the proposal for the applicant responding to Member questions regarding noise, consultation with representatives of Unit 1 and travel and parking issues.

The draft minute notes:

'Members recognised the issues raised in relation to noise and car parking but were of the view that these would be associated with student developments in any part of the City and, in respect of this application, would not be overwhelming to merit refusal. However, considerable concern was raised regard the scale and massing of the proposal in terms of both its impact on the immediate area and with regard to views from other parts of the City. Although there was support for certain aspects of the design, such as the internal courtyard, it was not thought that the current proposal was acceptable given the overbearing nature of the height and size of the blocks.'

The Committee resolved to defer the application for the applicant to have an opportunity to provide a revised proposal with differing and reduced scale and massing.

The same scale and massing of building had previously featured in a developer presentation to Planning Member Working Group in December 2015.

Revised design proposal

The applicant has responded to Member concerns about the height and size of the blocks by revising the design of the roof and upper storeys to: make the inner courtyard elements the same height as the outer street facing elements and to reduce overall roof ridge and eaves heights. To achieve this there has been redesign of the internal layouts to reposition lift cores and a reduction of student bedspaces from 577 to 558.

The amended plans reduce the overall height of the roof by about 4.8m. The overall maximum heights of the building are about 71.3m Above Ordnance Datum (AOD) on the Bampfylde and Cheeke Street wings, and 70.3m AOD on the Belgrave Road wing. These

give a maximum ridge height over Finished Floor Level (FFL) of 26.3m on the Bampfylde and Cheeke Street wings, and 29.3m on the Belgrave Road wing. The lowest points of the roof valleys eaves heights on Belgrave Road vary between about 25m and 22m above FFL across that façade, with lower eaves at each end. The lowest points of the roof valleys eaves heights on Bampfylde Street vary between 21m and 18.5m above FFL across that façade, again with lower eaves at each end. Eaves on Cheeke Street façade are 16.2m above FFL at the Bampfylde Street end and 22.8m above FFL at the Belgrave Road end, ground levels dropping around 4.5 metres across that façade towards Belgrave Road.

These compare with the guidance that buildings should be 21m to 25m in height, 6-7 storeys with plant/pitched roof, in the Grecian Quarter Height Constraints Analysis. This analysis did not recommend an absolute height limit for the area of this site and made recommendations on the basis of impact on views only, acknowledging other considerations (such as urban design) in determining the appropriate height of buildings.

The amendments to the roof ridge heights of 4.8m proposed represent a significant reduction in the impact of the block in longer views to and through the site, and improve the amenity of the internal courtyard. While the eaves level, and hence impact in street level views in Bampfylde Street and Belgrave Road will remain similar there is a more substantial reduction in eaves level on Cheeke Street.

The changes to the floor plans involve deletion of the top floor and significant resulting changes to the layout of floors below. A series of amended elevations, cross sections and photomontages of distant views have been provided. There are minor changes to other floor plans due to the need to reposition the lifts. The net result will be a reduction of about 19 in the total number of bedspaces from 577 to 558.

No further public consultation has been undertaken on the revised design since the building is essentially the same design with lowered roof and eaves lines in parts. Further consultation is not essential when the impact of a proposal are less than those upon which the public was originally consulted.

Noise issues

Following representation to committee on behalf of Unit 1 Nightclub and the discussion at committee the following additional information regards noise complaints is offered. Six complaints have been received by the Council regarding noise at UNIT 1 Nightclub. Four from the Printworks regarding music noise and two from flats above the Post Office block regarding noise from customers queuing and using outdoor areas.

The applicant indicates that there has been a further dialogue with representatives of Unit 1.

Officers remain of the view that the living conditions of occupiers of the building can be protected by a scheme of noise insulation ventilation that does not rely on opening windows and that these details can be secured by suggested condition 11.

Previous update

The update sheet circulated for the previous Planning Committee identified that the reasons for proposed planning conditions 7 and 8 should read 'To protect controlled waters and human health.'

The Principal Project Manager (Development) who presented the application noted that proposed Condition 9 should be amended to allow for Construction Environment

Management Plan to be a living document updated to reflect work stages on site rather than one which was required to be in a final form before any work commenced.

Revised CIL and NHB

The CIL contribution and New Homes Bonus will change as a result of the amended scheme and will be updated at committee.

RECOMMENDATION

The Assistant Director City Development be granted delegated authority to **APPROVE** the application on the basis of the amended plans being secured by an amended condition 2, subject to the Section 106 agreement and the recommended planning conditions (which may be varied or supplemented as appropriate).

This page is intentionally left blank

16 | 0405 | 03

General Notes
 1. Dimensions are in millimetres unless stated otherwise.
 2. Levels are in metres AOD unless stated otherwise.
 3. Dimensions govern.
 Do not scale off drawing.
 4. All dimensions to be verified on site before proceeding.
 5. All discrepancies to be notified in writing to Make Limited.
 © Make Limited 2008

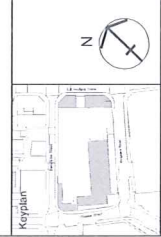
WY	Rev	Date	Reason For Issue	Chk
00	01	31.03.16	Planning	

FOR PLANNING

DRAWING STATUS

make
 32 Cleveland Street,
 London, W1T 4JY
 Tel +44 (0) 20 7636 5151
 info@makearchitects.com
 www.makearchitects.com

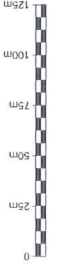
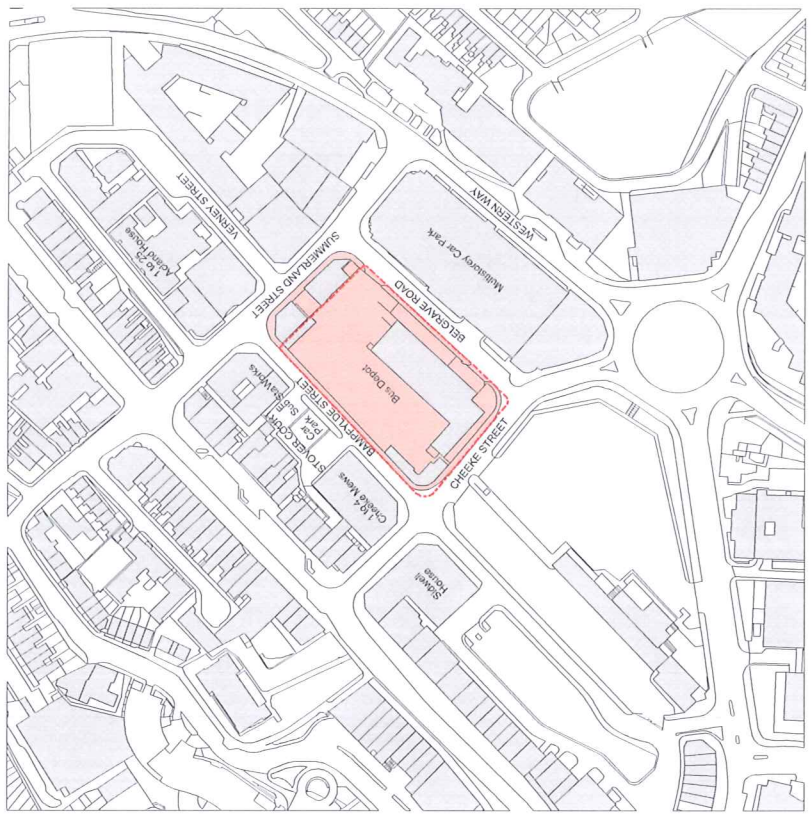
Client
**Graduation
 (Exeter) Limited**



Project
**Land between Belgrave Road
 and Bamplyde Street, Exeter**

Drawing Title
Location Plan

Scale	Paper Size	Date
1:1250	@A1	31.03.16
Project No.	Draw No.	Rev No.
1134	AP010	00



1:1250

This page is intentionally left blank

OFFICER'S REPORT AND RECOMMENDATION

EXPIRY DATE:

30 June 2016

PLANNING OFFICER: HHS

APPLICATION NO: 16/0405/03

LOCATION: Stagecoach Devon Ltd, Belgrave Road, Exeter, EX1 2LB

PROPOSAL: Demolition of existing buildings. Redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.

HISTORY OF SITE

85/1014/03 -	Single-storey extension to provide new office	PER	02/09/1985
86/0148/03 -	Single storey extension for offices	PER	12/03/1986
	Installation of telecommunication mast (15 metres high) and mobile equipment cabin		
15/1360/31 -	Demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis) totalling around 640 bedspaces with ancillary facilities, also ground floor retail/leisure uses of around 3200sqm, with cycle parking provision and landscaping.	NOT EIA DEV'T	18/01/2016

DESCRIPTION OF SITE/PROPOSAL

The application site is 0.65 ha and is located between Belgrave Road, Cheeke Street, and Bampfylde Street, it does not include the buildings fronting onto Summerland Street. The site currently serves as a bus service and repair depot for Stagecoach and existing buildings will be demolished. The proposed development is for 577 student bedrooms, these are arranged as 356 bedrooms in cluster flats and 221 in studios in a building ranging from 6 to 8 1/2 storey. The proposals include 2,331 sqm of ground floor retail / leisure uses, landscaping and public realm.

The proposals have been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and it was concluded that the proposed development is not EIA development.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- CIL Form;
- Application Drawings;

- Design and Access Statement (incorporating landscaping details and Site Waste Management Plan);
- Landscape and Visual Photomontages;
- Statement of Community Involvement;
- Heritage Statement and Archaeological Desk Based Assessment;
- Transport Statement and Travel Plan;
- Flood Risk Assessment and Drainage Strategy;
- Foul Sewage Assessment;
- Utilities Statement;
- Biodiversity Assessment;
- Air Quality Assessment;
- Noise Impact Assessment;
- Sustainability Statement;
- Energy Strategy;
- Land Contamination Assessment;
- Student Management Plan.

REPRESENTATIONS

The application has been advertised by site notices, press notice and neighbour letters. In addition to a response on behalf of Unit 1 (nightclub) and from Exeter Civic Society, **eight public responses** were received raising the following issues:

- Area is already saturated with student housing, affordable housing for local people should be provided.
- Bus Depot move will lead to traffic congestion and will increase fares.
- Students already dominate the city centre which is a no go area at night.
- Student accommodation should be on campus.
- No more student flats.
- Far too high for the site.
- This will not allow for a diverse community.
- No strategy for student growth.
- Students will bring cars and there is no parking provision.
- Should be a mix of housing types in accordance with local and national planning policy.
- Proposals do not support NPPF aims of sustainable communities and meet wider housing need.
- Lack of market or affordable housing for non-students in city centre.
- Site should be part of new bus station.
- Too high compared with 3 storey buildings adjacent.
- No provision for car parking.

UNIT 1: Development should be designed so that existing cultural venues remain viable and can continue in their current form. Noise arises from music and outdoor queuing/smoking associated with the venue. The noise assessment report contains failings that should be addressed. In the absence of adequate analysis conditions cannot be relied upon. Fixed triple glazed windows and air-conditioning must be provided. Inappropriate location for noise sensitive residential uses.

Exeter Civic Society: This is a very large building for a very large number of students and ground floor retail. The relationship with the buildings surroundings is not shown. Two too many storeys. The bulk of the building is overriding and oppressive. Judgement cannot be made before street scenes and area frameworks are supplied.

CONSULTATIONS

Environment Agency: We concur with the recommendation of the report for an intrusive investigation to characterise the site. In order to secure an appropriate assessment of risks to controlled waters we recommend the inclusion of the conditions on the subsequent planning permission [attached below as recommended conditions 7 & 8].

Devon County Council Highways Network Management: From a highways perspective, the key areas of consideration related to appropriate pedestrian and cycle access routes to the site, student pick up and drop off and the landscaping proposals directly adjacent to the site.

Access: The proposed development is expected to generate approximately 1,350 two way pedestrian movements. The bulk of movements is expected to be heading west across Bampfylde Street towards the city centre city and/or university. To provide for this, and reflecting the likely modal dominance of pedestrian movements, a new zebra crossing at the Cheeke Street end of Bampfylde Street has been proposed. The principle of this is acceptable, although the location indicated on Revision P8 of the Landscape plan may not be best placed to serve the desire line. This can be resolved through detailed design and secured by condition.

Highway Works & S278: With the proposed building being set back from the current boundary, a larger area of public realm is created in the space between the carriageway and the proposed building. This new area of urban realm including tree planting and street furniture is achieved on land combining both public highway and private land. In principle, the proposed arrangements shown on Landscape Framework Plan Revision P8 are broadly acceptable. The detailed design, including construction, maintenance, materials, delineation, loading and appropriate traffic orders will need to be secured through a combined S38/S278 agreement.

On-site facilities: The level of cycle parking indicated (300 stands) in the application accords with the Exeter City Council Sustainable Transport Supplementary Planning Document and is acceptable. The exact arrangements for this should be provided for approval in advance of commencement and in place prior to occupation.

Management: The applicant has provided a 'Student Management Plan', which further details the arrangements of tenants moving in and out during term times, satisfying that the development will be managed properly and is unlikely to have a detrimental impact upon the highway. The final Travel Plan will need to be agreed prior to occupation or secured through the Management Plan.

Construction: The site is located in a prominent city centre location adjacent to a number of traffic sensitive streets – particularly Cheeke Street for bus services and Belgrave Road and Summerland Street for cross city traffic. All construction traffic will need to be managed to minimise impact. A Construction Traffic Management Plan (CTMP) should be conditioned

and the applicant is advised that adequate areas will need to be made available within the site to accommodate construction vehicles off the public highway.

Subject to appropriate conditions being attached in the granting of any permission, no objection.

Environmental Health Officer: The submitted ground investigation reports show that further site investigation, risk assessment and development of remedial options are required in order to fully understand the extent and nature of the contamination of the site. The developer has committed to this process and understands the potential implications of contamination on the development. A recommended condition below will ensure that this process is completed to the Council's satisfaction and reported upon.

The submitted noise assessment reports show that measures can be implemented to mitigate the impact of ambient noise on the future occupants of the development. The Council is very keen to ensure that these measures include alternative means of ventilation, under the individual control of each occupant, to avoid the need to open windows. A suggested condition below requires the developer to submit details for approval.

The reports contain potential noise levels from mechanical plant, but cannot specify the plant to be installed at this stage. The limits in the report have been used as a noise limit condition below.

The range of potential uses proposed for the ground floor could have noise, air quality or odour impacts both on the occupants of this development and existing receptors. The developer has demonstrated that they are aware of the potential range of issues arising from these uses, and accepts that mitigation of these impacts will be required. A condition below has been included which requires kitchen extraction equipment to be approved. A noise impact assessment for each unit has been requested.

Natural England: No comments to make.

Historic England: Bold and assertive piece of architecture. We do not wish to comment on design given the lack of Heritage Assets in the area. No wider consideration of impacts on Heritage Assets in wider context. Should consider Conservation Areas and highly graded assets such as Exeter Cathedral in accordance with paragraph 128 of the NPPF. In the absence of this the Council will need to be satisfied that the proposals will not cause adverse impact on the City's designated Heritage Assets.

Devon & Somerset Fire and Rescue Services: Detailed comments made on design of building.

Devon and Somerset Design Review Panel: Following a site visit and presentation of the scheme by the architects, the Panel made the following observations. Supportive of the principle for this high density high quality development and no objection to proposed height in principle. Consider that the relationship to the street and the general planning of spaces is good. However there is concern that the proposals focus too much on the users at the expense of consideration of the impact on the city as a whole, concern also about lack of permeability to Sidwell Street and hence not supportive. The ample provision for cycles is welcome. Internal corridors are long and should have breakout spaces and windows. Overall the Panel is supportive of the height and the aspiration to be distinctive in the skyline but

questions the pitch of the roofs which unnecessarily accentuate the height. Massing needs to be less simplistic and uniform. The context of other potential development should inform the design, the lack of masterplan concerns the Panel. Consideration of servicing needed and noise from neighbours and bus station.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach

CP2 - Employment

CP3 - Housing Distribution

CP5 - Meeting Housing Needs

CP8 - Retail

CP10 - Meeting Community Needs

CP11 - Pollution and Air Quality

CP13 - Decentralised Energy Networks

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

E3 - Retention of Employment Land or Premises

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

H6 - Affordable Housing

H7 - Housing for Disabled People

S1 - Retail Proposals /Sequential Approach

S3 - Shopping Frontages

S5 - Food and Drink

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T5 - Cycle Route Network

T6 - Bus Priority Measures

T9 - Access to Buildings by People with Disabilities

T10 - Car Parking Standards

T11 - City Centre Car Parking Spaces

C1 - Conservation Areas

C5 - Archaeology

EN2 - Contaminated Land

EN3 - Air and Water Quality

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation
DG3 - Commercial Development
DG4 - Residential Design
KP1 - Pedestrian Priority Zone
KP3 - Bus and Coach Station

Exeter City Council Supplementary Planning Documents
Sustainable Transport SPD 2013

Exeter City Council Development Delivery DPD Publication Draft 2015

City Centre Vision 2011
Bus & Coach Station Development Principles 2012

OBSERVATIONS

The site is currently occupied by a bus repair and service depot, which is an employment use and as such there is a general presumption against the loss of such uses. However the depot is being relocated to Matford and there is therefore no loss of employment in the city. The proposals incorporate ground floor uses of 2,331 square metres of floorspace which will generate employment. The proposals are therefore considered to accord with the aims of policy CP2 of the Core Strategy and policy E3 of the Exeter Local Plan First Review.

