

PLANNING

Date: Monday 13 February 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

2 Declarations of Interest

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

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

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

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

Public Speaking

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

- 4 Planning Application No. 16/1232/01 - University of Exeter, East Park, Streatham Campus**

To consider the report of the Assistant Director City Development. (Pages 5 - 28)
- 5 Planning Application No. 16/1488/03 - Arthur Roberts House, 121 Burnthouse Lane**

To consider the report of the Assistant Director City Development. (Pages 29 - 38)
- 6 Planning Application No. 16/1543/03 - 36 Higher Shapter Street, Topsham, Exeter**

To consider the report of the Assistant Director City Development. (Pages 39 - 48)
- 7 Planning Application No. 16/1390/03 - 2 Lymeborne Avenue, Exeter**

To consider the report of the Assistant Director City Development. (Pages 49 - 54)
- 8 Planning Application No 16/1391/03 - 3 Lymeborne Avenue, Exeter**

To consider the report of the Assistant Director City Development. (Pages 55 - 60)
- 9 List of Decisions Made and Withdrawn Applications**

To consider the report of the Assistant Director City Development. (Pages 61 - 86)
- 10 Appeals Report**

To consider the report of the Assistant Director City Development. (Pages 87 - 88)

11 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 7 March 2017 at 9.30 a.m. The Councillors attending will be Newby, Denham and Gottschalk.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 20 March 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 4

ITEM NO. 4

COMMITTEE DATE: 13/02/2017

APPLICATION NO: 16/1232/01 **OUTLINE PLANNING PERMISSION**
APPLICANT: University of Exeter
PROPOSAL: Outline planning application to build student accommodation (up to a maximum of 37,200 sq metres) and ancillary central amenity facilities (up to a maximum of 1,500 sq metres) with associated infrastructure and landscaping (all matters reserved) Revised scheme.
LOCATION: University of Exeter, Stocker Road, Exeter, EX4 4QN
REGISTRATION DATE: 04/10/2016
EXPIRY DATE: 01/02/2017

DESCRIPTION OF SITE/PROPOSAL

The application site (5.14ha) is located on the eastern side of the University of Exeter's Streatham Campus, 1.4km north of the city centre. The majority of the site is currently used as an arable field with some trees centrally located and mature landscaping alongside the west, south and east boundary and an open paddock to the north. The site slopes steeply from north to south with the higher ground to the north west of the site. The site is convex in its topography with the west, east and south east edges descending steeply into small valleys beyond the boundary of the site. The site ranges from 70 metres AOD in the south to 105 metres AOD in the north. The residential area of Pennsylvania Road and Hoopern Avenue lies to the east of the site. Alongside the western boundary is located the University's arboretum with Rennes Drive, the University car parking and academic buildings beyond. South of the site is predominantly University student residences which are accessed from St Germans Road. To the north of the site is an existing paddock currently used for horse grazing adjacent to Higher Hoopern Lane.

This outline application has all matters reserved. Vehicular access to the site is indicated to be from the north west and south west of the site from Rennes Drive. This would involve the removal of some existing trees. The originally submitted application intended to provide purpose built student accommodation for up to a maximum of 38,000 sq metres which equated to approximately 1,300 students. The originally proposed scheme included a number of residential blocks varying in height from a landmark building of up to 12 storeys sited at the lowest point of the hill, five to six storeys across the central area and decreasing to three/four storeys further up the slope. The built development is orientated either side of a central landscape corridor that runs from the top to the bottom of the hill, although a student block is proposed to terminate the view at the higher level.

The area of the site at the top of the hill to the north will provide informal recreation space for students. The central facilities (likely to include a reception, shop, café, lounge, games room, quiet study area, TV/film room, dining space and administration facilities) are proposed to be incorporated within the ground floor of some of the residential blocks and envisaged to occupy a floor space of up to 1,500 sq metres.

The original submission proposed to be up to 39,500 sq metres (38,000 sq m for residential accommodation and 1,500 sq m for the ancillary accommodation).

There will be no parking available for students other than provision for disabled students and drop off spaces, which is anticipated to equate to approximately 60 spaces across the site.

Following the original submission revised plans have been produced. The changes relate to the proposed future siting and height of the buildings within the site and as consequence the overall quantum of development has reduced from 39,500sq m to 37,200 sq metres, with a re-estimation of student bed spaces from 1,300 to between 1,150 and 1,220. The main

changes are the reduction of the proposed building's heights close to the boundaries of the site and a reduction in the developable area alongside the western boundary. A summary of the changes contained within the building heights parameter plan are as follows:-

- reduction of the proposed 12 storey building within the southern section of the site to a maximum of 8 storeys (98.5m AOD);
- reduction of the storey height to the south-east (adjacent to the 'permissive path') from 8 to 6 storeys (92.7m AOD);
- reduction in heights alongside the eastern boundary from 7 to 5 storey (93.0m AOD), from 6 to 3 storeys (87.5m AOD) and higher up alongside the eastern boundary from 5 to 3 storeys (100.2m AOD);
- increase in height within the central section of the northern part of the site from 3/4 to 5 storeys (107.5m AOD) and the reduction in the north east part of the site from 4 to 3 storeys (101.5m AOD);
- reduction in storey heights alongside the western boundary from 6 to 5 storeys (103m AOD) and further down the western boundary from 7 to 5 storeys (93m AOD) and
- deletion of an area of land between 8 and 20 metres in width alongside the western boundary for development (although part of this area may be suitable for the creation of the internal access road).

In addition, the illustrative masterplan has been amended to address issues raised in terms of the detailed layout. Although it is acknowledged that the siting of the buildings and access arrangements within the masterplan cannot be controlled by specific condition, the matters raised do highlight important areas of concern which will need to be considered at the reserved matters application stage. The main changes are as follows:-

- repositioning of the buildings further from the north western access point;
- reduction in the buildings fronting the western internal road and arboretum;
- reduction in footprint of building located within the south east section of the site;
- re-positioning of the building alongside the eastern boundary further away from the site boundary;
- indication that the central building within the upper building terrace will be a bespoke design solution to terminate the 25m central landscape strip.

The revised total floor space proposed to be developed would be up to 37,200 sq metres (35,700 sq m for residential accommodation and 1,500 sq m for the ancillary accommodation). A reduction of 2,300 sq metres across the site from the original submitted scheme.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement
Illustrative Masterplan
Statement of Community Involvement
Design and Access Statement
Flood Risk Assessment/Drainage Strategy
Sustainability Strategy
Ecological Survey
Protected Species Report
Arboricultural Impact Assessment Report
Heritage Statement
Landscape and Visual Appraisal Report
Geo-Environmental and Geo-Technical Desk Study Report
Transport Statement
Sustainable Travel Plan
Outline Construction and Environmental Management Plan (CEMP)
Infrastructure Outline Planning Report

REPRESENTATIONS

2 letters of support, one subject to the creation of a new footpath link to Hoopern Lane and one supporting the accommodation of students in one designated place rather than spread all over the city in small multiple occupancy houses.

310 letters of objection in total. This figure of 310 includes objections both pre (147) and post (163) revised plans received. For information this includes 79 additional comments from the same objector. Principal concerns raised:-

1. Overdevelopment of the site, unreasonably high density for the campus/City;
2. Projected student numbers may be inaccurate as they are dependent on national and international political and economic changes;
3. Increased student numbers should not be relied on;
4. City is too over-dependent on the University;
5. Already too much student accommodation in the City, no need for any more;
6. Introduction of an 'urban feel' into an area of open space;
7. Negative change to character of the area particularly with the introduction of such tall buildings;
8. 12 storey building will be detrimental to the landscape setting of the campus, it will appear as a blot on the landscape/ an eyesore/out of keeping within the area/too large scale/too dominant/unsympathetic;
9. Height of the building will obstruct views of the surrounding landscape/City;
10. Inadequate information in respect of the heights of the buildings;
11. Existing tall buildings within the campus are not good examples of landmark buildings and therefore should not provide a justification for more;
12. All proposed buildings are too high and should be reduced in height;
13. Increased student numbers will put further pressure on the local residential roads for parking, particularly in the Pennsylvania area;
14. Pressure from student parking will create a traffic hazard to existing roads;
15. University should provide adequate parking for students on campus;
16. Development would be served by narrow and unlit roads;
17. Need to improve cycle routes in the area;
18. Increased pressure on existing roads from construction vehicles;
19. Inadequate car parking provision for future students;
20. Development should be provided on a brownfield not a greenfield site;
21. Significant environmental damage to an area of high amenity value;
22. Development would detract from the 'park like setting' of the University campus;
23. Scale and density of the development detrimental to the ecological, amenity and landscape setting of the area;
24. Development would adversely affect the visual landscape of the City;
25. Loss of habitat/damage to the biodiversity of the area;
26. Detrimental impact on existing wildlife within the site and the surrounding areas such as badgers, foxes, dormice slowworms, bats, kingfisher, heron, egret, owls mistle thrushes; song thrush and bullfinches;
27. Loss of green wedge/'lung' within the City's landscape
28. Detrimental impact on a site of Local Interest for Nature Conservation close or adjoining a Site of Nature Conservation Importance (Hoopern Valley) Belvidere Meadow, Taddiford Brook County Wildlife site, Duryard Valley Park County Wildlife site, Pennsylvania Conservation Area and the University campus as a Historic Park and Gardens;
29. Inadequate consideration of the 12 storey building's impact on the historic assets in the area, including Pennsylvania Park conservation area and its associated grade II* listed building and Lopes Hall, a grade II listed building;
30. Potential damage to existing trees;
31. Loss of trees to create access roads into the site;
32. Detrimental impact on the existing Holm oaks within the site;
33. Loss of access to existing open spaces;

34. Removal of natural eastern buffer zone between University and existing houses in Pennsylvania;
35. Noise pollution from students, particularly late at night, will increase with the residential blocks being located closer to existing residents,;
36. Light pollution and its detrimental impact on nearby residents and wildlife;
37. Overlooking and loss of privacy given the proximity of student blocks to existing houses;
38. Due to proximity, scale and massing the development would have an overbearing effect upon residents living in Hillcrest Park, Higher Hoopern Avenue and Pennsylvania Road;
39. Site is poorly related to the existing campus and City;
40. Loss privacy to uses of the permissive path;
41. Loss of agricultural land;
42. Risk of pollution/environmental damage to the adjacent ponds;
43. Potential increased of flooding from water runoff from the site;
44. Loss of views from the pond side and Green Circle walk;
45. Landscape central strip should not be terminated by a 3/4 storey building;
46. Site should be used for academic building as required by the University 2010 masterplan, which envisaged low rise academic buildings rather than residential blocks;
47. Contrary to masterplan as it states that buildings should be between 2 and 4 storeys in height;
48. Inadequate justification in respect of the increase in buildings from 26,000 sq metres in the masterplan to 39,500 sq metres now being proposed;
49. Need for more academic building not residential accommodation;
50. Loss of area for academic buildings will put pressure on other areas of the campus and beyond for additional land to build on;
51. Development would remove a valuable area of amenity space which provides health and welfare benefits for students and the local community;
52. Lack of amenity space within the site for future student use;
53. High rise accommodation will have an adverse effect on the health and academic achievement of students living there;
54. Increased traffic during construction will be harmful to residential amenities due to noise, dust and vibration;
55. Inconvenience caused to local residents during the construction phase;
56. Provision of student accommodation of this scale will potentially damage the private rental housing market;
57. Additional pressure on existing service infrastructures eg gas, electricity, water and sewage system and emergency vehicles;
58. Concern that development will lead to pressure in the future to access the site from Higher Hoopern Lane;
59. Need to ensure that there is no vehicular access from Pennsylvania Road or Higher Hoopern Lane;
60. Existing paddock (adjacent to the application site) should be retained and not used as a construction compound, material storage or construction vehicle parking;
61. Loss of quiet space within the City;
62. Increase in litter and graffiti in the area;
63. Insufficient information has been provide given the submission is illustrative only;

Specific comments received following the balloon test on 16 November:-

64. Inadequate number of balloons which failed to accurately show the extent of the development, a further balloon test should be carried out;
65. Additional balloon(s) should have been sited within the centre of the site to indicates the 6 storey buildings, this omission failed to show the impact the buildings would have on residents living in Pennsylvania;
66. Balloons were not left up long enough and therefore a proper assessment could not be made;
67. Strength of wind on the day reduced the overall height of the balloon and therefore height misrepresentative.

