

PLANNING

Date: Monday 20 March 2017
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Sutton (Chair), Lyons (Deputy Chair), Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Apologies**

To receive apologies for absence from Committee members.

2 **Minutes**

To sign the minutes of the meeting held on 9 January and 13 February 2017.

3 **Declarations of Interest**

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

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

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

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

Public Speaking

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

5 Planning Application No. 17/0121/01 - Land adj West of England School, Topsham Road, Exeter

To consider the report of the Assistant Director City Development. (Pages 5 - 22)

6 Planning Application No. 16/1576/01 - Home Farm, Pinhoe

To consider the report of the Assistant Director City Development. (Pages 23 - 44)

7 Planning Application No. 16/1562/03 - Builders Yard, Lower Albert Street, Exeter

To consider the report of the Assistant Director City Development. (Pages 45 - 54)

8 Planning Application No. 17/0053/03 - British Heart Foundation, 1 Cheeke Street, Exeter

To consider the report of the Assistant Director City Development. (Pages 55 - 72)

9 Planning Application No. 16/1560/03 - 16 Mowbray Avenue, Exeter

To consider the report of the Assistant Director City Development. (Pages 73 - 80)

- 10 **Planning Application No 16/0318/03 - Land adj Pinhoe Hoard, Pinhoe Road, Exeter**
- To consider the report of the Assistant Director City Development. (Pages 81 - 90)
- 11 **List of Decisions Made and Withdrawn Applications**
- To consider the report of the Assistant Director City Development. (Pages 91 - 114)
- 12 **Appeals Report**
- To consider the report of the Assistant Director City Development. (Pages 115 - 116)
- 13 **SITE INSPECTION PARTY**
- To advise that the next Site Inspection Party will be held on Tuesday 11 April at 9.30 a.m. The Councillors attending will be Harvey, Mrs Henson and Edwards.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 27 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 5

ITEM NO. 5

COMMITTEE DATE: 20/03/2017

APPLICATION NO: 17/0121/01 **OUTLINE PLANNING PERMISSION**

APPLICANT:

A D P & E Farmers

PROPOSAL:

Outline planning application for up to 123 houses and associated infrastructure, with all matters reserved except for access.

LOCATION:

Land adjoining the West of England School, Topsham Road, Exeter, EX2

REGISTRATION DATE:

23/01/2017

EXPIRY DATE:

24/04/2017

HISTORY OF SITE

Applications for the residential development of this site were dismissed on appeal in 1962 and 1967. A further application in 1976 was also refused for local plan, highway, landscape and drainage reasons.

An outline application (ref 96/0620/01) for the residential development of the site was refused in December 1996 for reasons that: the site was outside the urban limit; the site was within a Valley Park, there was no demonstrable need for the development since there was sufficient land for housing within the Local Plan; the prominence of the site in the landscape; and, highway reasons. A subsequent appeal against this decision was dismissed in September 1997 on the grounds that the proposal would conflict with the approved Devon County Structure Plan, the Exeter Local Plan First Alteration and the provisions of the then emerging Second Alteration. The Inspector concluded that the residential development of the site and the extension of the urban area across the open green land would significantly damage the existing and potential qualities of the park and the character and appearance of the area in direct conflict with the objectives of the development plan.

A further outline application (ref 01/1769/01) for residential was refused in May 2002 on the following grounds:-

The proposal is contrary to policies 1L, 5L, 9LS and 1DG of the Exeter Local Plan First Alteration, Alterations 12, 13 and 15 of the Exeter Local Plan Second Alteration, policies H1, H2, L1, LS1 and LS6 of the Exeter Local Plan First Review Deposit Draft, policies H1, H4, and C17 of the Devon Structure Plan First Review and the DETR Planning Policy Guidance Note No.3, because:

- (a) it would result in development within an area of countryside identified as part of the Ludwell Valley Park where it is aimed to keep such areas open in the interests of visual amenity and to provide casual recreation; and*
- (b) there is no demonstrable need for the development as sufficient land has been provided for on previously-developed sites and through urban extensions, in accordance with the search sequence set out in PPG3, to meet immediate and longer term housing requirements; and*
- (c) it would give rise to prominent development adversely affecting the character and appearance of the Ludwell Valley Park and the surrounding area including important views of surrounding countryside; and*
- (d) it would harm, directly or indirectly, a protected wildlife species.*

Following the refusal of planning permission an appeal was lodged and subsequently recommended to the Secretary of State that it be dismissed in November 2003. The Appeal Inspector concluded in his report to the Secretary of State that:-

'The appeal proposal would cause significant harm to the character and appearance of the area and to casual recreation within the Ludwell Valley Park. It would also be likely to result in material harm to the habitat of a specially protected species. These harmful effects would not be overcome by any of the suggested conditions or by the planning obligations contained in the appellant's Unilateral Undertaking. The resultant conflicts with development plan policy would not be outweighed by the contribution which the proposal would make to the realisation of other development plan objectives, particularly in respect of housing provision and transportation. Nor would these conflicts be outweighed by other material considerations, including emerging development plan policies, national and regional planning policy guidance, and the wider benefits arising from the proposal and its associated planning obligations'.

