

PLANNING

Date: Monday 9 January 2017
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 Minutes

To sign the minutes of the meeting held on 31 October and 5 December 2016.

3 Declarations of Interest

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

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

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

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

Public Speaking

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

5 **Planning Application No. 16/1210/03 - Honiton Inn, Paris Street, Exeter**

To consider the report of the Assistant Director City Development. (Pages 5 - 26)

6 **Planning Application No. 16/1505/03 - Heritage Homes, Topsham Road, Exeter**

To consider the report of the Assistant Director City Development. (Pages 27 - 40)

7 **Planning Application 16/1488/03 - Arthur Roberts House, 121 Burnthouse Lane, Exeter**

To consider the report of the Assistant Director City Development. (Pages 41 - 48)

8 **Planning Application No. 16/1379/03 - 35 Sylvan Road, Exeter**

To consider the report of the Assistant Director City Development. (Pages 49 - 60)

9 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Assistant Director City Development. (Pages 61 - 80)

10 **Appeals Report**

To consider the report of the Assistant Director City Development.

(Pages 81
- 82)

11 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 31 January 2017 at 9.30 a.m. The Councillors attending will be Bialyk, Morse and Prowse.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 13 February 2017** at 5.30 pm in the Civic Centre.

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

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Agenda Item 5

ITEM NO. 5

COMMITTEE DATE: 09/01/2017

APPLICATION NO: 16/1210/03 **FULL PLANNING PERMISSION**
APPLICANT: Devonshire Dumplings Inns Ltd.
PROPOSAL: Demolition of the former Honiton Inn to build a mixed use development scheme comprising of a ground floor cafe bar for public use (Use Class A4) with 107 bedspace student accommodation above including common room, gym, cinema, laundry, office and bike stores.
LOCATION: 74 Paris Street, Exeter, EX1 2JY
REGISTRATION DATE: 06/10/2016
EXPIRY DATE: 01/12/2016

HISTORY OF SITE

The site is located at the north east limit of the Southernhay and Friars Conservation Area, at the lower end of Paris Street which, with Heavitree Road, has been one of the main routes into the City since the Roman period. Although buildings have been shown on maps along this section of Paris Street since the late 16th Century, the present Honiton Inn buildings date to around 1900 and later, though there may, as in many areas of the city centre, be some earlier remains present, either buried or within the side walls. Buried remains may include those of earlier buildings on the site and/or of the manufacture of clay tobacco pipes in the 17th century, but will have been disturbed to some extent by the remodelling of the present car park in the 1990s and the construction of the present building around 1900. The Honiton Inn is built in pastiche Tudor timber framed style with some post World War II additions on the sides and to the rear. This was a relatively common architectural style of the time. The Honiton Inn is the sole one remaining from the pre World War II street frontage and is identified in the Conservation Area Appraisal as making a positive contribution to the character of the Conservation Area.

DESCRIPTION OF SITE/PROPOSAL

The application site (0.084ha) is located on the junction of Paris Street and Western Way. The Honiton Inn lies on the southern side of Paris Street alongside the Devon and Cornwall Housing Association offices and the Council Civic Centre buildings. The existing bus station and the proposed new leisure centre would be located opposite. The Honiton Inn has been vacant for 8 years, although the associated car park to the rear is still being used.

The application seeks to demolish the existing building and replace with a mixed use development comprising a double height café/bar and entrance to the student accommodation on the lower ground floor fronting Paris Street, a common room, cinema, gym, laundry room, bin and bike store for student use only on the ground floor (essentially occupying the existing car park area); an additional three floors (floors 1, 2 and 3) extending the complete depth of the site containing a total of 24 bedrooms on each floor (3 cluster flats each made up of 8 bedrooms and a communal area measuring 35 sq metres); an additional floor (floor 4) containing 18 bedrooms (1 studio flat; 2 cluster flats one with 8 bedrooms and the other with 9 bedrooms with a communal space of 35 sq metres and 40 sq metres respectively); a further floor (floor 5) containing 13 bedrooms (2 cluster flats including one with 9 bedrooms and communal area of 40 sq metres and the other with 4 bedrooms and a 34 sq metres communal room and a final floor (floor 6) of one cluster flat with 4 bedrooms and associated 34 sq metres communal room. The total number of bedspaces to be provided is 107.

The originally submitted application proposed a total of 125 student bedspaces within a building one storey higher than now proposed.

The building would essentially cover the whole site currently occupied by the Honiton Inn and its associated car park. The building would lie adjacent to the existing Paris Street footway and extend back into the site by approximately 50 metres. The building fronting Paris Street would be approximately 15 metres wide with a height of approximately 17 metres. This height would align with the neighbouring office block's parapet and a 4.5 metre gap would be retained to enable vehicular access into the site. The highest point of the building would be 26 metres within a central zinc tower, with the building fronting onto Western Way a height of 20 metres, although given the relief of the land this would have an elevated appearance. The top two floors of the block facing Western Way would be set back approximately 2 metres to allow for a grass roof, which covers the whole of this flat roof building. The predominant building material is red brick with the tower and the top two floors of the building fronting Western Way constructed of zinc cladding.

The site would contain two parking spaces within the site, which would allow for student drop off spaces and provide sufficient space for vehicles to turn within the site. In addition, a new drop off lay-by is proposed in front of the proposed building to enable delivery loading and unloading in connection with the cafe/bar use. A total of 90 cycle spaces are proposed for student use within the building and further 15 cycle parking stands are proposed behind the cafe/bar and alongside the entrance to the student accommodation.

The site is located within the Southernhay Conservation Area. The Honiton Inn is not listed or locally listed but identified in the Conservation Appraisal as having a positive contribution to its character and appearance.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by a Design and Access Statement, Heritage Statement, Flood Risk Assessment, Ecological Appraisal, Arboricultural Constraints Appraisal and a response from the Architects to Historic England's comment that the existing building should be incorporated into the development.

The Design and Access Principles state that:-

- *The building should be a coherent design solution forming a positive boundary to the City Centre, addressing both Paris Street and Western Way.*
- *It should be of a relatively large scale, appropriate to its prominent position, but should step up or down to address its context.*
- *The building will form the edge of the Southernhay and as such should be coherent, visually appropriate and not be apologetic.*
- *The building needs to be designed in relation to the adjacent developments and the changing nature of the area.*
- *A wildlife and biodiversity scheme should be established in relation to Exeter Wild City.*
- *The street level of the building should have a public frontage and provide a commercial unit that could animate Paris Street.*
- *Student facilities should be placed next to key circulation routes to create a feeling of a central communal hub to the building.*
- *The building needs to be designed with a degree of adaptability to ensure that a future shift in market demand does not render it redundant.*
- *The material should tie in with those outlined in the conservation area appraisal.*
- *This will involve a red brick with deep recessed punched openings and a mansard roof.*
- *The design needs to reference the local vernacular, complimentary to the family of Southernhay buildings.*

REPRESENTATIONS

35 letter/emails of objection include one from the Exeter Civic Society have been received. In addition, an online petition totalling 2227 'signatures' (including over 1000 written comments) to retain the Honiton Inn and objecting to the proposal as submitted. Principal issues raised:-

1. Building should be restored and made a gateway feature/tourist attraction into the City;
2. Building should be used as a pub/restaurant/hotel/hostel for homeless/visitor centre;
3. Should be listed as an iconic/landmark building identified as a positive contribution within the Southernhay Conservation area and its demolition would result in loss to the City's history;
4. Building should be retained and the area behind developed;
5. Too many traditional pubs/buildings being lost, even more important to retain given the recent loss of the Royal Clarence;
6. Site should be developed for mixed use;
7. Building will appear too large, overbearing, 'a featureless monolith', 'unflattering architecture', 'visually revolting', 'a soulless modern husk', inappropriate and oppressive 'replacement of a gentle ironic structure...with a bland, brutal, soulless, ugly, glass and breeze block monstrosity';
8. Too high, should be no higher than the adjacent buildings on Paris Street;
9. Materials on the top floor should not be of a different material;
10. More student accommodation not needed, already sufficient in the city existing or approved;
11. City in danger of lacking diversity due to too much student accommodation/need for a balanced community;
12. Greater need for affordable homes for local residents or for the homeless;
13. Too many food places already in the City and in the future as a result of the bus station redevelopment;
14. Student accommodation should be provided on the campus;
15. Changes in the political and economic situation nationally and internationally has reduced demand for student accommodation;
16. No need for a gym or cinema given the proximity to similar facilities in the area/their removal could result in a smaller building;
17. Loss of historical memories/atmosphere of the existing pub;
18. Detrimental impact to local resident, particularly residents living in Eaton House due to overpowering appearance of building and noise disturbance from students and loss of light from building;
19. Overlooking and loss of privacy into Eaton House and properties in Archibald Road
20. Concern regarding increased traffic to the site and limited turning area proposed;
21. Increased traffic safety hazard given the limited parking spaces;
22. Loss of green wildlife corridor;
23. Potential loss of trees;
24. Inadequate cycle storage provision;
25. Need to improve pedestrian and cycling crossing of Paris Street to the future leisure centre development.

CONSULTATIONS

The County Head of Planning Transportation and Environment raises no objection commenting that being situated in the city centre the site is well located to access a variety of amenities by sustainable modes. The site is located nearby to dropped kerb pedestrian crossings on Paris Street and a formal signalised crossing facility on Western Way. These facilities provide safe access for users of varying mobility and are suitable for the level of development proposed. The vehicular access to the development is formed from by an existing bellmouth access onto Paris Street. However, given the high volume of footfall

expected from the development heading towards the city centre, a raised table footway crossing is recommended instead, giving pedestrian priority over motor vehicles.

Access for cyclists is primarily taken from an entrance located to the rear of the building – an external door should be provided to the cycle store, giving a convenient access for users who wish to cycle to and from the site. This will provide access to a store for 90 secure cycle parking spaces, exceeding the standard set out in the Sustainable Transport SPD and reflecting the proximity to the existing cycle network, is welcomed. In addition, the applicant has shown 9 cycle hoops at the side of the building and 6 cycle hoops to the rear. These are also welcomed as they provide a facility for visitors and short stay trips to the proposed café. The applicant is advised that it would be preferable for these cycle hoops to be Sheffield Stands.

To provide for deliveries to the café and the servicing of the building, a loading bay on Paris Street has been proposed. The loading bay could also assist with student pick up/drop off, providing an extra facility to the allocated drop off spaces located to the rear of the building. The loading bay will be achieved by building on the existing footway fronting onto Paris Street, providing a 2.5m wide bay, which is acceptable. This does hinder the pedestrian footway located immediately outside the café when a vehicle is loading/unloading; however, the applicant has agreed to sacrifice space on their own site in front of the proposal to become public highway, ensuring there is sufficient room for pedestrians on Paris Street. This arrangement is acceptable in principle and the exact specifications, including a construction that is suitable for accommodating heavy vehicles and allows at grade pedestrian use when not used for loading will need to be agreed with the Highway Authority.

This footway/loading bay will need to be provided prior to the site coming into occupation and the applicant is advised that these works will need to be carried out under a suitable agreement (Section 38/278 of Highways Act 1980). The applicant must apply for and get permission to work on the highway before undertaking any such works.

The delegated spaces to the rear of the proposal (and possibly the layby) provides facilities for student pick up/ drop off at the end of term. Combined with the off street parking in the vicinity to the site this is felt to provide adequate provision. The applicant is advised that the peak periods of student drop off and collection should be carefully managed to make best use of the designated spaces. These arrangements can be agreed through either a Travel Plan or a management plan as part of any legal agreements attached to the site.

The loading bay will need to be accompanied by a Traffic Regulation Order (TRO) and the applicant is advised to contact the Highway Authority to discuss arrangements for loading times for vehicles servicing the café/student accommodation.

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this and the applicant is advised to meet to agree suitable working arrangements prior to commencement.

In summary, the impact of the development is acceptable in highway terms and suitable loading and cycle parking facilities are proposed for the traffic attracted to the site. Conditions as part of any planning approval are therefore recommended to ensure adequate on secure cycle parking facilities, the proposed loading bay, Travel Plan and to agree construction management arrangements.

The County Flood Management Team comment that the applicant has provided a Drainage Strategy Statement and associated drawings that propose two attenuation-based surface water drainage management systems which utilise an oversized pipe or cellular storage tank,

either of which are acceptable. These options would incorporate under-drained permeable paving and a green roof, which will provide the required water quality benefits to the proposed surface water drainage management system and therefore appropriate for this site. Accordingly no objection is raised subject to the imposition of suitable conditions in respect of surface water drainage management.

Historic England object to the demolition of the Honiton Inn, as this surviving fragment of pre-war Paris Street contributes positively to the significance of the conservation area. Its loss would put the conservation area at risk. The proposed student accommodation block fails to provide a contextual building that would make a positive contribution to such a prominent site within the conservation area, and Historic England would encourage a better informed design that retains and incorporates the Honiton Inn and better reveals the significance of the designated conservation area.