The Core Strategy was adopted in February 2012, is up to date and relevant and sets out the strategic vision for development in the City including “maintaining a vital and viable mix of uses in the City Centre and delivering development to enhance Exeter’s position as a premier retail and cultural destination.”

This vision is supported by the Objectives set out in the Core Strategy document and by the policies of the Local Plan and the emerging Development Delivery DPD.

The Core Strategy Policy CP8 proposes ‘around 3,000 square metres of net retail convenience floorspace and around 37,000 square metres of net retail comparison floorspace’ in the City Centre, including ‘up to 30,000 square metres of comparison floorspace in the Bus and Coach Station area, to be developed as part of a mixed-use scheme by around 2016’. The need for the retail space set out in this policy is evidenced by the Exeter Retail Study 2008.

The site falls within the Grecian Regeneration area as defined by the Core Strategy. The Core Strategy Policy CP17 guides that “All proposals for development will exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter’s character, local identity and cultural diversity.” Development in the City Centre and Grecian Regeneration Area will: “enhance the city’s unique historic townscape quality; protect the integrity of the city wall and contribute positively to the historic character of the Central and Southernhay and Friars Conservation Areas; create places that encourage social interaction, utilising public art as an intrinsic component of a high quality public realm; enhance and expand the city’s retail function to improve Exeter’s draw as a regional shopping centre; include residential development in a mix of uses that encourage vitality and establish a safe and secure environment; create a City Centre that is vital and

viable and presents a positive experience to the visitor; enhance the biodiversity of the City Centre and improve the links to the green infrastructure network; contribute to the establishment of a decentralised energy network.”

The site is considered to be well located for student housing development, provided that provision can be adequately made for living conditions of occupiers, outside the areas of restriction of student housing, with good links to transport facilities and amenities and good links to the two University Campuses. Given the pressure on the city to accommodate the rising number of students, the capacity of the site to meet this specific housing need should be maximised. The site is much less well suited to other housing types for amenity reasons. The Council also supports the development of purpose-built student housing to meet housing need and to help ease pressure on family housing. It is not current policy to seek affordable housing from purpose-built student accommodation developments. As such the proposals are considered to comply with policy H5 of the Exeter Local Plan First Review.

In principle the redevelopment of this site for student accommodation on the upper floors, with town centre active ground floor uses at street level below, is supported.

The key issues in determining this application are considered to be: the height, massing and design of the proposed building, potential for contamination and the impact of noise on living conditions of future occupiers.

Design

The height and massing of the proposed building is a key issue in determining this application. The 'Grecian Quarter Height Constraints Analysis 2008' produced for Exeter City Council looked at the potential for tall buildings in this area to impact on views through the site. It recommended that buildings in the identified areas should be up to 21m in height with variation in massing of up to 25 metres in height. It acknowledges that impact on views is one factor which needs to be considered the appropriate height of buildings. The site is outside the most sensitive part of the study area for which an absolute height limit was recommended. The location of the site means that the building will be a skyline feature when viewed from public spaces in Newtown, St. James and Lower Pennsylvania. The proposed building introduces pitched roofs and significant articulation of the building elements to create what officers consider a roof design of some merit. The proposed building would be a very prominent feature in some public views but the design is helpful in integrating it with views across the wider roofscape of the city. The highest point of the building is 33m above existing ground level, however taller elements are set back from the frontage with the road frontage eaves lines varying between 21 and 25 metres. The building also steps down to reduce the roof height on Belgrave Road and Bampfylde Street towards the north end of those streets. The building accommodates 5, 6 and 7 storeys of residential accommodation, with mezzanine levels to some units, above a ground floor of retail/commercial or ancillary uses. The difference in levels across the site means that the ground floor on Belgrave Road is a full storey below that on Bampfylde Street and the linking facade on Cheeke Street manages the transition with a centrally placed double height unit. The building addresses the space that will be created at the Bus and Coach Station redevelopment positively. The building steps back from the existing back of pavement creating wider streets, within which the tall building will sit more easily and allowing room for street tree planting.

The site falls within the area to which the Bus and Coach Station Area Development Principles apply and were approved for Development Control Purposes in June 2012. They

draw on the Exeter Vision, the City Centre Vision and the Traffic, Retail, Building Heights and Urban analyses and relevant Local Planning Policies and sets out a series of 10 Principles to guide development proposals in the area between Paris Street and Summerland Street. It was subject of public consultation and was approved for Development Control Purposes in 2012, but has limited weight, not being a Supplementary Planning Document.

The Development Principles are:

Principle A: Development must be viable.

Principle B: The development will be a retail and leisure led mixed use development incorporating a new bus station.

Principle C: An accessible new bus and coach station must be provided to agreed standards.

Principle D: Development must reinforce Sidwell Street, complement the High Street and Princesshay and form a gateway to the city centre.

Principle E: Development must positively respond to site context including urban grain, archaeology and site levels.

Principle F: Development must create a high quality public realm with active frontages.

Principle G: Development must create a network of accessible open streets and spaces.

Principle H: Buildings must be individual and of a high architectural quality, with landmark buildings and gateways formed at key locations using materials appropriate to the location.

Principle I: Vehicular traffic servicing and car parking must be accommodated in such a way as to minimise their impact.

Principle J: The development must adopt high standards of sustainable design and enhance biodiversity

The Design Review Panel were supportive of the height of the building in principle. Following the presentation of the scheme to the Panel the roof design was revisited and the roof pitches that result are considered to address the concerns raised. The early iterations of the layout of the site presented by the applicant at pre-application stage did include a through route between Belgrave Road and Bampfylde Street as recommended by the Panel. However Officers are content that this has been removed given the lack of onward permeability through the Post Office building to the south or through the development fronting Sidwell Street. Access routes to the residential accommodation are positioned centrally in Bampfylde Street (main entrance) and Belgrave Road (secondary entrance). Should the opportunity arise through future redevelopment on Sidwell Street, a new side street terminating visually at the main entrance to the building, could be created. The scheme has also been amended to improve the design of the ground floor frontages at the prominent corners of the building on Cheeke Street and improve the appearance of the window design at roof level. The material used in the 'book-end' elements of the Cheeke Street facade have been varied to reduce the apparent width of the block. Notwithstanding the concerns raised by The Design Review Panel regarding masterplanning the development in the area is informed by the approved Bus and Coach Station Area Development Principles.

The development will introduce residential accommodation into the 'Grecian Quarter' regeneration area supporting the ground floor Class A uses (including retail and restaurants) and leisure uses. These are designed to have active and transparent frontages; and the set back of the building allows for these units to have areas of forecourt which could be used for seating in association with cafes etc. The hours of use of these areas can be controlled by condition. The landscape scheme includes tree planting and continuity of surfacing across

the privately owned areas and areas of highway. Conditions are proposed to secure details of landscaping and external materials.

The design of the ground and first floor at the boundary with the Transport Club on Bampfylde Street has been amended to retain an existing fire escape from the Transport Club Skittle Alley under the building and exiting the site on Belgrave Road.

Following the amendments to the design since submission (which include changing facade materials, window and roof design on Cheeke Street facade, reducing the height of parts of the roof and amendments to the landscaping) the design is now considered to accord with the aims of policy CP17 of the Exeter Core Strategy, policies DG1, DG3 and DG4 of the Exeter Local Plan and with the Bus and Coach Station Area Development Principles 2012.

Transport

The development proposes no on-site car parking provision. Given the City Centre location, the access to a full range of local facilities and the public transport, pedestrian and cycle provisions this is considered acceptable pursuant to Local Plan Policy and the National Planning Policy Framework. The application is accompanied by a Travel Plan and a condition is recommended to be attached to any consent to ensure that detailed measures are implemented to promote sustainable transport use. The submitted Travel Plan includes provision for a restrictive covenant regarding bringing a car to the accommodation. The extent of on-street parking controls in the area of the site are considered to be a significant deterrent. The development proposes improving pedestrian routes towards the west, through a pedestrian crossing and providing internal cycle storage for 306 bicycles. The public realm includes on-street cycle stands for visitors.

Loading bays are proposed in Bampfylde Street and Cheeke Street to accommodate arrivals and departures from the student residential accommodation using both entrances on managed basis, as well as servicing of the ground floor units. The size of the loading bays are considered adequate and the arrangements include provision for the extension of the public highway to allow safe access for pedestrians around the loading bays. The management of arrivals and departures should be set out in a Travel Plan secured by the consent.

Contaminated Land

The previous use of the site means that there is a significant risk of contamination which is recognised by the developer and would need to be remediated and conditions are recommended to achieve this. The Environment Agency have recommended conditions 7 and 8 to control the risk of contamination to controlled waters and public health.

Noise

A Construction Phase Noise Assessment can inform a Construction Environment Management Plan which can be secured by recommended condition 9.

The development is proposed in an area where there are existing noise generating uses nearby, most notable the night club, car repair garages on Summerland Street and the bus station, all of which have the potential to impact on residential occupiers of the site. The proposed ground floor uses have the potential to impact both on residential occupiers of the

site and neighbouring occupiers. Noise assessments submitted with the application demonstrate that measures can be implemented within the construction of the building to adequately provide for the living conditions of future occupiers, including protecting them from noise and achieving adequate standards of individually controlled ventilation without the need to open windows. A condition is suggested below [condition 11] to be attached to any consent which requires the developer to submit details for approval and for those details to be implemented. It is not considered that further controls or restrictions through legal agreements are required to protect the reasonable amenity of future residents.

Any kitchen extraction is proposed to discharge at a high level. Heat ejection from the ground floor units proposed is at a low level. Details of all plant, including smoke and odour control, will be required by suggested condition 12. Overall plant noise is proposed to be restricted by suggested condition 14.

Conditions restricting delivery times, hours of use and hours of use of outdoor areas (closed by 11pm) are proposed. Accepting that these are flexible between unit more information is needed on the type of activities proposed on the ground floor; and potential noise/other impacts of these.

Bin stores have been designed and sized in consultation with ECC and hence there will be no need for bins on street.

Air Quality

The proposals involve the redevelopment of the Bus Depot and Garage for student residential, retail and leisure uses. No on-site parking is proposed. The kitchen and plant extraction will exhaust at high level. The proposals are therefore considered to result in a net reduction in air pollution.

Sustainability

The introduction of soft landscaping including street trees and other biodiversity measures is welcomed and the details and management of these features can be secured by condition.

Design stage assessment of BREEAM 'Excellent' score for accommodation and uplift above 'Very Good for retail elements welcome and can be captured in conditions. The difficulty of achieving BREEAM 'Excellent' in speculative retail units acknowledged. The residential elements of the scheme are to be designed to connect to District Heating in future and internal systems and plant room to allow for this connection and to accord with the CIBSE UK Code of Practice for District Heating Networks. The scheme also makes a contribution towards the delivery of a District Heating Network to the site. These matters can be secured by the recommended conditions and Section 106 agreement. As such the proposals are considered to accord with the aims of policies CP13 and CP15 of the Exeter Core Strategy.

Financial Considerations

New Homes Bonus (NHB):

NHB that would be paid to Exeter City Council is £236,049.52 per year currently paid for six years. This totals £1,416,297.10

CIL:

Out of Centre Retail floorspace: 0
Residential floorspace: 0
Student Accommodation floorspace: 20,116 square metres
Other floorspace: 2,331 square metres
Demolished floorspace: 1,390 square metres
Student Accommodation (2016) CIL rate: £49.84 per square metre

CIL PAYABLE (2016). Net gain in floorspace in qualifying use (student accommodation) minus demolitions, multiplied by 2016 CIL rate (student accommodation) = £933,303.84

Section 106 matters

- District Heating Contribution £86,447.
- Student Management Plan
- Off-site highway works
- Traffic Order costs

APPROVE subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 14 June 2016 as modified by other conditions of this consent.

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

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

- 4) A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological

enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 5) 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.

- 6) No development related works, with the exception of demolition works, shall take place 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.

- 7) No development approved by this planning permission (excluding demolition), shall take place 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 scheme shall include the following components:

a) A preliminary risk assessment which has identified: All previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 8) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 9) No development shall take place, including any works of demolition and any earthworks, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. This shall address the following issues: Noise, dust, vibration, construction access, hours of work, dirt on the highway, protection of the public, protection from contamination, waste management and ecology. 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) Noise and dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- d) Noise and dust monitoring shall be undertaken to an agreed programme.
- e) Site hoarding shall be kept clear of graffiti and fly-posting.
- f) Details of access arrangements and timings and management of arrivals and departures of vehicles

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

- 10) Details of the storage and management of waste for each unit and the residential accommodation shall be agreed in writing by the Local Planning Authority before that part of the development is first occupied.

Reason: In the interest of public health and amenity and to ensure footways are not obstructed.

- 11) The applicant shall submit a scheme for protecting occupiers of the development from noise. This shall be submitted to and approved by the Local Planning Authority before construction commences and shall be implemented before any part of the residential accommodation is first occupied.

Reason: In the interests of the living conditions of future occupiers.

- 12) Before any unit is brought into an A3 use, a scheme for the installation of equipment to control the emission of 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.

Reason: In the interests of public and residential amenity.

- 13) Before any unit is brought into an A3 or A4 D1 or D2 use, a scheme for the management of noise and external spaces shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. The use of that unit shall thereafter be carried out in accordance with an approved management scheme.

Reason: In the interests of residential amenity.

- 14) Noise from mechanical building services plant shall not exceed the limits set in Table 14 of the Kimber Acoustics Ltd Noise Assessment Report for The Land between Belgrave Road and Bampfylde Street, Exeter Issue 4 dated 24 June 2016.

Reason: In the interests of residential amenity.

- 15) The CHP engine, plant and chimney shall be constructed in accordance with the submitted details and shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting air quality.

- 16) Notwithstanding condition no. 3 no work shall commence on any phase under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority in so far as they relate to that phase and the following shall thereafter be provided in accordance with such details:

- a) Detailed layout(s) of plant rooms associated with the space heating and provision of hot water to the building.
- b) Sustainable fit-out guidance for landlord and tenant areas.
- c) Detailed design of eaves and roof edges
- d) Detailed design of windows, doors and panel cladding systems.

Reason: Insufficient information has been submitted with the application and in the

interests of visual amenity.

- 17) No part of the development hereby approved shall be brought into its intended use until the pedestrian crossing improvement to Bampfylde Street as indicated on Landscape Framework Plan Rev P8, or other scheme as agreed in writing by the Local Planning Authority, has been provided in accordance with details and specifications approved in writing by the Local Planning Authority.
Reason: To provide safe and suitable access for traffic generated by and attracted to the site.

- 18) No part of the development hereby approved shall be brought into its intended use until the loading bays on Belgrave Road and Bampfylde Street and Landscaping proposals outlined on the Landscape Framework Plan Rev P8, have been provided in accordance with details and specifications that shall have been approved in writing by the Local Planning Authority.

Reason: To provide safe and suitable access and adequate facilities for traffic attracted to the site.

- 19) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

- 20) Prior to commencement of the development (excluding demolition), details of secure cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure cycle parking facilities have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

- 21) No part of the residential accommodation shall be brought into its intended use until the secure cycle parking facilities have been provided in accordance with the submitted details and maintained for these purposes at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 22) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible

with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

Reason: In accordance with the requirements of policy CP13 of the Exeter Core Strategy 2012 and in the interests of sustainable development.

- 23) The development hereby approved shall not commence, with the exception of demolition works, until details of the proposed finished floor levels and overall ridge heights, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 24) Unless otherwise agreed in writing by the Local Planning Authority the A and D class units hereby approved shall achieve an overall BREEAM scoring of 60 percent or greater for shell and core only. Unless otherwise agreed in writing by the Local Planning Authority the residential units hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 25) Construction of the development hereby approved shall only be carried out in accordance with the recommendations in the submitted Explosive Ordnance Desk Top Study for Stagecoach Bus depot, Belgrave Road, Exeter (Project 15200 EOD Contracts Ltd dated 11/05/2015) received 31 March 2016.

Reason: In the interests of public safety.

- 26) No part of the approved development shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure the satisfactory drainage of the development.

This page is intentionally left blank

Agenda Item 5

ITEM NO. 5

COMMITTEE DATE: 03/10/2016

APPLICATION NO: 16/0849/01 **OUTLINE PLANNING PERMISSION**

APPLICANT: Mr Strang
Exeter College

PROPOSAL: Outline planning application for the development of up to 101 houses, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure at Wear Barton and reprovision of senior football pitch at Exwick Sports Hub. All matters reserved except for means of access.