68. Balloon test clearly highlights the detrimental impact the height of the development will have on the surrounding area, particularly in response to the balloon representing the 12 storey building.

163 additional issues received after amended plans received:-

69. Reiterate previous objections raised, notwithstanding the changes made;

70. Revised plan do not address issues raised;

71. Concern that plan indicate that some buildings will be increased.

CONSULTATIONS

County Head of Planning Transportation and Environment comment that from a Highway view, the provision of students flats on campus represents a highly sustainable development that is unlikely to create any significant highway issues.

It is essential that the secure cycle parking, in accordance with the standards set out in the Exeter City Council Sustainable Transport Supplementary Planning Document are achieved and the provision of these facilities should be secured by condition.

On-site facilities should be provided to cater for student pick up/drop off at the end of term; this is felt to provide adequate provision. The applicant is advised that the peak periods of student pick up/drop off should be carefully managed to make best use of these spaces.

Prince of Wales of Road is a classified road and the long construction period (& demolition) will need to be carefully managed to ensure the impact of these is minimised. It is therefore recommended that a condition for a Construction Traffic Management Plan (CTMP) is attached in the granting of any permission and the applicant is advised to liaise with the Highway Authority prior to commencement.

The submitted plans indicate a pedestrian/cycle route linking the campus to Higher Hoopern Lane in the vicinity of Higher Hoopern Farm. The provision of this route is part of the Masterplan Framework SPD and should kept open through condition.

The plans also show an existing pedestrian route through the valley, past Hoopern ponds, that links the campus to Pennsylvania Road. It is understood that this is a permissive route only and not a right of way. Therefore it is recommended that the applicant should, if possible, keep this existing pedestrian link open at all times, ensuring good pedestrian access to the east of the site.

The Highway Authority intends to review the parking arrangements in this area of the city and the development proposals have potential to influence any strategy. Although management plans may stipulate no cars for students it seems difficult to police and in all likelihood some students would park on nearby residential streets, exacerbating existing issues. Therefore, to help address this, a contribution of £20,000 towards a review of the existing residential parking zones, making and implementing traffic orders is requested. The assessment of the contribution is informed by recent residents parking schemes within the City and includes costs associated with technical design, Traffic Regulation Orders and physical road markings/signing. Were the application to be approved, this contribution should be secured prior to commencement. Subject to the above conditions regarding on site facilities, residents parking review contributions, CTMP and the exploration of a pedestrian/cycle linking the campus to Higher Hoopern Lane (as indicated in the Master Plan Framework SPD) being attached in the granting of any planning permission, no objection.

Historic England comment that the application should be determined in accordance with national and local policy.

Natural England comment that the proposal is unlikely to affect any statutory protected sites or landscapes; impact on protected species is a material consideration in the determination of the application, LPA should consider the site in respect of Local Wildlife Sites, Regionally Important Geological/ Geomorphological Sites (RIGS) or Local Nature Reserves (LNR). In addition, Natural England highlight the importance of incorporation of green infrastructure into the development, opportunity for features to be incorporated into the design which are

beneficial for wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes and the '*...opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.*'

County Flood Risk Officer raises objection to this application because it is not believed that it satisfactorily conforms to Policy CP12 (Flood Risk) of the Exeter Core Strategy and Policy EN3 and EN4 of the Exeter Local Plan which requires all development proposals to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. The applicant will therefore be required to submit additional information to demonstrate that all aspects of the surface water drainage management have been considered. (*Further information has been submitted by the applicant and is currently being considered by the Flood Risk Officer*).

South West Water comment on need to contact SWW if the development is located within three metres of the public sewer which crosses the site or if a diversion of the sewer is required. Having reviewed the information submitted in respect of the proposed surface water disposal for the development it is considered that the method proposed to discharge into the ground (infiltration) is acceptable and meets the Run-Off Destination Hierarchy. In addition, attention is drawn to the Local Plan policy to limit the adverse (including cumulative) effect of the proposed development such that sustainability is paramount and flooding risk is not increased elsewhere.

Council's Drainage Officer recommends that further information be provided to highlight what measures are proposed to address risks of the potential for flooding downstream of the development site.

Environmental Health Officer raises no objection subject to the imposition of suitable conditions in respect of a construction environmental management programme (CEMP); contaminated land report; noise assessment; air quality assessment and detail of external lighting details.

Devon Wildlife Trust comment that whilst the report has proposed mitigation measures to minimise impacts on these species, it is felt that these might be compromised by the close proximity of the envisaged buildings to the western, southern and eastern boundaries as shown in the illustrative masterplan. This plan illustrates that it might be difficult to control light spill and human disturbance to surrounding habitats and species. It is therefore suggested that the Master Plan be amended to show a wide buffer area of wildlife friendly habitat, separating buildings from the western, southern and eastern site boundaries, in order to allow scope for the avoidance of disturbance to legally protected species.

In response to the revised Land Use Parameter Plan and revised Landscape and Biodiversity Strategy Plan, which show the development zone moved away from the western field boundary is welcomed. However the southern and eastern boundaries have not been addressed and the Trust would like to see a wider buffer area of wildlife friendly habitat, separating buildings from these boundaries, in order to allow scope for the avoidance of disturbance to legally protected species.

RSPB raise no objection subject to the imposition of a condition requiring the incorporation of swift boxes into the buildings.

Devon and Cornwall Police Liaison Officer - views awaited

Devon and Somerset Fire Service - views awaited

Heritage Officer comments that although there have previously been finds of prehistoric material in this area, principally to the west, the geophysical survey does not identify any

substantial remains such as enclosures or ring ditches within the site, although there remains the possibility of other, slighter remains, being present. A number of clusters of possible pits have been identified by the survey, although it is noted that some at least of these may have a natural or agricultural origin.

As no substantial remains have been identified by the survey, there is no proportionate need for site evaluation at this stage and therefore sufficient information on heritage issues has been submitted to enable determination of the application and there are no archaeological constraints on the principle or layout of the proposed development.

However, due to the potential for slighter remains to be present there will be a need for archaeological trial trenching to confirming the results of the survey and to identify any slighter remains that are not capable of identification by the latter and potentially also for the archaeological excavation and recording of any such remains prior to destruction by the ground works for the development. This should be ensured by attaching the standard archaeological condition.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 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
 - 12. Conserving and enhancing the historic environment
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

CP1 - Spatial Approach

CP4 - Density

CP5 - Student Accommodation

Relevant text states that:-

The supply of housing should meet the needs of all members of the community such that:

- *all major development (10 or more dwellings) should include a mix of housing informed by context, local housing need and the most up to date Housing Market Assessment;*
- *purpose built student accommodation should be provided to meet the housing need.*

CP9 - Transport

CP10 - Meeting Community Needs

CP11 - Pollution

CP12 - Flood Risk

CP13 - Decentralised Energy Networks

CP14 - Using Renewable and Low Carbon Energy in New Development

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

E4 - Exeter University Campus

The development of education uses, student housing and research and development initiatives, including ancillary production, will be permitted on the University of Exeter campus provided that the character and setting of the campus is protected.

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*

T1 - Hierarchy of Modes
 T2 - Accessibility Criteria
 T3 - Encouraging Use of Sustainable Modes
 T10 - Car Parking Standards
 C1 - Conservation Areas
 C2 - Listed Buildings
 C3 - Buildings of Local Importance
 C4 - Historic Park and Garden
 C5 - Archaeology
 EN2 - Contaminated Land
 EN3 - Air and Water Quality
 EN4 - Flood Risk
 EN5 - Noise
 DG1 - Objectives of Urban Design
 DG2 - Energy Conservation
 DG4 - Residential Layout and Amenity
 DG6 - Vehicular Circulation and Car Parking in Residential Development
 DG7 - Crime Prevention and Safety
 LS1 - Landscape Setting
 LS4 - Local Nature Conservation Designations

Development Delivery Development Plan Document (Publication Version) 2015

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
 DD26 - Designing Out Crime
 DD28 - Heritage Assets
 DD29 - Protection of Landscape Setting Areas
 DD30 - Green Infrastructure
 DD31 - Biodiversity
 DD32 - Local Energy Networks

DD33 - Flood Risk
DD34 - Pollution

Exeter City Council Supplementary Planning Documents:-

Archaeology and Development November 2004
Sustainable Transport March 2013
Development Related to the University June 2007
Houses in Multiple Occupation (including Class C4 Uses) January 2014
Planning Obligations April 2014
University of Exeter Masterplan Development 2010
Trees in relation to Development September 2009
Residential Design Guide September 2010

Pennsylvania Conservation Area Appraisal and Management Plan May 2005
The site is identified as being within the University Campus and as a Site of Local Interest for Nature Conservation Importance. The site forms part of the University's designation as an Historic Park and Garden
Exeter University's Estate Strategy

OBSERVATIONS

A development of this magnitude requires careful consideration as it will have a significant impact on the immediate character and appearance of the area both within context of the University Campus and the City as a whole. It is understandable that the application has attracted a large number of objections from local residents and the wide ranging issues they raise require individual assessment. The site represents one of the largest areas identified for development within the University campus and it is accepted that its impact will be felt not only on campus but from outside the University boundaries and in particular the adjacent residents living within the Pennsylvania area. The report will address the principle of the site's development and use within the context of national and development plan policies in addition to considering more site specific matters such as the siting and heights of buildings, their use, impact on the landscape, trees, wildlife, access arrangement, parking provision, residential amenity, heritage assets, flooding and sustainable construction.

Development Plan background

The National Planning Policy Framework (NPPF) states in paragraph 11 that:- '*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'. It is therefore important to consider the development plan background against which this application is assessed. It is accepted that the creation of purpose built student accommodation on campus represents a sustainable form of development and therefore as stated in paragraph 14 of the NPPF that there '*... is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan –making and decision making...for decision-taking this means: approving development proposals that accord with the development plan without delay*'. The following paragraphs provide an outline of the relevant development policies relating to this application. Based on these policies it is considered that the principle of development on this site is acceptable.

Core Strategy

The Core Strategy 2012 states CP5: 'The supply of housing should meet the needs of all members of the community such that '*...purpose built student accommodation should be provided to meet the housing need.*' The accompanying text (para 6.28) states that the University envisages about 3,300 additional full time living away from home students from 2010/11 to 2025/26 '*The University aim to provide housing for all full-time students who want it is supported because it will ease pressure on existing family housing. 75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built housing should be located on, or close to the University Campuses...*'

Exeter Local Plan First Review

Development of East Park featured in the Holford Report 1971 and the site has been identified as part of the development area of Streatham Campus in Council planning policies since the Exeter Local Plan First Alteration 1993. The current Exeter Local Plan First Review 2005 identifies East Park as subject to Policy E4:

'The development of education uses, student housing and ancillary research and development initiatives, including ancillary production, will be permitted on the University of Exeter Campus provided that the character and setting of the Campus is protected.'

Development Delivery Development Plan Document

The publication version Development Delivery DPD July 2015 (not part of the development plan) states (para 3.27): *'The Council will encourage the provision of further purpose built student accommodation at Streatham Campus through the review of the masterplan. By maximising the number of additional students accommodated in purpose built student housing, further adverse impacts on the private housing market can be minimised.'* Policy DD12 seeks to protect residential amenity and to ensure accommodation is fit for purpose.

University of Exeter Streatham Campus Master Plan Framework

A Streatham Campus Master Plan supplementary planning document was adopted by the City Council in 2010 following public consultation. It was prepared in the context of the University's 2006-16 Estates Strategy to provide guidance and inform decisions on the Forum and INTO buildings and the provision of about 2,063 student bedrooms at Duryard, Birks and Lafrowda that opened between 2010 and 2012. In that context of about 2,063 bedrooms coming forward, the masterplan reserved on-campus sites primarily for further academic expansion, with East Park expected to be a long term site. However, the City Council did flag up that there might be a need to consider at a later date whether some of the land identified for future development on campus should be devoted to more student housing. The masterplan identified indicative potential for about 52,000-68,000 sq m of new buildings on campus assuming 3-4 storeys of which 19,800-26,400 sq m was at East Park (an indicative footprint of 6,600 sq m).