RSPB support the application given the installation of internal bird boxes which will complement the 'swift tower' and the inclusion of a green roof.

Council's Heritage Officer's comments are attached in detail as an appendix to this report. In conclusion it is considered that the overall heritage values and interest of the site are considered to be predominantly low, and therefore the relative significance of the site and buildings, and its contribution to the significance of this northern part of the Conservation Area, is also assessed as low. Therefore, in these terms the removal of the Honiton Inn and its redevelopment can be classed as less than substantial harm in the context of para 138 of the NPPF. However, as it does have some aesthetic and communal value, the option of incorporating at least the visually prominent frontage in the new development should be assessed and considered, and the quality of the proposed replacement and whether it protects or enhances the character of this part of the Conservation Area also requires consideration.

Council's Environmental Health Officer recommends that conditions should be imposed in respect of the need for a noise assessment, air quality assessment, refuse storage, Construction and Environmental Management Plan (CEMP), plant noise assessment, contamination report and kitchen odour control.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 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
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

- CP5 - Student Accommodation
- CP8 - Retail Development
- CP10_- Meeting Community Needs
- CP15 - Sustainable Construction
- CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 - Design and Location of Development
- AP2 - Sequential Approach
- H1 - Search Sequence
- H2 - Location Priorities

H5 - Diversity of Housing

Relevant text- Student housing will be permitted provided that:

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

S1 - Retail Proposal

S3 - Shopping Frontages

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C5 - Archaeology

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version)

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

DD1 - Sustainable Development

DD12 - Purpose Built Student Accommodation

This policy seeks to protect residential amenity and to ensure that purpose built student accommodation is fit for purpose:

Purpose built student accommodation will be permitted provided the proposal:

- a) *respects, and contributes positively towards, the character and appearance of the area;*
- b) *does not result in unacceptable harm to the amenity of neighbouring residents;*
- c) *provides sufficient internal and external space for future occupiers;*
- d) *makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;*
- e) *reduces the need to travel and would not cause unacceptable transport impacts; and,*
- f) *is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.*

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

Exeter City Council Supplementary Planning Documents

Sustainable Transport - adopted March 2013

Southernhay and The Friars Conservation Area - adopted August 2002.

OBSERVATIONS

This application has received a significant number of objections, principally in respect of the demolition of the existing Honiton Inn, which represents the last historic remnant of this part of Paris Street and due to its prominent location on a main approach into the City is a well-known landmark building. Consequently the removal of the building for the redevelopment of the site requires specific attention as, although not a listed building, it is identified as making a positive contribution within the Southernhay Conservation Area. In addition, this application needs to consider the principle of a student accommodation use on the site; the proposed

design of the building in terms of height, scale, massing and external appearance and highway issues associated with the proposed bar/café and student use.

Heritage Issues

The principal issue is the degree of harm that the proposal would be considered to cause to the Conservation Area as a designated heritage asset, and whether the complete removal of the Honiton Inn and potential damage to other undesignated heritage assets is considered to be justified in this case. Para 138 of the NPPF is relevant to this case. This states that '*Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area...should be treated either as substantial harm under para 133 or less than substantial harm under para 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area... as a whole*'. Accepting that the Honiton Inn has been identified in the appraisal as making a positive contribution, the key to evaluating the degree of "harm" that the development as proposed would cause to the significance of the Conservation Area is an assessment of the relative significance of the Honiton Inn site itself and of the latter's contribution to the significance of the Conservation Area.

The relative significance of the Honiton Inn site and buildings has been assessed against these types of heritage interest above and against the various complementary types of heritage value defined in *Conservation Principles* (Historic England, 2008). The relative significance of the Honiton Inn site is summarised as follows against the types of heritage interest and values.

Archaeological interest

Buried remains, if present, would be of at least medium archaeological interest (particularly in the case of any Roman remains or of the 17C clay pipe kiln(s)) and give evidential value to the site. However, this value is compromised in practice by the amount of ground disturbance that is evident within the site, particularly due to the reduction of the level of the car park in the 1990s and the construction of the present building.

The present buildings are of late 19th century and later date, and contain no visible indication of earlier fabric that may belong to the buildings shown on the site from the late 16th century, As such they are of low archaeological interest and of low evidential value. The boundary wall is of some archaeological interest and evidential value but its value is relatively low. In both cases any remains that do survive are not so extensive as to merit preservation *in situ*, and can be recorded in lieu of their removal via a standard planning condition.

Architectural interest

The individual building is not particularly rare as a style of architecture. In the view of the Heritage Officer it is a pastiche rather than a good example of architecture of its time. Its context is as the sole survival of the pre-war street frontage and as a visible feature on the approach to the city centre. As it is isolated, has lost its context and it does not have sufficient critical mass to be of high interest and value in this respect. If it was one of short row of pre-war buildings to survive then its interest and value in this respect would be considerably higher, particularly if some of the buildings were older in date and also had higher evidential value.

Contribution to the significance of the Conservation Area

The significance of this northern end of the conservation area is described in the appraisal as mainly deriving from the Georgian planning and surviving buildings of that or similar date concentrated along Southernhay, Dix's Field and Barnfield Crescent, with an underlay of an earlier street pattern influenced and derived from the main historic routes into the city. In contrast this northern corner of the conservation area where the Inn is located is peripheral to this, containing a series of post war office blocks of neutral or negative contribution to the character of the Conservation Area, and bounded by post war highways. The Inn is the only

pre-war building in this area and is completely divorced from the rest of the remaining historic grain and buildings of the conservation area and is of a different character and date from the predominant Georgian terraces elsewhere. Therefore in these terms it does not contribute greatly to the prevailing significance and character of this end of the conservation area.

The Heritage Officer concludes that on the basis of the above, the overall heritage values and interest of the site are considered to be predominantly low, and therefore the relative significance of the site and buildings, and its contribution to the significance of this northern part of the Conservation Area, is also assessed as low. Therefore, in these terms the removal of the Honiton Inn and its redevelopment can be classed as less than substantial harm in the context of para 138 of the NPPF.

Use of site for Student Accommodation

This application will re-establish a public house on this site and accordingly there is no objection to this element of the scheme. The principle of student accommodation in a city centre location is supported by the Core Strategy and the publication version of the Development Delivery Development Plan Document subject to certain criteria as set out in Policy DD12. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that *'75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'*. Whilst a number of objections have raised concern regarding the need for additional purpose built student accommodation in the city, the University's plans for growth means that significantly more additional bedrooms will still be needed and therefore opportunities for new purpose built accommodation should be welcomed on appropriate sites. Indeed it could be argued that accommodating more students in this area would relieve the pressure for purpose built student accommodation within the residential areas closer to the University, such as St James. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

Employment site

The site is located within the Southernhay area, which is identified in the Core Strategy as an area designated for employment use, principally for office (B1) use. Policy CP2 seeks to retain employment uses in these locations. However the current use of the site is as a public house with associated car park and although the building is currently vacant, this represents the authorised use of the site and therefore the change to an alternative use, in this case for student accommodation, would not represent a loss of an employment premise. In addition, it is relevant to consider paragraph 22 of the NPPF which states that *'...planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...'* This site has been vacant for a number of years and therefore represents such as site. There appears to be little prospect that it will return to its previous state. As previously stated student use can be acceptable in a City Centre location subject to certain criteria being fulfilled and in this instance is policy compliant. Clearly the continuation of a public house on the site represents no change to the authorised use of the site and would therefore be acceptable.

Design of Building

As previously stated the Honiton Inn, although not listed, makes a positive contribution to Conservation Area. It is therefore important that the replacement building creates a high quality addition to the area. The prominent location of the site requires the resultant building to provide a positive frontage to both Paris Street and Western Way. In addition, the building needs to take account of the close relationship with neighbouring office buildings within Southernhay and the change in levels, as this site is located at the bottom of Paris Street. To aid the design process the applicant has sought the comments of the Devon and Somerset Design Review Panel which is encouraged by the National Planning Policy Guidance and

Planning Practice Guidance 'Design' which states that '*...schemes that have been through the design review process, and have developed positively in responses to recommendations from the design review panel are less likely to be refused planning permission on the grounds of poor design...*'. This guidance goes on to say that local planning authorities are required to have regard to the recommendations of the Panel in assessing applications. The Design Review Panel was generally supportive of the approach being taken by the applicant subject certain modifications. Since this meeting the applicant has revised the plans following the Panel's comments and further amendments have been made since the submission of the application to address specific concerns raised in respect of the building's height, external appearance and related highway issues.

The applicant's Design and Access statement provides the design principles which this application has followed. These are reproduced in the section 'supporting information supplied by the applicant'. The buildings have been specifically designed to reflect the external appearance adopted by many of the existing buildings located in Southernhay. The predominant use of red brick with a mansard roof is a reoccurring theme and therefore it is logical for the proposed building to reflect this approach. The height, scale and massing of the proposed building has been carefully considered and revisions have been made during the course of the application. In particular, the overall height of the building has been reduced by one storey to create a more sympathetic relationship with the existing buildings fronting this side of Paris Street; to emphasise the reduction of levels onto Western Way and in relation to the existing buildings behind. The revised plans are now considered acceptable and meet these design objectives whilst still taking suitable account of its relationship with existing buildings in terms of loss of outlook and overlooking. Whilst the Design Review Panel considered that a higher building of two or three stories on the site should be pursued, it is considered that the design is appropriate as now proposed with the higher zinc tower providing the necessary elevational interest this gateway site requires and avoids the need for a taller building across the site which the Panel was seeking. It is therefore considered that the overall design of building would make a positive addition to this prominent corner site and represent a building which is more appropriate than the existing public house given its existing context which is now characterised by larger office buildings.

The building does seeks to retain a café/pub on the ground floor, which is to be welcomed. The continuation of the use and the creation of double height glazing will ensure the re-introduction of an active street frontage, which has been absent from this site for several years. Following the completion of the new leisure centre opposite it is considered that a significant increase in activity in this area will be created, which is viewed positively. Additionally, benefits arising from the building include measures to improve its wildlife attractiveness, namely the inclusion of swift nesting boxes and the incorporation of green roofs. The Design and Access statement also provides details to highlight the flexibility of the building's layout which could result in the creation of 2/3 bedrooms flats in place of the student accommodation and consequently enable the building to adapt to future changing accommodation needs for the area.

Highway Issues

The application includes two on-site parking spaces and associated turning area, which in conjunction with a student management plan to control student arrival and departure times is considered acceptable by the highway officer. In addition, the application proposes internal cycle storage for 90 cycles and external cycle storage is provided alongside and behind the proposed new cafe/bar. The revised plan also includes the provision of a new lay-by, at the request of the highway officer, in front of the building which will provide a delivery area for the cafe/bar and avoid the need for reversing onto to Paris Street from the side access road. Accordingly no objection is raised in highway terms subject to completion of a Section 106 agreement for the lay-by and a student management scheme and suitable conditions to ensure the cycle provision for the site is provided.

Summary

In summary, whilst the demolition of the Honiton Inn is regrettable, its condition is deteriorating and will increasingly be seen as 'tired' building within the streetscene. Although it is clear from the numerous letters received it was once a popular meeting place, the building has been vacant for several years and there seems little prospect of it being brought back to its former state. The building is not listed and although as previously identified as a positive building within the Conservation Area, the context of the site has and is changing, particularly with the new leisure centre development proposed opposite. The mixed use scheme will re-introduce a new cafe/car which will add the vitality of the area and provide student accommodation which is needed and appropriate in this city centre location. The design of the building creates the necessary presence demanded by this gateway site and will be sympathetic to the character and appearance of existing buildings within Southernhay and its Conservation Area designation. Accordingly it is considered this application should be approved.

The application will require a financial contribution towards the delivery of district heating in the area which will be included within the Section 106 agreement. The creation of 3131 sq metres of student accommodation will equate to approximately £159,990 in CIL based on 2017 figure of £51.07 per sq metre. In addition the development will expect approximately £60,000 in New Homes Bonus at current rates of 4 years with no abatement.

DELEGATION BRIEFING

25 October 2016 - Members were advised that the number signatories to a petition "Save the Honiton Inn" was likely to exceed 1,700 which together with 25 objections all opposed to the loss of the Honiton Inn. The building is not listed but lies within a Conservation Area, and identified as having a positive contribution.

A fundamental consideration of the application would be to assess whether there was merit in retaining the building, given its current condition, against a new development of improved quality, which meet the requirement of new build in a Conservation Area - namely to preserve and enhance its character and appearance. Members accepted that a student development in the City would accord with policy in terms of use. However with regard to the design, Members expressed the view that it was too high and requested that it be reduced. It was noted that the Design Review Panel had suggested that the building could be taller to provide an entrance feature to the City Centre. Members also requested a balloon test. (*The Agent has since amended the plans to show a more detailed relationship with the neighbouring buildings*). Members were advised that the application would be reported to the Planning Committee.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan and a financial contribution towards the delivery of District Heating in the area and a Traffic Regulation Order.