LOCATION: Playing Field Off, Wear Barton Road, Exeter, EX2

REGISTRATION DATE: 04/07/2016

EXPIRY DATE: 29/08/2016

HISTORY OF SITE

Planning permission (14/0283/03) was granted in 2014 for the installation of a boundary fence around the playing field. This permission has not been implemented but is still extant.

Planning permission for a similar proposal (15/0878/01) to this current planning application received a resolution that it would have been refused to refuse at Planning Committee in June 2016 for the following reason:-

The proposal is contrary to the National Planning Policy Framework 2012 (paragraph 74), Exeter City Council Core Strategy 2012 CP10, Exeter Local Plan First Review 1995-2011 Policy L3 and L5 and Sport England's Playing Field Policy because the development will:-

i) result in the loss of the openness of the site detrimental to the amenity value of the area and

ii) it would result in the loss of a playing pitch site identified for retention and provides the opportunity for future recreational need and these losses are not being replaced by provision of equivalent value.

The applicants have appealed the earlier proposal given the local planning authority's failure to determine the application within the statutory time scale. A Public Inquiry is scheduled for 6 December 2016.

DESCRIPTION OF SITE/PROPOSAL

The application site (3.99 hectares) is a playing field to the south of existing properties in Wear Barton Road, to the west of properties in Glasshouse Lane and north of the Riverside Valley Park. The site is currently owned by Exeter College who permit use by a local football team on two marked out football pitches. The site has been used by local residents for informal recreation. The site is predominantly flat but appears as a raised plateau when viewed from the Valley Park, although this view is partially obscured by existing mature vegetation. An area of open land fronts Wear Barton Road where the sole vehicular access is proposed to serve the development. In addition, the Wear Barton Road frontage contains a changing room facility, which is proposed to be demolished. Electricity power line(s) cross part of the southern section of the site.

This outline planning application proposes up to 101 dwellings over a site area of 2.77 hectares. In addition, it proposed to provide a full size football pitch, a new changing room facility and associated car parking which is indicated within the submitted illustrative plan to be located alongside the boundary with the Valley Park. This playing pitch and associated buildings/uses would occupy 0.72 hectares of the site. The remainder of the site (0.5 hectares) would be used as informal public open space, which would also include a children's play area.

This is an outline planning application with all matters reserved except for access. The proposed vehicular access would be centrally sited from Wear Barton Road between the existing changing rooms (scheduled for demolition and replacement alongside the new football pitch) and 8 Wear Barton Road.

The application also includes a proposed re-instated playing pitch at the Flowerpot playing fields which although referred to in the previous application was anticipated to be part of the Section 106 agreement but was not within the red line of the application site.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The applicants have submitted a Design and Access Statement; Planning Statement; Statement of Community Involvement; Transport Assessment; Heritage Statement; Geo-environmental Phase 1 Desk Study Report; Flood Risk Assessment; Ecological Phase 1 Survey and Cirl Bunting Survey to support their application.

In addition, the applicant has recently provided further supporting information which includes a Booking Schedule/ Demand Analysis (stating a 3% utilisation based on daily usage for 8 hours of the playing field and a projected bookings schedule for 2016/17 of 4% utilisation), a photographic record of the informal recreational usage of the site for a approx. 4 week period during August and September 2016; revised highway and layout plans and revised draft Section 106 Agreement; two committee reports from Taunton Deane Council (which state that an objection from Sport England is not a determinative factor in a application assessment but one of a number of material considerations) and a response to Sport England's objection dated 19 August. The main points raised to Sport England's objection is reproduced below with the full response and the applicant's covering letter attached as Appendices.

The applicant's supporting statement seeks to emphasise that the development would deliver the following recreational benefits:

- a. a replacement, full-sized footpath pitch, with a "good quality" specification*
- b. new changing facilities*
- c. a playground for younger children*
- d. two new marked-out, 5-a-side pitches (including equipment) (currently, there are none)*
- e. a new junior pitch (including equipment) at Flowerpot Lane*
- f. a new adult pitch (including equipment) at Flowerpot Lane*

The applicants specifically ask that the following points be taken into account to counter Sport England's objection.

- a. Sport England asserts that the playing field is recognised as an important playing field for numerous sporting and recreational activities, and that it is used for informal recreation. This assertion is not borne out by any facts or evidence. In fact, the evidence shows the opposite, namely, that the land is hardly ever used for informal recreation and, other than the Dynamos, there is no demand for formal recreational use at Wear Barton.*
- b. It is a material factor that whilst the lawful planning use is currently as playing fields, the weight which can be given to that use is limited by the fact that the fields are privately owned and could be fenced in shortly. The extent to which a use can actually perform its function, notwithstanding the lawfulness of that use, is relevant to the assessment of that land's planning characteristics.*

c. Sport England acknowledges that there is a link between the College's proposals at Exwick and at Wear Barton. However Sport England incorrectly states that the Council "should not give any weight to this in their planning decision." With respect, it is for the decision-maker to decide what weight to give to this fact and the Council is allowed to take into account the College's wider proposals.

d. Sport England acknowledges that parts of the Wear Barton site have not been marked out for formal pitches for a few years. However, Sport England believes there is "potential" for pitches to be laid out. In response, the College can confirm that ever since the College's use of the site effectively ceased, the College has not been approached by any club wishing to use any unused part of the site. The facts show that there is no demand for these fields in their current form.

e. Sport England suggests that the adult football pitch will not meet the recommended size. This is wrong. The College would accept the imposition of a planning condition that required the provision of an adult pitch 106m x 69m (including safety run off), and a pitch of that size could be provided on the site.

f. The College does not accept Sport England's assertion that the pitch will not allow for rest and rotation. The new pitch will be laid out to Sport England's own "good standard" specification. Indeed, the new pitch will be less affected by bad weather than the other grass pitches in Exeter and will be provided and maintained to a high standard. Any concerns Sport England might have about the standard of the new pitch, or the proposed changing facilities will be addressed by suitable planning conditions and obligations.

g. Sport England implies that the College's off-site mitigation at Exwick may adversely affect the Ultimate Frisbee pitch. It will not. The College has no proposals to terminate or otherwise affect the use of this pitch. In fact, the College has already met the Ultimate Frisbee club to discuss how the pitch can be improved and allowing access to changing facilities for players.

h. Sport England refers to a planning appeal decision (Ref: APP/U/4610/A/12/2176169). The first point to note about this appeal is that it was allowed. The appeal decision merely emphasises that for a proposal to comply with paragraph 74 of the NPPF, it is necessary for an applicant to offer replacement provision that is equivalent or better in terms of quantity and quality in a suitable location. The College acknowledges this requirement and contends, rightly, that the proposed re-provision, both on and off-site (as described above), will result in replacement by equivalent or better provision in terms of quantity and quality. This is a matter of fact, not planning judgment.

i. Sport England refers to work on the draft Exeter Playing Pitch Strategy. However, its comments in relation to Wear Barton are incorrect and out of date. What this does confirm, however, is that there is an opportunity to provide a better playing surface than currently exists.

j. Sport England comment that the College's proposals will "impact" on the Dynamos' "ability to grow". The Dynamos do not share this opinion. To reiterate, the Dynamos positively support the proposals and welcome the improved playing surface, which they have confirmed will meet the Club's needs, and the security the proposal will deliver.

k. Sport England refers to cricket. In response, the College would reiterate that it has never been approached by any cricket club wishing to use Wear Barton. Further, the College would point out that it has made provision at Exwick for cricket provision. (Issues at Winslade, East Devon, will be for that landowner to address.)

In conclusion, the application is about better provision, more provision, public access and long-term benefits for Exeter's public recreation offer.

REPRESENTATIONS

1 letter of comment from the Countess Wear Dynamos stating that the proposals '*...will provide a more long term base for our teams operating at the field, as well as offering a new changing room facility more specifically focused on our requirements*'

185 letters/emails of objection have been received reiterating previous concerns. Principal comments raised:

1. Contrary to findings of the Strategic Housing Land Availability Assessment;
2. Create a precedent for development on other playing pitches;
3. Unfair that development at Countess Wear will fund sports improvement at Exwick;
4. Loss of green open space;
5. Loss of playing field will reduce areas for children to play;
6. Reduction in number of sports pitches from 3 to 1, will limit existing clubs ability to expand;
7. Alternative playing fields at King George playing fields too far away and across a busy road;
8. Loss of open space/playing pitches will have a negative effect on public health and general well-being;
9. Proposed location of open space under pylons will restrict use;
10. Limit the site for community use ie football tournament, fun days etc;
11. Exacerbate the existing problem of unpleasant odours from the nearby sewer treatment works;
12. Increase traffic generation within an already congested road network;
13. Create potential highway safety implications for Glasshouse Lane /Topsham Road;
14. Greater parking problems for existing residents;
15. Increased use of local roads to be used as a 'rat run' from Topsham Road to Bridge Road;
16. Greater traffic will increase pressure on existing roads which already require repair;
17. Increased levels of air pollution;
18. Lack of cycle routes within the scheme;
19. Increased dangers to pedestrian especially children from greater traffic generation;
20. Construction traffic will cause problems of increased traffic, noise, dust and disruption to the area;
21. Overdevelopment, too many dwellings for the site;
22. Indicative layout shows dwellings too close to existing houses;
23. Loss of outlook;
24. Potential for overlooking and loss of privacy;
25. Football pitches should be adjacent 100 club to promote greater/more accessible usage;
26. Poor level of amenity for future residents;
27. Increase pressure on existing oversubscribed doctor/dentist/hospital/school places;
28. Loss of wildlife habitat;
29. Increased risk of flooding;
30. Lack of community centre in the area;
31. Contrary to original lease agreement that College retain the area for recreational use.

CONSULTATIONS

County Head of Planning Transportation and Environment raises no objection subject to the imposition of suitable conditions. This application follows a similar application on the site made in 2015. From a highways perspective our comments on the previous application are still applicable. Detailed comments are provided below.

Traffic Generation

The submitted TA suggest two way peak hour vehicular trips of 0.51 (AM Peak - 0.40 Outbound/0.11 Inbound and PM peak – 0.18 OB/0.33 IB). These trip rates are approximately 10% higher than those used in the Seabrook Orchards application, Newcourt Access Strategy and in the County's East of Exeter modelling work and therefore considered acceptable. Applying this to the proposed development gives rise to 50 peak hour vehicle trips. In addition, although not set out in the TA, the proposed development would be expected to generate approximately 30-35 peak hour walking and cycling trips.

Vehicular trips have been distributed onto the road network based upon the 2001 Census TTW data. This is shown on Figures A15 and Figure A16 and show 40 trips through

Countess Wear junction in the AM peak. However, considering the most recent TTW work data and local observations, these are felt to overestimate the traffic through Countess Wear Roundabout. Instead, more traffic would be expected to use Topsham Road east and Admiral Way and therefore the actual impact at Countess Wear Roundabout would be closer to 25-30 two way peak hour trips.

Junction Impact

The submitted T.A has indicated the impact of the development on three key junctions for a 2021 forecast year:

- The priority junction between on Topsham Road with Glasshouse Lane and;
- The signalised junction between Topsham Road and Higher Wear Road;
- Countess Wear Roundabout.

The submitted modelling shows the priority junction on Glasshouse Lane to work comfortably. Although this does not take into account the queuing from Countess Wear roundabout that occurs in the peak periods, when queuing blocks back to here, cars will be able to pull out of the minor arm to join the slow moving traffic on Topsham Road. Although this situation is not ideal, it occurs elsewhere across the city and is not unsafe. The additional development traffic making this movement, expected to be around 20 vehicles an hour, is not a cause for concern.

The signalised junction of Topsham Road/Admiral Way/Wear Barton Road is predicted to operate within capacity in future, and the additional traffic from this development does not change that. Again, blocking back from Countess Wear in the AM peak is not considered in the analysis. Nevertheless, with traffic to and from Countess Wear roundabout primarily expected to use the Glasshouse Lane junction the magnitude of additional development traffic on Wear Barton Road, 15 vehicles per hour – corresponding to one vehicle every three signal cycles, is not expected to change this.

Although additional travel demand through Countess Wear Roundabout is a concern, this magnitude is low and is not expected to result in a severe impact. Furthermore, given the site has excellent access to the National Cycle Network/riverside cycle routes and is well served by regular public transport services there are opportunities for modal shift and peak spreading to further help reduce the vehicular impact from this development.

Access

Vehicular access to the site is proposed via a new raised table priority junction onto Wear Barton Road, as shown in Drawing SK010 Rev C. The proposed raised table would replace the existing speed hump. The geometries of the junction, including curve radii have been reduced in accordance with Manual for Streets design ethos as appropriate in a residential environment.

The access road into the site comprises a 5.5 metre width carriageway, with footways on both sides and a segregated cycle facility to the east of the access road. The cycle facility is proposed to continue through the site and into the south west corner of the site and onto Glasshouse Lane. A new bus shelter is also proposed on Wear Barton Road, serving passengers from both the site and existing residences. The overall concept is acceptable, although the detailed design will need to be progressed through a S278.

It is hoped that the cycle route could be extended through the whole site to the re-join Wear Barton Road through the area of Garages at the eastern end of the site. It is understood that these garages are owned by ECC and the potential for this has been raised. Such provision would provide a significant improvement to this section of the Exe Estuary Trail and it is hoped that all parties will use their best endeavours to enable this to be achieved.

Wider Network

To enhance pedestrian and cycle connectivity to the wider network, including the routes to and from Newcourt Primary School and rail station, the applicant is proposing to upgrade the pedestrian crossing provision at the Topsham Road/Newcourt/Higher Wear Road signalised junction. This includes:

- providing a pedestrian/cycle signal stage on the existing informal crossing of Topsham Road on the western arm,
- addition of an informal crossing point of Topsham Road on the eastern arm.

An indication of these changes is shown on drawing SK03B and the final details will need to be approved through a S278.

These changes will enhance the safety of routes from Countess Wear to the north, and also improve access in the reverse, particularly for cyclists from Newcourt heading towards the Exe Estuary Trail.

Internal Roads and Layout

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance. The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning Document. Reflecting the sites proximity to a number of primary cycle routes these standards should, where practical, be exceeded. As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaise with the highway authority prior to any application for reserved matters approval.

Travel Planning

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan. DCC is currently adopting a new approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured as part of any S106 agreement.

Other Matters

A condition is also recommended to ensure that appropriate facilities for all construction traffic are provided on site before the commencement of any part of the development hereby approved. To ensure that appropriate restrictions are implemented across the site a contribution of up to £5,000 is recommended towards the cost of relevant Traffic Regulation Orders.

Summary

Although the additional traffic from an unallocated site through Countess Wear Roundabout is undesirable, it is situated in an existing urban area that is served by public transport and within walking and cycling distance of schools and shops and therefore, from a transport perspective, is a sustainable site.

National Policy is for the presumption of sustainable development and for developments to maximise the sustainable transport solutions in the area. This development proposes a number of enhancements to the local sustainable transport provision, its impact is not considered severe, safe and suitable access is provided and therefore it is felt that the development could not be refused on transport grounds. Therefore, subject to appropriate contributions and conditions being attached in the granting of any consent, no objection.

Sport England object to the planning application in line with Sport England national policy on playing fields and as set out by Government in the NPPF (paragraph 74). Detailed comment are provided below:-

Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

In order for the principle of the development to be considered acceptable, it must accord with Sport England's Playing Field Policy, and the National Planning Policy Framework.

The application form clearly and rightly states that the application site's existing use is playing fields. The site is in College ownership after being transferred from the Local Education Authority. Nowhere within any policy can I find any distinction between publicly accessible playing fields or education playing fields. The playing field site measures 3.99ha (agents dimensions).

The playing field site is recognised as an important playing field in the City for its users given its pitch quality including natural drainage, size (3.99ha), shape and topography for numerous sporting and recreational activities including use as informal open space for the wider community. A local football club with youth teams use the site (existing changing pavilion) and it is used for informal recreation.

There is confusion within the proposal with some documents submitted being ones unaltered for a similar proposal Exeter City planning ref 15/0878/01, subject to a live planning appeal.

Other documents within this planning application make reference to the provision of a football pitch off-site including a plan showing a red line at Flowerpots Exwick (land in ownership of the Council).

The application has no direct link to the proposed 3G AGP at the College's Exwick site (former Civil Service sportsground). However, that application at time of writing has a resolution to approve but no planning consent can be granted until the replacement cricket pitch issues are resolved satisfactorily. In the Planning Statement (para 8.1.20) it states "Further the proposal will provide a significant part of the finance needed to deliver the floodlit, publicly accessible, 3G at Exwick and other infrastructure to support the provision of quality courses at the College". The covering letter to the application makes it clear that this application amounts to retrospective enabling development for the College. For the avoidance of doubt, the NPPF does not support enabling development in this context. Enabling development is only mentioned in the NPPF where it is necessary to secure the conservation of heritage assets and that is clearly not the case here. The local planning authority should not give any weight to this in their planning decision.