Need for student accommodation

Objectors to the scheme have commented that there are already too many purpose built student flats and there is no need for further accommodation of this type in the City. Core Strategy Policy CP5 provides the strategic context which supports additional student accommodation to meet housing need and as part of an adopted development plan policy represents an important material consideration. In addition, current statistics which are outlined below support the need for further student accommodation.

The University's new Estates Strategy 2016-26 is a material planning consideration. This strategy envisages that student numbers (FTE) in Exeter will increase by 1,674 from 18,129 at December 2015 to 19,803 by 2020/21. After allowing for part time and live at home students, accommodation for about 1,423 is required to 2020/21. About 28,000 sq m of academic buildings will be required over the entire period to 2026 (including Cornwall), a total that can be accommodated at Streatham and St Lukes campuses without use of East Park.

The 75% target in the Core Strategy is monitored from a base of 2006/7, the start of the period covered by the Core Strategy. After allowing for part time and live at home students the number of students in Exeter needing accommodation has increased from 8,908 at 2006/7 to 15,311 at 2016/17 (estimate) an increase of about 6,400 and a 75% minimum target of about 4,800. About 5,000 bedspaces have been provided (c78%) in that period so it has been met. It is desirable that performance should be closer to or over 100% to address community imbalance.

There are existing planning consents for a substantial commitment to additional student bedrooms (mainly at Bus Depot, Renslade House & ECFC). Proposals for about 1,220 student rooms at East Park and about 100 each at Spreytonway and Moberley (net) would enable provision of a further 1,420 bedspaces. Development of significant further student

accommodation at East Park is necessary to ensure good performance against the target of 75% or more of students in purpose built student accommodation to meet University aspirations that first year and overseas students have the opportunity of a campus experience and to reduce the impact of students imbalancing communities in popular student areas.

Use of the site for student accommodation

Objections have been received in respect of use of the site for student accommodation rather than for academic purposes, which was proposed in the University's 2010 Masterplan. Whilst at the time of this document's publication that was the University's intention, it does not render the site unsuitable for residential use. When the Council approved the masterplan in December 2010 it was particularly concerned to ensure that sufficient purpose built student accommodation continued to come forward. The existing campus layout has the academic and social/administration buildings located within central areas with purpose built student accommodation concentrated to the western and eastern boundaries. The application would continue this established approach and therefore is considered appropriate, subject to matters of detail in respect of existing landscape features and residential amenities being considered. As previously stated the masterplan still allows for significant academic building expansion within the University campus. Although the masterplan represents a relevant material consideration, the proposal still needs to be assessed in respect of other development plan policies as required by paragraph 196 of the National Planning Policy Framework unless other material considerations indicate otherwise. A legal interpretation of this point was made clear in the High Court. In his judgment of 31 July 2000 (*R v Rochdale Metropolitan Borough Council ex parte Milne*), Mr Justice Sullivan concluded as follows: *'...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be "in accordance with the plan"... For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein'*. This Rochdale judgment concludes that a decision must therefore be reached as to whether the application is in accordance with development plan when it is considered as a whole. It is therefore necessary to balance the relevant policies as to whether the proposal complies or breaches the development plan as a whole and against other material conditions. In this instance, Core Strategy Policy CP5 and more specifically Local Plan First Review Policy E4 which encourage the further provision of purpose built student accommodation on the University campus are relevant and need to be balanced against the contents of the University's masterplan. It is a necessary and accepted planning practice that where planning policies conflict, a balanced decision has to be made, based on all relevant planning considerations.

Need for an Environmental Impact Assessment

Residents have expressed concern that the application was not accompanied by an Environment Statement in accordance with Environment Impact Assessment (EIA) regulations. The local planning authority has provided a screening opinion that concludes that an EIA in this instance is not required. Whilst the proposal requires significant supporting documentation, which has been provided, to make an appropriate assessment in the context of this planning application, it is important to note that the site has previously been identified for development in both the Exeter Local Plan First Review and the University's Masterplan. It is not a site where development is unexpected and consequently the assessment needs to consider the type of use within the University's defined campus and the form of development (quantum and form including height of development) in addition to the other material planning consideration. In addition, Members are advised that the Planning Practice Guidance 'Environmental Impact Assessment' states that *'only a very small proportion of Schedule 2 development (which this development falls within) will require an assessment...'*. The Guidance goes on to state that it is for the local planning authority to consider whether a proposed development requires an Environmental Impact Assessment.

Impact on the landscape

The application seeks outline planning permission and consequently detailed layout and building design issues are for future consideration. However the application's description

does refer to a quantum of development of 37,200 sq metres (35,700 for residential use and 1,500 sq m ancillary accommodation) and it is therefore necessary for the applicant to provide a certain level of detail to assess whether this is a realistic quantum of development. It is important to establish limits to the developable area given the site's relationship to existing areas of landscaping surrounding the site and residential properties to the east and north. In addition, the sloping nature of the site requires careful attention as the scheme intends to build up to 8 storeys in height. It is acknowledged that the University's Masterplan anticipated between 3 and 4 storeys for the site, although it did recognise that '*...some taller buildings would be appropriate in this location to identify the heart of the new development and to form the potential terminus of views along North Park Road and Rennes Drive*'.

The submitted Landscape and Visual Appraisal provides a detailed study of views both of and from the site. It is accepted that '*...the extent of visibility of the site is largely determined by the local topography but the mature trees in the campus and in the surrounding residential areas of Exeter also play an important role in restricting views as does the surrounding built development*' as stated in the Appraisal. In particular it acknowledges the importance of the development in respect of Exeter Local Plan First Review Policy LS1 'landscape setting areas' comprising of the Taddiford and Higher Hoopern Pond valleys although no development will be in this designated area except for access purposes. The study summarises the impact of the development as being visible from within the campus and immediate surrounding areas but seen as an extension to the University campus. The Appraisal comments that the development will be in part visible from Higher Hoopern Lane but the principal features of the Haldon Hills, Exe Estuary and Cathedral will not be obstructed.

The supporting planning statement states that the scheme has been '*...landscape led, with considerable thought given to the visual effects of the scheme*'. The design has used the contours of the site to create distinct rows of development and the reduction in heights of the buildings as development extends up the slope seeks to ensure that the buildings do not break the skyline or prevent views of the distant landscape and the city. The supporting sectional drawings and illustrative masterplan indicate how this could be achieved. However it is inevitable that a development of this scale will have a major impact on the character and appearance of the area and therefore it is important to minimise, where possible, its impact on important features or uses adjoining the site. Consequently changes have been made to the original submission to limit the extent and height of development within the site. A summary of the changes made are contained within the description of the site section of this report. In general they show a reduction in the heights of buildings closest to the boundaries of the site, particularly next to the arboretum area, which is recognised as an important landscape feature on the campus and the south and eastern of the application site closest to pedestrian routes and existing properties in Pennsylvania. The design approach which seeks to provide taller buildings more centrally within the site is consistent with the aims of the University Masterplan. It is acceptable that even though building heights have been reduced, in some instance significantly from 12 to 8 storeys and from 6 to 3 storeys, they will still create an urban feel to this currently open site. Whilst the supporting sectional drawings indicate that the building will be set within the context of this sloping site, a condition which limits the heights of buildings to that specified within the 'building heights parameter plan' will be needed to ensure that future reserved matters take account of this issue. This condition will also establish the extent of the developable area when the detailed layout is considered. In summary, it is considered that the parameter plan as now submitted, which includes a 25 metres landscape strip within the site, would present an appropriate area for development without the demonstrably affecting the landscaped setting of the surrounding area. Whilst it is accepted that the character and appearance of the area will be substantially altered, this should be viewed within its context as a development site on the University campus and acknowledged within the adopted University masterplan and Exeter Local Plan First Review.

Impact on trees/ecology/nature conservation issues

The submitted arboricultural report and survey indicates the removal of some existing trees principally within the centre of the site and to the west to facilitate the construction of the two

access roads into the site and the internal road. It is however notable that this survey seeks to retain the two groups of mature oaks to the south and east of the site as shown on the illustrative masterplan which is welcomed. It is accepted that the main access roads will inevitably lead to some loss of vegetation, its impact is not significant and the submitted survey clearly shows that suitable consideration has been given in the form of root protection areas to the retained trees to ensure that the impact on the existing landscape is minimal. However it is not accepted that the trees/hedges along the western boundary identified for removal will necessarily be required as a result of this development. The siting of the internal access roads is not fixed and therefore it is considered that further detailed assessment of how this should be achieved is required. Accordingly although the relatively small number of trees to be removed is welcomed, the details contained within the arboricultural survey at this stage is for information only and a condition stating that no trees shall be felled on the development site is imposed until the detailed building and access routes are known, as part of the reserved matters application.

Protected Species/ecological enhancements

A Phase I Ecological Survey and Protected Species Survey accompanied the application and an updated version dated November 2016 includes survey result in respect of dormice. The report concludes that populations of badgers, dormice, reptiles and bats were found to be present within the site. Consequently mitigation measures are required to compensate the potential harm to these species or loss of their habitat, as a result of this development. In particular, it was identified that although no badger setts were found within 30 metres of the development site, the arable field provides foraging areas. It would therefore be necessary to ensure that badgers continued to be able to move along the boundaries of the site and connect to adjoining fields to the north of the site for foraging purposes. The presence of 11 species of bats were mainly recorded along the wooded edges of the site and the above existing ponds. These areas are mainly identified for retention and therefore the bat's main feeding areas would be unaffected. However it was recommended that native planting could provide further foraging habitat for bats and lighting levels within the site should be minimised. Common dormice were found within the site and as a European Protected Species will require a separate licence from Natural England before works could commence. The report identified that in order to mitigate the potential risk to dormice a number of measures would be required including a phased clearance of the site during certain times of the day/year and additional habitat and nest boxes should be provided in suitable locations alongside the site. Like dormice whilst the survey found that the presence of reptiles (slowworms and grass snakes) was low, effective mitigation would be required in respect of phased clearance of site and suitable habitat and hibernation areas would need to be provided. In addition to the mitigation measures outlined above it is considered that general ecological enhancement should be incorporated into the overall scheme. This could be addressed through the imposition of a planning condition to include provision of bird and bat boxes, planting of native species, wildflower mix species and potential for a new wildlife pond. Whilst the comments of the Devon Wildlife Trust are noted regarding the need for wider wildlife buffers to the south and eastern boundaries, it is considered that the mitigation measures required by this condition would effectively address these concerns.

Design Review Panel comments

In accordance with advice provided by the National Planning Policy Framework and Planning Practice Guidance 'Design' the applicant has sought the advice of the Devon and Somerset Design Review Panel prior to the submission of the planning application. This guidance states that local planning authorities are required to have regard to the recommendations of the Design Review Panel in assessing applications. The Panel concluded that although they welcomed the aspiration of the proposal which focused on landscape and ecological considerations they were not supportive of the design presented in its current form. In particular they considered the gateway building too high; the scheme needed to provide a greater sense of community; the upper open space should be better incorporated into the layout; improvements needed to pedestrian access through the site; attention to impact of external lighting; incorporation of mature landscaping and need for district heating. It is accepted that the illustrative layout as submitted is similar in its overall approach to that

considered by the Panel and therefore could be argued that the design has not materially changed. However it is important to acknowledge that the application is in outline with all matters reserved. The Panel did comment that greater micro level analysis may help to make the proposal more site specific and create a better sense of character and place. The applicant has been made aware that the submitted layout does not constitute an approved plan and the factors raised by the Panel may result in a different approach being needed for the reserved matters submission. In particular the need for greater integration of landscape with the scheme and the need for a more distinctive design will be necessary to ensure that the overall development does not appear too uniform as commented on by the Panel. Given the significant number of resident objections to the proposed heights of buildings it should be noted that the Panel commented that method used by the applicant to determine heights was considered a good approach and it was only the gateway building identified as being too high. The gateway building has subsequently been removed from the scheme.