APPROVE the application subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials

- 4) C57 - Archaeological Recording
- 5) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.
Reason: In the interests of the appearance of the Conservation Area.
- 6) 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.
- 7) No part of the development hereby approved shall be brought into its intended use until the loading bay as indicated on *Drawing Number 1188/PL05 Rev B* (of at least 2.5m in width) on Paris Street, and raised pedestrian crossing at the vehicular access have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide suitable facilities for the traffic attracted to the site.
- 8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities as indicated on *Drawing Number 1188/PL05 Rev B* and an external door into the cycle store, 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) No development shall commence until a noise assessment report, including noise from the any plant machinery has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.
- 10) No development shall take place, including any works of demolition, 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) the parking of vehicles of site operative and visitors
 - b) loading and unloading of plant and material;
 - c) storage of plant and materials used in the constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h) construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on

Sundays, Bank or Public Holidays.

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

- 11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the cafe/bar use 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 be thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby occupants.

- 12) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

- 13) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

- 14) C70 - Contaminated Land

- 15) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy Statement (Report Ref. -, Rev. P01, dated November 2016) and the Strategic SW Drainage Layout Drawing (Drawing No. 1004, Rev. P01, dated 28th November 2016).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- 16) No part of the development hereby permitted shall be commenced until details of

the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

17) C57 - Archaeological Recording

18) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the cafe/bar refuse area have been provided has been submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details:

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

19) No development shall commence until an air quality assessment report, has been submitted to and approved in writing by the Local Planning Authority providing details of any mitigation measures required and shall thereafter be provided in accordance with such details:

Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.

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

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

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Heritage consultation

The comments below are based on a review of the Heritage Statement submitted on 19 Dec, the Design and Access Statement, and the relevant planning policy and guidance.

Background

The site and buildings lie within the north eastern corner of the Southernhay and Friars Conservation Area, which is itself a designated heritage asset. The inn is identified in the text of the CA appraisal (August 2002) as being a building that makes a positive contribution to the character of the CA, although it is not identified as such on the mapping, presumably due to a drafting error. It is not a designated heritage asset in its own right, as it is not on the national List or on the local one.

The site lies alongside Paris Street, which has been one of the main approach routes to the East Gate of the city from the Roman period until the present day. As such it is likely to have had extra mural development along its length close to the gate, and potentially also cemeteries slightly further out, but no remains of either have yet been reported in or around the present site. Later, buildings are shown on this site in the late 16th century, and, after probable clearance during the civil war, are again shown on maps from the 18th century onwards. The present buildings are later 19th century in date, with later additions and partial rebuilds and repairs, although some parts of the boundary wall are probably earlier in date.

Issues

The principle issues with the heritage aspects of this proposal include the:

- a) relative significance and value of the Honiton Inn site itself, both in terms of buried remains and the present buildings and boundary wall,
- b) impact on the character of the Conservation Area of the loss of the present buildings and of the erection of the proposed replacement, and
- c) degree of harm that would be caused to the Conservation Area and to the undesignated heritage assets on the site by the proposed development, and whether this is considered to be justified in terms of the relative significance of the buildings in particular and of securing an optimum viable use of the site.

Significance and value of the individual undesignated heritage assets

This is assessed in terms of the definitions of significance - and of archaeological, architectural, artistic and historic interest - in the NPPF, PPG and supporting guidance, and in terms of the explanations of heritage values (evidential, historical, aesthetic and communal) in *Conservation Principles* (English Heritage, 2008) – which are referred to in the Heritage and D & A statements.

Potential buried remains

These may include those from the Roman period (cemeteries or other remains), and of the buildings shown on the site on historic maps from the 16th century onwards, and also further remains of the clay pipe kiln material dating from the late 17th century that was found at the rear of the site during works to the car park in the 1990s. *Any such remains, if present, would be of at least medium archaeological interest (particularly in the case of any Roman remains or of the clay pipe kiln(s)), and give evidential value to the site.* However, this value is reduced in practice by the amount of ground disturbance that is evident within the site, particularly the lowering of most of the rear car park area in the 1990s (with the consequent

removal of any remains over at least half its footprint), the excavation of the “commodious cellar” mentioned in the 19th century (unless “cellar” in this instance applied to a surface building used for storage rather than to an underground room), and the construction of the present building and more modern additions. *Any surviving remains are therefore unlikely to be extensive or particularly well preserved, and do not therefore in my view merit preservation in situ, and instead can be excavated and recorded in lieu of their destruction by attaching the standard condition to a planning permission.*

The present buildings and boundary wall

Based on the heritage statement and a visual inspection, the present building appears to be constructed largely of machine made brick (where visible), is painted and rendered, with straight clean lines to the walls and features such as chimney stacks, and appears to contain no visible evidence of the sorts of irregularities and features that would hint at the potential presence of earlier fabric. It has been dated to the later 19th century, with some later modern additions and builds of probable post WWII date. Internally, surviving features belong to the late 19th century or later. Although there is no visible indication of the presence of earlier fabric belonging to the earlier buildings documented on the site, it is still theoretically possible that some still survives hidden within the former party walls and within the cellar walls beneath, if there is one. There is no indication here that the present façade fronts a much earlier building behind, which is a common scenario within the city walls.

The boundary wall has been identified as containing some potentially early stonework towards its base, topped with later brickwork of several phases. It does lie on the line of the property boundaries shown on 19th century mapping and does therefore represent one of the original late medieval boundaries of the properties shown fronting Paris Street.

Archaeological interest and evidential value

The present buildings are of unknown but probably low archaeological interest, and as such are of low evidential value.

The boundary wall is of some archaeological interest and evidential value - depending on the actual date of the stonework, which may of a later date than stated - if only as the last remnant of the pre-war townscape grain in this area, but this is interest and value is relatively low.

Architectural interest and aesthetic value

The present building dates to the late 19th century and is built in a pastiche Tudor timber framed style, with some post WWII additions on the sides and around the rear. The judgment of interest and value is inherently subjective; Tudor pastiche is relatively common as an architectural style of the time and since, and can either be regarded as a good example of that type, or as an example of little more than late Victorian nostalgia for the glories of a previous age.

What interest and value that it does have in this respect is principally as the last vestige of the pre-WWII townscape along Paris Street, and as a contrast to the modern office blocks that overlook it. Notwithstanding the particular views illustrated in the D & A statement, it does occupy a visually prominent site at the lower end of Paris Street, both when viewed from further up the street and from various points around the roundabout, and as such is familiar to many people, hence the number of objections to its proposed demolition. However, its value in terms of illustrating the pre-war townscape grain is low, as it is only a single building, rather than a set of 3 or more, and as such has completely lost its original

context and is difficult to read as what it once was – i.e. as one of a row of buildings that originally provided a frontage onto the historic line of Paris Street. Rather like it is difficult to read a single brick or stone as once being part of a wall on a certain alignment, but easier to do so if several bricks etc remain in place in a row.

Historic interest and historical value

As a building of relatively recent date, that has no particular associations with well-known historic figures or with particular events or technological or other innovations for example, it has no particular historic interest or historical value.

Communal value

As with any community facility such as a pub, it will have some residual communal value amongst its past patrons, particularly those who may retain memories of the past long serving landlord and landlady, although it has been closed for the last 8 years. Aside from this, it clearly, from the tone and content of the objections and comments received, does also have an emotional value for many, as the last remnant of pre WWII Exeter in this area, and as a familiar visual landmark on the approach to the city centre. Whether or not this emotional value and resonance equates with communal value in heritage terms though is a matter for debate.

Impact on the character of the Conservation Area

The significance of this northern end of the conservation area is described in the appraisal as mainly deriving from the Georgian planning and surviving buildings of that or similar date concentrated along Southernhay, Dix's Field and Barnfield Crescent, with an underlay of an earlier street pattern influenced and derived from the main historic routes into the city and the pattern of defensive works along the outside of the city wall. In contrast this northern corner of the conservation area is peripheral to this, containing a series of post war office blocks of neutral or negative contribution to the character of the Conservation Area, and bounded by post war highways. The only pre-war building this area contains is the Honiton Inn, which is completely divorced from the rest of the remaining historic grain and buildings of the conservation area and is of a different character and date from the predominant Georgian terraces elsewhere. Whilst the inn is identified in the 2002 appraisal as making a positive contribution to the character of the conservation area, there is no analysis as to why or how it does, except what can be deduced from its description as the sole survivor of the pre-war street frontage. There is also no reference in the appraisal as to how the boundaries of the conservation area have been defined; whether for example the boundary in this area has been deliberately extended to include the Honiton Inn, rather than running it along the edge of the surviving Georgian planning along Dix's Field for example, or whether it was simply a matter of cartographic convenience and simplicity to use Western Way and Paris Street as the boundaries to the area.

Therefore the predominant character of this part of the conservation area is one of monolithic post war office blocks, of various designs and material finishes, overlooking one single, isolated pre-war building of mock Tudor appearance, which, notwithstanding its small size, does represent a visual marker at the approach to Paris Street that is familiar to many.

Impact

The complete removal of the Honiton Inn will clearly have an impact on the character of the conservation area here. Whilst on the one hand it could be argued that its replacement by another modern building of similar size and proportions to the office blocks behind will simply just reinforce and thus in a sense enhance – depending on the quality of its design

and finish - the prevalent character of this part of the conservation area, on the other it could be argued that the loss of the last, albeit isolated and unconnected, vestige of the pre-war townscape here will detract from the character of the conservation area by removing that vestige and variety, whatever the perceived quality of its replacement.

Summary

The principle issue is the degree of harm that the proposal would be considered to cause to the conservation area as a designated heritage asset, and whether the complete removal of the Honiton Inn and potential damage to other undesignated heritage assets is considered to be justified in this case.

Para 138 of the NPPF is relevant to this case. This states that “Not all elements of aConservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area...should be treated either as substantial harm under para 133 or less than substantial harm under para 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area... as a whole”. Accepting that the Honiton Inn has been identified in the appraisal as making a positive contribution, notwithstanding the lack of analysis or explanation in the appraisal to underpin that, the key to evaluating the degree of “harm” that the development as proposed would cause to the significance of the Conservation Area is an assessment of the relative significance of the Honiton Inn site itself and of the latter’s contribution to the significance of the Conservation Area.

“Significance” in the context of heritage/planning policy is defined in Annex 2 of the NPPF as “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

The relative significance of the Honiton Inn site and buildings has been assessed against these types of heritage interest above, and against the various complementary types of heritage value defined in *Conservation Principles* (Historic England, 2008). Setting is not considered applicable here as the proposed development lies within the Conservation Area, not adjoining it, and is not considered to be within the setting of any other designated assets in the vicinity.

The relative significance of the Honiton Inn site is summarised as follows against the types of heritage interest and values.

Archaeological interest/evidential value – is low

Buried remains, if present, would be of at least medium archaeological interest (particularly in the case of any Roman remains or of the 17C clay pipe kiln(s)), and give evidential value to the site. However, this value is compromised in practice by the amount of ground disturbance that is evident within the site, particularly due to the reduction of the level of the car park in the 1990s and the construction of the present building and the potential presence of a cellar underneath it.

The present buildings are of late 19th century and later date, and contain no visible indication of earlier fabric that may belong to the buildings shown on the site from the late 16th century, although there remains the residual potential for earlier fabric to be present

low down in the party walls and/or within any cellar. As such they are of low archaeological interest, and of low evidential value.

The boundary wall is of some archaeological interest and evidential value - depending on the actual date of the stonework, which may be of a later date than stated - if only as the last remnant of the pre-war townscape grain in this area, but this interest and value is relatively low.

In both cases any remains that do survive are not so extensive as to merit preservation *in situ*, and can be recorded in lieu of their removal via a standard planning condition.

Architectural interest and aesthetic value – is low overall, but higher for the aesthetics of the frontage

The individual building – depending on the subjective judgement of the value and interest of Victorian Tudor pastiche architecture this could be anything from non-existent to medium. It is not particularly rare as a style of architecture. In my personal view it is low, as it is a pastiche rather than a good example of architecture of its time.

Its context, as the sole survival of the pre-war street frontage and as a visible feature on the approach to the city centre. As it is isolated, and has lost its context, then in my view it does not have sufficient critical mass to be of high interest and value in this respect. If it was one of a short row of pre-war buildings to survive then its interest and value in this respect would be considerably higher, particularly if some of the buildings were older in date and also had higher evidential value as a result as well.

However, many people do find it more aesthetically pleasing than the office blocks that overshadow it, as is clear from the responses to the application.