Aerial Photos of the Playing Field Site

The submitted 'existing site plan' shows two football pitches 100m x 65m and a smaller 100m x 50m.

This 2011 Google Earth image show the approx. pitch markings for football (95m x 55m approx.), although a further set of white lines are to the east of the site:

This 2007 Google Earth image shows 4x 'winter' playing pitches. Two football (80m x 50m and 100m x 60m approx.) and two rugby pitches (120m x 45m and 95m x 45m approx.). This

2003 Google Earth image is similar to the 2007 image showing 4x 'winter' playing pitches.

Two football (88m x 48m and 96m x 58m approx.) and two rugby pitches (120m x 61m and 83m x 49m approx.):

Although it is recognised that parts of the application site may not have been marked out for formal pitch team sports for a few years, given that the playing field land remains undeveloped it still has the potential to be brought back into an active use for sport and the potential to meet the community's needs if reinstated to playing pitch use. In area terms this is an additional two winter pitches (as per the 2003 and 2007 images above) as well as summer sports including cricket and athletics. The site itself still therefore has a value as playing field land resource for sport and recreation and would in our view still be afforded protection through the NPPF, Sport England Playing Field Policy and Local Plan policy.

Proposed Mitigation

On-site - We note that the applicant is proposing to retain one adult football pitch with new changing block in the proposal. The proposed site plan shows a football pitch 95m x 50m (we have measured this as 86m x 45m) which is not to the recommended FA size for adult play. The recommended playing pitch for adult football is 100m x 64m or 106m x 69m with safety run offs. The pitch will be constrained not allowing for rest and rotation of areas of the playing pitch. The application indicates a new changing block (no detail) at the application site.

In the Planning Statement (para 2.5) it states that “the re-provided pitches would be superior playing surfaces to that existing...”. No details have been submitted to verify this. We note that pitch quality was looked at as part of the Playing Pitch Strategy (see below).

We raise concern regarding proximity to housing, overuse of the site and long term viability of a single pitch site if permission is granted.

Off-site at Flowerpots/Exwick – This is an existing playing field site. In 2007 the area in question was marked out for adult football. It is currently marked out for Ultimate Frisbee. This is the only pitch in the South West and has dimensions of 100m x 37m.

Assessment against Sport England Policy / National Planning Policy Framework (2012)

The references in paragraph 14 of the National Planning Policy Framework (NPPF) to specific policies which restrict development are important and should provide for greater protection for sport through the implementation of paragraph 74 of the NPPF.

The accompanying footnote 9 to this paragraph only provides some examples of such ‘restrictive’ policies and does not attempt to be a complete list. While the footnote does not specifically refer to paragraph 74 it can be regarded as falling within the group of specific policies in the Framework that indicate development should be restricted (Land of Clifton Drive, Sealand Road, Cheshire see APP/A0665/A/13/2200583 paragraph 47).

This is significant in highlighting the importance of paragraph 74 as these references in paragraph 14 relate to both plan making, along with decision taking where the development plan is absent, silent or relevant policies are out-of-date.

Playing fields have been given greater protection and recognition by the Government through the NPPF (paragraph 74):

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

It should be noted that the strength of paragraph 74 of the NPPF has been tested at appeal. In an appeal (Land off Lythalls Lane Coventry ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirements of replace this playing field under the provisions of paragraph 74. In that case, it was held that:

‘...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...’

There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.’

On that basis of the above, the PINS held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory replacement provision is necessary and should be provided as part of the scheme.

It therefore falls that compensatory replacement provision should be provided as part of the current planning application in order to meet the requirements of the NPPF. It should also be noted that, preventing sports use of the site in the future, will not prevent it from being considered under the provisions of paragraph 74 of the NPPF, as the lawful use of the site shall remain as a playing field land until such time as permission is formally granted for some alternative use.

Sport England's Playing Field Policy

The site is recognised by the sporting community as a large significant playing field that needs protecting from development. As stated above, the application results in the substantial and significant loss of playing field land (3ha) without adequate mitigation. The proposed housing development is neither ancillary to the function of the playing field, nor on land incapable of forming a pitch or part of a pitch. As such, exceptions E2 and E3 of Sport England's Policy do not apply in this case.

Sport England does not consider the application as meeting exception E4 as the proposed playing field land to be retained (0.72ha) will be physically constrained and will only be capable of accommodating one football pitch. Currently shown to be below the recommended size for football. Sport England raise concern over proximity to the proposed housing and overplay issues. A single pitch site poses issues regarding long term viability. The off-site mitigation is a site that is already playing field land marked out as an Ultimate Frisbee pitch.

Similarly, the development is for housing and not for any sporting facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields. Exception E5 is therefore not applicable.

In terms of assessing the proposed development against exception E1, there is no Exeter Playing Pitch Strategy currently in place (see below). Overall and in light of the NGB comments (below), it is not justified that there is an oversupply of playing field provision which would justify the loss of playing field land as proposed. The development therefore fails to meet exception E1.

The proposed development fails to meet any of the exceptions to Sport England policy. The principle of the housing development with inadequate mitigation is therefore considered unacceptable to Sport England policy terms.

The Exeter Playing Pitch Strategy

Work is well underway to develop an Exeter Playing Pitch Strategy to meet the NPPF requirements of paragraph 73 for playing fields/playing pitches. The Steering Group are close to agreeing Stages B&C with a direction of travel for the development of the strategy taking on board scenario testing. In the completed audit work the application site notes 2x football pitches on site that are 'available for community use'. Those pitches score 73 and 63 (out of 100) on pitch quality at the time of the pitch inspection. These scores rate the two existing pitches as 'standard' quality. Pitches that score over 80 are rated as 'good'. It is too premature to conclude that there are playing field land sites in the City that are surplus to requirements and can be lost to alternative uses.

National Governing Bodies Comments

We have sought the views of the FA and they advise that here is a large loss of land that could be used for playing pitches. The Exeter Playing Pitch Strategy is not yet in place to support any loss of playing field land. There is a note in the D&A statement, pg 17, where it notes 'Senior football pitch (dimensions as per existing pitch)'. The pitches that have been used recently (up to 3) have been marked out in an orientation that is 90 degrees to the proposed pitch, so this is an odd statement and somewhat miss-leading. Further concerns are:

- a. Pitch to be provided is not sufficient to meet current and future demand, it also does not meet the FA recommended pitch size for adult football, and would be expected to be met.
- b. Public open space requirement on this pitch area – this will lead to overuse and possible miss-use of the site.

There are significant planned population increases in Exeter and this will increase the demand for football and require additional facilities, so it is hard to imagine a scenario where playing field land can be lost whilst the population and subsequent demand for playing pitches will increase.

The site is used for both youth and senior football according to the Devon County FA. Countess Wear Dynamos currently operate 2 youth teams and senior team. This development will impact on the clubs ability to grow, which it will do with the planned population increase.

The ECB advise that currently the site is not used for cricket so no direct loss however it is currently a large playing field that might be able to accommodate cricket in the future. The emerging PPS work has identified a current shortfall of cricket grounds within Exeter. This doesn't take into account any scenario testing where most cricket clubs have very limited security of tenure. It also doesn't take into account the sites at risks, i.e. Exwick and Winslade Park (although it is in East Devon it does serve the people of Exeter due to its close proximity to the boundary). On this basis there is a need to protect existing sites and also identify new venues for cricket. The identification of any potential sites has not been undertaken and is the next stage of the PPS work.

Conclusion

The planning use of the land is for playing fields. This use has not expired. The site has value as playing field land resource for sport and recreation and would in our view still be afforded protection through the NPPF, Sport England Playing Fields Policy and local plan policy. There is no policy distinction in terms of the ownership of land. The application proposes a significant and substantial loss of playing field land - 3 hectares to residential use. Once lost, lost forever.

The applicant has failed to provide suitable mitigation. The proposed playing field land to be retained will be physically constrained and will only be capable of accommodating one football pitch. Currently shown to be below the recommended size for football. Sport England raise concern over proximity to the proposed housing and overplay issues. A single pitch site poses issues regarding long term viability. The proposal off-site at Flowerpots/Exwick is already playing field land, currently with a pitch marked out on it for Ultimate Frisbee. It is clearly not new provision of playing field land.

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Housing Development Officer comments that 35% of the total dwelling must be affordable in line with the Affordable Housing SPD, which for a 101 dwellings would be 35 with a financial contribution needed for the remaining 0.35. In accordance with the Affordable Housing SPD at least 70% of the affordable units are required to be social rent (25 units) the remainder to be intermediate affordable housing (10 units); the scheme to achieve a representative mix of market dwelling types and sizes (including number of bedrooms); 5% (2 units) of the affordable housing to be wheelchair accessible in accordance with the Council's Wheelchair Housing Design Standards and affordable housing to be spread out across the site in clusters of no more than 10 units.

Environmental Health Officer comments that this development will generate traffic that will pass through the Air Quality Management Area and as such an Air Quality Management Assessment will be required. The site is 100 metres from the Countess Wear sewage treatment works. The proposed houses will be as close to the works, or close to it than the existing closest dwellings (depending on the development layout). This will introduce a significant number of new receptors close to a facility that has the potential to cause odour

nuisance. No statutory odour nuisance has been witnessed to date, but complaints about the works are received on a regular basis both by the Council's Environmental Health Dept and SWW and as such odour from the sewage works is likely to affect the occupants of this site. In order to understand the likely frequency and extent of the impact on future occupant, the applicant should be asked to conduct an Odour Impact Assessment. (*Request for Odour Impact Assessment and Air Quality Impact Assessment made but considered unnecessary by the agents, particularly given the comments of SWW in respect of odour -14 Sept 2015*). If planning permission is granted conditions are requested in respect of construction hours, the submission of a Construction and Environmental Management Plan (CEMP), a contamination report and noise impact assessment for the playing pitch and use of the changing rooms.

County Flood Risk Management Team raise no objections to the outline surface water management strategy following the receipt of further information submitted by the applicant and subject to suitable pre-commencement planning conditions being imposed.

Historic England raise no observations.

Heritage Officer comments that the desk top study and geophysical survey have not identified any known or substantial remains within the site, although prehistoric flints have been found on the site and in the vicinity. As many prehistoric remains can be too slight in character to be easily identifiable by geophysical survey alone, it remains possible that such remains may still be present on this site. If they do survive then they are likely to be relatively slight in character and already truncated by past ploughing and, although potentially of medium significance, their presence would not represent a meaningful constraint upon the principle or form of development proposed on this site, though they should be properly identified and recorded through archaeological works as a condition of the consent.

RSPB comment on the need to provide bird boxes in accordance with the Residential Design Guide SPD; need for further information to assess whether the proposed development's will be likely to have any adverse impact of the Exe Estuary SSSI, SPA and Ramsar site and further details of mitigation measures to ensure that there will be no direct impacts (pollution, disturbance) on the estuary habitats and birds.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):-

4. Promoting sustainable transport
5. Supporting high quality communication infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

Paragraph 11 - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 - At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking...For decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Paragraph 74 - Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Exeter Local Development Framework Core Strategy:-

- CP1 – Providing for Growth - Spatial Strategy
- CP3 – Housing Distribution
- CP4 – Housing Density
- CP5 – Meeting Housing Needs
- CP7 – Affordable Housing
- CP9 – Strategic Transport Measures
- CP10 - Meeting Community Needs
- CP11 – Pollution
- CP12 – Flood Risk
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure
- CP17 – Sustainable Design
- CP18 – Infrastructure

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
- H6 - Affordable Housing
- H7 – Housing for Disabled People
- L3 - Protection of Open Space

Development of Open Space will only be permitted if:

- a) *the loss of open space would not harm the character of the area; and*
- b) *the open space does not fulfil a valuable recreational, community, ecological or amenity role; and*
- c) *there is adequate open space in the area; or*
- d) *the loss of open space is outweighed by its replacement in the area by open space of at least equivalent recreational, community ecological or amenity value (including, in particular, the provision and enhancement of equipped play space).*

L4 - Provision of Playing Fields

L5 - Loss of Playing Pitches

Development that would result in the loss of a playing field will not be permitted if it would harm recreation opportunities in the area.

T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T5 – Cycle Route Network
T9 – Access to Buildings by People with Disabilities
T10 – Car Parking Standards
C5 – Archaeology
LS1 – Landscape Setting
EN2 – Contaminated Land
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children’s Play Areas
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version):-

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development
DD8 - Housing on Unallocated Sites
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD22 - Open Space
DD25 - Design Principles
DD26 - Designing Out Crime
DD28 - Heritage Assets
DD30 - Green Infrastructure
DD31 - Biodiversity
DD33 - Flood Risk
DD34 - Pollution

Exeter City Council Supplementary Planning Documents:-

Residential Guide
Planning Obligations
Affordable Housing
Sustainable Transport
Archaeology and Development

Sport England's Playing Field Policy:-

Policy Exception E1:

A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

Policy Exception E2:

The proposed development is ancillary to the principal use of the site as a playing field or playing fields and does not affect the quantity or quality of pitches or adversely affect their use.

Policy Exception E3:

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch

(including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

Policy Exception E4:

'The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.

Policy Exception E5:

The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields'.

OBSERVATIONS

Introduction

The application site is identified in the Exeter Local Plan as Open Space. Consequently the site is covered by Local Plan Policy L3 which relates to the impact of development on open space and given its use as a playing field, Policy L5 which applies to their loss as a result of development. The proposed scheme seeks to redevelop the site, in part, for residential use with the remainder of the site containing a full sized football pitch and associated changing rooms/designated parking areas. The proposed relocated football pitch is wholly acceptable representing a continuation of the existing use on the site. The proposed housing represents a potential conflict with the local plan policies which seek to protect and enhance playing pitch provision in the city and therefore an assessment against the relevant criteria contained within these policies is needed. To make this assessment it is necessary to understand the applicant's overall strategy to playing pitch provision in the City, specifically in respect of the Countess Wear site and at Exwick. This background information is important to note as it underpins the applicant's supporting case when assessed against the relevant national and local development plan policies.

Applicant's Playing Pitch Proposal Countess Wear/Exwick/Flowerpot

The application will involve the reduction in the playing field area by approximately 66% to accommodate the proposed housing development. The submitted plans indicated that currently two full size pitches can be achieved on the site, although the plans also indicate that this still leaves a significant area for informal recreational and aerial photographs taken in 2006 indicate three sports pitches and a junior pitch were accommodated on the site at that time. The development of the site for housing development will prevent the site from being capable of use for two full size playing pitches. The applicants have recently received a committee resolution to approve a 3G artificial pitch at the Exwick Sports Hub (15/0870/03) which is important, in the applicant's view, in demonstrating the overall provision of playing pitches, both in terms of number and quality which is being proposed. In summary, the applicants are proposing the retention of one full size football pitch at Wear Barton Road; the replacement of the 'lost' Wear Barton Road pitch at Flowerpots Playing Field site (overlying the existing frisbee area); the creation of a new artificial pitch at Exwick Sports Hub and a proposed replacement cricket pitch, 'lost' to the new artificial pitch, within Flowerpots Playing Fields. In addition, Exeter College are seeking to undertake the management of the Flowerpot Playing Fields from the Council under a separate land lease.

The applicants have submitted further information since the previous committee resolution to refuse planning permission. This current application is similar to the previous scheme (15/0878/01) although the reinstated playing pitch overlying the frisbee area at Flowerpot is now formally included within the application site for consideration. In addition, the applicant has also provided booking schedules for the Wear Barton pitches and photographic evidence indicating usage and a detailed response to Sport England, which is summarised in the supporting information section and attached in full as an Appendix.

Development Plan and NPPF Policy Context

Initially it is necessary to consider the proposed residential use against relevant national and development plan policies, particularly in light of the appeal decision at Exeter Road,

Topsham. The principal finding of this Inspector's decision letter was to conclude that the Council could not demonstrate that it has a five year supply of deliverable housing sites. This conclusion is important as NPPF paragraph 49 states that relevant policies for the supply of housing should not be considered up to date.