Vehicular Access

This outline application seeks to reserve all matters for future consideration. However indicative vehicular access points are proposed to the north western and south western corners of the site. Whilst the creation of these access points would lead to some loss of trees and the construction of roads through an area of a landscape setting, as designated in the Exeter Local Plan First Review, its impact on the landscape quality of the area is considered minimal. The access roads are necessary for the development of the application site and therefore acceptable in respect of Policy LS1 as they represent infrastructure which would not unduly harm the character of the area. Given the site is identified for development within both the Local Plan and the University Masterplan it is inevitable that vehicular access will be required and its location to the western side of the site and closest to the University campus is therefore considered appropriate. Acceptance of the access points in these locations will ensure that no vehicular access is created to the northern and eastern side of the site, which are wholly residential in character and consequently the level of potential disturbance from vehicular traffic which could be created by this development would be minimised. Although indicative road and pedestrian layouts are shown on submitted plans, they are for illustrative purposes only and do not require detailed consideration at this stage. These plans do however provide an indication as to how the floor space applied for could be accommodated within the site. Consequently concern was raised in connection with the original submission regarding the proximity of the indicative internal road arrangement to the western boundary closest to the arboretum and existing mature trees and hedges. This has resulted in the submission of a revised development parameter plan which redefines the developable area in this location. It is proposed to condition this plan which will ensure that this issue is given sufficient weight when the detailed layout plans are submitted.

Construction and Environmental Management Plan

On a related matter local residents have raised concern about the level of disturbance which would occur from the development during the construction phase from vehicles entering and leaving the site during re-profiling of the site, delivery of materials, construction of essential infrastructure and ultimately the buildings themselves. In particular residents to the north of the site are concerned that Higher Hoopern Lane could be used for construction access purposes. Whilst an outline Construction and Environmental Management Plan (CEMP) has been submitted with the application this does not provide sufficient detail in respect of construction vehicles routes and therefore it is considered that a specific condition be imposed to address this matter. It is logical that the two new access points created from the campus would be used for this purpose, as indicated in the outline CEMP, submitted with the application. In addition, a condition requiring the submission of a detailed CEMP is required to ensure that environmental issues raised by residents, such as the location of material storage, hours of working, dust, mud on the road noise etc are addressed prior to commencement of works and once details of the infrastructure and buildings are known. In response to a particular concern raised regarding the possible use of the land immediately alongside Higher Hoopern Lane for construction/storage purposes, as this land lies outside the application site boundary it could not be used for this purpose without the submission of a

separate planning application. It is understood from the applicant that it is not their intention to use the land for this purpose.

Parking

Many residents have raised objections to the scheme in respect of parking and access problems caused by student vehicles which they currently experience. Residents are concerned that the significant increase in student numbers and therefore the potential for students to bring cars with them to University will exacerbate the problem. The University Sustainable Travel Plan seeks to discourage students from bringing private cars to the campus and imposes a policy that no student parking is allowed on the campus other than for disabled parking. The proposed scheme would continue this policy and no parking will be provided on site except for the disabled, deliveries and servicing requirements. The campus location will enable the site to take advantage of sustainable transport and help address the targets contained within the University's Sustainable Travel Plan which includes the aim to reduce reliance on private car travel. It is inevitable that cars will access the site at times of student arrival and departure and it is considered that the imposition of a legal agreement requiring a Student Management Plan will adequately address this issue. The applicant has provided some details as to how this would operate within the submitted Transport Statement. However of more concern is the potential for students to permanently keep their cars within the residential areas surrounding the University during term time. The University has responded that it is beyond their control to effectively 'police' student's vehicles being parked legally in nearby residential streets and it does not consider that a restriction imposed on each student which precludes them from keeping vehicles within the area would be legally enforceable. Whilst it is considered that the sites on campus location will deter students from bringing their own car, more effective control can be provided through the imposition of a Traffic Regulation Order, which has been recommended by the County Highway Officer. It is considered that a financial contribution of £20,000 is made by the applicant prior to the commencement of development towards a review of the existing residential parking zones, the making and implementation of traffic orders and meeting the costs associated with technical design and physical road markings/signing. Although the lack of a further measures from the University to address this issue is disappointing, it is recognised that their Sustainable Travel Plan does make a commitment towards sustainable travel for its students and the acceptance from the County Highway Officer in respect of a financial contribution towards a Traffic Regulation Order for the surrounding residential streets does offer a practical measure through which non-resident parking can be controlled.

Sustainable transport and cycle parking/routes

As previously stated that the County Highway Officer supports the proposal intention to provide only operational and disabled parking spaces on site. However it is considered that in addition to the traffic regulation orders to prevent the potential for displaced student vehicles on adjacent residential streets, there is a need to ensure that sustainable transport measure are implemented to meet the University's Sustainable Travel Plan. Consequently the Highway Officer has recommended that conditions are imposed to secure cycle parking within the site commensurate with the size of the development and the need for a suitable pedestrian/cycle route linking the campus to Higher Hoopern Lane in the vicinity of Higher Hoopern Farm. This would meet the objectives of the University's masterplan, which proposes improvements of the strategic cycle routes through the campus and in this instance with Pennsylvania Road. These conditions will ensure that the sustainable methods of transport are supported and encouraged in practical terms. In addition, residents have expressed a wish to retain the existing pedestrian route from the campus past Hoopern ponds to the east which ultimately leads to Pennsylvania Road. However this is a permissive route only and not a right of way which the University has ownership, and therefore cannot be controlled by the planning process.

Impact on residential amenity

Local residents are understandably concerned about the environmental impact which could potentially arise from the creation of between 1,150 and 1,220 bed spaces to their residential amenity. The issues relating to traffic and parking have previously been addressed and it is

considered that the Construction and Environmental Management Plan will ensure that suitable measures are in place to protect resident's amenities during the building phase. In addition, the Council's Environmental Health Officer has recommended conditions on matters relating to the need for a contamination, noise, and lighting assessments and an air quality assessment (if a Combined Heat and Power plant is proposed as part of the detailed scheme) prior to commencement of development. Whilst it is not considered that any of these issues would prevent the development from proceeding, they are important considerations which will inform the detailed design stage and help to mitigate the impact of the future development on residential amenity. It is acknowledged that the scheme would bring student accommodation closer to residential properties and residents have already raised complaints in respect of existing noise and lighting problems they experience. However, it is considered that the distance retained between existing dwellings and the new buildings, in excess of 80 metres, coupled with any mitigation measures which arise from the assessments required by the conditions imposed, would be effective in safeguarding residential amenities in the area. In addition, the requirements of the legal agreement for a Student Management Plan will ensure control of student activity within the site and therefore minimise the potential disturbance to existing residents.

Residents living east of the site in Hoopern Avenue and Pennsylvania Road have raised concerns regarding possible loss of privacy due to overlooking from the future occupants of the student buildings. Although the actual siting of the proposed buildings is not known at this stage, the illustrative masterplan indicates that the closest building would be over 80 metres from the nearest existing dwelling and is generally separated by existing mature trees. As previously stated the amended plans have reduced the storey heights of the buildings alongside this eastern boundary and the siting of buildings within the masterplan have been re-orientated to have greater regard to their relationship with existing properties. It is considered that distances retained, coupled with the changes to the orientation of buildings, will ensure that the issue of overlooking is suitably addressed within the detailed reserved matters stage and an acceptable relationship can be created that will not lead to loss of residential amenity.

A number of objections have been received in respect of the loss of view across this currently open site. Members are reminded that loss of a private view is not a material planning consideration and cannot justify refusal of the application. However the siting and in particular heights of the proposed buildings have previously been assessed within the context of the site's position within the overall landscape and as a result amendment to the original scheme has been made.

Heritage Assets

In accordance with advice contained within the NPPF local authorities have a duty to consider heritage assets that may be affected by a proposal. The whole of the University campus site, which includes the application site, lies within a Historic Garden and Park as identified in the Exeter Local Plan First Review and is covered by Policy C4. The policy seeks to prevent loss of features that are integral to the Park's character or appearance and would detract from its enjoyment, layout or setting. The site is currently an arable field which is identified for development within the University's Masterplan. The applicant's design for the site is landscape led, taking account of the relief of the site and the context of the development in its wider landscape setting area, which includes the existing campus. It is acknowledged that the arboretum forms an important element within the historic park designation and the revised plans have resulted in a greater area of land being retained between the built form and this established area of mature vegetation. In addition, the application includes a 25 metres central undeveloped strip which seeks to provide a structural area of open space within the development and help its integration within the surrounding area. Consequently it is considered that the scheme is appropriate within the context of Local Plan Policy C4.

The Pennsylvania Conservation Area lies to the east of the site, although a belt of existing mature trees mitigates views to and from the application site to this area. The closest listed

building is Grade II Hoopern House which is approximately 120 metres from the application site boundary. Lopes Hall, which is also Grade II listed, is located approximately 80 metres to the south of the application site and lies within the University campus. Members are advised that their statutory duty in matters of setting of listed buildings and Conservation Areas under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is to give special regard to the desirability of preserving and enhancing the character or appearance of the area and siting of listed buildings. It is considered that the distances from the application site and the presence of existing mature landscape would represent an acceptable relationship between the development and these recognised heritage assets. Further guidance on this issue is contained within NPPF paragraph 134 which states that '*where a development will lead to less than substantial harm to significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'. It is considered that paragraph 134 of the NPPF has been properly considered against this development and the application provides the appropriate quantum of development as dealt with elsewhere within this report. Historic England raise no comment to the scheme and state that the application should be considered in accordance with local and national policy. The Council's Heritage Officer has raised no objection to the application subject to a condition requiring further archaeological works being imposed.

Flooding

The applicant has submitted a Flood Risk Assessment which states that the site is located within Flood Zone 1, is not within a critical drainage area and has no history of surface water flooding. The report concludes that the drainage proposed for the site through mainly a sealed attenuation facility coupled with a partial infiltration facility would meet national and local policy and offer betterment, alleviating existing flood issues, which occurs as a result of the natural run off and gradient associated with this particular area of land. However both the County and City Flood/Drainage Officer have raised concern about the lack of detail contained within the report in respect of times of high rainfall, lack of mitigation which incorporate SUDS measures and an overall comment that the scheme does not address historical problems of flooding downstream of the site in the Hoopern Valley area and beyond. It is considered that the development of this site and related University land could offer a long term solution, which would help safeguard downstream properties from flooding. This issue has been raised with the applicant who are unwilling to contribute toward further works given that their Flood Risk Assessment concludes that the drainage strategy is appropriate for their site. However further information has been submitted by the applicant's drainage consultant and is currently being assessed by the County Flood Officer. Members will be updated of the results of these further discussions at the meeting.

Sustainable Construction

The applicant has submitted a Sustainability Statement which demonstrates their commitment to minimising the environmental impacts of the development. They have confirmed a willingness to accept a condition that requires BREEAM excellent and have stated that they will promote a development which will include passive design measures and low and zero carbon technologies to reduce emissions. It is acknowledged that the detailed design of the future buildings is not known at this stage and no decentralised heating network currently exists in the area. However the need to comply with Core Strategy Policies CP13 and CP15 remain important considerations for the future design and layout of the site. Given the scale and location of development proposed it is considered important that the potential viability and feasibility of a decentralised energy system is considered in the detailed assessment of sustainable design and construction required by policy CP15. It is considered that suitable conditions are required to address these issues.