Subsequently in January 2004 the Secretary of State agreed with the Inspector's conclusion stating that:-

'...the application is a departure from the adopted development plan as the site is part of Ludwell Valley Park and the proposal would be contrary to development plan policies on the protection of landscape character, recreational open space and the habitat of a protected species. He also concludes that there is no need for the development at this time to meet housing targets. While the proposal would provide greater choice of housing land in an accessible and sustainable location as well as other material benefits to the local community, the Secretary of State does not consider that these benefits are sufficient to outweigh the potential harm to the habitat of the curlew and the enjoyment of people using the remaining areas of the Park. He concludes that there are no other material considerations of sufficient weight as to indicate that he should determine the application other than in accordance with the development plan'.

Members will recall that this application was reported to the Planning Committee on 27 June 2016 and deferred without discussion, due to the absence of written highway comments from Devon County Council being received. The application was reported to the next Planning Committee on 25 July 2016 and refused contrary to Officer's recommendation for the following reasons:-

The proposal is contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 Policy CP16 and Exeter Local Plan First Review 1995-2011 Policies L1 and LS1 because:-

- (a) it would result in development within an area of open land identified as part of the Ludwell Valley Park where it is aimed to keep such areas open in the interests of visual amenity and would prevent the potential opportunity for informal recreation; and*
- (b) it would harm the landscape setting of the city adversely affecting the character and appearance of the Ludwell Valley Park and the surrounding area including important views of surrounding countryside.*

The applicant has appealed against this refusal and it is anticipated that a Public Inquiry will be held later this year, although no date has been fixed.

DESCRIPTION OF SITE/PROPOSAL

The site comprises an area of land of 6.73 hectares in total comprising an open field bounded to the south west of the site by the West of England School and College which has access off Topsham Road. The site is an undulating grass field with its highest part located within the north western section near to existing residential properties in Tollards Road and Wendover Way. The field falls away towards the south east which forms its boundary with Rydon Lane (A379). A row of semi mature trees are located adjacent to Rydon Lane separated from the road by a foot and cycle path. The north eastern boundary of the site is defined by an established tree and hedgerow with an unimproved area of grassland beyond which lies adjacent to the office buildings within Pynes Hill Business Park.

The site is located within the Ludwell Valley Park and is designated as an area of Landscaping Setting. The Park is designated in the Exeter Local Plan First Review as a Site of Nature Conservation Importance, although Devon Biodiversity Records Centre representatives concluded in July 2014 that the site no longer qualifies as a County Wildlife Site and consequently the site's status will be removed when the Development Plan is reviewed.

The application seeks to develop the site for a maximum of 123 dwellings with associated infrastructure. The application is for all matters reserved except for access which is proposed from Topsham Road using an improved existing vehicular and pedestrian access alongside the West of England School and College and linking with an existing spur off Wendover Way which joins Topsham Road via Tollards Road. The application is accompanied by an Illustrative Masterplan and a Landscape and Visual Appraisal to inform the intended development area/open space.

This application is essentially the same as the scheme submitted and refused in August 2016. Additional information has been provided by the applicant in the form of a Landscape Review, which provides comment on the original Landscape and Visual Appraisal and makes suggested improvements to the masterplan in respect of the removal or screening of two proposed dwellings within the central eastern part of the site.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The applicant has submitted the following consultants' reports to support their case which are the same as previously submitted except for the Planning Statement Appendum and Landscape Review

Planning Statement

Planning Statement Addendum (January 2017)

Illustrative Masterplan and Design and Access Statement

Landscape and Visual Appraisal

Landscape Review (January 2017)

Statement of Community Involvement

Transport Assessment and Travel Plan

Ecological Assessment

Archaeological and Heritage Assessment

Flood Risk Assessment

Foul Sewerage Capacity Assessment

Ground Contamination Report

Noise Assessment

Acoustic Assessment

REPRESENTATIONS

1 email of support from West of England School and College commenting that they understand the need to identify housing sites for current and potential residents of the city and believe that there will be benefits for WESC in respect of the ability for their learners and staff to have more direct access to Ludwell Valley Park. The principal planning issue for WESC is regarding the health and safety of their learners, staff and visitors on the highway access from the Topsham Road and their wish to ensure that the improvement work to the access road is a pre-condition of the development taking place and completed before any work starts on site.