Thus in terms of critical mass and viability as a meaningful survival of the pre-war street frontage its interest and value is low in my view, but in terms of its aesthetic value – particularly of the frontage – its value will be medium to high in many people's view.

Historic interest and historical value – none

As a building of relatively recent date, that has no particular associations with well-known historic figures or with particular events or technological or other innovations for example, it has no particular historic interest or historical value.

Communal value - medium

This is not listed in the NPPF as one of the types of heritage interest that contribute to the significance of a heritage asset. However, it is a type of heritage value and this is reflected in the responses to the application. As with any community facility such as a pub, it will have some residual communal value amongst its past patrons. It also has a value to many respondents as the last remnant of pre WWII Exeter in this area, and as a familiar visual landmark on the approach to the city centre.

Contribution to the significance of the Conservation Area as a whole – is low

The significance of this northern end of the conservation area is described in the appraisal as mainly deriving from the Georgian planning and surviving buildings of that or similar date concentrated along Southernhay, Dix's Field and Barnfield Crescent, with an underlay of an earlier street pattern influenced and derived from the main historic routes into the city and the pattern of defensive works along the outside of the city wall. In contrast this northern corner of the conservation area where the Inn is located is peripheral to this, containing a series of post war office blocks of neutral or negative contribution to the character of the Conservation Area, and bounded by post war highways. The Inn is the only pre-war building in this area and is completely divorced from the rest of the remaining historic grain and buildings of the conservation area and is of a different character and date from the

predominant Georgian terraces elsewhere. Therefore in these terms it does not contribute greatly to the prevailing significance and character of this end of the Conservation Area.

Conclusion

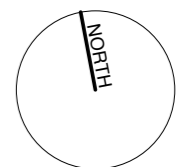
On the basis of the above, the overall heritage values and interest of the site are considered to be predominantly low, and therefore the relative significance of the site and buildings, and its contribution to the significance of this northern part of the Conservation Area, is also assessed as low. Therefore, in these terms the removal of the Honiton Inn and its redevelopment can be classed as less than substantial harm in the context of para 138 of the NPPF. However, as it does have some aesthetic and communal value, the option of incorporating at least the visually prominent frontage in the new development should be assessed and considered, and the quality of the proposed replacement and whether it protects or enhances the character of this part of the Conservation Area also requires consideration.

Andrew Pye
Principal Project Manager (Heritage)
City Development
Exeter City Council
Civic Centre
Paris Street
EXETER EX1 1NN

Email: andy.pye@exeter.gov.uk
Tel: 01392 265224



Location Plan - 1:1000 @ A1



PLANNING

Paris Street Student Flats & Cafe / Bar for Devonshire Dumplings Inns Ltd

Location Plan

Scale: 1:1000 @ A1 (1:2000 @ A3)

Drawing No: 1188 / PLO | Rev -

The Boat Shed, Michael Browning Way Exeter EX2 8DD 01392 438051 mail@g-a.uk.com

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Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 09/01/2017

APPLICATION NO: 16/1505/03 FULL PLANNING PERMISSION
APPLICANT: Mr Lovell
Heritage Developments (SW) Ltd
PROPOSAL: Construction of 7 residential units (flats), 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: 18/11/2016
EXPIRY DATE: 13/01/2017

HISTORY OF SITE

16/0963/03 - Erection of a B1 Office Building, access and associated infrastructure works REF 04/11/2016

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.

An application was recently refused on this site for a new office building for Heritage Homes. This application is for the construction of seven residential flats.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Planning, Design & Access Statement, Environmental Noise Assessment, Air Quality Assessment, Preliminary Ecological Appraisal, Interim Results of an Archaeological Excavation and Archaeological Evaluation Report have been submitted in support of the application.

REPRESENTATIONS

129 letter of objection have been received. A summary of the concerns is below:

- The site was original planned as an open green area and it should become that;
- The City Council originally decided that this piece of land was not suitable for development, please stick to that decision;
- The plans to build a block of offices was rejected. A much larger, taller block of residential flats is totally unreasonable;
- Unacceptable noise and pollution from the motorway and impact on health - environmental quality;
- Air Quality Assessment is flawed and likely to represent the best case for the applicant at the expense of the site's potential residents;
- The site is part of the Topsham Gap. The site should be returned to green land after the site office has gone;
- The land was intended to be kept for wildlife and as a green wedge;

- The population has reached saturation point in Topsham with the Doctors Surgery under strain, shortages in school places and grid locked local traffic;
- The building is inappropriately placed, too big and out of balance with the rest of the development on the other side of The Retreat Drive;
- An unsightly addition to the skyline;
- Unsuitable size of project and unhealthy nature of site - proximity to the motorway;
- Excessive height;
- Lack of daylight through low levels of windows;
- Balconies would not provide open space but are to attenuate traffic noise and would be used for storage and hanging washing;
- No archaeological report has been carried out;
- Increased parking and traffic issues;
- Site is supposed to be part of the Topsham Gap;
- Access onto The Retreat Drive may impede the ability to access or exit the boatyard. Safe access to this junction is required for heavy goods vehicles/deliveries and the impact of overflow parking on this road would cause both nuisance and safety hazards. It is suggested that the entrance is pushed back to Exeter Road as originally proposed in earlier plans for the office building.
- With more housing so close to the junction it is likely to become an accident blackspot.

An objector has prepared a report concerned with the future noise impact from the motorway. The full report can be viewed on the website under the reference Dr A N Graham- Cumming or copies can be provided if requested. In response to the comments raised, the applicant's Noise Assessor has advised that the noise survey work is robust and consistent; the acoustic modelling has been carried out using state of the art 3D modelling software incorporating the latest amendments to requirements of ISO 9613; the building upgrades, namely triple glazing with acoustic glass, sound block plasterboard to upper floor ceilings, mechanical heat recovery ventilation systems with no trickle vents and no opening windows nor any habitable rooms facing the motorway will achieve internal sound levels compliant with BS 8233:2014 as required by ECC.

The Topsham Society has provided a detailed report which is reproduced below:

<p>Observations: (to include effect on town's landscape and the conservation area if applicable)</p>	<p>This site is part of the general area known as the Topsham Gap and is protected by LS1 Landscape setting designation.</p> <p><i>The Society has previously made strenuous objections to the predecessor application for this site, reference 16/0963/03, on the grounds of its breach of policy LS1, inappropriate design and overbearing scale and massing. Whilst the use of this proposal differs from its predecessor, the fundamental points that formed the basis of the previous objection, still stand. Therefore, the Society would confirm that this current objection should be read in conjunction with its previous submission dated 9.09.16.</i></p> <p>The Society would add;</p> <ul style="list-style-type: none"> • <i>Councillors have previously refused applications on this site on the basis of its location within LS1 land. This is still the case and therefore this position should prevail.</i> • <i>At the planning committee where the earlier office application was determined, members expressed particular concern that the site has been previously subject to a S106 agreement specifically preventing development.</i> • <i>The current scheme is of almost identical scale/massing to the previously refused office application.</i> • <i>The proposals are 4 storey and significantly higher than the scale of recently approved adjoining dwellings along the Exeter Rd frontage, which are generally 2 storey with only a small tower of 3 storey at the</i>
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	<p><i>entrance of The Retreat Drive. This scale is eventuated by poor articulation of form which along with use of visually dominant cladding, giving the block and excessively bulky appearance, out of keeping with the surrounding context.</i></p> <ul style="list-style-type: none"> • The applicant refers in its Design and Access Statement to the proposal integrating into the “urban fabric”, ignoring the fact that this is not an urban site, but a fringe of a small town. This highlights the lack of understanding the applicant has to this site. • <i>The current scheme accesses from Retreat Drive which is not an adopted highway, it is a private road in the ownership of the DoT/Highways England and therefore the applicant does not have automatic right to access as claimed.</i> • <i>The noise report presented in support is flawed, being based on survey undertaken for an adjacent but more distant site and fails to take account of repetitive noise of vehicles over bridge expansion joints. The Society would refer to the detailed objection in this respect made by Dr A Graham-Cumming dated 7.12.16. Clearly this location abutting/projecting above the M5 carriageway is not a suitable location for housing.</i> • The applicant states that this site was considered unsuitable for recreational use due to the proximity of the M5. The Society would question why they believe it is therefore suitable for housing? • <i>Whilst it is acknowledged that ECC are under housing allocation pressure following the recent Home Farm and Exeter Rd appeals, the number of units offered by this proposal are minimal and do not provide sufficient benefit to outweigh the serious harm that would occur by ignoring the policy constraints of LS1.</i> • The Society is convinced that any intensification of development within the Gap landscape Setting Area, will weaken ECC’s stated policy objective to maintain the Gap and avoid coalescence of the Town with the City. <p><i>Considering that the Planning Committee have previously overturned officers recommendation in respect of this site and that members clearly have strong views about the manner in which applications on this site have been engineered by the applicant, the Society would strongly suggest that <u>officers make no recommendation</u> and leave members to make their own decision, without officer pressure or threat of a decision counter to a recommendation would expose the Council at appeal.</i></p>
<p>Recommendations:</p>	<p>The Topsham Society urges ECC officers and members to refuse this application for the same reasons as the previous application 16/0963/03.</p>

CONSULTATIONS

Wales & West Utilities: No plant may be enclosed or built over. The plan shows that the utility pipes are beneath The Retreat Drive and Exeter Road.

Environmental Health: The noise assessment concludes that it is possible to achieve internal noise levels that meet satisfactory criteria, and external spaces can, to some extent, be protected from noise. However in order the achieve this the quality of life of the future occupants will be affected. For example they will not be able to open their windows without being exposed to a significant level of noise, particularly on the third floor. Road traffic noise has proven negative health effects, which a simple comparison of noise levels against standards for this site cannot quantify.

The air quality assessment concludes that the future occupants of the site are unlikely to be exposed to concentrations of air pollution that exceed the relevant objective levels. This is based on measured levels of pollution from nearby monitoring sites. However none of the monitoring sites are particularly good proxies for this site, especially the proposed third floor which overlooks the motorway.

Can the applicant please respond to this concern - This is currently under review by the Environmental Health Team and an update will be provided at the Planning Committee Meeting on the 9th January 2017.

If this information is satisfactorily received then the following conditions are proposed:

Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Before the development commences, a scheme for the protection of the occupants from ambient noise shall be submitted to and approved in writing by the LPA. This shall include mechanical ventilation such that the future occupants do not need to rely on open windows for ventilation. The approved measures shall be implemented in full prior to occupation and maintained thereafter.

Air pollution mitigation measures (as required).

Devon County Council Highways Engineer: The vehicular access off The Retreat Drive is acceptable. It is requested that the applicant provides a pedestrian/cycle link onto Exeter Road.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012:

1. Introduction

*P.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 both 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.*

4. Promoting Sustainable Transport

6. Delivering a wide choice of high quality homes

P.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.

7. Requiring good design

8. Promoting healthy communities

11. Conserving and enhancing the natural environment

P.109: The planning system should contribute to and enhance the natural and local environment by:

- *Protecting and enhancing valued landscapes, geological conservation interests and soils.*

12. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy

- CP1 Providing for Growth - Spatial Strategy
- CP3 Housing Distribution
- CP4 Housing Density
- CP5 Meeting Housing Needs
- CP11 Pollution
- CP12 Flood Risk
- CP14 Renewable and Low Carbon Energy in New Development
- CP15 Sustainable Construction
- CP16 Green Infrastructure

The character and local distinctiveness of the areas identified below, will be protected and proposal for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the green Infrastructure Strategy, through the Development Management DPD:

- *The hills to the north and north west;*
- *Knowle Hill to the south west;*
- *The strategic gap between Topsham and Exeter;*
- *And the Valley Parks: Riverside, Duryard, Mincinglake, Ludwell, Alphington to Whitestone Cross, Savoy Hill and Hoopern.*

CP17 Sustainable Design

Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities
- H5 Diversity of Housing
- H7 Housing for Disabled People
- L3 Protection of Open Space
- 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

Development which would harm the landscape setting of the city will not be permitted.

Proposals should maintain local distinctiveness and character and:

- a) *Be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or*
- b) *Be concerned with change of use, conversion or extension of existing buildings.*

Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.

- 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

**Exeter Development Delivery Document – Publication Version 2015
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
- DD33 Flood Risk

**Exeter City Council Supplementary Planning Documents
Sustainable Transport SPD March 2013**

OBSERVATIONS

The application site is identified in the Exeter Local Plan as Landscape Setting and therefore the site is covered by Local Plan Policy LS1 and Core Strategy Policy CP16 which relates to the harm that development would cause to the landscape setting of the city and the protection of the strategic gap between Topsham and Exeter. The proposed residential flats represent a potential conflict with these policies and therefore an assessment against the relevant criteria contained within these policies is needed.