Legal advice has further clarified how this planning application should be determined following confirmation that the Council's policies for the delivery of housing are deemed out of date as a result of the Council not having a 5 year housing supply. The legal view is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise and this will depend on assessing whether the proposal is in accordance with the Development Plan (as a whole) and if it is not, on the weight afforded to the relevant Development Plan policies under consideration both in themselves and relative to the other material considerations.

i) Assessment of relevant Local Plan Policies

Notwithstanding NPPF paragraph 49 in respect of out of date planning policies (which it is accepted is applicable here because of the 5 year shortfall), recent case law has maintained that the starting point for considering planning applications is still the Development Plan as recognised in paragraph 11 of the NPPF, which states that planning permission must be determined in accordance with the Development Plan unless material consideration indicate otherwise. This maintains that the local planning authority must still continue to weigh up all the relevant Development Plan policies irrespective of whether they are now deemed out of date. The fact that a policy is out of date does not mean it is dis-applied and nor does it mean that the policy must carry only limited weight. Weight is a matter for planning judgment depending on the facts of the case. For this application the most relevant policies are L3 'Development on Open Space' and L5 'Loss of a Playing Field' and it is against these policies which the application is primarily assessed. Core Strategy CP10 supports those policies but it is accepted that if policies L3 and L5 were satisfied, CP10 would also be satisfied. The text of both the saved Local Plan policies are reproduced within the Committee report. Given that the proposal results in the loss of approximately two thirds of the site to residential development it does conflict with Policy L3 and would reduce the site's recreational and amenity value in the area. The site currently provides an area of actively used recreational open space, which contributes to the areas spacious and green character particularly when viewed from alongside an existing public footpath and parts of the Wear Barton Road frontage. It is not considered that equivalent replacement provision for all of these attributes is being made within the area. The application is also in conflict with Policy L5 as the development of the site would harm recreational opportunity, with the loss of the existing open land potentially preventing future playing pitch creation, if required in the area. As a consequence there is also non-compliance with CP10 which seeks to protect recreational facilities. The proposal is therefore not in accordance with the Development Plan.

ii) Planning weight afforded to out of date Development Plan Policies

NPPF paragraph 49 renders the Council's policies in respect of housing delivery out of date and consequently the weight attached to relevant policies requires reassessment. Recent legal judgements have clarified that it is still for the decision maker (ie the local planning authority) to make the planning assessment as to how much weight each policy is given. However what the Courts have made clear is that the lack of a 5 year housing supply may influence how much weight these out of date development policies are given. This is dependent on the specific scheme and will include for example the extent of the Council's 5 year supply shortfall, what the Council is doing to address this issue and the particular purpose of the restrictive policy, in this instance Core Strategy Policy CP10, Local Plan Policy L3 and Policy L5. The Council currently has an approximately 2.5 year supply of housing and the intention to address this matter will rely on cooperation with neighbouring authorities, although this is unlikely to occur in the short term. Given these circumstances it is considered that the restrictive policies would be afforded less weight given the limited progress made in respect of the housing shortfall. However, the protection of open space and recreational provision remains a strong theme of the NPPF and the Development Plan policies themselves are generally consistent with the approach in the NPPF and would

ordinarily carry due weight in line with paragraph 215 of the NPPF. In the circumstances, it is considered that the Development Plan policies should still carry moderate weight.

iii) Interpretation of NPPF paragraph 74.

Applicant's view

The applicant's interpretation of NPPF paragraph 74 argues that the three criteria which allow exceptions to the loss of playing fields should be considered in individual terms rather than cumulatively. The applicant is therefore relying on the second criteria to support their case. This states that '*...playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location...*' The applicant is stating that the combination of the retained pitch coupled with the new provision of a new pitch at Flowerpot results in no loss of playing pitches in terms of overall number and therefore the quantitative element of the NPPF paragraph 74(ii) is satisfied, although as previously stated the site has the potential for three sports playing pitches. Similarly the applicants has stated that the primary purpose of the Wear Barton Road application is to generate land receipts to fund a replacement pitch not only on the site and the new pitch at Flowerpot but also for a new 3G artificial playing pitch at Exwick Sports Hub and the associated replacement cricket pitch. The applicant's response to Sport England indicates that for the 3G pitch at Exwick to go ahead without funding from the application site, it would be necessary for the applicant to defer on other schemes, although no details are provided of what these scheme might be or what the timescale of deferral would be. The applicants has stated that these facilities will represent an improved playing pitch provision city wide and in particular the high quality artificial pitch will create a facility which is currently under provided for in the city. Consequently the applicant are stating that this satisfies the quality element of paragraph 74 of the NPPF.

Officer's response

Legal advice has clarified the role of NPPF paragraph 14 in respect of the out of date policies for this application. The advice concludes that the correct interpretation of this paragraph needs to have regard its concluding sentence which requires the decision taker (ie the local planning authority) to grant planning permission unless '*specific policies in this Framework indicate development should be restricted*'. Footnote 9 gives examples of such policies but these are examples rather than a complete list. Assessment of the application should therefore refer to any relevant restrictive policy in the NPPF in this instance paragraph 74, which states that existing open space should not be built on unless certain criteria are met. This is a specific policy of the NPPF which indicates that development should be restricted. Consequently an assessment is needed regarding the appropriateness of the scheme, both for on-site pitch provision and in respect of the replacement pitches proposed by the applicant, to satisfy the most relevant second element of paragraph 74 which states that '*the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location*'. The applicant has sought to demonstrate that appropriate pitch replacement will occur in terms of quantity and quality, as outlined in the Committee report. Legal advice has clarified that the question of '*suitable location*' needs to have regard to the approach in terms of the Open Space SPD, which looks at pitch provision as a City-wide resource as well as considering the localised role of these particular pitches as stated within Committee report. The existing pitches do fulfil a local function for the adult and youth teams of the Countess Wear Dynamos and whilst matches and training could potentially take place elsewhere in the City this would be less convenient and less accessible than the continued use by the existing teams of the current facility. Whilst a qualitatively better facility is proposed to be provided at the Exwick Hub (and one full sized pitch is being retained at the site) there is a net loss of recreational open space in quantity and the replacement facilities are not as conveniently located for local users. Whilst the Countess Wear Dynamos have stated that they are supportive of the proposed provision, this does not take account of the future potential of the site for playing pitch provision given the capacity of the site to accommodate a greater number of pitches than are currently marked out. There is also a loss of visual amenity in the local area as a result of the significant reduction in openness and greenspace, which will be particularly apparent from

Wear Barton Road, from the public footpath which runs along the southern boundary, and from views experienced by informal recreational users of the site itself. Consequently, on balance, it is concluded that the replacement does not represent equivalent or better provision so as to satisfy paragraph 74 of the NPPF and therefore it cannot be relied on to justify planning permission. This is not, therefore, a case where the presumption in favour of sustainable development would operate to point to a grant of planning permission.

Planning Pitch Audit

The NPPF, Local Plan and Sport England make reference to the need for an assessment of the supply and demand for playing pitches both in terms of quantity and quality. The Council has undertaken to address this issue through the preparation of an Audit and Playing Pitch Strategy. This work is currently ongoing and it is anticipated that the draft conclusions will be available by October. This Strategy will provide the necessary evidence base when considering a proposal which would result in the loss of playing pitch provision. Consequently in the absence of any evidence from the Audit to show an over-supply of pitch provision, the decision should be taken on the basis that the existing pitches have a continuing value in meeting recreational needs, including both their existing use and their potential to provide additional pitches within the available space should the demand arise in the future. The potential of the site to provide for more pitches than are currently laid out is an important attribute of the site when considering whether the proposed replacement provision provides equivalent or better provision. The applicant's suggestion that pitches are not fully used at present should be given little weight in the absence of the Audit. Details of the College's supporting information is attached as a appendix,

Sport England's Objection

Sport England has maintained their objection to the scheme and highlighted particularly areas of concerns, other than the conflict with the Development Plan and the NPPF paragraph 74 which have already been stated. Their objection is reproduced in full (excluding photographs) within the consultation section of this report. In summary, Sport England does not consider that the applicant has met any of the exception tests contained within their Playing Field Strategy which are reproduced in the planning policies/policy guidance section of this report. The proposed playing field land to be retained will be physically constrained and will only be capable of accommodating one football pitch, which is currently shown to be below the recommended size for football. Sport England have also raised concern over proximity to the proposed housing and the potential for overplaying given the scheme proposes a single pitch site and consequently issues its regarding long term viability. It is considered that the illustrative layout as submitted does show deficiencies, as identified by Sport England, in terms of pitch size and its subsequent relationship with new dwellings, which could lead to a detrimental impact on residential amenity. In addition, no details have been provided of the improved quality of the remaining playing pitch as stated by the applicant and therefore concerns are shared with Sport England about the future viability of the only one pitch at this site. Consequently if approval was granted a revised plan to prove that a full size pitch could be accommodated within the layout and further details of the enhancement to the replacement pitch would be required.

Sustainable Location

It is accepted that the site is located within a sustainable location. It is close to good transport routes, local schools and amenities, which have the potential to be enhanced through the combination of planning conditions, Section 106 agreement requirements or improvements arising from CIL receipts, if this application was to be approved. The site can therefore be regarded as a sustainable urban extension in terms of its location. The application proposes a similar number of dwellings to the Exeter Road application (up to 101 units at Wear Barton Road and 107 units at the Topsham appeal). The Inquiry inspector commented that the number of units proposed for the Exeter Road '*... would be of very considerable important in delivering housing in the context of the serious housing shortfall...*' Accordingly given the similarity in terms of number of homes proposed for the Wear Barton Road site the development is considered significant to address the identified housing supply deficit.

Accordingly this represents a material planning consideration within the overall assessment of this application.

Highway Issues

The County's Highway Officer has stated that although the additional traffic from an unallocated site through Countess Wear Roundabout is undesirable, it is situated in an existing urban area that is served by public transport and within walking and cycling distance of schools and shops and therefore, from a transport perspective, is a sustainable site. The Highway Officer comments that the development proposes a number of enhancements to the local sustainable transport provision, its impact is not considered severe, safe and suitable access is provided and therefore the development could not be refused on transport grounds. Consequently subject to appropriate conditions regarding improvement towards the junction on Topsham Road and a dedicated pedestrian/cycle access through the site and financial contributions in respect of Traffic Regulation Orders, the recommendation is no objection.

Affordable Housing

The Council's Housing Development Officer has assessed the proposal and subject to the provision of 35% affordable housing of an appropriate representative mix secured through an appropriate legal agreement this application is considered appropriate.

Land Ownership

The applicants have stated that the current playing field is not public land but privately owned. However this is not relevant to the planning assessment of the application. Although the NPPF makes no distinction between public and private land, the Local Plan makes it clear that it seeks to '*...encourage greater community access to playing fields currently under private or education ownerships...*' It is acknowledged that the College have planning permission to fence off the site and could terminate the current arrangement with the Countess Wear Dynamos to use the facilities, resulting in no sport being played on the site. Whilst this would be unfortunate the management arrangements for this site are beyond the control of the Council and the lawful use of the land would still remain as a playing fields, as there is no alternative planning use of the site.

Potential call in

If the Council is minded to grant consent legal advice will be needed to clarify the scope of the Consultation Direction and the potential for the application being 'called in' by the Secretary of State. The requirement to refer the application to the Secretary of State relies on a set of criteria which are defined within planning legislation which only applies if; the site is owned by a local authority; is used by the College as a playing field and has been used by the College at any time in the last five years. The Wear Barton site does not appear to fulfil any of these criteria and consequently the Council would unlikely to be required to consult the Secretary of State prior to granting planning permission.

Conclusion

It is considered that the final decision on this application is finely balanced. Whilst the additional information submitted by the applicants is helpful it does not provide sufficient justification to approve the scheme which remains similar in form to the development previously assessed and subject of the planning appeal scheduled for December 2016. The assessment of the application shows the impact of development of the site in terms of loss of recreational facilities and in amenity terms on the character of the area against the requirements of Local Plan Policy L3. Clearly the development of two thirds of the site will undoubtedly have an impact on the currently spacious and green open area as seen from Wear Barton Road and in particular when viewed from alongside the public footpath to the south of the site. In addition, the scheme would be in conflict with Policy L5 which seeks to maintain the recreational opportunity in the area. The loss of the majority of the site to residential development will certainly restrict the ability of the site to provide additional playing pitches, if a shortfall was identified in the area. The full extent of this loss of

opportunity will not be known until the conclusion reached in the Playing Pitch Strategy is published, which is anticipated to be in October. However this has to be balanced against the significant number of housing being proposed in a sustainable location, the provision of 35% affordable housing, the creation of an onsite playing pitch/changing facilities, reinstatement of a pitch at Flowerpots and funding of the new 3G pitch at Exwick, as outlined in the Committee report. The balancing of these competing priorities should be carried out having regard to the Development Plan and other material considerations. The presumption in favour of sustainable development does not operate in this case to tilt the balance because of the conflict with paragraph 74 of the NPPF, which is a specific policy restricting development involving the loss of open space. Consequently the decision is finely balanced and whilst the positive benefits being offered by the applicants are acknowledged and should carry weight, the protection of the open space is an important consideration as is recognised by the NPPF. Accordingly refusal of the application is still recommended.

Members should be aware that the applicant has submitted an appeal to the Planning Inspectorate against non-determination of the planning application (15/0878/01) given the local authority's failure to determine the application within the target 13 weeks. The public inquiry is scheduled to commence on 6 December. The applicants have indicated that they would withdraw this appeal if planning permission were granted.

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposal is contrary to the National Planning Policy Framework 2012 (paragraph 74), Exeter City Council Core Strategy 2012 CP10, Exeter Local Plan First Review 1995-2011 Policy L3 and L5 and Sport England's Playing Field Policy because the development will:-
 - i) result in the loss of the openness of the site detrimental to the amenity value of the area and;
 - ii) it would result in the loss of a playing pitch site identified for retention and provides the opportunity for future recreational need and these losses are not being replaced by provision of equivalent value.

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

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

This page is intentionally left blank

NOTES

□ Application boundary

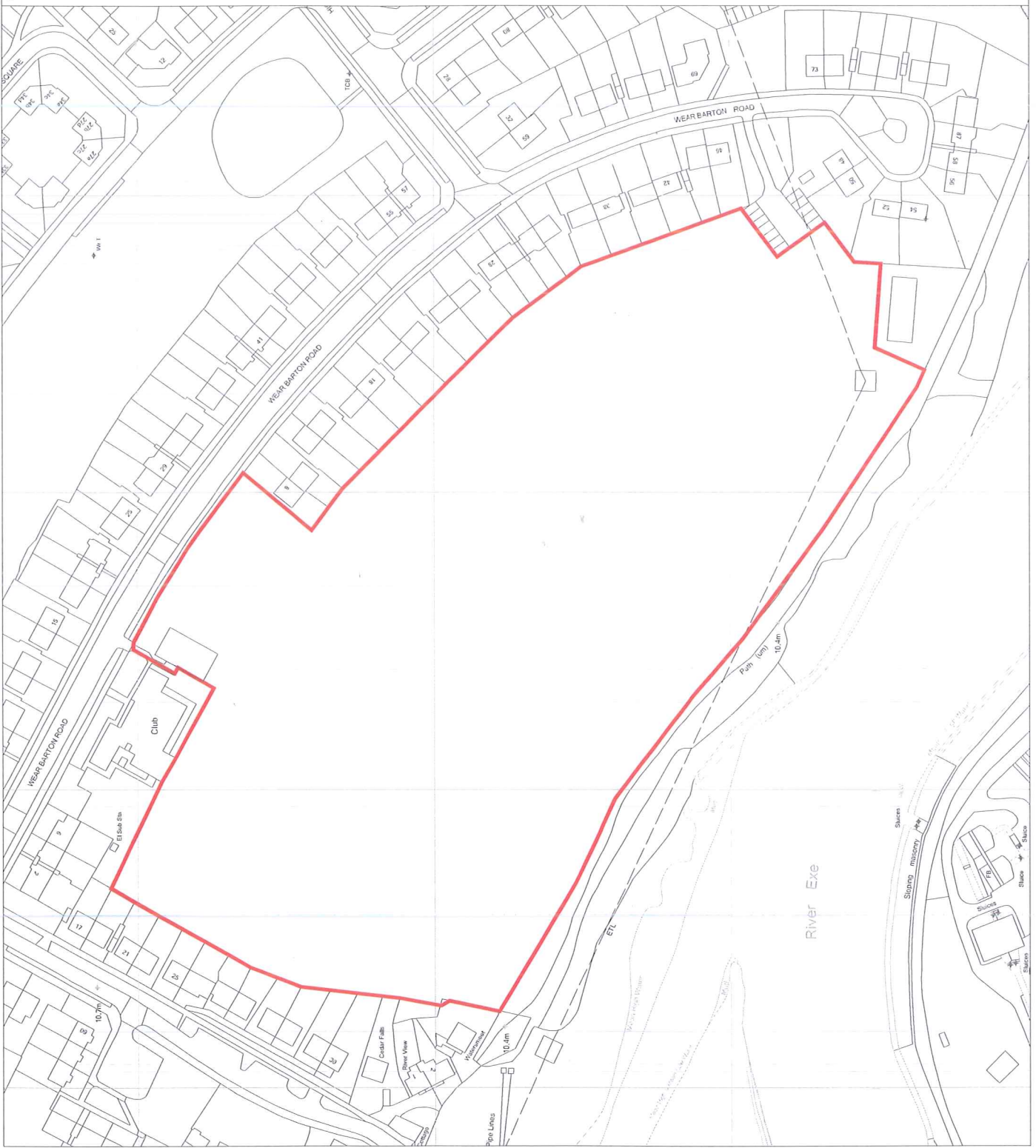


REV	NOTES	DATE
	Wear Barton Road, Exeter Location Plan	DC / GB
140501	L 01 01	1:1250 @ A3 March 2015

CliftonEmerydesign

Ground Floor, Number 3 Sawbush Office Park, Fair Oak, Clax, Exeter, EX3 2UX
 T 01392 388666 W www.cliftonemerydesign.co.uk E mail@cliftonemerydesign.co.uk

DRAWING STATUS: PLANNING
 CONSULTANTS FOR ALL WORKS IN RELATION TO THE ABOVE PROJECTS ARE AVAILABLE ON REQUEST



16/08/15

This page is intentionally left blank

Response to Sport England objection

1. In an email dated 19 August 2016, Sport England maintained its objection to the application. Whilst the objection makes reference to a number of issues, the essence of the objection is an unwillingness by Sport England to positively engage with the application until a Playing Pitch Strategy has been adopted by the Council.
2. The College's position is that Sport England is wrong to object to the application, for many reasons. This Response sets out those reasons in more detail.
3. It is important to keep in mind the factual position. The land is privately owned by the College. The College has not used the land for educational purposes since [2010]. The only formal use of the land for sport is by the Dynamos, a football club. The Dynamos have used the land since the mid-1970s. The arrangement with the Dynamos is an annually renewed external hire agreement which has been in place for over 10 years. In the 2015/2106 season, the Dynamos ran two teams and marked out two pitches. [N.B. The Dynamos have now confirmed that the club could successfully operate using a single full sized playing surface which they could sub-divide to create 9 v 9, 5 v 5 etc. pitches.
4. The existing changing facilities comprise four, sub-standard, changing rooms. The existing pitches are classified by Sport England as "standard", i.e. less than "good" classification. During the past five years the College has not been approached by any club, football or otherwise, enquiring about the land's availability for sport. The College obtained planning permission to fence the land in March 2014 under reference 14/0283/03. The land has been maintained by the College. The land is surplus to the College's own requirements.
5. The College's position is that, if necessary, it will fence the land prior to the expiry of the above planning permission, although it will make sure that it maintains the existing arrangement with the Dynamos. The College is not yet faced with making that decision. However, the Council will be aware that the number of teams in Exeter playing football is diminishing - not as the result of a lack of grass playing pitches -and that the cost of maintaining playing pitches and facilities is increasing. It will not be economic for the College to continue to keep the fields open to public use, and it will not.