Summary

The proposal complies with the development plan policies, which conclude that the principle of the development of this site is appropriate. Whilst it is acknowledged that the use of the site is now for student accommodation rather than for academic buildings, as stated within the University Masterplan, it is considered that the area is suitable for this purpose. Indeed given the recent number of student accommodation schemes submitted in off campus

locations, the proposal for such a significant number of bed spaces within a sustainable location on campus is to be welcomed. It is accepted that the quantum of development proposed is substantial and the proposed building heights to accommodate this would have a considerable impact on the character and appearance of the area. However it is an accepted planning practice that where development is considered acceptable in principle, most efficient use of the land should be sought. Whilst this does not mean that any number of buildings or storey heights proposed would be acceptable, it is considered that the information submitted within the amended plans indicates that a suitable scheme of this scale can be achieved without resulting in overdevelopment or detriment to the landscape setting of the area. This outline application seeks to establish the principle of student accommodation on the site and it will be at the reserved matters stage, which will ensure that the details raised by the numerous objections received, as already highlighted within this report, are dealt with. It is therefore recommended that the application be approved.

The application will require a financial contribution of £20,000 towards the delivery of a Traffic Regulation Order for nearby residential areas, which will be included within the Section 106 Agreement. The creation of 37,200 sq metres of student accommodation will equate to £1,899,804 CIL based on 2017 figure of £51.07 per sq metre. In addition, the development will receive New Homes Bonus, although the actual amount will be dependent on the split of cluster flats and studio accommodation, which is not known at this outline application stage.

DELEGATION BRIEFING

25 October 2016 - Members were advised that the scheme is for a change from the adopted University's Masterplan, as this site had previously been identified for academic buildings and not student accommodation as now proposed. Whilst the principle of student accommodation on the University campus was considered appropriate, a number of issues would need to be considered including:-

- i) it would be important to consider the development's visual impact given the applicant's intended building heights;
- ii) the scheme would bring students closer to existing residential properties and therefore potential for parking issues and noise and disturbance, one Member remarking that parking in particular was a strong point of contention and had been raised at a recent public meeting because of the impact on nearby residential roads;
- iii) given the sloping nature of the site, there would be a need to identify principal views and assess the visual impact of the proposed development on the surrounding landscape;
- iv) wildlife and localised nature issues considered supported by appropriate ecological surveys and mitigation measures; and
- v) BREEAM standards excellent required and a contribution towards decentralised energy infrastructure investigated.

RECOMMENDATION

Subject to the issue relating to flooding being resolved and the completion of a Section 106 Agreement securing a Student Management Plan and a financial contribution towards a Traffic Regulation Order **APPROVE** the application subject to the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C07 - Time Limit - Outline

- 3) The development hereby permitted shall not be carried out otherwise than in accordance with the Building Heights Parameter Plan (dwg no. 250001B/P004 rev B dated 16 January 2017) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum (not to exceed the AOD specified in the Building Heights Parameter Plan dwg no 250001B/P004 rev B) have been submitted to, and approved in writing by the Local Planning Authority.
Reason: In the interest of visual amenity and the appropriate development of the site.
- 5) No development shall take place until an Outline Landscape and Ecology Management Plan, to include recommendations contained within the Lindsay Carrington Ecological Services report dated November 2016, has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate
a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation;
b) how the proposed development and associated works will enhance wildlife in the area and
c) how the landscaped area is to be managed to include an ecological clerk of works
and shall be submitted to the Local Planning Authority for review on a 24 month basis unless otherwise agreed in writing;
Reason: In the interests of nature conservation.
- 6) C36 - No Trees to be Felled
- 7) No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
a) The parking of vehicles of site operatives and visitors.
b) Loading and unloading of plant and materials.
c) Storage of plant and materials used in constructing the development.
d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
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 construction works, with priority given to reuse of building materials on site wherever practicable.
h) No burning on site during construction or site preparation works
i) Measures to minimise noise nuisance to neighbours from plant and machinery.
j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
The approved Statement shall be adhered to throughout the construction period of the development.
Reason: In the interest of residential amenity.
- 8) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The statement should include details of route of construction traffic vehicles, access arrangements, timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety and public amenity.

- 9) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of residential amenity
- 10) The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, communal areas, residents and events.
If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.
Reason: In the interests of residential amenity.
- 11) Prior to the commencement of the development an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: In the interests of residential amenity.
- 12) No development shall take place on site until an air quality assessment for any CHP plant has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.
Reason: In the interests of residential amenity.
- 13) 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 ensure that adequate facilities are available for the traffic attracted to the site
- 14) No part of the development hereby approved shall be occupied until the 2010 masterplan framework proposal for a permissive pedestrian/cycle route linking the campus to Higher Hoopern Lane in the vicinity of Higher Hoopern Farm has been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with paragraphs 29 and 32 of the National Planning Policy Framework.
- 15) C57 - Archaeological Recording

- 16) Unless it is demonstrated that it is not viable or feasible, or that equivalent carbon emission abatement can be achieved by alternative means, the development hereby approved 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 or rooms, showing provision for heat exchangers and for connection to a District Heating Network, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.
Reason: In accordance with the requirements of policies CP13 and CP15 of the Exeter Core Strategy 2012 and DD32 of the Development Delivery DPD Publication Draft and in the interests of sustainable development.
- 17) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.
Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 18) Before the submission of first application for approval of reserved matters a detailed sustainable design and construction strategy shall be submitted to and approved in writing by the Local planning Authority. Submissions for approval of reserved matters shall be in accordance with the approved strategy.
Reason: In accordance with the requirements of policy CP15 of the Exeter Core Strategy 2012.
- 19) This consent does not imply the approval of the details of access, siting, layout or design shown on the illustrative masterplan, which must be the subject of a further application for approval of reserved matters.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

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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- Drawing Key**
- application site boundary (5.138ha)
 - other land owned by the applicant
 - existing tree

Notes/Revisions

East Park Student Residences
University of Exeter



Site Location Plan

250001B/P001	Revision: Rev -
PLANNING	Date issued: Sept 2016
1:2500@A1	Drawn by: RDC Checked by: TRW

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Agenda Item 5

ITEM NO. 5

COMMITTEE DATE: 13/02/2017

APPLICATION NO: 16/1488/03 **FULL PLANNING PERMISSION**
APPLICANT: Mr M Gould
Premier Development (SW) Ltd
PROPOSAL: Demolition of existing building, erection of 46 new
apartments, together with car parking, cycle parking, access
road and landscaping. Change of use of site from Class 2
residential care home to class 3 residential - Revised
description and revised design.
LOCATION: Arthur Roberts House, 121 Burnthouse Lane, Exeter, EX2
6NB
REGISTRATION DATE: 17/11/2016
EXPIRY DATE: 16/02/2017

UPDATE FROM PLANNING COMMITTEE MEETING HELD 9 JANUARY 2017

- At the Planning Committee Meeting held on 9 January 2017, it was resolved to defer the decision on this application to allow for further discussion to take place regarding the Affordable Housing contribution.
- Discussions have taken place and the applicant has revised the scheme so that the existing building is proposed to be demolished in its entirety as rebuild costs are lower than refurbishment costs.
- The existing building is proposed to be replaced with two blocks of flats, allowing the addition of 6 units to the overall scheme, 46 units in total. The two blocks are shown as being set back a little deeper into the site to allow for 6 extra parking spaces to be provided.
- The two new blocks would each house 2 bedroom flats on the ground and first floors with 1 bedroom units on the second floor to allow the top floor to be set back and reducing the overall massing. The redevelopment of this section of the site does allow for the breaking up of the mass of buildings and allows a visual break through the site, whereas previously the retention of the existing building was only seen as one long frontage.
- The three originally proposed blocks to the side of the existing building are still retained in the revised scheme with the same configuration and design. The middle block of these three is proposed to be the Affordable Housing provision, which would consist of six units, four of which would have 2 bedrooms, with two units being 1 bedroom accommodation. The accommodation would be on a Shared Equity basis through a Housing Association.
- The open space provided is 1,175 sqm, which is still more than the required minimum of 920sqm.

Housing Development Officer:

The Housing Team have reviewed the scheme in light of the additional information submitted by the applicants, the Viability Report and the revised drawings and accept the offer of six on site units.

These units are to be made up of 4 no. 2 bed apartments and 2 no. 1 bed apartments in a separate block on the basis of shared ownership and sold to a locally operating Housing Association.

Recommendation:

The revised scheme has been re-advertised with an expiry date of 20 February 2017. Subject to no new objections being received, it is recommended to approve the application subject to the completion of a Section 106 agreement for the Affordable Housing provision, the CIL provision and the conditions at the end of the report.

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 - The submitted application meets the relevant visibility requirements, generates a small amount of additional traffic, and provides adequate vehicular/cycling parking. Therefore, subject to the recommended conditions being attached in the grant of any permission, no objection.

Note: The conditions have been added below.

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.

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 November 2016 and 25th January 2017 (*Dwg. Nos. 897,81 - 04A; 897,81-08E; 897,81-09F; 897,81-12F; 897,81 - 13C; 897,81-13B; 897,81 - 17B; 897,81 - 51A; 897,81 - 52; 897,81 - 53; 897,81 - 54 ;897,81 - 55; 897,81 - 56 and 897,81 - 57, 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.

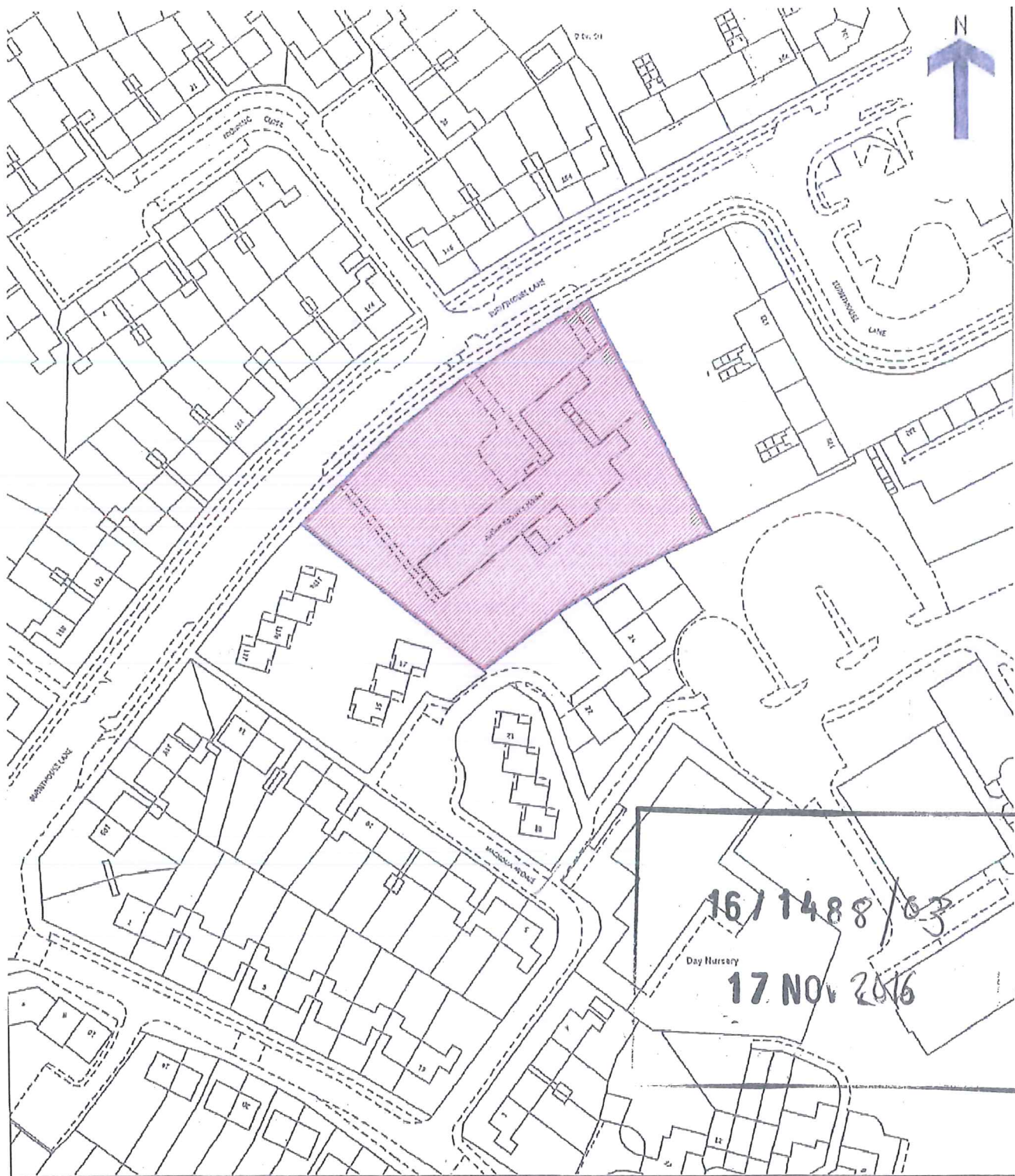
- 6) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with the details hereby approved by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.
Reason: To promote the use of sustainable 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 arrivals and departures 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.
- 10) No part of the development hereby approved shall be brought into its intended use until the bellmouth access onto Burnthouse Lane is provided, the redundant accesses on Burnthouse Lane are reinstated to a full height kerb and a facility to prevent uncontrolled discharge of water over the footway on Burnthouse Lane has 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 a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework

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

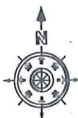
Background papers used in compiling the report:

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

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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: 16/1488/03-15

Page 37



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ITEM NO. 6

COMMITTEE DATE: 13/02/2017

APPLICATION NO: 16/1543/03 FULL PLANNING PERMISSION
APPLICANT: Mr M Perks
PROPOSAL: Demolition of existing dwelling and construction of new two storey dwelling
LOCATION: 36 Higher Shapter Street, Topsham, Exeter, EX3 0AW
REGISTRATION DATE: 29/11/2016
EXPIRY DATE: 24/02/2017

DESCRIPTION OF SITE/PROPOSAL

The proposal site relates to a detached property on Higher Shapter Street. The property is located within the Topsham Conservation Area but is not listed or in close proximity to any listed buildings. The property is identified in the Topsham Conservation Area Appraisal and Management Plan as making a positive contribution to the area.