Development Plan and NPPF Policy Context

The proposed residential use must be considered against relevant national and development plan policies, particularly in light of the appeal decision at a site further along from the site now under review, in 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 when a Local Planning Authority is in this situation.

Legal advice has further clarified how such planning applications 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 housing applications 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.

**Assessment of relevant Local Plan Policies and weight afforded to out of date
Development 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 judgement depending on the facts of the case. For this application the most relevant policies are Core Strategy CP16 'Green Infrastructure and Local Plan LS1 'Landscape Strategy'.

The site was until recently, a piece of land which had most recently been used for agricultural purposes, planted with maize. The land is now currently a staging site for the site offices for Heritage Homes during the construction of the adjacent residential dwellings. Prior to the construction of the site offices, the site was cleared of any self-seeded vegetation and a boundary hedge, to allow for the extension of the archaeological excavation. The site was not a formal open space, but contributed to the openness of the area through the agricultural use and the green hedging. The proposed landscaping around the proposed residential building, proposed to reintroduce a visual buffer around the perimeter of the site through the planting of low level bushes/hedging and taller trees.

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, again, Core Strategy Policy CP16 and Local Plan Policy LS1. The Council currently has an approximately 2 year 4 month supply of housing and the intention to address this matter will rely on co-operation 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 the landscape setting 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.

Applicant Response

Policy CP16 sets out the strategic green infrastructure network, identified for the purposes of protecting and enhancing current environmental assets and local identity and to provide a framework for sustainable new development. The policy identifies the character and local distinctiveness of the strategic gap between Topsham and Exeter and references proposal for enhancement which will be brought through the Development Management DPD in due course. Strategic Green Infrastructure includes the Topsham Gap.

The site lies within the Topsham Gap which is a strategic gap to stop the merging of Exeter and Topsham. However, reference is made to a recent appeal decision (Ref. No. APP/Y11110/W/15/3005030) for land north of Exeter Road, Topsham made on 27 April 2016. That appeal was for a 60 bed residential care home, 47 assisted living apartment and 55 age restricted dwellings. The appeal was dismissed. However, one of the main issues that was under dispute was the effect of development on the setting and separate identity of Topsham. The Planning Inspector concluded that 'The degree of harm (to the Topsham Gap) would be relatively modest. The reasons for this are to do with the location of the site towards the eastern part of the gap, and the character of its surroundings'.

The application site is located on the corner of Exeter Road and The Retreat Drive to the east of the M5 motorway bridge and to the west of the recently consented residential development on land between Exeter Road and Wessex Close. The siting and location of this site means that the M5 forms a boundary between the site in Topsham and Exeter City. Similar to the cited appeal the application site is strongly influenced by the suburban fringes of Topsham. On the 27/07/2015 permission granted for the development of up to 23

dwellings, access and associated services (planning ref: 14/1605/01). This development was approved because the character of the southern side of Exeter Road is for the most part, residential within the urban setting of wider city and that the extent of the previously designated gap in this location was not required nor that development of this small area would significantly harm the landscape setting of Exeter or Topsham. This development is currently under construction. There is no longer any physical or perceived gap to the south of Exeter Road. This is in contrast to the open nature of the land to the north of Exeter Road. Not only therefore is the proposed development in keeping with the residential character of the area to the south of Exeter Road but it enhances the urban fabric by improving the existing, otherwise poor visual impact of the motorway across Exeter Road. In summary therefore, the proposed apartment building has been designed to the high standard of the residential scheme granted on the opposite side of The Retreat Drive. The development will be in keeping with the surrounding neighbourhood. It will be clearly possible to distinguish the character of development from developments of Exeter. The development would have a negligible impact on the Topsham Gap.

Policy LS1 is considered to be a relevant policy for the supply of housing and is not up to date. Policy LS1 should therefore be set aside in favour of sustainable development. Notwithstanding this it is not considered that the site would harm the landscape setting of Exeter or Topsham because no perception of openness remains in this location to the south of Exeter Road but more significantly, the development reflects the character of the local residential area to the south and east and enhances the urban fabric of the locality through improving the visual outlook towards the motorway bridge.

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".

Residential Use

The principle of residential accommodation in this location has been agreed previously by the approval of the new residential housing on the adjacent plots. The site is also considered to be acceptable due to the close proximity to both Topsham and Exeter City Centre. It is a sustainable location in that it is on a major bus route, has a dedicated cycle path and is easily accessible on foot. A new Aldi supermarket has also opened within a few minutes walking distance from the site.

Design Principles

The building has been designed to sit adjacent to the embankment of the M5 bridge, set back within the site with the main entrance facing The Retreat Drive. The site was originally identified as potential open space for the adjacent Phase 1 residential scheme. However, as the land off Wessex Close (Phase 2) is now under the same ownership by the developer, the open space will be provided within the residential development, negating the need to use this site as designated open space.

An archaeological investigation has been carried out and completed and the site has been 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 a 3 storey building, with a fourth floor added and set back to reduce the visual impact. The fourth floor has a flat roof and would be clad with metal sheeting flat roof to minimise the overall height and to appear as a contemporary mansard roof.

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 new residential building. The distance between the two residential buildings is approximately 20m. The unit sizes comply with the National Housing Standards for overall sizes and the open space complies with the ECC Residential Guide requirements. Each unit is designed to energy standards above Code 4 for Sustainable Homes.

The elevations are predominantly brick and render with two curved acoustic balconies to each side to provide an element of private open space for each unit. A lift as well as central stair case is also provided to all floors providing full accessibility.

The site would be accessed from The Retreat Drive, utilising an existing access into the site and on a stretch which is under the ownership of Highways England. Parking is proposed to be provided along The Retreat Drive and to the side of the property adjacent to the Boatyard boundary. Car parking for 12 cars is proposed, which is just slightly above the requirement. Secure cycle parking for 10 cycles is also proposed, which would be provided in a single storey section of building at the rear. The bus stop will be relocated to the front of the adjacent residential development, but still in immediate proximity to the office building. Landscaping is proposed around the car park area to screen the parking and the building to include low level shrub/hedge planting and semi mature trees. Details of specimens are to be agreed. A fence is also proposed but no details have been provided.

Bin storage areas are proposed in the rear single storey section to the rear of the building.

Relevant Planning History

An application for the siting of an office building was recently refused at Planning Committee in October 2016 due to the further loss of the Topsham Gap.

CIL Liability

There is also a requirement for CIL contributions amounting to £56,602.12 at 2016 rates. This would need to be revised to 2017 rates once they are released.

Conclusion

The final recommendation on this application is finely balanced. The proposal does provide an additional seven residential units immediately adjacent to new residential dwellings and is therefore in-keeping with adjacent uses. However, development on this site does not comply with Policies LS1 and CP16 in terms of the landscape setting and retention of the strategic gap.

Having considered all of 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 residential accommodation on this site 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 this proposal site, it is considered to be such a narrow site that there is minimal contribution to this open aspect as it is screened by the M5 bridge and embankment. Any development will also have a strong backdrop of trees on the embankment, plus a strong landscape element to the boundary to enhance the green element of the site.

The building has been set back into the site more than the previous office building so that it is not dominant in the street scene 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 18 November 2016 (*Dwg. No(s). APTS-003; APP-01*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement Condition:** No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage system have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) timetable for its implementation; and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.**Reason for pre-commencement condition:** To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.
- 4) C17 - Submission of Materials
- 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 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.
- 7) 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.
- 8) 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.

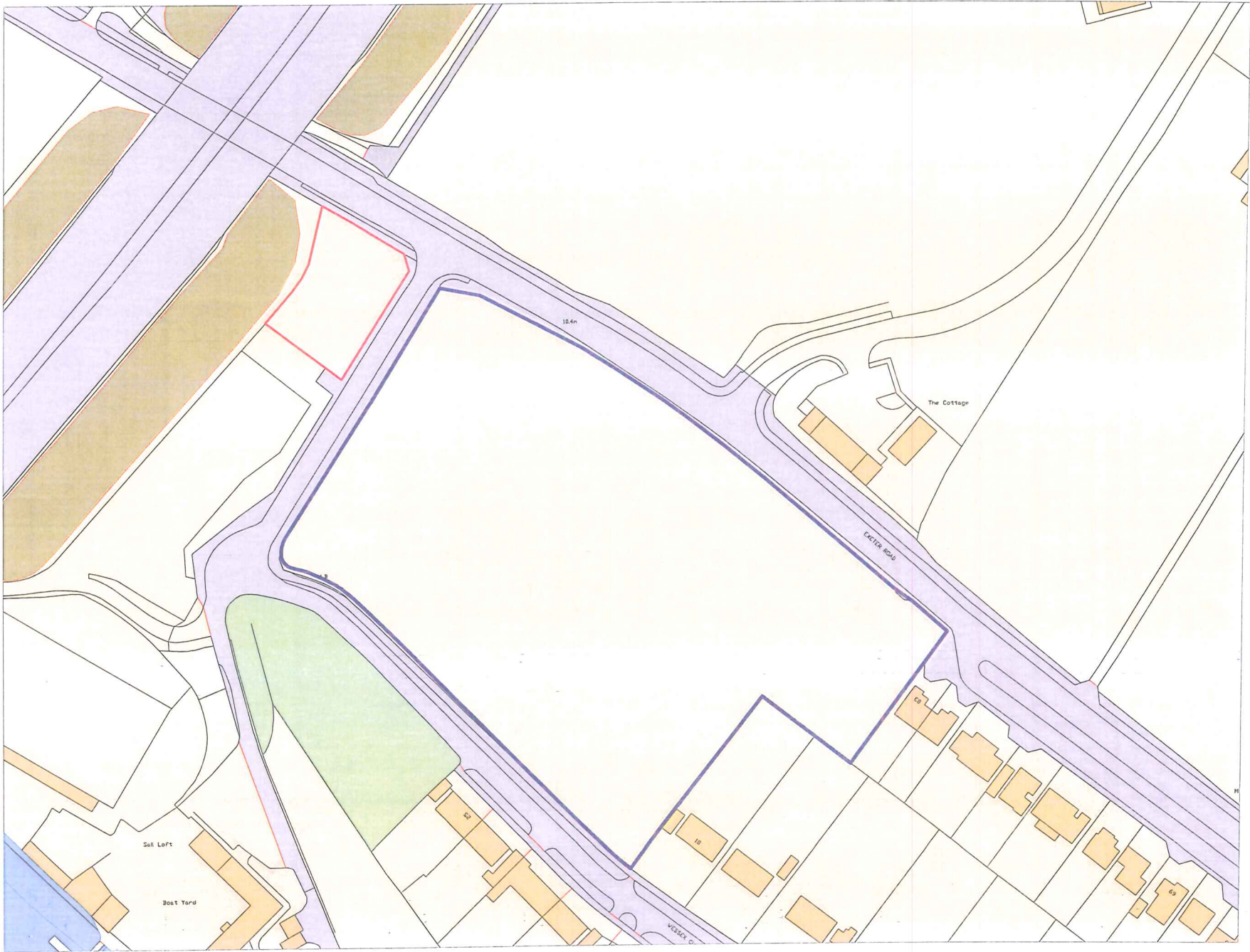
- 9) No part of the development hereby approved shall be brought into its intended use until the visibility splays and on-site parking have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) Before commencement of development the applicant shall submit a SAP calculation which demonstrates that a **19%** reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 11) C47E - Noise Insulation

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

Background papers used in compiling the report:

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

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HERITAGE HOMES
16 NEWTON CENTRE, IMPERIAL RD-B, PLYMOUTH EX12 8DQ
Tel: 01752 622400 Fax: 01752 622401 Email: enquiries@heritagehomes.co.uk

Project
PROPOSED OFFICE BUILDING
Exeter Road, Topsham

Drawing
Location Plan

Date	Scale	Drawn
JUNE 2016	1:500 @ A1	Jd
Drawing No.		Rev
OFF-LOC		

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Agenda Item 7

ITEM NO. 7

COMMITTEE DATE: 09/01/2017

APPLICATION NO: 16/1488/03 **FULL PLANNING PERMISSION**
APPLICANT: Mr M Gould
Premier Development (SW) Ltd
PROPOSAL: Demolition and refurbishment of part of existing building to
create 12 new residential apartments and construction of 28
new residential apartments and associated car parking,
cycle parking, access road and landscaping.
LOCATION: Arthur Roberts House, 121 Burnthouse Lane, Exeter, EX2
6NB
REGISTRATION DATE: 17/11/2016
EXPIRY DATE: 16/02/2017

HISTORY OF SITE

97/0612/26 -	Rear conservatory extension and construction of terrace, extension of canopy over front entrance and external alterations including replacement windows	Raise No Obj	22/10/1997
98/1073/26 -	Alterations to provide Day Centre, extension to car park (4 extra spaces) and patio area on front elevation	Raise No Obj	19/01/1999

DESCRIPTION OF SITE/PROPOSAL

The application site (0.4009ha) is located in Burnthouse Lane, close to the Lidl supermarket. The site is currently occupied by a vacant Care Home, which is for sale by Devon County Council. The home ceased use in September 2014 but was used as a Day Centre for a period of time before being vacated completely.