323 letters/emails of objection have been received including Ludwell Life Community Group. Principal material planning issues raised:-

1. As the application remains unchanged from the previous application refused in August 2016 all the previous raised objection should be repeated;
2. 'Enough is enough'. As this is the seventh application for the site, the Council should refuse planning consent again or refuse to consider;
3. Development would destroy part of the Ludwell Valley Park which is important for wildlife and informal recreation/public open space:
4. Wholly inappropriate to build within a Valley Park;
5. Overdevelopment of the Countess Wear area;
6. Loss of open countryside/views across the site;
7. Loss of green buffer between built up area and open spaces;
8. Serious impact on existing wildlife in the area, notably curlew buntings/ badgers/ dormice/ foxes;
9. Existing wildlife on the site should continue to be protected;
10. Lead to increased pressure for further development within the Valley Park;
11. Adversely affect the existing ancient hedgerow along the boundary of the site alongside the Valley Park;
12. Detrimentially affect the biodiversity of the area and rare/protected species;
13. SHLAA report 2015 clearly states that site unsuitable for housing;
14. Contrary to Core Strategy Policies;
15. Site has been rejected for housing several times previously with Appeal Inspectors stating that '*...development would leave an isolated tongue of land between the site and Woodwater Park offices that would lack the extensive rural character of the Valley Park as a whole*'
15. Inspector at 2003 Local Plan Inquiry concluded that '*...the site should be remain park of the Valley Park because of its general prominence from Rydon Lane and its consequent role in forging a landscape link between the actively used parts of the Valley Park and the wider area*'
16. City Council should continue to refuse planning applications on this site as there has been no change in policy circumstances since these decisions were made;
17. Applicant's Planning Statement is out of date referring to the 2013 SHLAA and not the 2015 SHLAA;
18. Increased traffic in the area particularly along the already busy Topsham Road;
19. Potential for increased parking pressures on the existing roads due to insufficient parking within the site once developed;
20. Transport assessment misrepresentative and does not reflect the considerable traffic that already exists in the area;
21. Existing roads (Tollards Road, Southbrook Road and Wendover Way) too narrow/unsuitable to accommodate proposed increased traffic levels;
22. Too many vehicles using these roads already;
23. Inevitably lead to greater congestion at the Tollards Road/Topsham Road junction which already suffers from queuing;
24. Potential for gridlock in the area;
25. Greater risk to pedestrians due to the increased traffic to area, particularly dangerous to pupils of the local schools in the area;
26. Blind corners within Tollards Road and Southbrook Road will become more dangerous because of the increased traffic use;
27. Increased traffic congestion will prevent emergency vehicles accessing the estate;
28. Dangerous for pedestrians/cyclists along Wendover Way as new access road crosses this route;
29. Air pollution will increase particularly in an area which already has a high level of pollutants;
30. Detrimental to air quality in the area;
31. Air quality report is inaccurate and out of date;
32. No need for additional houses in the city as there are already too many;
33. Brownfield sites should be developed before greenfield sites;
34. Cranbrook/Newcourt/Rydons has already provided enough homes for the area;
35. Area cannot take more development given the future arrival of IKEA;

36. Inadequate local infrastructure such as lack of schools, hospitals, doctors and capacity of existing sewage system to accommodate the increased number of new residents;
37. Loss of privacy/overlooking due to future housing backing onto properties in Tollards Road/Wendover Way;
38. Loss of peace and quiet of the area;
39. Housing density indicated would be too high for the area.
40. Potential for flooding particularly onto Topsham Road due to the slope of the site;
41. Existing infrastructure in the area will not take further development, such as the existing culvert under Tollards Road and Southbrook Road;
42. Adverse impact on existing archaeological features present within the site.

CONSULTATIONS

The County Head of Planning, Transportation and Environment comment that an identical application was submitted in June 2016. The Officer recommendation was to raise no highway objection, noting the benefit of two accesses to the site and subject to conditions and a S106 agreement. The County Council's Development Management Committee debated this recommendation in July 2016 and considered a highway objection by reason of safety and congestion; however this was withdrawn on the advice from the County Solicitor. Consequently, Members voted on agreeing the Officer recommendation of no objection. This motion was voted on and lost. Members then took a second vote, in light of the above and resolved that Exeter City Council be advised that the Committee is not able to submit any view on this application.