Towards the eastern end of Higher Shapter Street there is a collection of Grade II Listed properties as you progress west along Higher Shapter Street the historic features of the street are eroded with 20th century development particularly Higher Shapter Close.

The property subject to this application is structurally unstable and is currently supported by a combination of scaffolding and steel beams to prevent collapse of the building. The existing dwelling is a two storey dwelling immediately abutting the narrow road.

The new property would be set back from the current position by 1.8 metres. The property would be predominantly two storey with a single storey flat roof element with roof lights to the rear. The width and rear extent of the new dwelling would be approximately the same of the property to be demolished. The new dwelling would have a garage and utility room at ground floor level as well as open plan living, kitchen and dining area. At first floor level there would be three double bedrooms with en suite bathrooms. The new ridge height would be 1.5 metres higher than that of the existing property.

The front elevation has a subtle modern approach whilst replicating design and materials from the original build including the use of natural slate and timber windows. The rear elevation takes a more contemporary approach with a wide extent of aluminium framed glazing and roof mounted thermal collector panels.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application has been supported by a design and access statement, which makes the following points in support of the application:

- The existing building is currently restrained and supported by a combination of scaffolding and steel beams to prevent collapse;
- The building is of cob construction and judged to be unrepairable from a practical and economic point of view;
- The proposal is to demolish the existing structurally unstable building and replace the dwelling with a contemporary house;
- The design of the new dwelling respects the scale of the street in being two storeys, with the street elevation having windows and entrance doors sized and with fenestration to sit alongside building;
- The overall massing reflects the scale and grain of the streets;
- The aesthetic of the new building is in harmony with the surrounding buildings but is a slightly more contemporary interpretation;

- The layout has been carefully designed so as not to raise any material amenity issues and it is considered therefore that the new dwelling will not be to the detriment of the amenity of the surrounding occupiers;
- The aesthetics of the proposal are in harmony with the surrounding houses, and utilise a palette of materials that currently exists in the surrounding housing stock, as indicated on the application drawings;
- The frontage will be hard landscaped whilst the rear will be laid out a garden with a terrace immediately outside the rear of the building;
- It is intended to include a garage with the new development;
- Level access will be afforded to the main and rear entrances of the dwelling;
- The bin storage will be in the rear garden and pulled through the garage;
- The selection of materials is sensitive to the local. Walls are to be painted render under a natural slate roof, windows to the front are to be white factory finished timber with those to the side and rear powder coated aluminium in dark grey;
- SUDs compliant external paving;
- The new building has been laid out in accordance with the Building Research Establishment Digest by Dr Paul Littlefair for good practice with respect to daylight and sunlight. The rooms are designed such that they can be naturally ventilated;
- Specification of materials will be as green and environmentally friendly as possible, balanced against cost and application;
- The proposal also involve solar panels for hot water;
- Subject to life cycle cost analysis it is anticipated that the building will meet the old code for Sustainable Homes Code Level 4, as a minimum or new SAP rating of B or above.

The applicant has subsequently provided the Local Planning Authority with reports to support the assertion that the building is beyond repair. There is an insurers report dated February 2016, a report prepared by Barry Honeysett (Consulting Structural and Civil Engineers) dated April 2016 and a report repaired recently by David Golightly dated January 2017. The conclusion of these reports is that the damage to the building due to water ingress is such that the building is beyond repair. The reports have been checked with ECC Building Control Officers who agree with this conclusion.

REPRESENTATIONS

This application has a received 9 objections and 5 comments.

Objections:

- Access to the houses at Higher Shapter Street must be retained;
- Engineering brick plinth is not appropriate;
- The box bay window above the garage does not fit as the current property is symmetrical;
- There should be no windows in the side elevation;
- The 1.8 metre set back could be used for addition parking which would restrict the width of the road;
- Vibration could cause damage to neighbouring cob built properties;
- No space for skips or storage of materials and no space for construction vehicles or trades vans;
- The existing house is historic and as it is in the Conservation Area every effort should be made to preserve it;
- The proposed replacement is entirely out of keeping with the surrounding architecture;
- Loss of historic character;
- The building could still be saved and environmental damaged would be caused by unnecessary demolition and use of resources;
- The applicant should be required to submit a method statement to cover all aspects of demolition and construction;

- The proposed size of the new build in relation to the existing property and plot seems excessive;
- The increased size would block light from the surrounding houses and gardens.

Comments:

- The windows in the side elevations should be timber not aluminium (this has been addressed and amended plans received);
- Concerns about the increased size and the choice of materials;
- Disruption during the construction and demolition process;
- Concern about the 1.8 metre space to the front.

CONSULTATIONS

DCC Highways: There is a high demand for on-street parking on Higher Shapter Street and this is a strong point of concern for some objectors. The proposal is set back by 1.8 metres, creating an area to the front of the building, which could be used as an additional parking space. The current width of Higher Shapter Street outside number 36 is 4.1m which practically restricts the road to single vehicle working. Manual for Streets suggests that two cars can pass when roads narrow to 4.1m but this does not take into account wing mirrors. With the proposal in place, the overall width will increase to 5.9m. Indeed, if a car parked outside, this would effectively restrict the width of the road in either scenario, to single vehicle working.

There are no current parking restrictions in place at the front of number 36 and someone could park outside if they wished to do so. Therefore, although not ideal, the proposed access arrangements are no worse than existing conditions and are acceptable. It must be noted that this scenario, where a road is restricted to single way working due to parked vehicles, is common around the county especially where streets are narrow and where there is a lack of off-street parking.

The demolition and construction works are a concern. As any works that are carried out will affect users of the public highway, the methodology of works will need to be carefully planned to ensure that restriction of access to other properties is kept to an absolute minimum. Therefore, to ensure that construction is appropriately managed the applicant will need to meet with DCC to agree the finalised construction arrangements. Details of this should be secured by condition.

DCC Highways recommends that two conditions be included to secure the submission of a Construction Management Plan and that the parking and cycle storage facilities are provided prior to the occupation of the dwelling.

ECC Environmental Health: Recommend a condition restricting construction and demolition hours and an informative in relation to nuisance from fires and stoves.

ECC Heritage: The building is in the Topsham Conservation Area and is noted in the appraisal as making a positive contribution to its character, but is not nationally or locally listed. There is no information in the application documents about the age of the building, although one of the engineering reports notes that the roof has probably been raised at some point, using brick and timber over presumably earlier cob.

The area of The Strand, to the south of the Quay and including Higher and Lower Shapter Streets, were developed from the late 17C onwards as Topsham's maritime trade prospered. It has been suggested that Higher and Lower Shapter Streets originally began as rope walks. As well as the higher status buildings facing onto The Strand itself, there would have been other buildings housing those of lower social status working in the port and related activities, and also buildings used for storage and industrial/maritime functions. The cob construction of the present house suggests that it may originally date to before the 19C, when use of brick

became prevalent, and it was certainly present by 1840. As such it is an undesignated heritage asset, as per the NPPF.

Although its loss, as a building that makes a positive contribution to the Conservation Area will cause harm to the latter, it appears clear from the most recent structural engineer's report that it is beyond repair given the saturated state of the cob and the amount of ongoing apparent structural movement that there is therefore little option, however regrettable, to allow its demolition.

To mitigate its loss and to record any evidence of its original date/function/historic significance, the buildings should be recorded immediately before and during its demolition by a historic buildings specialist and/or buildings archaeologist; and the groundwork's for the new development observed and recorded by an archaeologist on behalf of the developer/applicant and in accordance with details approved by ECC beforehand. A condition should be attached to any planning permission to ensure this. The applicant is advised to contact ECC's Principal Project Manager (Heritage) prior to commencement.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance:

NPPF - In accordance with the NPPF the proposed residential location is considered to be sustainable and the replacement dwelling is of a high quality design which preserves the character and appearance of the Topsham Conservation Area.

Exeter Local Development Framework Core Strategy

Objective 3 of the Core Strategy aims to provide everyone in the community with the opportunity of living in a decent warm home of a suitable type, size and tenure for their needs (inter alia). In accordance with this aim this application redevelops a property which is otherwise uninhabitable into a decent home.

CP4 - The development is of an appropriate density which is compatible with the protection of heritage assets, local amenities and the character and quality of the local environment.

CP15 - In accordance with this policy the design and access statement has demonstrated how sustainable design and construction methods will be incorporated.

CP17 - High standard of sustainable design

Exeter Local Plan First Review 1995-2011

H1 - The new dwelling would be provided in place of the old one on previously developed land. There is no net loss or gain of residential units.

C1 - It is considered that the proposed design of the development successfully pays attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whilst restoration of the original building would be the preferred option it is accepted that this may not be financially or practically viable. The treatment of the front elevation is considered to conserve and enhance the character and appearance of the Conservation Area. The design utilises sensitive materials such as render, natural slate and timber framed windows. The front elevation is a modest design which harmonises with the natural environment. The rear takes a more contemporary approach through the glazing pattern and materials and is an interesting contrast to the front of the building.

DG1 (b, d, f, f, h and i) - The proposed new dwelling is of a similar scale and massing to the property to be demolished. The new building would be set back 1.8 metres from the road. The ridge height of the new building would be approximately 200mm higher than the ridge height of 34 Higher Shapter Street. Therefore it is considered that the height of the new build would not be out of keeping with the street. The existing property is a non-standard shape. The additional floor space created by the new build is through developing the courtyard area. The new building would extend no further into the rear garden than the existing furthest

extent. The extent of the first floor is also larger than existing (although does not extend beyond the rear extent of the neighbouring house or garage). This additional floor space would not be apparent from the street and as such would not harm the character or appearance of the Conservation Area. The new build would not be overbearing and is not an overdevelopment of the plot. Higher Shapter Street is a characterful and varied street with building styles and materials from a variety of eras. Number 32 and 34 for example are red brick properties with UPVC windows and the properties opposite are predominantly rendered with some timber cladding. The chosen materials are considered to compliment the adjacent properties whilst making use of sensitive materials for the Conservation Area such as timber windows (the present windows are UPVC) and blue grey natural roof slates. The principle of garaging and off-road parking is more predominant towards this end of the street. Properties at the entrance to Higher Shapter Street tend to be built up against the road.

DG2 - This policy requires that new development should be laid out and designed to maximise the conservation of energy. Proposal should retain and refurbish existing buildings on site except where retention is unviable. It is considered that in accordance with this policy the retention of the existing building is unviable. The applicant has provided sufficient evidence that the existing building is beyond repair.