The site fronts Burnthouse Lane, the building is set back within the site and there is a long, landscaped area to the front, with a number of existing large trees, none of which are protected. The building is centrally located within the plot and was extended at some point on the east side with a wing extending towards Burnthouse Lane, which provided additional bedroom areas and extended day facilities on the ground floor. There are currently two vehicle access points into the site, one leading to the small front car park and the other leading to the east side of the building for deliveries and servicing.

The building is surrounded by existing residential dwellings. To the east of the building there are existing three storey flats. To the north side of Burnthouse Lane, the buildings are predominantly terraced houses. To the west side and to the south there are single storey bungalows.

The application proposes to demolish the wing on the east side of the building and to convert the remaining building into 12 one bedroom residential apartments with two additional one bedroom apartments constructed on the north western end of the existing building. On the area currently occupied by the extended wing, it is proposed to develop three new buildings to house 28 new two bedroom apartments. This would provide 40 new residential units in total with 40 car parking spaces to the front of the site and communal gardens to the rear.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design and Access Statement, Planning Statement, Arboricultural Impact Assessment, Arboricultural Method Statement, CGI Renderings, Landscape Report, Viability Assessment and Ecology Report have been submitted with the application.

REPRESENTATIONS

5 letters of support have been received and two letters of objection. The objections contain the following comments:

- The proposed vehicular access crosses an existing cycleway with an increased risk of collision;
- There is a proposed rumble strip across the cycleway which could be un-rideable;
- The siting of the communal bicycle stores between Blocks A and D is insecure and remote from the intended users block A. The site layout implies these stores have doors, whereas the landscaping proposals show these as open stores. The doors are not overlooked by adjacent properties so are susceptible to being forced open. Proposals should have regard to the Secured by Design;
- Lack of visitor cycle parking;
- The proposed development has a disproportionately high number of car parking spaces;
- A car free development should be encouraged;
- A Travel Plan has not been submitted.

CONSULTATIONS

South West Water - No objection provided any additional surface water generated by the development is dealt with by means of a SUDS or connected to the dedicated public surface water sewer network.

Environmental Health Officer - Approval subject to a condition requiring submission of a Construction & Environment Management Plan.

Wales & West Utilities - No objection

Devon County Council Children's Services - Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them. This should be funded through CIL contributions.

Devon County Council Highways - To Follow

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012:

4. Promoting Sustainable Transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

Exeter Local Development Framework Core Strategy

- CP3 Housing
- CP4 Housing Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing
- CP12 Flood Risk
- CP14 Renewable & Low Carbon Energy
- CP15 Sustainable Construction
- CP17 Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- AP2 Sequential Approach

- H1 Housing land search sequence
- H2 Location Priorities
- H5 Diversity of Housing
- H6 Affordable Housing
- H7 Housing for Disabled People
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Parking Standards
- EN4 Flood Risk
- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG4 Residential Layout & Amenity
- DG6 Vehicle Circulation & Car Parking in Residential Developments
- DG7 Crime prevention and safety
- EN4 Flood Risk

Exeter Development Delivery Document – Publication Version 2015

- DD1 Sustainable Development
- DD7 Allocated Housing Sites
- DD12 Purpose Built Student Accommodation
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD25 Design Principles
- DD26 Designing out Crime

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD March 2013

OBSERVATIONS

The application seeks to redevelop part of the original care home through conversion to 12 flats. Three additional new buildings would be developed within the site to provide a further 28 new residential flats. The report will assess the principle of residential use on this site; the design principles; its appropriateness to neighbouring residential uses and acceptability in highway terms.

Residential Use

The principle of residential accommodation in this location is supported by the Core Strategy and Local Plan policies. The site is a windfall, brownfield site. The care home ceased residential use in September 2014 and has only been used subsequently for Day Centre uses. The building has been unused now since around February 2016. It is an ideal site to bring back into use and the size allows additional residential development with adequate parking facilities.

It is recognised that this is a fairly dense development with the provision of forty new homes. However, this is in line with the NPPF 2012, Core Strategy and Local Plan policy.

Design Principles

The east wing of the existing building is proposed to be demolished. Three new stair housings are proposed to be constructed to the front of the existing building to enable access to the first floor apartments. These would be constructed in brick. The walls are to remain rendered. An entire new roof will be installed. At the western end of the building, there is currently a wide landscaped gap and it is proposed to extend the existing building to create an additional two apartments. To the rear, privacy screens would be erected between the ground floor apartments. Juliette balconies are provided to the upper floor apartments. All of the ground floor and first floor apartments would be one bedroom units.

The overall plot has a large area of 4,009m², hence it is proposed to construct an additional three new apartment blocks within the grounds of the original building. The new blocks will be constructed of similar materials. The lower floors will be rendered and brick to match the existing building and those of the adjacent residential dwellings. The upper floor will be clad, with a flat roof to keep the overall roof level to a minimum. The front and middle blocks are proposed to be three storeys, 8 metres (G + 2 floors). The block to the rear of site is proposed to be four storeys, 10.6 metres (G + 3 floors) because the land falls away to the rear, meaning that that the overall height would only be 1.4 metres taller than the existing building.

The new apartment blocks would be mix of 1 bedroom and 2 bedroom units. The units all comply with the Technical Housing Standards. There are no balconies provided to the upper floor accommodation, however, adequate communal open space is provided for the dwellings.

Highways

Three accesses to the front of the site are proposed; one vehicular access and two pedestrian accesses. To the rear of the site, two further pedestrian accesses are to be provided to enable direct access to the facilities at the rear of the site.

Parking spaces will utilise permeable paving where possible as part of an overall SUDS strategy. Forty car parking spaces are provided to the front of the site, one per unit, which is in accordance with Local Plan Policy.

Cycle parking and storage is also provided with 1 space per dwelling. The external stores, which can each hold 8 cycles are now all located within the communal areas to ensure that they are within areas which are overlooked and well accessed. Further spaces are provided beneath the stair blocks of each of the new apartment buildings.

The site accesses an existing cycle way which runs along Burnthouse Lane and connects to surrounding cycle way networks. The scheme has been amended to reflect the comments regarding the rumble strips across the vehicular entrance. The rumble strips have now been removed.

Landscaping

To maintain the soft landscape buffer along Burnthouse Lane, a hedge will be planted along the entire frontage broken only by the vehicular and pedestrian entrances. The two large acacia trees within the front garden will be removed but the existing ash tree will be retained and new trees planted to soften the front parking area. The acacia trees have been categorised as low value in the Arboricultural Report due to their low life expectancy, defects, poor form and age.

Surrounding the new apartment buildings, hedge planting will be planted to create defensible private space with lawns and terraces to the ground floor flats. To the rear of the site, a large grassed area is retained as communal space, with dedicated formal and informal social spaces. The existing foxglove tree will be retained, the other existing trees such as the cherry and plum trees will be removed to facilitate development but new additional trees will be planted as part of the comprehensive landscaping plan.

The hard surfaces are proposed to be tarmac to the road surfaces and footpaths, block paving to parking bays and paving slabs to the garden thresholds. The paving is to have a recycled content of at least 50% to improve the BREEAM rating.

Bin storage is provided at the front of the site within the parking areas. Twenty 1100 litre bins will be housed within the two storage areas for recycling and general waste.

Biodiversity

A survey has been carried out on the site and the ecologist's report recommends the following:

One further bat emergence/re-entry survey to be carried out between May to August prior to any works being undertaken to confirm a negative result;
Any trenches left exposed overnight will have a means of escape for badgers and wildlife. This will comprise at least one shallow graded edge or have an escape plank situated at an angle no steeper than 30 degrees;
Demolition of the building and clearance of vegetation should take place between September to February to avoid the bird nesting season;
If works which are likely to damage bird nests need to be carried out during the nesting period there is potential that nesting birds could be harmed and disturbed. To ensure legal compliance, a check must be undertaken by an ecologist within 48 hours of works commencing on each habitat feature to confirm the presence/absence of nest sites;
To ensure that the habitat on site is unsuitable for reptiles, the unmanaged grass at the eastern end of the building will be mown to a sward height of less than 5cm before the end of February and maintained as such thereafter;
New tree planting should include species which are known to provide a good food source for birds, such as hawthorn, apple/crab apple, rowan, dogwood and guelder-rose;
To compensate for loss of nesting habitat in the trees, shrubs and building, bird nest boxes will be provided on site to include two sparrow terraces and two tit nest boxes.
For enhancement of the site it is recommended to add a hedgehog box and two swift bricks.

Section 106 Agreement

Discussions regarding the provision of Affordable Housing are currently taking place and an update will be provided at the Planning Committee Meeting on the 9 January 2017. There is also a requirement for CIL contributions amounting to £135,179.36.

Summary

As a windfall site, the opportunity to provide a sustainable housing scheme in an area which is well served by public transport and is in close proximity to local shops, facilities, valley park and schools is welcomed. The design has been carefully considered to reflect the materials of existing dwellings and to provide as many new dwellings as possible on this site without compromising the amenity and privacy of neighbouring properties. The contemporary design complements the existing building which is to be renovated to modern standards. The site layout provides for adequate parking, cycle parking, safe communal open space and bin storage and therefore the development is supported. A New Homes Bonus will be generated of around £143,000 to Exeter City Council at the current rates.

RECOMMENDATION

APPROVE subject to the completion of a Section 106 agreement for the Affordable Housing, the CIL provision and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 17 May 2016 (*Dwg. Nos. BD 0148 SD 801 R02; 897,81-08D; 897,81-09E; 897,81-10K; 897,81-11E; 897,81-12E; 897,81-13B; 897,81-14D; 897,81-17A*), as modified by other conditions of this consent.

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

- 3) **Pre-commencement Condition:**
Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.

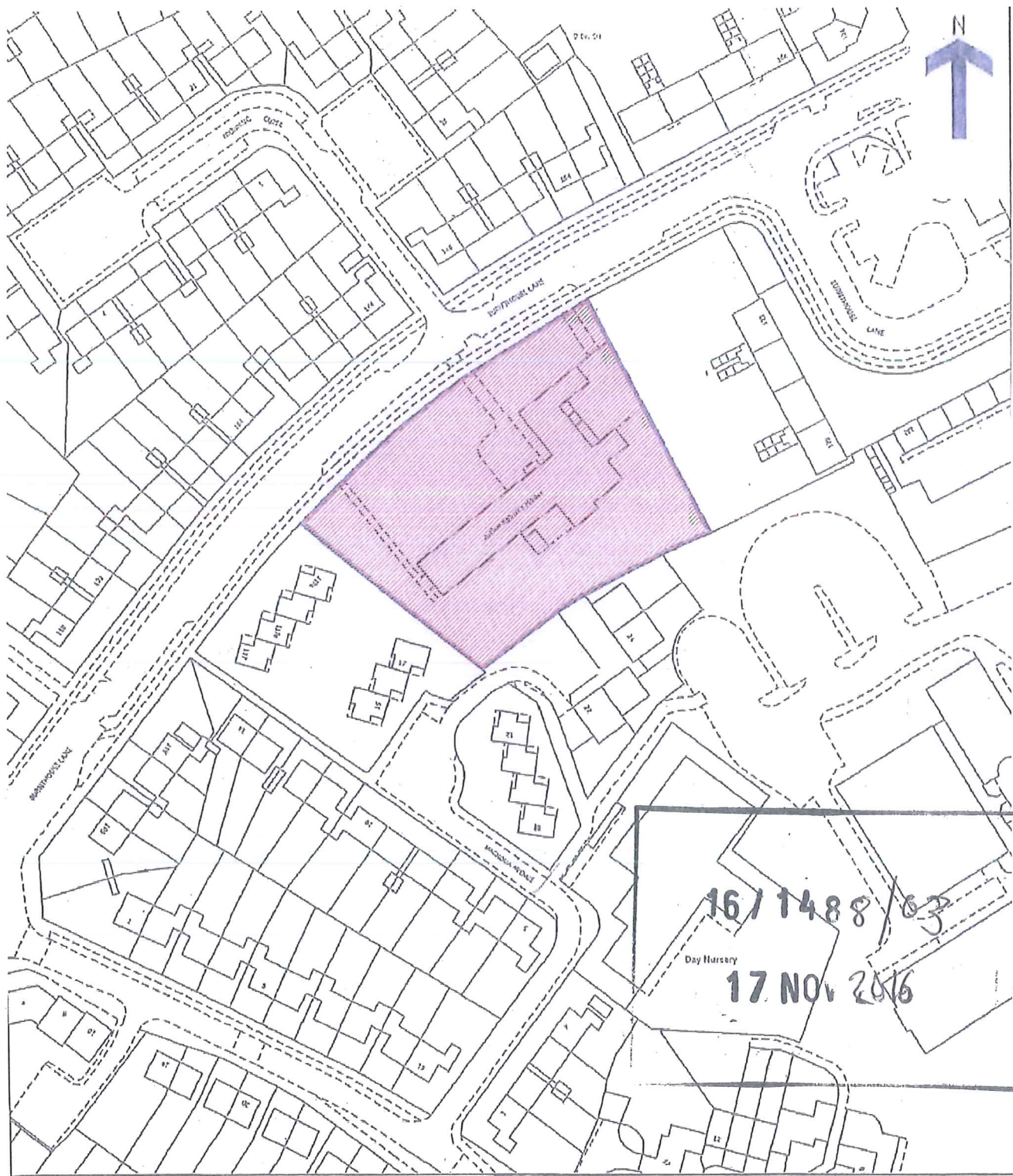
Reason for Pre-Commencement Condition: To ensure that the materials conform with the visual amenity requirements of the area.