Following a request from a local County Councillor the revised application was taken back to the County's Development Management Committee in March 2017 to consider the Highway Authority's response. The minutes state that '*...the Chairman reminded Members that this Committee on 20 July had considered this matter as the Highway Authority and it had been resolved 'that Exeter City Council be advised that the Committee is not able to submit any view on this application'. Subsequently the application had been refused by the Exeter City Council and was now the subject of an appeal. The new revised application received by the Exeter City Council was unchanged in highway terms and the officers would respond in the normal way reflecting the Committee's previous considerations'*.

The County Flood Risk Officer raises objection on the basis that the scheme does not mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. *(The applicant are currently seeking to provide this additional information to the satisfaction of the Flood Risk Officer and a comment on the progress made will be included in the update sheet prior to Committee)*

Highways England raise no objection commenting that the application is supported by a Transport Assessment (TA) prepared by Hydrock and dated January 2015. The trip rates and distribution set out in the TA reflect those that were considered by Highways England and agreed by as appropriate at the scoping stage. Whilst some time has lapsed since the proposals were originally considered, Highways England remain satisfied that the likely impact of trips routing via M5 Junction 30 will not be severe as defined by the NPPF.

Environmental Health Officer raises no objection subject to suitable condition in respect of the need for a Construction and Environment Management Plan (CEMP), a full investigation in terms of contamination of the land and remediation works where necessary, investigation of risks posed by unexploded ordnance together with any future works necessary and the need for a scheme for the protection of the proposed development from ambient noise.

South West Water raise no objection. Comment is made that the accompanying Utilities Plan acknowledges that public sewers runs within the site. To avoid the need to have these diverted, no buildings or structures should be located within 3 metres of them and neither can they be retained in private areas.

Natural England comment that the proposal is unlikely to have a significant effect on a European site and can therefore be screened out from any requirement for further assessment. It is considered that CIL will secure financial contributions to deliver strategic mitigation measures to avoid impacts on European sites as set out in the 'South East Devon European Sites Mitigation Strategy (Footprint Ecology 2013). Therefore Natural England advises that a separate Habitat Regulations Assessment will be not required. NE provide further comment that in response to the Draft Development DPD document they objected to the site being included as an allocation since it was a County Wildlife Site, part of Ludwell Valley Park and an important component of the Green Infrastructure of the city, as identified in the '*Green Infrastructure Strategy Phase II - Exeter Area and East Devon Growth Point (2009)*'. The CWS boundary has since been revised to exclude this area but the Valley Park designation and its importance to the overall green infrastructure strategy remains. Furthermore, in the *South East Devon European Sites Mitigation Strategy* the authority has identified enhancements to the Exe Riverside and Ludwell Valley Parks as necessary to provide 'Suitable Alternative Natural Green Space' (SANGS) as mitigation for recreational impacts. Before granting any permission for this site the authority must ensure that this would not compromise the ability to deliver this proposed mitigation.

RSPB object to the principle of built development on Ludwell Valley Park, reiterating objections raised in respect of the previous application 15/0436/01. Comments made that building on the Valley Park, a vital element of the city's green infrastructure, is contrary to Local Plan policies and its Green Infrastructure Strategy. The application site is an integral component of the Valley Park and the development will reduce the overall potential for the Valley Park and the County Wildlife Park to support biodiversity and provide public health benefits as part of the Exeter's Green Infrastructure. The proposed development presents risk of lighting, noise and disturbance impacts on the remaining adjacent part of the Valley Park and onto the County Wildlife Site. No mitigation is proposed to ensure there will be no detrimental impacts on the County Wildlife Site. Their objection provides further detail on lack of clarity and detail in respect of green infrastructure enhancement and future management. In addition, the consultation provides recommendations in specific measure in respect of hedge/tree planting, need for a CEMP and SUDs for the site and identifies opportunities for urban biodiversity,

Devon Wildlife Trust comment that the proposal will bring the north east boundary of the housing development right up to the County Wildlife Site (CWS). Given the likely disturbance from lighting and human activity on the CWS boundary it is considered that a much wider green buffer be created in the area. In addition given the proximity of the development to Ludwell Valley Park it is inevitably that there will additional pressures from increased useage and therefore to protect it was degradation careful attention will need to be given to adequacy of pathways, fences, gateway access, dog waste bins and it is essential that mitigation measures are known before a planning decision is made.