DG4 - The proposed development ensures a quality of amenity which allows residents to feel at ease within their homes and gardens. The new dwelling would not be overbearing to the neighbouring properties and would not result in loss of light or privacy.

Exeter City Council Supplementary Planning Document

Residential Design SPD 2010

OBSERVATIONS

Planning Policies: As discussed previously it is considered that the redevelopment of the site and the proposed replacement dwelling is considered to be in accordance with local and national policy.

Transport: At present 36 Higher Shapter Street has no off-street parking. The new property would have a garage and the property would be set back 1.8 metres from the road. There is potential to use this as an additional parking space. There are some objections to this element. However, as it has been commented by the DCC Highways Officer the proposed arrangement is no worse than the existing arrangement and as such it is considered to be acceptable. DCC Highways have also confirmed that the size of the proposed garage is now acceptable.

Issues during construction: The majority of objections and comments received in relation to this application raised concerns regarding the impact of the demolition and construction on Higher Shapter Street in terms of disturbance and access. It should be noted that issues experienced as part of the construction process is not material to the planning process and therefore should not be controlled as part of the consent or used as a reason for refusal. It is acknowledged that the demolition and construction process has the potential to cause disruption to local residents and this seems to be the largest source of concern and objection amongst local residents it is not the position of the Local Planning Authority to control or require further information about this stage. Despite this the applicant has confirmed that they would be happy to accept a condition requiring the submission of a Construction Management Plan prior to commencement.

Impact on Street Scene and Conservation Area:

Whilst it is acknowledged that the existing dwelling makes a positive contribution to the Topsham Conservation Area it is accepted that it is not practical to retain the existing dwelling given the structural issues with the property. It is considered that the proposed design of the dwelling is a subtle contemporary approach which is respectful of its position in the Topsham Conservation Area and draws design and material details from the original

house. It should be noted that Higher Shapter Street is a characterful and varied street and as such there is no one distinctive pattern or style of development.

Impact on residential amenity:

The footprint of the new building is similar to that which is to be demolished and is positioned in such a way so as not to result in harm to the amenity of the neighbouring properties. There would be no loss of light to either of the neighbouring properties and no harm in terms of privacy.

Summary:

The new home meets the internal and external space standards and has demonstrated sustainable design principles. The new dwelling has an additional benefit in that it provides an off road parking space. Furthermore, the applicant has provided evidence from structural engineers which demonstrates that the existing building is beyond repair. Whilst the loss of any historic building is regrettable it is considered in this instance that the current building is beyond repair and that the proposed replacement dwelling represents a modern yet sympathetic replacement.

SITE INSPECTION

Members viewed the site from Higher Shapter Street. They noted the condition of the existing building, and the extensive evidence submitted confirming that it cannot be retained. They also noted the varied character of this part of the street, and the proposed design in relation to neighbouring properties and the wider street scene. The Assistant City Development Manager summarised the objections that had been received. Members raised no objections to the proposal.

RECOMMENDATION

Recommendation is for APPROVAL.

- 1) C08 - Time Limit - L.B. and Conservation Area
- 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 29 November (*dwg. no(s). T.01, S.01, A.02, A.03, A.04, A.05*), as amended by the revised plan received by the Local Planning Authority on 06 January 2017 (*dwg. no. A.01*) as modified by other conditions of this consent.

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

- 3) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 4) **Pre-commencement Condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for Pre-commencement Condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development prior to demolition of the building.
- 5) **Pre-occupation Condition:** No part of the development hereby approved shall be occupied until the on-site car parking space and cycle storage facility, as indicated on *Drawing number 16-703 Rev 2*, and a facility to prevent uncontrolled discharge of water onto the highway have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason for Pre-occupation Condition: To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) C75 - Construction/demolition hours
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 8) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO² Emissions including a 44% CO² emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason - In the interests of sustainable development.
- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A (extensions and alterations)
Part 1, Class B (roof addition or alteration)
Part 1, Class D (Porch)
Reason: In order to protect the visual and residential amenities and to prevent overdevelopment.

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

Background papers used in compiling the report:

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

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Agenda Item 7

ITEM NO. 7

COMMITTEE DATE: 13/02/2017

APPLICATION NO: 16/1390/03 FULL PLANNING PERMISSION
APPLICANT: Mr & Mrs Cole
PROPOSAL: Retrospective application for first floor extension to garage/
outbuilding (revisions to approved scheme ref. 15/0976/03).
LOCATION: 2 Lymeborne Avenue, Exeter, EX1 3AU
REGISTRATION DATE: 04/11/2016
EXPIRY DATE: 30/12/2016

HISTORY OF SITE

03/0968/Q -	Loft conversion with the provision of raised hipped roof to form gable and dormer window to rear.	UNK	
12/0407/03 -	Ground floor extension on north west elevation	PER	23/04/2012
15/0976/03 -	Erection of first floor extension to rear garden garage.	PER	12/11/2015
15/1322/32 -	Discharge of condition 3 of application 15/0976/03 approved 12 November 2015.	PER	22/12/2015

DESCRIPTION OF SITE/PROPOSAL

Site

- The application site is situated in the Heavitree Ward and just beyond the north eastern boundary of the Heavitree Pleasure Ground;
- The property is a semi-detached dwelling house located in a low-density residential cul-de-sac;
- The surrounding area consists mainly of semi-detached dwellings that were constructed in the early-mid 20th Century and that are situated on sizeable plots of land.

Proposal

The proposal seeks retrospective planning permission for amendments to the approved outbuilding (ref. 15/0976/03) - these modifications to the approved scheme comprise:-

- The insertion of obscure-glazed and fixed shut French door windows at first floor level on the south west elevation;
- Increased outbuilding width from 2.9m to 3m;
- An increased length from 7.9m to 8.3m; and,
- An increased maximum height from 4.7m to 4.9m.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

No additional information was supplied by the applicant.

REPRESENTATIONS

6 objections were received during the public consultation period - the material planning considerations raised comprise:

- Overlooking/ loss of privacy;
- Overshadowing/ loss of sunlight;
- Inappropriate design/ impact upon character of the area.

CONSULTATIONS

Delegation Briefing Meeting (20/12/2016) - Members decided that the most appropriate course of action consists of undertaking a committee site meeting on 31/01/2017 in order to further gauge and understand the issues in order to reach a decision.

PLANNING POLICIES/POLICY GUIDANCE

National Planning Policy Framework (2012)

Core Planning Principle 4

Section 7 - 'Requiring good design'

Exeter Local Plan First Review 1995-2011 (2005)

DG1 Objectives of urban design

DG4 Residential layout and amenity

Exeter City Council Development Delivery DPD (2015)

DD13 Residential Amenity

OBSERVATIONS

This planning application seeks to regularise a range of aspects of the current as built structure which do not strictly accord to the approved details of scheme ref. 15/0975/03. The modifications sought are set out in the description of the proposal above.

The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure - none of the enlarged dimensions exceed 400mm. Perhaps the most sensitive of these increased dimensions is the raising of the ridgeline height and the increase sought in this respect is 200mm.

The insertion of an additional window at first floor level on the south west elevation is not considered to be problematic given that this window would be obscure glazed and fixed shut to thereby eliminate any possibility of overlooking of neighbouring properties. Although this aspect of the outbuilding is visible from Lymeborne Avenue, and to a lesser extent from Heavitree Pleasure Ground, the property is not located in a conservation area nor within close proximity to listed buildings and so there are no particular requirements with regard to external surface materials.

It is considered that the modest enlargement of the outbuilding and the insertion of an additional window is acceptable because the added impact upon the amenity of neighbours and the character of the street scene (Lymeborne Avenue) and the wider area is very low.

SITE INSPECTION

Members viewed the site from the street and from within the curtilages of 2 and 3 Lymeborne Avenue. They noted the details of the approved scheme and the differences between that and the current proposal. They also noted the relationship between the development and neighbouring properties, including the relative position of windows. The Assistant City Development Manager summarised the objections that had been received. Members expressed concern about the unauthorised windows in the front elevation and their potential impact on the privacy and amenity of neighbours. They considered that, in accordance with the terms of the application, these windows should be obscure glazed and fixed shut. Members also noted that a previously approved roof light in the side elevation of the development within 2 Lymeborne Avenue had not been fitted with obscure glazing as required by a condition of the original approval. They asked that this condition be repeated in any revised approval; and that compliance is appropriately enforced.

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 04 November 2016 (*application form and dwg. nos. PL/SLP/01, PL/PRO. FLOOR & ROOF PLANS/01 and PL/PRO.ELEVATIONS/01*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.
- 3) C26 - Domestic Use Only
- 4) The scheme hereby approved will be an ancillary addition to the main dwelling and will not become or be part of an independent residential unit, unless otherwise agreed in writing by the Council.
Reason: To prevent an overbearing form of development and to protect the amenity of adjoining neighbours.
- 5) Before the development hereby approved is brought into use the proposed windows in the first floor west and south elevations of the property shall be permanently glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the first floor of these elevations.
Reason: To protect the amenities of the adjoining property.

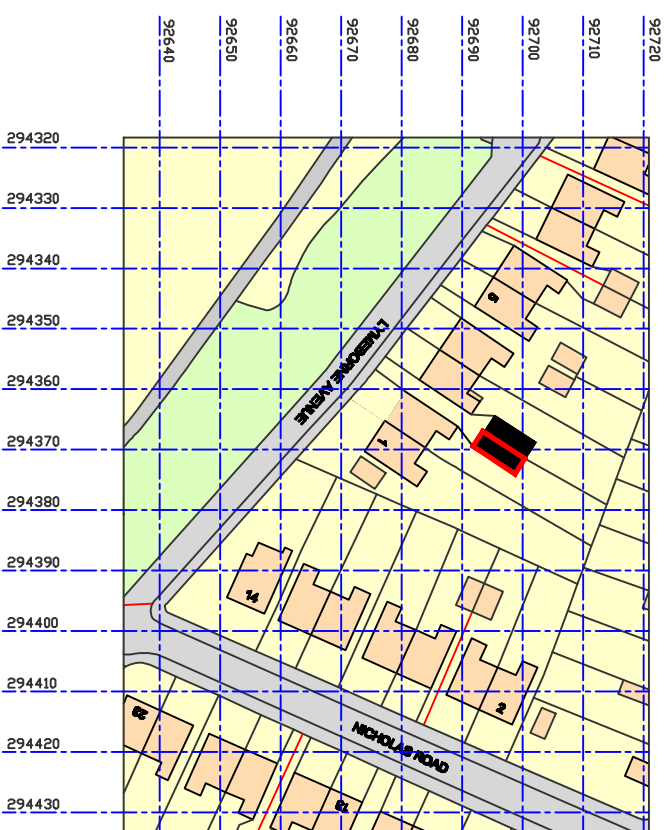
Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

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DRAWING

SITE LOCATION PLAN

SCALE : 1:1250 on A3

DRAWN : GCM

DRAWING No. : PL/SLP/01

PROJECT, CLIENT & LOCATION

ALTERATION TO DETACHED GARAGE

FOR
MR & MRS COLE
2 LYMBORNE AVENUE
EXETER
DEVON
EX1 3AU

1A FORE STREET
CULLUMPTON
DEVON
EX15 1JW

TEL/FAX : 01894 39882
E-MAIL : MELDON@TALUCT.COM



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Agenda Item 8

ITEM NO. 8

COMMITTEE DATE: 13/02/2017

APPLICATION NO: 16/1391/03 FULL PLANNING PERMISSION
APPLICANT: Ms Noble
PROPOSAL: Retrospective application for first floor extension to garage/
outbuilding (revisions to approved scheme ref. 15/0975/03).
LOCATION: 3 Lymeborne Avenue, Exeter, EX1 3AU
REGISTRATION DATE: 04/11/2016
EXPIRY DATE: 30/12/2016

HISTORY OF SITE

06/1025/18 -	Alterations to roof to include side dormer window extension (Certificate of Lawfulness of Proposed Development)	WLU	02/08/2006
07/0835/03 -	Two conservatories on rear elevation and front porch	PER	26/06/2007
07/1912/03 -	Conservatory on north east elevation	PER	23/10/2007
15/0975/03 -	Erection of first floor extension to rear garden garage.	PER	12/11/2015
15/1324/32 -	Discharge of Condition 3 of application 15/0975/03 approved 12 November 2015.	PER	22/12/2015

DESCRIPTION OF SITE/PROPOSAL

Site

- The application site is situated in the Heavitree Ward and just beyond the north eastern boundary of the Heavitree Pleasure Ground;
- The property is a semi-detached dwelling house located in a low-density residential cul-de-sac;
- The surrounding area consists mainly of semi-detached dwellings that were constructed in the early-mid 20th Century and that are situated on sizeable plots of land.