6. The College would emphasise, therefore, that the continued use of the land at Wear Barton for sport is not guaranteed: the fields are private land, and every person using the land without authority to do so is committing a trespass. Unless planning permission is granted there is every chance that the land will soon no longer be available on an ad-hoc basis for either formal or informal sport and recreation use. This fact is a material consideration and must be weighed by the Council when determining whether to grant planning permission.
7. If permission is granted, however, the provision of formal and informal recreation and sporting facilities on land at Wear Barton, for use by the public, would be secured.
8. The development itself would deliver the following recreational benefits:
 - a. a replacement, full-sized football pitch, with a "good quality" specification (ie above a score of 80, as per Sport England's specification rating), measuring 106m x 69m including run off / safety area around the pitch (which fully answers Sport England's concerns about the size of the replacement pitch)
 - b. new changing facilities
 - c. a playground for younger children
 - d. two new marked-out, 5-a-side pitches (including equipment) (currently, there are none)
 - e. a new junior pitch (including equipment) at Flowerpot Lane
 - f. a new adult pitch (including equipment) at Flowerpot Lane

and all of the above being available for public use.

9. The pre and post development positions are significantly different. In the pre development position, the existing pitches on the site are in average condition, barely used, and on private land. In the post development position, there will be the same number of adult pitches (two), and a maintained number of junior and 5-a-side pitches. All the pitches will be built to a "good standard", all will be available to the public, and all will be controlled by a combination of s106 obligations and planning conditions.
10. The high specification of the new provision will ensure better drainage and, as a result, the new pitches will be capable of being used more often than other pitches in Exeter. The College is very experienced at managing and maintaining pitches and will manage and maintain the playing surface at Wear Barton. The College will provide the goals,

including goals for 5-a-side and junior football, and will make the playing surfaces available for community use. Indeed, it should be noted that the Dynamos are fully supportive of the proposals for an improved playing surface and new changing facilities at Wear Barton. Furthermore, the College will be making temporary arrangements for the Dynamos during the construction phase.

11. The new changing facility will be of a higher standard than the existing facility. It will comprise two separate changing rooms, a separate referee's room, storage room, showers and toilets. The Dynamos have been involved in design discussions to ensure that it will be fit for purpose. It will also be DDA compliant. The existing changing rooms are not.
12. The College sees no merit in Sport England's argument that the College's commitment to the provision at Exwick is irrelevant because the land at Exwick could already provide playing pitches. The Sport England argument ignores the fact that these pitches are not currently marked out, maintained or equipped. The significant enhancement proposed for Exwick would be additional provision of better quality than currently exists. It will be under the direct management of the College, who are vastly experienced at managing similar facilities, and there will be the control and flexibility to ensure that these extra pitches are provided to maximise their use.
13. Further, the College has also secured a resolution for planning permission for a 3G pitch at Exwick. The proposed sale of the Wear Barton site will provide a significant part of the money necessary to fund the delivery of the 3G. If the money from the sale of Wear Barton is not available, and if the 3G is to go ahead, the College will need to defer other important schemes, which would be detrimental to the College, its students and the wider economy of Exeter. The strategy employed by the College is aligned to the funding constraints facing the further education sector, with guidance encouraging efficiency across curriculum delivery and disposal of assets which are surplus to educational need.
14. With regard to the specifics of the Sport England objection, the College would ask the Council to consider the following responses:
 - a. Sport England asserts that the playing field is recognised as an important playing field for numerous sporting and recreational activities, and that it is used for informal recreation. This assertion is not borne out by any facts or evidence. In

fact, the evidence shows the opposite, namely, that the land is hardly ever used for informal recreation and, other than the Dynamos, there is no demand for formal recreational use at Wear Barton.

- b. It is a material factor that whilst the lawful planning use is currently as playing fields, the weight which can be given to that use is limited by the fact that the fields are privately owned and could be fenced in shortly. The extent to which a use can actually perform its function, notwithstanding the lawfulness of that use, is relevant to the assessment of that land's planning characteristics.
- c. Sport England acknowledges that there is a link between the College's proposals at Exwick and at Wear Barton. However Sport England incorrectly states that the Council "should not give any weight to this in their planning decision." With respect, it is for the decision-maker to decide what weight to give to this fact and the Council is allowed to take into account the College's wider proposals.
- d. Sport England acknowledges that parts of the Wear Barton site have not been marked out for formal pitches for a few years. However, Sport England believes there is "potential" for pitches to be laid out. In response, the College can confirm that ever since the College's use of the site effectively ceased, the College has not been approached by any club wishing to use any unused part of the site. The facts show that there is no demand for these fields in their current form.
- e. Sport England suggests that the adult football pitch will not meet the recommended size. This is wrong. The College would accept the imposition of a planning condition that required the provision of an adult pitch 106m x 69m (including safety run off), and a pitch of that size could be provided on the site.
- f. The College does not accept Sport England's assertion that the pitch will not allow for rest and rotation. The new pitch will be laid out to Sport England's own "good standard" specification. Indeed, the new pitch will be less affected by bad weather than the other grass pitches in Exeter and will be provided and maintained to a high standard. Any concerns Sport England might have about the standard of the new pitch, or the proposed changing facilities will be addressed by suitable planning conditions and obligations.
- g. Sport England implies that the College's off-site mitigation at Exwick may adversely affect the Ultimate Frisbee pitch. It will not. The College has no proposals to terminate or otherwise affect the use of this pitch. In fact, the College has already met the Ultimate Frisbee club to discuss how the pitch can be improved and allowing access to changing facilities for players.
- h. Sport England refers to a planning appeal decision (Ref: APP/U/4610/A/12/2176169). The first point to note about this appeal is that it was

allowed. The appeal decision merely emphasises that for a proposal to comply with paragraph 74 of the NPPF, it is necessary for an applicant to offer replacement provision that is equivalent or better in terms of quantity and quality in a suitable location. The College acknowledges this requirement and contends, rightly, that the proposed re-provision, both on and off-site (as described above), will result in replacement by equivalent or better provision in terms of quantity and quality. This is a matter of fact, not planning judgment.

- i. Sport England refers to work on the draft Exeter Playing Pitch Strategy. However, its comments in relation to Wear Barton are incorrect and out of date. What this does confirm, however, is that there is an opportunity to provide a better playing surface than currently exists.
 - j. Sport England comment that the College's proposals will "impact" on the Dynamos' "ability to grow". The Dynamos do not share this opinion. To reiterate, the Dynamos positively support the proposals and welcome the improved playing surface, which they have confirmed will meet the Club's needs, and the security the proposal will deliver.
 - k. Sport England refers to cricket. In response, the College would reiterate that it has never been approached by any cricket club wishing to use Wear Barton. Further, the College would point out that it has made provision at Exwick for cricket provision. (Issues at Winslade, East Devon, will be for that landowner to address.)
15. In conclusion, the application is about better provision, more provision, public access and long-term benefits for Exeter's public recreation offer.
16. Sport England's objections are wrong as a matter of fact and, if applied, would directly lead to a loss of playing pitch provision. This is not the first time that Sport England has objected to developments of this type, nor will it be the last. However, as demonstrated by the two decisions made by Taunton Deane Borough Council (attached), or the one made on appeal referred to in paragraph 15(h) above, an objection from Sport England is not determinative, nor should it be treated as such. As confirmed by David Elvin QC, the Sport England objection is only one material consideration, and must be weighed against the other benefits that would flow from the development.
17. These benefits, put simply, will be an enhanced and secured recreational provision that can, and will, be delivered by a public sector body with a long record of providing and managing sport for the people of Exeter.

Mr Paul Jeffrey
 Case Officer
 Exeter City Council Planning
 Civic Centre
 Paris Street
 Exeter
 Devon
 EX1 1JN

Hele Road
 Exeter EX4 4JS
 Tel: 01392 400500
 Fax: 01392 400842
 www.exe-coll.ac.uk

Principal: John Laramy

13th September 2016

Dear Mr Jeffrey


Planning Application Ref: 16/0849/01 – Playing Field Off Wear Barton Road, Exeter

Please find enclosed four further documents to support the application at Wear Barton as per the reference above. These can be summarised as follows:-

1. Booking Schedule / Demand Analysis – These set out all formal requests to the College (either direct or through the Countess Wear Dynamos) for the last and the current playing season. This includes any requests for both pitch utilisation and general requests to use any part of the field
2. Informal use – a photographic database of daily utilisation during August and early September 2016 (prior to any of the current fencing off for SWW sewer upgrades). This time period was selected as one of the periods where informal utilisation would be at a maximum based on children being off school for the summer holidays. The photographic database sets out minimal usage during this period, with photographs being taken twice daily at potential peak utilisation timings.
3. Sport England objection – a detailed response (with associated documents) to each of the points set out in the recent Sport England response. These set out the mitigations offered in respect of each point which should be seen as part of the overall sports investment and strategy that the college is offering across the city.
4. A draft s106 agreement relating to the proposed development

Exeter College and its representatives remain available for further dialogue with Sport England, either direct or via yourselves prior to consideration at Planning Committee. We would also request that the three minute slot is allocated to our Principal, Mr John Laramy to speak in support of the application at the Committee meeting.

Yours faithfully



Steve Campion
 Vice Principal - Finance and Business Operations



This page is intentionally left blank

**ACTUAL WEAR BARTON FIELD
BOOKINGS SCHEDULE 2015/2016**

Booking		Reason	Frequency	Duration (Hours)	Total (Hours Utilised)
FOOTBALL	CW Dynamos	Training	Weekly (x 45)	2	90
	CW Dynamos	Fixtures	Weekly (x 11)	6	66
	CW Dynamos	Summer Tournament	Annual (1 Day)	8	8
					Sub Total
OTHER FOOTBALL	No requests made			0	0
					Sub Total
OTHER	Devon CC	Fun Day	Annual (1 Day)	8	8
	Local Residents	Party	2 days	4	8
					Sub Total
COLLEGE	No requests made			0	0
					Sub Total
TOTAL					180
Capacity (assumes 8 hours/day)					5840
Utilisation					3%

**PROJECTED WEAR BARTON FIELD
BOOKINGS SCHEDULE 2016/2017**

Booking		Reason	Frequency	Duration (Hours)	Total (Hours Utilised)
FOOTBALL	CW Junior Dynamos	Pre Season Training	Weekly (x 13)	3	39
	CW Senior Dynamos	Pre Season Training	Weekly (x 13)	4	52
	CW Junior Dynamos	Fixtures	Weekly (x 14)	4	56
	CW Senior Dynamos	Fixtures	Weekly (x 26)	4	104
					Sub Total
OTHER FOOTBALL	No requests made			0	0
					Sub Total
OTHER	Community Group	Fun Day	Annual (1 Off)	8	8
					Sub Total
COLLEGE	No requests made			0	0
					Sub Total
TOTAL					259
Capacity (assumes 8 hours/day)					5840
Utilisation					4%

This page is intentionally left blank

Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 03/10/2016

APPLICATION NO: 16/0963/03 **FULL PLANNING PERMISSION**
APPLICANT: Mr Lovell
Heritage Developments (SW) Ltd
PROPOSAL: Erection of a B1 Office Building, access and associated
infrastructure works
LOCATION: Land bounded by Exeter Road and The Retreat Drive
(Heritage Homes Office), Exeter Road, Topsham, Exeter,
EX3
REGISTRATION DATE: 29/07/2016
EXPIRY DATE: 23/09/2016

HISTORY OF SITE

None

DESCRIPTION OF SITE/PROPOSAL

The application site lies on the southern side of Exeter Road and immediately adjacent to the east side of the M5 motorway bridge and embankment on the corner of Exeter Road and The Retreat Drive.

To the east, along Exeter Road, is the site where new houses have recently been approved for Heritage Homes, followed by a continuous frontage of housing accessed off a separate service road. To the west, on the opposite side of the M5 motorway embankment and facing the Topsham Football Club lies the site where a retail store is under construction and a further new housing development (Seabrook Orchards). The site is flat, with open frontages to the Exeter Road and The Retreat Drive, but contained on the southern boundary where there is an existing boatyard, by a row of mature trees.

The proposal is for a new office building (Class B1) to be the headquarter office for Heritage Homes. The site would be accessed from Exeter Road with the building set back within the site, adjacent to the M5 embankment and the front curved elevation facing Exeter Road and The Retreat Drive.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Planning, Design & Access Statement has been submitted in support of the application. Additional information was submitted in support of the application:

- The principle of employment development in a residential area - the NPPF sets out the Government's commitment to securing economic growth in order to create jobs and prosperity. It has long been recognised that office and residential uses are compatible and reinforced through NPPF paragraph 21 which urges LPAs to facilitate the integration of residential and commercial uses even within the same unit. Saved Policy E5 of the Exeter Local Plan First Review also recognises the compatibility of business use in residential areas subject to detailed criteria including there being no adverse impacts on local roads, the loss of existing off-street parking and will not significantly increase on-street parking. The proposed access has the support of the local Highway Authority, will not generate a significant amount of traffic and there is no need for any on-street parking. The proposal for additional office space within the site, combined with the fact this is a bespoke office development for a local firm to remain within the city, will support the Core Strategy objectives of reducing inward commuting and enhancing the range of office space available.
- Sustainable location for offices - The site lies within the urban area of Exeter, along a bus route, the national cycle route and pedestrian routes and is therefore a sustainable location.

- Suitable use as offices - The site is currently unused and has in the past attracted fly tipping. The site is difficult to develop in that it is a small site and it is bounded to the east by the motorway embankment. Immediately adjoining the site is another commercial business where the existing Retreat Boatyard has many commercial vehicles coming and going. The use of the site for offices will cause minimal noise or disturbance to nearby residences. The building has been designed to be a high quality iconic building which matches the residential buildings approved opposite.
- Topsham Gap - This area does not demonstrate any strong landscape features which would otherwise contribute towards a gap between Exeter and Topsham and it has been accepted as compromised by the presence of the motorway bridge.
- Traffic & Parking Impact - The full number of parking spaces required can be provided on site, there will be no impact to The Retreat Drive as access is from Exeter Road.
- Loss of Amenity - There will be no loss of amenity as the residential and office schemes been carefully designed to ensure that there will be no overlooking or loss of privacy within the internal or external environments.
- Employment Provision - The existing 15 employees will be transferred to the new office from the current HQ at Matford Business Park. A further 10 - 12 new jobs will be created directly as a result of the proposed office development. If it is not possible to relocate the HQ building, these jobs will be lost of the City as the company will move to cheaper, more fit for purpose offices outside of Exeter.