Devon and Cornwall Police views are awaited

Devon and Somerset Fire and Rescue Service raise no comment at this stage as there is insufficient information to determine whether firefighter and vehicular access arrangements will be provided but would expect this to be provided under Approved Document B of the Building Regulations in due course.

Housing Development Officer comments that 35% of the total dwellings must be affordable in line with the Affordable Housing SPD, which for a 123 dwellings would be 43 with a financial contribution needed for the remaining 0.05. In accordance with the Affordable Housing SPD at least 70% of the affordable units are required to be social rent (31 units) the remainder to be intermediate affordable housing (12 units); the scheme to achieve a representative mix of market dwelling types and sizes (including number of bedrooms); 5% (2 units) of the affordable housing to be wheelchair accessible in accordance with the Council's Wheelchair Housing Design Standards and affordable housing to be spread out across the site in clusters of no more than 10 units.

Heritage Officer comments that significant remains have been confirmed on site in the form of a prehistoric Bronze Age enclosure within it and an early parish boundaries on its NE boundary. However neither form constraints on the principle or layout of the development, as the enclosure has already been heavily damaged by ploughing and the latter can continue to exist as the boundary to the site. It is therefore recommended that an archaeological condition is attached to scheme.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance: National Planning Policy Framework:-

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

National Planning Policy Guidance

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

Paragraph 12 - *'The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up to date plan in place.'*

Paragraph 14 *'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking...*

For decision-takers this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted'*

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

Exeter Local Development Framework Core Strategy:-

- CP1 – Providing for Growth - Spatial Strategy
- CP3 – Housing Distribution
- CP4 – Housing Density
- CP5 – Meeting Housing Needs
- CP7 – Affordable Housing
- CP9 – Strategic Transport Measures
- CP10 - Meeting Community Needs
- CP11 – Pollution
- CP12 – Flood Risk
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure
- CP17 – Sustainable Design
- CP18 – Infrastructure
- CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011:-

- AP1 - Design and Location of Development
- AP2 - Sequential Approach
- H1 - Search Sequence
- H2 - Location Priorities
- H5 - Diversity of Housing
- H6 - Affordable Housing
- H7 - Housing for Disabled People
- L1 - Valley Parks
- T1 - Hierarchy of Modes
- T2 - Accessibility Criteria
- T3 - Encouraging Use of Sustainable Modes
- T5 - Cycle Route Networks
- T10 - Car Parking Standards
- C5 - Archaeology
- LS1 - Landscape Setting
- LS4 - Local Nature Conservation Designation
- EN2 - Contaminated Land
- EN3 - Air and Water Quality
- EN4 - Flood Risk
- EN5 - Noise
- DG1 - Objectives of Urban Design
- DG4 - Residential Layout and Amenity
- DG5 - Provision of Open Space and Children's Play Areas
- DG6 - Vehicle Circulation and Car Parking in Residential Areas
- DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version):-

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

DD1 - Sustainable Development

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

Exeter City Council Supplementary Planning Documents:-

Affordable Housing
Archaeology and Development
Planning Obligations
Public Open Space
Residential Design Guide
Trees and Development

Other Relevant Planning Documents:-

SHLAA 2015
Green Infrastructure Strategy Phase II - Exeter Area and East Devon Growth Point (2009)
Riverside and Ludwell Valley Parks Masterplan 2016-2016

OBSERVATIONS

Members are advised that this application essentially repeats the scheme submitted and refused at Planning Committee in July 2016. The applicant has submitted a Landscape Review which seeks to address the reason for refusal which focused on issues of harm to visual amenity and landscape setting in Ludwell Valley Park. This report agrees with the findings of the previous Landscape and Visual Assessment and concludes that '*... while the development of the site would lead to the loss of an open area forming a part of the Ludwell Valley Park, the site is not a publicly accessible area of the park and has a limited visual and landscape relationship with the wider Valley Park landscape*'. The Addendum reports also offers further mitigation suggestions through either the screening of a section of the site or removal of the area for potential development. The applicant has submitted this duplicate application with additional landscape information to avoid the need, if approved, for a Public Inquiry in respect of the previous refused scheme.