Proposal

The proposal seeks retrospective planning permission for amendments to the approved outbuilding (ref. 15/0975/03) - the modifications to the approved scheme comprise:-

- The insertion of obscure-glazed and fixed shut French doors at first floor level on the south west elevation;
- Increased outbuilding width from 3.1m to 3.2m;
- An increased length from 7.7m to 8m; and,
- An increased maximum height from 4.7m to 4.9m.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

No additional information was supplied by the applicant.

REPRESENTATIONS

5 objections were received during the public consultation period - the materials planning considerations raised comprise:

- Overlooking/ loss of privacy;
- Overshadowing/ loss of sunlight;
- Inappropriate design/ impact upon the character of the area.

PLANNING POLICIES/POLICY GUIDANCE

National Planning Policy Framework (2012)

Core Planning Principle 4

Section 7 - 'Requiring good design'

Exeter Local Plan First Review 1995-2011 (2005)

DG1 Objectives of urban design

DG4 Residential layout and amenity

Exeter City Council Development Delivery DPD (2015)

DD13 Residential Amenity

OBSERVATIONS

This planning application seeks to regularise a range of aspects of the current as built structure which do not strictly accord to the approved details of scheme ref. 15/0975/03. The modifications sought are set out in the description of the proposal above.

The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure - none of the enlarged dimensions exceed 300mm. Perhaps the most sensitive of these increased dimensions is the raising of the ridgeline height and the increase sought in this respect is 200mm. The applicant and neighbours have previously been advised that it would not be expedient to take enforcement action in respect of these increased dimensions.

The insertion of an additional window at first floor level on the south west elevation is not considered to be problematic given that this window would be obscure glazed and fixed shut to thereby eliminate any possibility of overlooking of neighbouring properties. The window is visible from Lymeborne Avenue, and to a lesser extent from Heavitree Pleasure Ground, but does not detract from the character of the area.

It is considered that the modest enlargement of the outbuilding and the insertion of an additional window is acceptable because the added impact upon the amenity of neighbours and the character of the street scene (Lymeborne Avenue) and the wider area is very low.

DELEGATION BRIEFING (20/12/2016)

Members deferred the application in order to undertake a Member Site Inspection.

SITE INSPECTION

Members viewed the site from the street and from within the curtilages of 2 and 3 Lymeborne Avenue. They noted the details of the approved scheme and the differences between that and the current proposal. They also noted the relationship between the development and neighbouring properties, including the relative position of windows. The Assistant City Development Manager summarised the objections that had been received. Members expressed concern about the unauthorised windows in the front elevation and their potential impact on the privacy and amenity of neighbours. They considered that, in accordance with the terms of the application, these windows should be obscure glazed and fixed shut. Members also noted that a previously approved roof light in the side elevation of the development within 2 Lymeborne Avenue had not been fitted with obscure glazing as required by a condition of the original approval. They asked that this condition be repeated in any revised approval, and that compliance is appropriately enforced.

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 04 November 2016 (*application form and dwg. nos. PL/SLP/01, PL/PRO.FLOOR & ROOF PLANS/01 and PL/PRO.ELEVATIONS/01*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.
- 3) C26 - Domestic Use Only
- 4) The scheme hereby approved will be an ancillary addition to the main dwelling and will not become or be part of an independent residential unit, unless otherwise agreed in writing by the Council.
Reason: To prevent an overbearing form of development and to protect the amenity of adjoining neighbours.
- 5) Before the development hereby approved is brought into use the proposed windows in the first floor east and south elevations of the property shall be permanently glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the first floor of these elevations.
Reason: To protect the amenities of the adjoining property.

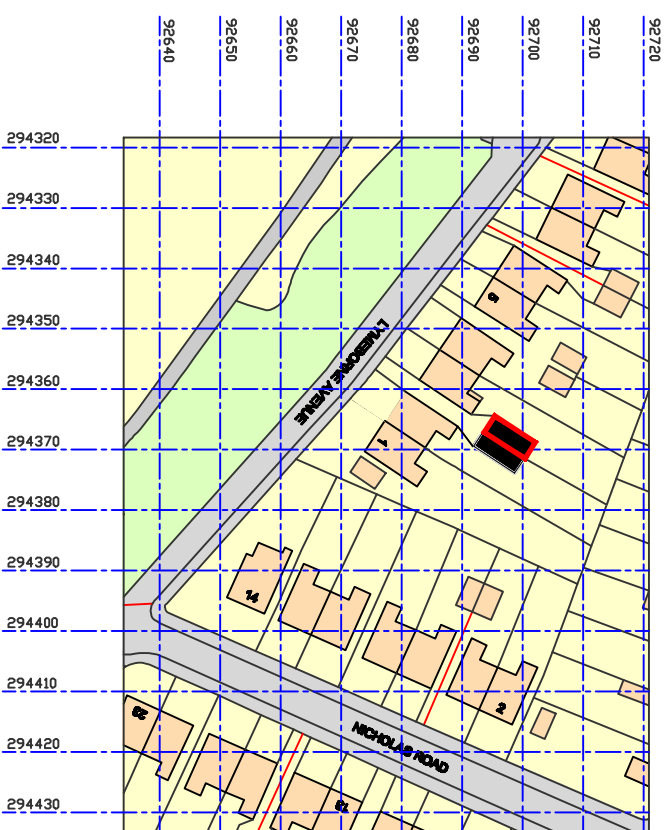
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DRAWING

SITE LOCATION PLAN

SCALE : 1:1250 on A3

DRAWN : GCM

REV. :

DRAWING No. : P/L SLP/01

PROJECT, CLIENT & LOCATION

ALTERATION TO DETACHED GARAGE

FOR

MS NOBLE

3 LYMBORNE AVENUE

EXETER

DEVON

EX1 3AU

1A FORE STREET
CULLUMPTON
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REPORT TO: PLANNING COMMITTEE**Date of Meeting: 13 FEBRUARY 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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Application Number: 16/0918/03 **Delegation Briefing:** 22/11/2016 0
Decision Type Permitted **Decision Date:** 19/01/2017 DEL
Location: Mercer House, Exwick Road, Exeter, EX4 2AT
Proposal: Conversion of Mercer House into four dwellings

Application Number: 16/1441/21 **Delegation Briefing:** 20/12/2016 0
Decision Type Prior Approval Not Required **Decision Date:** 03/01/2017 DEL
Location: Kinnerton Way &, St. Andrews Road, Exeter, EX4
Proposal: Installation of 15m mast and associated cabinets

Application Number: 16/1297/03 **Delegation Briefing:** 24/01/2017 0
Decision Type Permitted **Decision Date:** 24/01/2017 DEL
Location: Trefoil Lodge, Buddle Lane, Exeter, EX4 1JP
Proposal: Partial demolition of existing community hall and construction of extension to improve facilities. Revisions to previously approved scheme reference 15/1142/03

HEAVITREE

Application Number: 17/0051/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 24/01/2017 DEL
Location: 16 North Avenue, Exeter, EX1 2DU
Proposal: Fell 1 Pittosporum

Application Number: 16/1651/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/01/2017 DEL
Location: 63 Fore Street, Heavitree, Exeter, EX1 2RJ
Proposal: 1 x fascia only logo illuminated 1 x internally illuminated projector 1 x internally illuminated logo 9 x non-illuminated wall mounted aluminium panels 1 x non-illuminated wall mounted aluminium panel 1 x non-illuminated double sided post mounted aluminium panel 1 x non-illuminated acrylic letters

Application Number: 16/1683/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/01/2017 DEL
Location: 7-8 Mont Le Grand, Exeter, EX1
Proposal: Pollard willow tree

Application Number:	16/1644/39	Delegation Briefing:		
Decision Type	Prior Approval Not Required	Decision Date:	11/01/2017	DEL
Location:	15 Tor Close, Exeter, EX4 9AB			
Proposal:	Single storey rear extension: Maximum depth: 5m, Maximum eaves height: 2.65m, Maximum height: 3.7m.			

Application Number:	16/1626/03	Delegation Briefing:	24/01/2017	0
Decision Type	Permitted	Decision Date:	25/01/2017	DEL
Location:	Twin Gables, Cheynegate Lane, Exeter, EX4 9HZ			
Proposal:	Extension, alterations & creation of new access			

NEWTOWN

Application Number:	16/0405/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	27/01/2017	PER
Location:	Stagecoach Devon Ltd, Belgrave Road, Exeter, EX1 2LB			
Proposal:	Demolition of existing buildings. Redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.			

Application Number:	16/1563/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	04/01/2017	DEL
Location:	Nuffield Hospital, Wonford Road, Exeter, EX2 4UG			
Proposal:	Extension to Plant Room (UPS): Increasing width & addition of additional storey to accommodate a new Air Handling Unit, 2 (no.) Condensers, Chiller Unit & Packaged Pressurisation Unit and Expansion Vessel.			

NEWTOWN & ST LEOI

Application Number:	16/1495/03	Delegation Briefing:		
Decision Type	Permitted	Decision Date:	04/01/2017	DEL
Location:	30 Denmark Road, Exeter, EX1 1SE			
Proposal:	Change of use from 11 bed registered small care home (C2) to Sui Generis accommodation for staff/professionals.			

Application Number: 16/1219/03 **Delegation Briefing:** 10/01/2017 0
Decision Type Permitted **Decision Date:** 11/01/2017 DEL
Location: Garages, Chancel Lane, Exeter, EX4 8PY
Proposal: Change of use from waste ground to car parking for 10 vehicles and associated works

PRIORY

Application Number: 16/1347/03 **Delegation Briefing:** 06/12/2016 0
Decision Type Refuse Planning Permission **Decision Date:** 11/01/2017 DEL
Location: The Bungalow, Mount Wear Court, Countess Wear Road, Exeter, EX2 6LR
Proposal: Single storey extension

Application Number: 16/1348/07 **Delegation Briefing:** 06/12/2016 0
Decision Type Refuse Planning Permission **Decision Date:** 11/01/2017 DEL
Location: The Bungalow, Mount Wear Court, Countess Wear Road, Exeter, EX2 6LR
Proposal: Single storey extension

Application Number: 16/1447/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 11/01/2017 DEL
Location: 11 Well Oak Park, Exeter, EX2 5BB
Proposal: Garage conversion and single storey extension to front elevation.

Application Number: 16/1585/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 10/01/2017 DEL
Location: Land at Veysey Close, Exeter,
Proposal: TPO 450: T28 - Oak - Reduce northern primary stem to give 3-5m by removing secondary and tertiary branches and fell G12 Leyland Cypress

Application Number: 16/1572/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/01/2017 DEL
Location: 50 Well Oak Park, Exeter, EX2
Proposal: Replace existing double doors with 3 leaf bi-fold doors

Application Number:	17/0160/37	Delegation Briefing:	
Decision Type	Permitted	Decision Date:	01/02/2017 DEL
Location:	Land off, Exeter Road, Topsham, Exeter, EX3		
Proposal:	Alteration to design of entrance area of Plots 23-28 approved under 15/0909/02 (Outline Consent 14/1605/01).		

Total Number of Decisions Made:	137
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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: 13 FEBRUARY 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 No decisions have been received since the last report.

4. New Appeals:

4.1 One new appeal has been received:

44 Rivermead Road – Application Ref: 15/0513/03

The application sought a ground floor rear extension.

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

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