REPRESENTATIONS

77 letters of objection have been received concerned with the following points:

- The land should be used as a recreation area, planted with trees to soften the hard edge of the motorway and reduce road noise;
- The application should be delayed until the new residences have been occupied;
- Takes no account of the road capacity or layout;
- Increased volume of traffic on a dangerous junction with poor visibility and where there has already been a fatality;
- No accommodation for cyclists or pedestrians;
- Inappropriate development and use for Topsham;
- Will set a precedent for other industrial uses;
- Additional traffic where children play in the street;
- Parking and traffic issues, particularly on The Retreat Drive and at the junction;
- Site is part of Topsham Gap, backed up by recent appeal decision. The site, whilst small, has strategic significance if further erosion of policy and the Gap on other adjacent sites, is to be avoided;
- Should be returned to green space for enjoyment by residents once the site office is cleared;
- The design of the building is inappropriate for Topsham and out of character with the local surroundings and would be an eyesore;
- The building is too high for this location beside the motorway. ECC have established parameters for this location and should not erode these further, compounding the harm caused by the current approvals. It will stand 4m above the M5 bridge deck and is clearly in breach of ECC's previous height parameters for the area;
- The height reinforces the canyon effect of the new development;
- The massing and styling of the building occupies a large proportion of the site and is of a single, unarticulated volume, in conflict with the much finer grain/scale of surrounding existing and recently approved residential buildings;
- Topsham is being developed by stealth and applications viewed in isolation;
- This land should be for affordable housing units;
- The recent appeal decision succeeded because ECC failed to earmark sufficient provision for house building and thus existing planning provisions seeking to preserve the Topsham Gap were overruled;
- This is the last bit of the Topsham Gap on the south side of Exeter Road and should be preserved as such;

- Allowing Aldi does not mean that a business park should be started on this main road;
- Topsham is primarily residential and not a business park;
- Increased vehicular traffic on a dangerous junction;
- There is no need for new offices in this location when there are business parks in Exeter;

The Topsham Society:

This site is part of the general area known as the Topsham Gap and was protected by LS1 Landscape setting designation until ECC removed lands south of Exeter Rd following the Exeter Core Strategy Public Inquiry.

The Society has previously made representations in respect of the Gap, including evidence at the Exeter Core Strategy Public Inquiry, the outline application stage of the adjoining Exeter Rd and Wessex Close housing site applications and giving evidence in support of ECC stance to defend the Gap at the Waddeton Park/land adjacent Topsham Rugby Club Public Inquiry. The Society's position is that the Gap is of vital importance to prevent the coalescence of the town with greater Exeter. Whilst we note that ECC's position is that the Gap is now only designated for lands North of Exeter Rd, we believe, and note that this view was supported by the Waddeton Public Inquiry Inspector, that the south lands made a critical contribution to the visual separation of the settlements and that the approval of the south Exeter Rd site had weakened ECC's Landscape Setting policy position. Therefore this application site, whilst small, still has strategic significance if further erosion of policy and the Gap, is to be avoided.

It is noted that the application site was put forward as open-recreation space by the applicant during the south Exeter Rd outline application and was subject to a special public consultation on open space provision. At the time, the Society/residents made it clear that open space provision should be on or close to site. Ultimately during the Wessex Close detailed application, ECC accepted a S106 contribution and limited on-site residual space as sufficient. The Society held at the time that this was misguided and the current application underscores that view.

Scale - The residential approvals for the south Gap lands (Exeter Rd and Wessex Close) permitted 3 storey flat elements. Objections were raised that given that the site was on a small town fringe adjoining largely detached 2 storey ribbon development, that the introduction of 3 storey flats was wholly alien and would create a canyon effect along the currently rural Retreat Drive. Officer justification for recommending approval of this element was that it would be below/in scale with the M5 bridge deck and would be edged by motorway landscape. The Society believe that this was flawed planning, but that if nothing else, ECC have established visual-design parameters for this location and should not erode these further, compounding the harm caused by the current approvals.

The proposal is for a building of significantly greater scale than the current flats (3 substantially higher commercial storeys + rooftop accommodation) which will stand 4m above the M5 bridge deck and therefore is in breach of ECC's previous height parameters. Furthermore, by placing development hard against the western edge of Retreat Drive it will remove the mitigating effect of the M5 landscape, significantly reinforcing the canyon effect previously highlighted. As a consequence the proposal is wholly inappropriate to both immediate locality and the edge of the town location.

The height issues noted above are reinforced by the massing and styling of the building which, as can be seen from 3D visuals of the proposals, occupies a large proportion of the site and is of a single unarticulated volume, in conflict with the much finer grain/scale of surrounding existing and recently approved residential buildings. Its styling, whilst perfectly acceptable for one of the city's business parks, is wholly inappropriate for this small town fringe surrounded by residential buildings.

Access – It is assumed due to legal constraints (reported to ECC by residents during the adjoining housing applications) it is proposed that a new separate access is provided from the site to Exeter Rd. This will be both close to the existing Retreat Drive access, the M5 bridge and the new Aldi store entrance. Irrespective of DCC Highways indication of no objection, Exeter Rd in this vicinity is known to be dangerous, having been the site of a fatal road accident in recent years, and the formation of a further access point serving a significant traffic generator would appear misconceived.

Use – The driving force for the removal of Landscape Setting designation for south Gap lands and the Waddeton approval was housing need and ECC's failure to provide sufficient housing to meet the NPPF 5 year allocation requirement. Whilst the site can be argued to border commercial uses at Retreat Boatyard and Aldi, these are local uses necessitated by location (river and where people live). This is markedly different from the proposed office HQ use. Such an "anywhere" use is alien to this small town fringe.

Having maintained a detailed involvement in Gap site issues and in particular the Waddeton Inquiry, the society is convinced that any intensification of development within (or now adjoining) the Gap Landscape Setting Area, will weaken ECC's stated policy objective to maintain the Gap and avoid coalescence.

The proposals represent such an intensification, will undermine policy, are too big, too corporate in appearance and inappropriate to this site.

The Topsham Society urges ECC officers and members to refuse this application for the above reasons.

CONSULTATIONS

Environmental Health - Approval with conditions requiring compliance with working hours and submission of noise assessment for review and approval with any necessary mitigation measures being undertaken.

Highways England - To be reported at the Committee Meeting

Highway Authority - To be reported at the Committee Meeting

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012:

4. Promoting Sustainable Transport
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy

- CP1 Spatial approach
- CP2 Employment development
- CP15 Sustainable design and construction
- CP17 Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 Design and location of development
- C5 Archaeology
- T1 Hierarchy of modes of transport
- T3 Encouraging use of sustainable modes of transport
- T9 Access to building by people with disabilities
- T10 Car parking standards
- EN2 Contaminated land

- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG7 Crime prevention and safety

Exeter Development Delivery Document – Publication Version 2015

- DD1 Sustainable Development
- DD20 Sustainable Movement
- DD21 Parking
- DD25 Design Principles
- DD26 Designing out Crime

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD March 2013

OBSERVATIONS

Office Use

The principle of an office in this location is considered to be acceptable due to the close proximity to residential dwellings in both Topsham and Exeter. It is small in scale and in a sustainable location in that it is on a major bus route, has a dedicated cycle path and is easily accessible on foot. The company are currently located at Matford Business Park where the offices are now too small to accommodate the number of staff.

The Topsham Gap

During the recent appeal on land close to this site, the Inspector noted that the "relatively flat fields of which the appeal site forms a part, between the west fringes of the town and the M5 also contribute to Topsham's separation". It was also noted that "the M5 forms a very strong boundary to the city's developed area and therefore the open land seen after the M5 when travelling towards Topsham is and will be, important in maintaining the separate character of Exeter and Topsham. This includes the University Sports Ground and two or three fields of agriculture and nursery land separated by hedges. The land to the west, even allowing for the M5 and the recently permitted housing south of Exeter Road, has a more open setting".

Design Principles

The building has been designed to sit adjacent to the embankment of the M5 bridge, at the front of the plot, close to Exeter Road. The office accommodation would amount to 870sqm gross floor area (618sqm net). The site was originally identified as potential open space for the adjacent residential scheme, but as the land off Wessex Close is now under the same ownership by the developer, the open space has been provided within the residential development, negating the need to use this site.

An archaeological investigation has been carried out and completed on the site and it is now re-laid with hardcore. The site is currently being used as a storage area and for offices during the construction of the adjacent residential development.

The building has been designed to reflect the contemporary design of the adjacent residential development. It is predominantly 3 storey, but with a flat roof to minimise the overall height. The height of the building has been designed to reflect that of the 3 storey elements of the residential properties opposite. The building has been set back from The Retreat Drive in order to reduce any loss of privacy to the residential dwellings which do not have any habitable room windows on the elevation facing the office building. The distance between the residential and office building would be 15.5m. The distance of the upper stories of the office building from the edge of the M5 bridge would be 23.5m.

The elevation facing the junction and into The Retreat Drive is predominantly glazed at 1st and 2nd floor levels, which reduces the visual impact of the building. The remainder of the building would be red brick at ground floor to reflect the materials used in the residential

development. Internally, open plan office space is mixed with some smaller offices and meeting rooms. A roof garden is also provided for use by staff. A lift as well as central stair case is provided to all floors providing full accessibility.

The site would be accessed from Exeter Road, with parking provided around the building on all sides. Car parking for 20 cars has been provided. This is in accordance with the required parking spaces with the Exeter Local Plan First Review 1995-2011. The staff employed mostly live locally and can access the site on foot, by bike or on the bus, reducing the need for any additional parking spaces. Secure cycle parking is provided in a single storey section of building at the rear. The bus stop will be relocated to the front of the residential development but still in immediate proximity to the office building.

Some additional landscaping is proposed around the car park area to screen the parking and the ground floor of the building. A fence is also proposed but no details have been provided.

A bin storage area will be provided within the single storey section to the rear of the office building.

CIL Liability

There is no requirement for CIL contributions as this is an office building.

Summary

Having reviewed the relevant policies for this site, the remaining Topsham Gap and the possible future use for this land, it is considered that the principle of an office building for this local business is appropriate. The key land identified in the recent appeal decision refers specifically to land north of Exeter Road although it was also stated that the first open land seen after the M5 when travelling towards Topsham is important to be maintained. With regard to the site now under review, it is such a narrow site that there is minimal contribution to this open aspect as it screened by the M5 bridge and embankment.

The building has been set back into the site so that it is not dominant in the streetscene when exiting from beneath the M5 bridge towards Topsham and the overall height, scale, massing and design approach is considered to be acceptable in this location. The design also ties in with the recently approved residential dwellings on the adjacent land.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) C05 - Time Limit – Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 29th July 2016 (*Dwg. No(s). Off-Dwg and Off-Sec1*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials and 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, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

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

- 6) A noise assessment shall be undertaken for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of environmental noise on the development as well the impact of noise from new plant and equipment on neighbouring receptors. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development is protected from ambient noise and does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

Reason: To protect future occupiers of the building.

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

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

- 8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site.

- 9) Travel Plan measures including the provision of sustainable transport welcome packs shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

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

- a) There shall be no burning on site during demolition, construction or site preparation works;
- b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance;
- d) Details of access arrangements and timings and management of arrivals and departures of vehicles.

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

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

- 11) The buildings hereby approved shall achieve a BREEAM 'excellent' standard as a

minimum, and shall achieve 'zero carbon' if commenced on or after 1 January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

12) C57 - Archaeological Recording

13) No part of the development hereby approved shall be brought into its intended use until the visibility splays and on-site parking have been provided in accordance with the requirements of this permission and retained for those purposes at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

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



16/09/2016

This page is intentionally left blank

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 3 October 2016
Report of: Assistant Director City Development
Title: Delegated Decisions

1 WHAT IS THE REPORT ABOUT

- 1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by ward.

2 RECOMMENDATION

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

3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the following type of application:

01	Outline Planning Permission
02	Approval of Reserved Matters
03	Full Planning Permission
04	Works to Tree(s) with Preservation Order
05	Advertisement Consent
06	Works to Tree(s) in Conservation Area
07	Listed Building Consent
14	Demolition in Conservation Area
16	Exeter City Council Regulation 3
17	Lawfulness of Existing Use/Development
18	Certificate of Proposed Use/Development
21	Telecommunication Apparatus Determination
25	County Matter Application
26	Devon County Council Application
27	Modification and Discharge of Planning Obligation Regulations
37	Non Material Amendment
38	Extension to Extant Planning Consent
39	Extension - Prior Approval
40	Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes

DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
REF	Refuse Planning Permission
RNO	Raise No Objection
ROB	Raise Objections
SPL	Split Decision
WDN	Withdrawn by Applicant
WLU	Was Lawful Use
WTD	Withdrawn - Appeal against non-determination

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

This page is intentionally left blank

Application Number: 16/0806/03 **Delegation Briefing:** 02/08/2016 0
Decision Type Permitted **Decision Date:** 06/09/2016 COM
Location: 22 Lincoln Road, Exeter, EX4 2EA
Proposal: Proposed detached dwelling.

Application Number: 16/0924/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 01/09/2016 DEL
Location: Building adjacent to Mercer House, 237 Exwick Road, Exeter, EX4 2AT
Proposal: Change of use from offices ancillary to the use of Mercer House as a House of Multiple Occupation (sui generis use) to offices (Class B1) and various alterations including new windows and doors on all elevations

Application Number: 16/0794/03 **Delegation Briefing:** 16/08/2016 0
Decision Type Permitted **Decision Date:** 23/08/2016 DEL
Location: 47 Winchester Avenue, Exeter, EX4 2DL
Proposal: Creation of a new detached dwelling

Application Number: 16/0861/18 **Delegation Briefing:**
Decision Type Was lawful use **Decision Date:** 24/08/2016 DEL
Location: 13 Rosemary Street, Exeter, EX4 1QX
Proposal: Single storey rear extension

Application Number: 16/0752/03 **Delegation Briefing:** 16/08/2016 0
Decision Type Permitted **Decision Date:** 16/08/2016 DEL
Location: 7 Charnley Avenue, Exeter, EX4 1RD
Proposal: Render external walls of dwelling

Application Number: 16/0833/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/08/2016 DEL
Location: 5 Lichfield Road, Exeter, EX4 2EU
Proposal: Single storey side extension

Application Number: 16/0930/03 **Delegation Briefing:** 30/08/2016 0
Decision Type Permitted **Decision Date:** 30/08/2016 DEL
Location: 1 Pretoria Road, Exeter, EX1 2PT
Proposal: Erection of a single-storey rear extension.

Application Number: 16/0836/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 31/08/2016 DEL
Location: 8 Regents Park, Exeter, EX1 2NU
Proposal: Single storey rear extension

Application Number: 16/1050/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/09/2016 DEL
Location: 3, Mont Le Grand, Exeter, EX1
Proposal: T1 Lawson Cypress: Fell
T2 Hawthorn: Fell
T3 Dead Apple: Fell

Application Number: 16/0659/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/07/2016 DEL
Location: 25 South Lawn Terrace, Exeter, EX1 2SW
Proposal: Loft conversion with rear pitched roof dormer.

MINCINGLAKE

Application Number: 16/0868/03 **Delegation Briefing:** 13/09/2016 0
Decision Type Permitted **Decision Date:** 14/09/2016 DEL
Location: 94 Latimer Road, Exeter, EX4 7JP
Proposal: Single dwelling on an existing residential site.

Application Number: 16/0754/03 **Delegation Briefing:** 07/07/2016 0
Decision Type Permitted **Decision Date:** 28/07/2016 DEL
Location: 2 Mile Lane, Exeter, EX4 9AA
Proposal: Proposed single storey rear and side extension and installation of velux rooflights to front and rear roof elevations.

MINCINGLAKE & WHII

Application Number: 16/0656/03 **Delegation Briefing:** 05/07/2016 0
Decision Type Refuse Planning Permission **Decision Date:** 26/07/2016 COM
Location: 39 Beacon Heath, Exeter, EX4 8NR
Proposal: Erection of conservatory to front elevation.

Application Number: 16/0734/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/08/2016 DEL
Location: 40 Iolanthe Drive, Exeter, EX4 9EA
Proposal: Dormer to front elevation

Application Number: 16/0978/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 22/08/2016 DEL
Location: Cheynegate Barton, Cheynegate Lane, Exeter, EX4 9HZ
Proposal: T1-2 Oak Fell

Application Number: 16/0910/03 **Delegation Briefing:** 28/07/2016 0
Decision Type Permitted **Decision Date:** 17/08/2016 DEL
Location: 9 Woolsery Close, Exeter, EX4 8BN
Proposal: Variation of planning permission 15/0859/03 - changing roof of garage to gable.