This site has been the subject of several applications and appeal decisions for residential development as highlighted in the history of the site section. The substantial amount of correspondence from local residents shows the strength of feeling regarding the site's development. It is clear that residents feel passionate about the potential loss of open land close to their homes and many have expressed surprise as to why the applicant has been continually allowed to submitted applications on this site. The submission of repeated applications on the same site is an applicant's prerogative and in most situations cannot be resisted by a local planning authority. However the last application was made in 2001 with a judgement made by the Secretary of State in 2004. Consequently, how planning applications are determined has significantly changed since this time, particularly with the introduction of the National Planning Policy Framework (NPPF) in 2012, which at its heart has the presumption in favour of sustainable development. Whilst the NPPF does not promote development regardless of the potential adverse impact it may have on an area, it does have

a bearing on how planning applications need to be assessed, as has been highlighted by the recently allowed appeal decisions for residential development at Home Farm, Pinhoe and Exeter Road, Topsham.

Implications of Exeter Road Topsham Inquiry decision

Before considering the merits of this application it is important to understand the implications of the allowed appeal decision at Exeter Road, Topsham. The principal finding of this Inspector's decision letter was to conclude that the Council could not demonstrate that it has a five year supply of deliverable housing sites. This conclusion is important as NPPF paragraph 49 states that the relevant policies for the supply of housing should not be considered up to date, if the local planning authority cannot demonstrate a five year housing supply. In practice this appeal decision, which is consistent with the appeal allowed at Home Farm, Pinhoe affects how the Council deals with applications for major housing developments. However, before highlighting these changes it is important to remember that this appeal decision does not override planning law which requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise, as stated in NPPF paragraph 11 and 12.

The impact of the lack of a 5 year housing supply is to engage NPPF paragraph 14 as a material planning consideration. Paragraph 14 states that where policies are out of date (due to the lack of a five year housing land supply) planning permission should be granted unless *'...any consequent adverse impact of doing so would significantly and demonstrably outweigh the benefit, when assessed against policies in the Framework taken as a whole, or specific policies in the Framework indicates that the development should be restricted'*. Whilst the lack of a 5 year housing supply effectively labels the Council's development plan housing supply policies 'out of date', they are not irrelevant to the determination of the planning application and it is still for the local planning authority to determine what weight is attached. The wording of NPPF paragraph 14 is however important as it requires, in this instance, a residential scheme to have a significant and demonstrable adverse impact for it to be refused. In effect, the evidence of adverse harm needs to be greater than has been previously required to outweigh the positive benefit of additional homes being provided to meet the identified deficiency in housing numbers in the city.

Consequently in practice it will be more difficult to refuse housing schemes unless clear evidence can be provided by the local planning authority that the development would cause a significant and demonstrable adverse impact. It is important to acknowledge that the existence of a development plan policy, in this instance, Local Plan Policies L1 and LS1 which aims to protect the Valley Park and areas of landscape setting cannot be wholly relied on to resist development on this site, since these policies are relevant policies for the supply of housing and can no longer be considered up to date. However a balanced approach is still needed when assessing planning applications which considers the development plan policies and relevant other material considerations. The remainder of the report will seek to consider these matters.

Strategic Housing Land Availability Assessment (SHLAA)

Local residents refer to the finding of the 2015 SHLAA which concluded that the site is unsuitable for development and use this to suggest the development should be resisted. The SHLAA is an evidence base document compiled for plan-making purposes that cannot allocate a site or grant it planning permission. However, its findings could be considered a material consideration in determining this planning application. Whilst both the 2015 SHLAA and the Revised 2015 SHLAA concluded that the site is unsuitable for development, the 2013 SHLAA concluded that part of the site was suitable for development. This finding was made at a time when Exeter's five year housing land supply was considered marginal and it

appeared that the Core Strategy's target to deliver at least 12,000 dwellings over the plan period would otherwise not be achieved. The approach taken by the 2013 SHLAA was in accordance with the National Planning Practice Guidance (NPPG) which is clear that in order to meet housing targets, it may be necessary to change assumptions on the development potential of particular sites, including physical and policy constraints. As a result of the appeal decision the Council's housing supply has been found to be deficient and consequently the conclusions contained within the SHLAA will need to be re-assessed. It could be argued that in the current circumstances the outcome of this re-assessment (which is yet to be undertaken) is more likely to reflect the conclusions of the earlier 2013 SHLAA. However, it is important to re-emphasise that the SHLAA neither allocates nor grants planning permission and represents one of a number of material planning considerations.