- 4) C37 - Replacement Planting
- 5) No part of the development hereby approved shall be brought into its intended use until the vehicular and secure cycle parking facilities have been provided and maintained 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.
- 6) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with the details hereby approved 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, in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.
- 7) **Pre-commencement condition:**
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 arrival and departure of vehicles.The approved CEMP shall be adhered to throughout the construction period.
Reason for Pre-commencement condition: In the interests of the occupants of nearby buildings.
- 8) The existing building should be assessed for possible bat interest prior to works to the roof being carried out. This should involve inspection of the roof to be removed for potential roosting opportunities. If bats are found to be using the roof, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.
Reason: To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000
- 9) In order to mitigate and compensate for the ecological impacts as a result of this development, mitigation and compensation measures shall be carried out and implemented as stated in Appendix 4 of the Preliminary Ecological Appraisal Report dated December 2016.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.

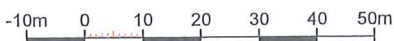
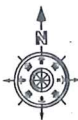
Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

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



BESWICK PARTNERSHIP LIMITED
CHARTERED ARCHITECTS
 SUN STREET TEWKESBURY
 GLOUCESTERSHIRE GL20 5NX
 t: 01684 296888 f: 01684 294625
 e: mail@bplarchitecture.co.uk
 www.bplarchitecture.co.uk



Scale 1:1250

client: PREMIER DEVELOPMENTS (SW) LTD
 13 LOWER NORTH STREET
 EXETER, EX4 3ET

scale: 1:1250 @ A4

date: 2016.06.16

project: ARTHUR ROBERTS HOME
 121 BURNTHOUSE LANE
 EXETER, EX2 6NB

drawn by: DB

checked by: RAB

drawing title: SITE LOCATION PLAN

drawing number: 4781 - 15

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Agenda Item 8

ITEM NO. 8

COMMITTEE DATE: 09/01/2017

APPLICATION NO: 16/1379/03 FULL PLANNING PERMISSION
APPLICANT: Mr & Mrs Porter
PROPOSAL: Construction of a detached residential dwelling with associated access, landscaping and amenity space.
LOCATION: 35 Sylvan Road, Exeter, EX4 6EU
REGISTRATION DATE: 04/11/2016
EXPIRY DATE: 30/12/2016

HISTORY OF SITE

86/00228/03 -	Single-storey extension	PER	24/03/1986
89/00341/03 -	Ground floor extension	PER	26/04/1989
03/1125/01 -	Detached bungalow, parking and access to highway in rear garden (siting, design, landscaping and external appearance reserved for future consideration)	REF	18/08/2003

DESCRIPTION OF SITE/PROPOSAL

Site

- 35 Sylvan Road is a detached dwelling house located in a low-medium density residential suburb of Exeter.
- The existing house is accompanied by a relatively large and elongated rear garden - the proposed development is based on the sub-division of this rear garden.
- The topography of the application site is uneven with the gradient broadly descending from north to south.
- 35 Sylvan Road is not listed and is not located in a conservation area.
- The built environment context around the application site consists of detached dwellings on substantial land plots immediately east (33 Sylvan Road), west (35a and 37a Sylvan Road, 44 - 56 Lower Kings Avenue) and south (92 Union Road); a row of 3 storey Victorian terraced properties exist to the east and south east comprising of Nos. 3 - 31a Sylvan Road.
- The boundary of the application site abuts several residential properties to the west and south and a publicly owned rear access lane along the eastern edge of the site.
- The application site is therefore largely concealed from view in the vast majority of the surrounding street network/public realm.
- The application site is bounded by established hedgerows to the east and west and is currently host to a number of trees and hedges within its interior.
- Other existing site features include a tree house, shed, greenhouse and log shed, which would all be removed as part of the proposed scheme.

Proposal

- The proposed scheme seeks planning permission for the construction a detached dwelling with associated access, landscaping and amenity space to be located within the rear garden of 35 Sylvan Road.
- The area of the application site is 718 sqm. and the footprint of the proposed dwelling is approximately 150 sqm.
- The proposed dwelling house would be primarily laid out at ground floor level but does feature 2 storeys in the southern section of the building.
- The southern elevation of the building features glazed elements including a bedroom and a balcony at first floor level and large living room at ground floor level with patio doors opening out onto the rear garden.

- The dwelling would comprise 3 bedrooms, a kitchen diner, a large living room, a utility room and 2 bathrooms/shower rooms.
- Access to the site would be made via a narrow lane off Sylvan Road - the proposal seeks to enhance existing access arrangements (to garages, outbuildings and rear gardens for a series of existing terraced properties in Sylvan Road) by slightly enlarging the turning area and improving visibility at the conflict point between the existing lane and the proposed driveway.
- The driveway would include sufficient on-site turning space to allow vehicles to enter and exit the site in a forward gear.
- The proposed driveway would be constructed in a permeable paving material to allow rainwater to infiltrate the ground naturally and reduce surface run-off.
- The proposed dwelling house features an integrated garage providing enough space for cycle parking, vehicle parking and storage.
- Bin storage is proposed to be positioned immediately adjacent to the site entrance with sufficient space for 3 wheelie bins (1 general waste, 1 recycled waste and 1 garden waste) and would be well concealed by fenced housing and site boundary features.
- 3 trees and 4 hedges would be removed in order for the construction to take place.
- The external appearance of the dwelling would comprise vertical weather board cladding and white/cream render walls, dark grey powder-coated aluminium-framed doors and windows, powder-coated aluminium down pipes (gutters to be concealed within roof edges) and a staggered mono-pitched roof with substantial sedum green roof elements.
- The dwelling design also incorporates high level south-facing windows, 3 roof lights and a solar powered hot water panel mounted onto the roof.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement
 Topographical Survey
 CIL Additional Information Form
 CIL Assumption of Liability Form

REPRESENTATIONS

16 representations were received during the public consultation period consisting of 1 comment and 15 objections.

The **material planning considerations** raised comprise:-

- Vehicular access, traffic generation and highway safety;
- Capacity of physical infrastructure (access lane and Sylvan Road);
- Layout and density of building design, visual appearance and finishing materials;
- Design/effect on appearance of the area;
- Loss of trees and green space;
- Adverse impact on nature conservation and biodiversity interests;
- Flooding;
- Overlooking/loss of privacy;
- Overshadowing/loss of outlook;
- Noise and disturbance resulting from use;
- National planning policy and legislation.

CONSULTATIONS

The **Environmental Technical Officer, Environmental Health, ECC** advises that he has no objections subject to a condition restricting demolition/construction working hours.

The County Head of Planning, Transportation and Environment advises that from a highways perspective, the key aspect to consider is the suitability of the access. The proposed vehicular and pedestrian access is proposed from an existing access service road that joins Sylvan Road between Number 31 and 33. This existing access road already provides vehicular access for a number of garages belonging to properties on Sylvan Road. There are no recorded accidents attributed to vehicles coming in and out of this access in the past five years.

Sylvan Road is subject to a 30mph speed limit. On site observations, considering the uphill gradient and constraints created by on-street parking, suggest this is adhered to.

At the junction of the access road with Sylvan Road, visibility to the left meets the required standard of a 30mph road. However, the visibility to the right taken from a point 2.0 metres back from the effective carriageway edge only meets the relevant standard for a 25mph speed limit (31m).

Whilst the visibility to the right is below standard, this is a low speed residential environment and it is worth weighing up the likely risks. Firstly the standard of the visibility splay is consistent with the speed of vehicles on the road. Secondly when exiting the access, a vehicle is likely to stop to ensure that adequate visibility is achieved. If the left is clear, an emerging vehicle is likely to nose out slightly into Sylvan Road until they can see to the right. The nose of the vehicle would be visible to any vehicle approaching and they would be expected to adjust their speed accordingly so that an emerging vehicle can exit safely. The access is already in use and although such an arrangement is not perfect, it operates in a safe and suitable manner. In addition, pre-application advice was sought by the applicant and he was advised that space was needed to turn on site so that vehicles can enter and exit the highway in forward gear. This has been adhered to and should be provided from commencement of construction and secured by condition.

It is not expected that the traffic from this additional dwelling will change the existing situation and therefore it is believed that the proposed arrangements are acceptable from a highways perspective.

No objection is raised subject to a condition requiring provision of access, parking and turning in accordance with the submitted drawings.

RSPB have advised that the proposed scheme should incorporate 2-3 bird boxes into the dwelling house by way of adding a planning condition. It also advised that the east and west elevations of the proposed dwelling house would be particularly suitable for such installations.

PLANNING POLICIES/POLICY GUIDANCE

National Planning Policy Framework (2012)

Core planning policies 4, 6, 8 and 11

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Exeter Local Development Framework Core Strategy (2012)

CP4 - Housing density

CP12 - Flood risk

CP15 - Sustainable design and construction

CP17 - Design and local distinctiveness

Exeter Local Plan First Review 1995-2011 (2005)

T10 - Car parking standards

EN4 - Flood risk

EN6 - Renewable energy

DG1 - Objectives of urban design

DG4 - Residential layout and amenity

DG7 - Crime prevention and safety

Trees and Development SPD (2009)

OBSERVATIONS

Vehicular access, traffic generation and highway safety/ Capacity of physical infrastructure

The main issue associated with the proposal is the safety and suitability of the existing access lane including the conflict points between Sylvan Road and the access lane, and between the access lane and the proposed private driveway. It is acknowledged that this lane is publicly owned and forms part of Devon County Council's highway network. It is therefore not a private road with limited access afforded only to existing residents; in fact the use of the access lane is not restricted and it can lawfully be used by any member of the public. It is recognised that its established use is for access to the rear gardens of properties in Sylvan Road and that occasionally it is used by vehicles. The proposed additional dwelling house would almost certainly increase the intensity of use of the access lane by vehicular traffic but given that 1 residential unit (3 bedroom dwelling house) is proposed the degree of this intensification is likely to be low and limited. It is agreed that the width of the access lane is very narrow indeed and there is no scope for widening it along its entire length. Whilst its width does render access unsuitable for larger vehicles, such as large delivery vans and ambulances, most cars would be able to use the lane, albeit at a modest pace. This would mean that these larger types of vehicles would park on Sylvan Road in order to make access to the site - although this would not be an ideal arrangement in terms of highway safety most properties in Sylvan Road do not entail off-road parking facilities for such vehicles so they would usually need to use Sylvan Road for very short-term parking. The issue raised regarding emergency access for fire services is a Building Regulations matter and one that could be addressed by the installation of a sprinkler system inside the proposed dwelling house. The fact that the access lane is very narrow suggests that vehicle users would drive particularly carefully upon entry and exit to avoid damaging the walls and their own vehicle. Similarly, the restrictive width of the access lane would act to reduce the speed of vehicles traversing its entire length. Partial removal of the hedgerow, a relatively low level fence and the provision of a slightly enlarged hard surface area at the conflict between the access lane and the proposed driveway would enable existing residents to turn the corner in the lane with greater ease. It is intended to attach a condition that would restrict future residents of the proposed dwelling from permitted development rights so that a boundary gate could not be erected without planning permission. Double yellow lines exist either side of the access point onto Sylvan Road so this should allow for clearer visibility for all road users and pedestrians upon entry to and exit of the proposed application site. Furthermore, the very narrow profile of the access lane and limited visibility it offers at the conflict point with Sylvan Road should ensure that vehicle users edge out slowly into the main highway - this is commonplace for parking/highway access arrangements in and around the city of Exeter. The proposed scheme includes sufficient space on site for multiple vehicles to enter and exit in a forward gear. This should help to minimise the amount of vehicle traffic that would need to reverse in and out of the access lane. In reference to the observations made by DCC Highways, the safety and suitability of the existing lane to provide the main access to 1 No. dwelling house is considered to be acceptable based upon the characteristics of the transport infrastructure in the immediate area and in relation to adopted practice guidance and standards. DCC Highways have inspected the site and are fully aware of the width of the lane.