Application Number: 16/1089/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/09/2016 DEL
Location: The Cedars Neighbourhood Nursery, Northbrook Close, Exeter, EX4 8LD
Proposal: T1-2 Birch Fell
 T5 Acer Fell
 T6 Cypress Crown reduction
 T7 Redwood Crown lift

Application Number: 16/0898/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/09/2016 DEL
Location: 14 Iolanthe Drive, Exeter, EX4 9EA
Proposal: Two storey rear extension

NEWTOWN

Application Number:	16/0730/07	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	19/09/2016 DEL
Location:	The City Gate, 1 Iron Bridge, Exeter, EX4		
Proposal:	External alterations, alteration of existing internal layout, replacement of conservatory, internally demolishing of existing kitchen area and toilets to create new seating area, reconfiguration of kitchen into the function room, improvements of basement area and new toilets, landscaping of the garden area and replacement plant.		
Application Number:	16/0953/03	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	19/09/2016 DEL
Location:	14 Feltrim Avenue, Exeter, EX2 4RP		
Proposal:	Replacement single storey rear extension. Construction of rear dormer.		
Application Number:	16/0762/03	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	16/09/2016 DEL
Location:	Exeter Castle, Castle Street, Exeter, EX4 3PU		
Proposal:	Proposed removal of existing flat roof and chimney and construction of new first floor within pitched roof and change of use to two dwelling units.		
Application Number:	16/0763/07	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	16/09/2016 DEL
Location:	Exeter Castle, Castle Street, Exeter, EX4 3PU		
Proposal:	Proposed removal of existing flat roof and chimney and construction of new first floor within pitched roof and change of use to two dwelling units.		
Application Number:	16/1128/04	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	15/09/2016 DEL
Location:	Isca Place, Augustus House, New North Road, Exeter, EX4		
Proposal:	G1 Lime Repollard		
Application Number:	16/1136/06	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	15/09/2016 DEL
Location:	39 Northernhay Street, Exeter, EX4 3ER		
Proposal:	T1-3 Sycamore Re-pollard		

Application Number: 16/0483/03 **Delegation Briefing:** 27/06/2016 0
Decision Type Permitted **Decision Date:** 19/07/2016 COM
Location: 4 Garden Close, Exeter, EX2 5PA
Proposal: Demolition of existing double garage and erection of a 2 bedroom dwelling

Application Number: 16/0878/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 19/07/2016 DEL
Location: 57 Lewis Crescent, Exeter, EX2 7TD
Proposal: T4 Oak Prune low hanging foliage

ST THOMAS

Application Number: 16/0602/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 18/07/2016 DEL
Location: 43 Queens Road, Exeter, EX2 9EP
Proposal: Erection of first floor side extension and rear dormer window

Application Number: 16/0740/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 18/07/2016 DEL
Location: 3 Princes Street East, Exeter, EX2 9ES
Proposal: Alterations to rear extension

Application Number: 16/0943/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/09/2016 DEL
Location: 1 Cecil Road, Exeter, EX2 9AQ
Proposal: dual pitched dormer roof extension on front elevation

Application Number: 16/0935/17 **Delegation Briefing:**
Decision Type Was lawful use **Decision Date:** 02/09/2016 DEL
Location: Pocombe Grange, Pocombe Bridge, Exeter, EX2 9SX
Proposal: Certificate of lawfulness for use of Pocombe Grange as three separate dwellings
(Main House, The Annex and The Flat)

Application Number:	16/0787/03	Delegation Briefing:	30/08/2016	0
Decision Type	Permitted	Decision Date:	19/08/2016	DEL
Location:	34 Berkshire Drive, Exeter, EX4 1NG			
Proposal:	Single storey rear extension			

Application Number:	16/0774/17	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	15/08/2016	DEL
Location:	The Flat, 2a, Churchill Road, Exeter, EX2 9BU			
Proposal:	Certificate of Lawfulness for the use of an annex as a separate unit of accommodation in excess of 10 years			

Application Number:	16/0775/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	15/08/2016	
Location:	2 Fairfield Terrace, Exeter, EX2 9BD			
Proposal:	Rear first floor extension.			

Application Number:	16/1031/06	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	23/08/2016	DEL
Location:	West Exe Childrens Centre, Cowick Street, Exeter, EX4 1HL			
Proposal:	T1 Willow Prune NW canopy by 2-2.5m			

Application Number:	16/0818/05	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	23/08/2016	DEL
Location:	25 Cowick Street, Exeter, EX4 1AL			
Proposal:	Awning and illuminated projecting sign			

Application Number:	16/0717/05	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	09/08/2016	
Location:	St. Thomas Centre, Cowick Street, Exeter, EX4 1DG			
Proposal:	3 x post mounted signs (non-illuminated)			

Application Number: 16/0687/03 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 01/08/2016 DEL
Location: 49 High Street, Topsham, Exeter, EX3 0DY
Proposal: Replacement extraction

Application Number: 16/0559/03 **Delegation Briefing:** 05/07/2016 0
Decision Type Permitted **Decision Date:** 29/07/2016 COM
Location: Land to the south of Exeter Road (ALDI), Exeter Road, Topsham, Exeter, EX3
Proposal: Section 73 application to remove condition 14 (limitation on delivery hours) of planning permission ref 14/2083/03 granted on 30th June 2015.

Application Number: 16/0800/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/07/2016 DEL
Location: Riverside Cottage, Glasshouse Lane, Exeter, EX2 7BZ
Proposal: Two storey extension to south east elevation replacing existing conservatory

Application Number: 16/0803/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 29/07/2016 DEL
Location: Riverside Cottage, Glasshouse Lane, Exeter, EX2 7BZ
Proposal: Two storey extension to south east elevation replacing existing conservatory

Application Number: 16/0892/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 25/07/2016 DEL
Location: Laburnums, Bridge Hill, Topsham, Exeter, EX3 0QQ
Proposal: Alterations to roof tiles

Application Number: 16/0913/17 **Delegation Briefing:**
Decision Type Was lawful use **Decision Date:** 27/07/2016 DEL
Location: 3 Globefield, Topsham, Exeter, EX3 0EY
Proposal: Certificate of lawfulness sought for proposed single storey rear extension and rear elevation juliett balcony at first floor level.

Application Number:	16/0845/37	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	22/07/2016 DEL
Location:	Land to the south of Exeter Road (ALDI), Exeter Road, Topsham, Exeter, EX3		
Proposal:	Amendment to approved consent comprising widened vehicular access, replacement of existing boundary wall to north of the site (Exeter Road frontage), and modified lighting column layout. (Non-Material Minor Amendment to Planning permission reference no. 14/2083/03 granted 30th June 2015).		
Application Number:	16/0441/03	Delegation Briefing:	24/05/2016 0
Decision Type	Permitted	Decision Date:	09/08/2016
Location:	Walnut Cottage, 25 White Street, Topsham, Exeter, EX3 0AE		
Proposal:	First floor rear extension, single-storey rear extension (to replace the existing conservatory), replacement of the side garage and a side porch.		
Application Number:	16/0855/07	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	12/08/2016 DEL
Location:	11 High Street, Topsham, Exeter, EX3 0EA		
Proposal:	Replacement door		
Application Number:	16/0741/03	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	02/08/2016 DEL
Location:	Unit 10, Topsham Quay, Strand, Topsham, Exeter, EX3 0JB		
Proposal:	Permanent retention of use of building as a mixed use involving light industrial (Class B1), retail (Class A1) and food and drink (Class A3) relating to production, sale and consumption of meat products		
Application Number:	16/0689/03	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	02/08/2016
Location:	18 Victoria Road, Topsham, Exeter, EX3 0EU		
Proposal:	Replacement stair from ground floor to basement - New entrance porch to rear elevation - Minor internal layout amendments to basement		
Application Number:	16/0690/07	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	02/08/2016
Location:	18 Victoria Road, Topsham, Exeter, EX3 0EU		
Proposal:	Replacement stair from ground floor to basement - New entrance porch to rear elevation - Minor internal layout amendments to basement		

Application Number: 15/0436/01 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 05/08/2016 COM
Location: Land adjoining the West of England School, Topsham Road, Exeter, EX2
Proposal: Outline planning application for up to 123 houses and associated infrastructure, with all matters reserved except for access.

Application Number: 16/0899/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/08/2016 DEL
Location: Barn House, Exe Street, Topsham, Exeter, EX3 0JL
Proposal: T1 Holly Fell

Application Number: 16/0017/03 **Delegation Briefing:** 23/02/2016 0
Decision Type Permitted **Decision Date:** 24/08/2016 COM
Location: Scouts Hut, Ferry Road, Topsham, Exeter, EX3 0JW
Proposal: Demolition of existing Scout Hut and erection of new building, including storage, hall, changing facilities and meeting room

Application Number: 16/0814/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 26/08/2016 DEL
Location: 93 Fore Street, Topsham, Exeter, EX3 0HQ
Proposal: Internal and external alterations.

Application Number: 16/0880/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/08/2016 DEL
Location: 28 Batavia Drive, Exeter, EX2 7AU
Proposal: Construction of a conservatory

Application Number: 16/0726/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/08/2016 DEL
Location: RSPB Nature Reserve, Bowling Green Road, Topsham, Exeter
Proposal: Enhancements to the existing wetland habitat.

Application Number:	16/0802/07	Delegation Briefing:	14/07/2016	0
Decision Type	Permitted	Decision Date:	16/08/2016	
Location:	12 High Street, Topsham, Exeter, EX3 0EA			
Proposal:	Internal alterations at first floor, internal and external alterations to rear ground floor projection and associated works			
Application Number:	16/0994/06	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	17/08/2016	DEL
Location:	8 Monmouth Avenue, Topsham, Exeter, EX3 0AF			
Proposal:	Oak (T1) - Remove large limb to south (lowest limb). Lift crown on opposite to rebalance. Thin crown by 15%			
Application Number:	16/0995/06	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	17/08/2016	DEL
Location:	3 Tresillian Cottages, Topsham, Exeter, EX3 0BD			
Proposal:	T1 - Ornamental Cherry - Reduce overall crown by 25% and crown lift by 0.3m			
Application Number:	16/0866/07	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	06/09/2016	DEL
Location:	1 Higher Shapter Street, Topsham, Exeter, EX3 0AW			
Proposal:	Installation of an en-suite at second floor level including the installation of a roof window			
Application Number:	16/0839/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	05/09/2016	DEL
Location:	25 Monmouth Street, Topsham, Exeter, EX3 0AJ			
Proposal:	Revised scheme for demolition of existing single storey extension. Erection of single storey extension with glazed doors to rear elevation with slate roof and rooflights.			
Application Number:	16/0840/07	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	05/09/2016	DEL
Location:	25 Monmouth Street, Topsham, Exeter, EX3 0AJ			
Proposal:	Revised scheme for demolition of existing single storey extension. Erection of single storey extension with glazed doors to rear elevation with slate roof and rooflights.			

Application Number: 16/1130/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 14/09/2016 DEL
Location: 25a, White Street, Topsham, Exeter, EX3 0AE
Proposal: T1 Holly Crown lift over highway & reshape

Application Number: 16/1131/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 14/09/2016 DEL
Location: 15 Station Road, Topsham, Exeter, EX3 0DS
Proposal: T1 Alder Reduce & reshape over driveway
T2 Ash Reduce & reshape over driveway

Application Number: 16/0941/03 **Delegation Briefing:** 13/09/2016 0
Decision Type Permitted **Decision Date:** 19/09/2016 DEL
Location: 31 White Street, Topsham, Exeter, EX3 0AA
Proposal: Single storey and two storey extensions

Application Number: 16/1015/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 19/09/2016 DEL
Location: 35 Elm Grove Road, Topsham, Exeter, EX3 0EJ
Proposal: Two storey side extension and external alterations

Application Number: 16/0705/03 **Delegation Briefing:** 16/08/2016 0
Decision Type Permitted **Decision Date:** 21/09/2016 DEL
Location: Bricknells Cottage, Old Rydon Lane, Exeter, EX2 7JW
Proposal: Erection of 1 No. 5 bedroom dwelling and associated infrastructure following demolition of existing garage and out buildings.

Application Number: 16/1077/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 21/09/2016 DEL
Location: 4 Exeter Road, Topsham, Exeter, EX3 0LZ
Proposal: Non material amendment to approval number 16/0052/03 to amend the shape of two first floor windows

WHIPTON BARTON

Total Number of Decisions Made:

256

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

Background papers used in compiling the report:

Files of Planning Applications available for inspection from:

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

Telephone No: 01392 265223

REPORT TO: PLANNING COMMITTEE

Date of Meeting: 3 October 2016

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 latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3 Summary of Decisions received:

- 3.1 The following decisions have been received since the last report:

35 Bathern Road, Exeter

Appeal Refs: APP/Y110/C/16/3142196 (Appeal A) and APP/Y1110/C/16/3142197 (Appeal B).

The breach of planning control as alleged was operational development without planning permission on the land, namely: rear dormer extension.

The appeal was made against an enforcement notice the requirements of which were to:

- i. Permanently remove a rear dormer extension
- ii. Reinstate the roof using materials which match the roof
- iii. Remove from the land all materials

Appeal A is proceeding on the grounds set out in section 174(2) (a) and (c) of the TCPA 1990 as amended. Since prescribed fees had not been paid with the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended in respect of Appeal B did not fall to be considered. Appeal B proceeded on the grounds set out in section 174(2) of the TCPA 1990 as amended.

Appeals A and B on the ground (c)

An appeal on this ground is on the basis that alleged development does not amount to a breach of planning control. The planning merits which form the overwhelming majority of the comments made by third parties fall to be considered under the appeal on ground (a).

A large dormer extension has been installed which includes two large windows each with a Juliet balcony and two much smaller windows; with Velux roof lights inserted into the front roof slope. Firstly, it is asserted that the dormer is 'permitted' development and, secondly, that those permitted development rights have not been removed by any condition on a relevant planning permission.

The Inspector stated that the Council had not submitted an appeal statement or any other information apart from the notice itself to explain why the notice had been issued and

concluded that the Council did not contest the appellant's evidence. That was not the case, this matter has been raised as a complaint with the Planning Inspectorate.

The Inspector established that the development should be assessed against the 2015 GPDO. This document sets out six limitations that would prevent development being permitted by the Class (Limitations a, b, c, d, e, and f). To conflict with (c) the development would have to be beyond the plane of the existing roof slope of the principal elevation. Limitation (e) prohibits provision of a veranda, balcony or raised platform. A Juliet balcony would be permitted development so there would be no conflict.

The Inspector then covered the issue of materials used and concluded that, whilst a matter of judgement, his view was that they are sufficiently similar in appearance to those of the host dwelling for there to be no conflict with (a).

The Inspector concluded that the development carried out is permitted by the 2015 GPDO. This was not contested by the Council, however these rights were removed.

He then covered the second contention that permitted development rights had been removed by a condition on a relevant planning permission. The Council had provided two 'approval of reserved matters granted' decision notices (refs: 03/1124/03 and 05/1286/02). A condition states that *"Notwithstanding the provisions of the T&CP GDO Order (sic) 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 dwelling(s) without the formal consent of the LPA"*. The reason given for the condition is *'in order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment'*.

Circular 11/95 gave the relevant guidance in 2004 and 2005 when these permissions were granted. This stated that conditions should only be imposed where they satisfy all the tests described in the Circular and set out in brief in para 14. The essence of the appellants' case was that the condition was not precise and therefore unenforceable. The tests included in that Circular are still relevant.

The Inspector noted that in view of the density of the development and the relatively small plot sizes, that it did not seem unreasonable for the Council to have restricted the permitted development rights. However, he considered that the way the condition is worded strongly suggested that it is only the pd rights within the curtilage of the dwellings that is being restricted.

He noted that the heading to Schedule 2, Part 1 of the 2015 GDPO is 'Development Within the Curtilage of a Dwellinghouse' and only some of the Classes A to H refer to 'curtilage'. Class B, 'additions etc to the roof of a dwellinghouse' is not one of them. It may be that either or both of the terms 'extensions' and 'other development' in the condition are intended to embrace additions to the roof slopes. However, the fact that the condition was ambiguous on the point and therefore open to interpretation, meant that it was imprecise and therefore unenforceable.

The appellants' contention was therefore correct and the appeals must succeed on this ground.

His conclusion states that for the reasons given in his full report the appeals should succeed on ground (c). Accordingly the enforcement notice should be quashed. In the circumstances, the Appeal A application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended did not need to be considered.

412A Topsham Road, Exeter

The application sought a roof extension, two side elevation dormers and loft conversion.

The Inspector's decision noted that both side facing dormers would be set back from the front façade of the property. Given their length and size, extending from the eaves almost to the ridgeline, each would dominate its respective roof. Their very bulky, rectilinear form would contrast markedly with the host property's pitched roof and their side and front facing walls would be largely unalleviated by fenestration or architectural detailing. His view was that, given their dimensions and elevated position, both side dormers would be clearly visible from Topsham Road. The south facing dormer would be particularly prominent approaching from that direction given the gap to No 414 and that dwelling's lower height. To the rear, the host's gabled form would be almost entirely subsumed by the proposed dormer thus giving the building very rectilinear, three storey form, which would be at odds both with the existing dwelling and the area's prevailing character. He considered that the scheme would harm the character and appearance of the host property and the area, and would give the building an incongruous and very top heavy form compared to others nearby.

The Inspector commented that the proposal would conflict with national and City Council policies. In his view the modest additional accommodation benefit would not outweigh the significant harm the development would cause.

4. New Appeals:

4.1 There are no new appeals to report.

Assistant Director City Development

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

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

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

This page is intentionally left blank