Sustainable Location

NPPF paragraph 14 states that at its heart is the presumption in favour of sustainable development. It is accepted that the site is located within a sustainable location. It is close to good transport routes, local schools and amenities, which have the potential to be enhanced through the combination of planning conditions, Section 106 Agreement requirements or improvements arising from CIL receipts, if this application was to be approved. The site can therefore be regarded as a sustainable urban extension. Indeed in the previous appeal the Secretary of State stated that the site is *'...in an accessible and sustainable location as well as other material benefits to the local community...'* The application proposes a similar number of dwellings to the Exeter Road, Topsham appeal (up to 123 units against the 107 units at the Topsham appeal). The Inquiry Inspector commented that the number of units proposed for the Exeter Road appeal *'... would be of very considerable importance in delivering housing in the context of the serious housing shortfall...'* Accordingly given the similarity in number of homes proposed for the West of England School site, the development can not only be considered sustainable but significant in addressing the identified housing supply deficit. The applicant's planning statement also indicates that the scheme includes a 35% provision of affordable housing. Accordingly these factors represents material planning considerations within the overall assessment of this application.

Landscape Assessment

An important material consideration is the impact of the development on the landscape setting and the Valley Park. Previously assessments have concluded that development of the site would damage the landscape character and appearance of the Valley Park and these views have been supported by an Appeal Inspector and the Secretary of State. The applicants have submitted a Visual and Landscape Assessment to support their scheme which concludes that *'...development on this site will not have any substantial effects upon landscape resources and visual amenity within the local or wider area, including the strategically important Ludwell Valley Park...'* Whilst the submitted Landscape Review concurs with this previous Landscape Assessment conclusions, it also provides additional mitigation measures in respect of the development integration into its landscape setting. This Landscape Review recommends that the central eastern section of the development area be either screened or the two dwellings indicated within the illustrative masterplan omitted from the plan to further reduce the potential visual effect of the proposed development on the landscape. The applicant has confirmed that this central area will be excluded from the revised development parameter plan. It is considered that this could be addressed within a development parameters plan which identifies areas within the site suitable for built development and will form the basis for the layout at the reserved matters stage. Notwithstanding the conclusion reached in the applicant's landscape assessment and review, it is inevitable that housing development of this scale will have an impact on the openness of the site located within a Valley Park. Whilst the site's context has changed with further development in the area and to the management regime of the site, there remains an

adverse landscape impact. As previously stated, the consequence of out of date policies for the delivery of housing means that there is a need to demonstrate significant adverse impact of the proposed residential scheme to override the benefit of increased housing provision for the City. However this is not to say that the landscape qualities of the site are now rendered unimportant; they still represent a material consideration in the determination of this planning application.

Green Infrastructure

The Core Strategy Policy CP16 recognises the importance of improvements to green infrastructure as part of new development within the City and in the context of this site, the Newcourt area. The applicants have acknowledged the importance of the site's role as part of the City's Green Infrastructure Network and have stated that the site '*... will be significantly enhanced as a result of introducing public access and improving connectivity between the site and surrounding areas and providing significant new areas of public open space, planting and other landscape and ecological enhancement measures within the site*'. The creation of public access through the site and into the Valley Park on land which is currently in private ownership is to be welcomed. The Sustainable Movement Network and the Biodiversity Network opportunities (identified in the Newcourt Area Framework) could still be delivered alongside the proposed development. However further clarification has been requested from the applicant as to what measures for green infrastructure improvements are proposed to enable a detailed assessment as to the material benefit this scheme would bring. It is anticipated that a financial contribution towards improvements to pedestrian accessibility to, from and within the Ludwell Valley Park would be justified.

Valley Park and SANGS

Whilst the site lies within the Ludwell Valley Park there is currently no public access onto or through the site. Consequently the development of the site would not impact on the City Council's ability to deliver Ludwell Valley Park as a SANGS or have implications for the overall objectives of the Riverside and Ludwell Valley Park Masterplan. The applicant's submitted green infrastructure framework plan indicates areas which are important in landscape terms and it is therefore considered appropriate for a condition to be imposed which seeks to maintain these areas as public open space in the future. The site will also contribute to habitat mitigation through the payment of Community Infrastructure Levy and as previously stated green infrastructure improvements in terms of access to and from the Ludwell Valley Park would have the benefit of relieving public pressure on areas such as the Exe Estuary, a European protected site.

Cirl Buntings/Wildlife issues

The site was previously designated as a County Wildlife Site (CWS) due to the presence of cirl buntings. Previous applications have been refused on the basis that the development would harm directly or indirectly this protected species and this approach has been supported at appeal. However following consideration by the Devon Biodiversity Records Centre in 2014 it was agreed to de-designate the site as a CWS, as it no longer met the selection criteria, due to the absence of cirl buntings. However a letter from the RSPB stated that cirl buntings have been seen on three occasions in April 2016 approximately 400 metres from the site in Ludwell Valley Park. However it should be noted that to meet the CWS criteria 15 or more wintering birds are required to be recorded at the site and a minimum of 4 breeding pairs. In addition, the fact that the site is improved grassland rather than arable means that it is unlikely to provide suitable habitat for cirl bunting. The applicant's ecological consultant has previously stated that no cirl bunting have been sighted at the site using RSPB survey methods and the RSPB have made no specific comment on cirl bunting within

their consultation response. Consequently a refusal of the application due to the loss of cirl bunting habitat is not warranted.