Layout and density of building design, visual appearance and finishing materials/ Design/ effect on appearance of the area

Numerous objections refer to the incongruity or lack of harmony between the proposed dwelling house and the character and appearance of the surrounding area. Firstly, it is important to recognise that there is considerable diversity in building form, height, age, massing and materials within a 100m radius of the application site. Although most of the properties immediately west of the site in Lower Kings Avenue and Higher Kings Avenue

share aesthetic features, such as red brick external walls and white PVC windows, each dwelling house is individual in its volume/shape and some include differences in external materials - for example, 54 Higher Kings Avenue features horizontal timber cladding to its main facade (facing the main highway/public realm). Second, it must be noted that the application site has no heritage value, it is not located in a conservation area and it is barely visible from the public realm. These site-specific factors allow for greater flexibility in the use of external surface materials and in the overall design and appearance of the proposed dwelling. Given the nature of the surrounding built environment the height, layout, orientation and massing of the proposed dwelling house are considered to be of particular sensitivity. Having measured the relative heights of surrounding properties and the distance between these properties and the proposed dwelling (more than 25m in all cases) the height of the proposed dwelling is considered to be sensitive and appropriate to context. Apart from 92 Union Road, the proposed dwelling is lower in height than all other surrounding properties and in some instances significantly so. The proposed dwelling house does not exceed 6.3m in height at any point (including the mono-pitch roofscape and chimney) and it is mainly laid out at ground floor level. Although its footprint is fairly large there is substantial outdoor amenity space apportioned to each property, both 35 Sylvan Road and the proposed dwelling. The size of each garden would far exceed the 55sqm minimum threshold set out in the Residential Design Guide SPD (2010).

Loss of trees and green space/Adverse impact on nature conservation and biodiversity interests

Carrying out the construction and implementation of the proposed use would inevitably cause a loss of green space and green infrastructure assets including 4 trees, 3 interior hedgerows and the partial removal of boundary hedgerow. This may have a moderate impact on wildlife and biodiversity at the microhabitat scale but given the amount of green infrastructure assets in other domestic gardens (immediately surrounding the site), the Valley Parks and University of Exeter Streatham Campus within 1km of the application site, the adverse impact does not hold much weight. The proposal mitigates its impact in this regard with the proposed installation of a green sedum roof, a permeable paved driveway and the retention of green infrastructure features. It is also intended to attach a condition for swift boxes to be incorporated into the external cladding or rendering of the proposed dwelling house, as suggested by RSPB.

Flooding

The application site is not located in or within 500m of a designated area of flood risk. By virtue of its design and the fact that 1 residential unit is proposed it is considered that it would not contribute significantly to increasing the likelihood of flooding within the immediate locality. The proposal is therefore compliant with planning policies CP12, EN4 and DD33. The agent advises that the preference of South West Water is to provide an on-site soakaway for surface water drainage - if this proves to be inadequate then there is an option to connect to the existing surface water drain (which runs along the site boundary underneath the access lane). Accordingly, it is intended to attach a condition to ensure that the scheme provides rainwater harvesting facilities. Connecting to the mains sewers network is not possible - although this is not strictly a material planning consideration the Agent confirmed that a septic tank can be serviced by companies with suitable vehicles for access to the site.

Overlooking/loss of privacy

The orientation of the proposed dwelling in terms of the position of its main glazed sections is considered to be compatible with existing properties; the main glazed sections (the only areas that could lead to a loss of privacy) comprise the eastern aspect of the kitchen/diner and the southern aspect of the main bedroom, internal balcony and living area. There are no windows on the northern aspect of the proposed dwelling and the only glazed element facing west would be the doorway of the utility room which is positioned at ground floor level. Given the height of boundary treatments and the distance between the western aspect of the proposed dwellings and existing dwellings directly opposite the potential for overlooking from the north and directly west is negligible. The main living areas consist of the kitchen/diner

and the living room - these would be located at ground floor level. The outlook from the east of the proposed dwelling would be obscured markedly by existing boundary treatments and outbuildings and by the northern flank of the 2 storey section of the building. The most sensitive area in regards to potential overlooking/loss of privacy derives from the southern aspect of the property. It is recognised that the main glazed facade of the proposed dwelling is positioned within 20m of the rear gardens of 46 and 44 Lower Kings Avenue. The impact of this inter-visibility is considered to be low by virtue of the obtuse angles involved between the proposed dwelling's southern aspect and the rear gardens of 44 and 46 Lower Kings Avenue - it is not direct inter-visibility. There would be some direct inter-visibility between the southern aspect of the proposed dwelling and the rear elevation windows and roof light of 92 Union Road. It must be noted that the distance between these 2 sets of windows is 42m (or more when measured to the roof light). Four trees and boundary treatments would obstruct this inter-visibility, even during the Winter when deciduous trees are leafless. Accordingly, it is intended to attach planning conditions to the consent so to ensure that existing trees are protected (and replaced if they must be felled due to poor health) and that boundary features, such as hedges and fences, are maintained at or above a minimum height limit. Fundamentally, the 42m distance between the properties is far beyond the minimum limit of 22m set out in the Residential Design Guide SPD (2010). Given the difference in site levels this distance would need to be increased. The 42m distance and privacy screening measures are sufficient to address the issue of overlooking and although there would be some loss of privacy this is not severe enough to warrant refusal or a material redesign of the proposed dwelling house.

Overshadowing/loss of outlook

It is considered that the massing of the proposed dwelling house is not overbearing on existing properties and it would lead to very little overshadowing or affect upon the outlook enjoyed by existing and future residents. Although the new building structure would affect views from surrounding properties this is not a material planning consideration.

Noise and disturbance resulting from use

The proposed development would not give rise to an unacceptable level of noise and disturbance to neighbouring properties. There may be disruption during the construction phase of the development and therefore in the interests of easing the deliverability of the scheme it is intended to attach a Construction and Environmental Management Plan (CEMP) condition.

National Planning Policy and Legislation

The overriding emphasis in the National Planning Policy Framework (2012) and in other relevant national legislation and government initiatives is to promote and encourage increased rates of housing delivery within the UK, particularly within sustainable urban locations.

Summary

The design of the proposed dwelling differs dramatically from the previously refused scheme on the same application site in 2003 - it would deliver far better architecture and sustainability. The proposed arrangement of windows would relate well to solar radiation, the sedum roof would help to reduce overheating and surface run-off, roof-mounted solar hot water panels would allow for renewable energy generation, the installation of bird boxes and retention of many green infrastructure assets would help to protect and enhance biodiversity. In accordance with Policy CP15, the more specific elements detailed in the design and construction of the dwelling house must meet Code Level 4 in the Code for Sustainable Homes - this would be achieved through compliance with the appropriate planning condition and during the Building Regulations approval stage of delivery. The proposal is distinctive in character, its visual impact is minimised by its relatively low height and green roof, and the whole building would be barely visible from the public realm. There is considered to be limited adverse impact upon the residential amenity of existing occupiers in the surrounding area, and the use of the lane as the primary access to the dwelling is considered to be

acceptable in the view of the local highway authority. On balance then, the accumulative benefits of the proposed scheme are considered to outweigh its adverse impacts.

FINANCIAL CONSIDERATIONS

This development would potentially give rise to £19,396.16 of Community Infrastructure Levy (CIL) monies if permission was granted at 2016 rates. New Homes Bonus would provide approximately £4,000 over 4 years assuming no abatement.

SITE INSPECTION

Members viewed the application site on 20 December 2016 and expressed serious concern regarding the suitability and safety of the access lane for regular use by motorised vehicles. Although it was recognised that 1 additional residential unit would typically generate a low level of traffic the very narrow nature of the lane and inability to widen it would mean it is impractical and difficult to use. The visiting Members would prefer an alternative access lane to be provided within the existing site alongside the host dwelling house.

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 02 November 2016 (*Application Form, Site Location Plan, Design and Access Statement, and dwg. nos. 1611 L.01.10 A, 1611 L.01.11 A, 1611 L.01.12, 1611 L.02.00 A, 1611 L.02.01, 1611 L.03.00 A, 1611 L.03.01, 1611 L.03.02 and 1611 L.03.03*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.
- 3) **Pre-commencement Condition:** The individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason for Pre-Commencement Condition: In the interests of sustainable development.
- 4) **Pre-commencement Condition:** Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 3 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason for Pre-Commencement Condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 5) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling hereby approved without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding

area and to prevent overdevelopment.

- 6) No windows or other openings other than those shown on the approved drawings shall be formed in any elevation of the dwelling house hereby approved without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual and residential amenity.
- 7) No hedges other than those shown to be removed on the approved drawings shall be removed without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual and residential amenity.
- 8) **Pre-Commencement Condition:** Prior to the occupation of the dwelling house hereby approved, a hedge of at least 2 metres in height shall be planted and maintained accordingly along the entire south boundary of the site.
Reason: In the interests of visual and residential amenity.
- 9) C36 - No Trees to be Felled.
- 10) 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 dwelling shall be occupied 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.
- 11) 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.
- 12) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 13) **Pre-Commencement Condition:** A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning

Authority prior to the commencement of development, and adhered to during the construction period. This should include details of site traffic and emissions of noise and dust. This should include details of the timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking and details of how large building equipment and materials would access the site. The CEMP should contain a procedure for handling and investigating complaints.

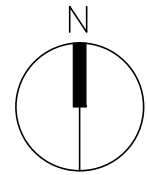
Reason for Pre-Commencement Condition: To minimise the potential for disruption during the construction process.

- 14) UN8 - Unique Condition 8 - provision of 2-3 bird boxes.

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

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

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Streetwise licence
No. 100047474

Site Location Plan
Scale 1:1250

A	20-10-2016	Blue and red boundary lines indicated correctly.	ARP
Rev.	Date.	Amendment.	Drawn

TITLE

**PROPOSED NEW DWELLING AT 35 SYLVAN ROAD
FOR MR & MRS PORTER**

DETAIL
SITE LOCATION PLAN

SCALE DATE DRAWN BY

1:1250 @ A4 June 2016 ARP

DRAWING NO. REVISION

1611 L.01.00 A

Contractors to check all dimensions on site. Any discrepancies must be reported to the supervising officer before proceeding.

Do not scale from this drawing: work from figured dimensions only, Unless for planning purposes.

This drawing must be read in strict conjunction with all construction details, specifications of works, and all relevant structural and other consultants drawings.

This drawing © ARP Architects.



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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 9 JANUARY 2017

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 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:

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

**RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT**

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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: 9 JANUARY 2017

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 Two decisions have been received:

14 Fore Street, Topsham – dismissed (15/1062/03 and 15/1063/07). The applicant sought to convert part of the rear of the premises to a dwelling.

The proposal for both planning and listed building consent was to convert part of the rear of premises to dwelling. The applications were refused on unacceptable living conditions and insufficient information on how the proposal would achieve high standards of sustainable design.

The Inspector concluded that Exeter has no current local plan policy that refers to national space standards. In the absence of adopted policy including the national space standards (DD13 is not adopted), he felt the internal space was adequate. While the garden space did not meet the SPD standards, he felt the proposed courtyard was acceptable for the town centre location. Despite the single aspect outlook, he concluded that the level of outlook and the level of natural light was acceptable.

In terms of sustainability, he concluded the proposed development, in the absence of sufficient information, would have an unacceptable impact on the environment. As such, the proposal was contrary to policy CP15 and the SPD. On this basis, the appeal was dismissed.

Land at Pocombe Orchard, Tedburn Road – dismissed (16/0797/03). The applicant sought permission for one new dwelling.

The Alphin Brook runs along the entire length of the site. The site also lies within a Valley Park, is designated as Landscape Setting and has nature conservation value. There is currently no residential development on this side of the road although there is a continuous line of properties on the other side of the road which lie within the TDC area.

Whilst recognising that Exeter currently does not have a 5 year land supply, the Inspector acknowledged that he could not be certain that the proposal would be appropriately flood resilient and resistant, would be incongruous in its rural setting

and the removal of frontage hedgerows to achieve suitable access visibility would further domesticate the rural characteristics of the site therefore conflicting with Policies LS1, L1, CP12 and EN4.

As no reports on wildlife and nature conservation were submitted, the Inspector could not find that the proposal would result in any significant harm to wildlife and nature and therefore did not find conflict with Policy LS4. For the reasons given above and with regard to the development plan as read as a whole and to the Framework, he concluded the appeal should be dismissed.

4. New Appeals:

4.1 One new appeal has been received:

East Yard, Ide Lane, Pocombe Bridge (16/0797/03)

The application sought the retention of a storage building erected on the site of a previous structure.

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