Both the RSPB and Devon Wildlife Trust have raised concern about the development of this site and in particular the RSPB consider that the principle of development within the Ludwell Valley Park should be opposed, stating the proximity of new dwellings and occupants would present risks from lighting, noise and disturbance on wildlife within the Valley Park. Whilst the RSPB do not accept the applicant's assertion that the green infrastructure of the site will be beneficial due to the opening up a site which currently has restrictive access, they do consider that if approved significant benefits need to be provided to mitigate against its impact of future housing. In particular it is considered that further trees and hedges planting needs to be sensitively carried out to ensure existing habitats are not compromised or lost and the application needs to be accompanied by a detailed Construction and Environmental Management Plan, SUDs and should follow the recommendations of the Residential Design Guide SPD in respect of biodiversity requirement such as bird/bat boxes provision. It is agreed that these measures represent important considerations and therefore specific conditions will be needed in respect of this outline application to address this issues.

Highway Issues

Local residents have expressed serious concerns regarding the potential for the development to increase traffic congestion and safety within the area and onto Topsham Road, which would be exacerbated by the existing road layout around Tollards Road and Southbrook Road which contain several 'blind corners'. The application has been discussed at the County Development Management Committee on 2 March 2017 and the decision, as with the previous application, was that the Committee was unable to submit any view on this application. However, as with the previous application, the officer's recommendation was to raise no objection subject to the applicant entering into an appropriate legal agreement towards travel planning and the imposition of suitable conditions which include the improvement of access routes for vehicular traffic onto Topsham Road; the pedestrian/cycle access at Wendover Way and improvement to pedestrian/cycle routes heading east on the A379 have been provided. Consequently it is considered the application would be acceptable in highway terms, subject to the condition as set out in the Highways Officer's recommendation to their Committee.

Other Issues

The objections raise additional issues regarding the impact of the development on air pollution, flooding, pressure on local infrastructure e.g. schools, health provision, sewage system, wildlife and archaeology. It is considered that the various reports and consultation responses have satisfactorily addressed these comments and concerns.

Conclusion

As with the previous application a balanced judgement has to be made between the provision of new housing on this site to meet an identified shortfall in the city against the loss of part of the Valley Park and its value to the open character of the area. The benefits of the application for up 123 houses including the provision of 35% affordable homes, greater public access within and to the adjacent Valley Park and through improved green infrastructure in the area are significant material considerations that weigh in the application's favour. This has be balanced against the loss of an area of land in the Valley Park which contributes to the open character. Given the previous historic appeal decisions for this site and the more recent ones at Home Farm and Exeter Road the assessment of the relevant merits and adverse impact of this application are finely balanced.

The Exeter Road Inspector's decision on the City's lack of five year housing supply is a significant factor in how the Council assesses future planning applications for residential development. Whilst the decision does not change status of the adopted Development Plan, as the starting point against which the application needs to be assessed, it does mean that a greater level of evidence is needed to prove that the harm created by the development is significant and demonstrable. The Exeter Road Inspector was very clear in his conclusion that:

'... the circumstances of a significant housing shortfall, the need to boost the supply, are very important material considerations which significantly outweigh the conflict with the development plan...'

This decision represents a clear indicator as to how Inspectors will interpret the NPPF and ultimately how residential development schemes will be judged in the future. Consequently it is considered that the benefits of housing supply for the City, in the light of the Topsham Inspector's comments, are of fundamental importance and on balance favour approval of the application. However given the recognised landscape value of this site and its contribution to the Valley Park, it is important that the green infrastructure improvement to be offered by the applicant are significant and achieve the necessary integration of the development site into the area. In particular, the proposed improved pedestrian accessibility to and from the Ludwell Valley Park would represent a significant contribution to meeting the green infrastructure objectives of the area. Accordingly it is considered that, on balance, planning permission should be granted as previously recommended subject to further details being submitted in respect of green infrastructure improvements.

RECOMMENDATION

Subject to the receipt of clarification by the applicant of the specific nature of the green infrastructure measures proposed, the submission of a revised development parameters plan and the completion of a Section 106 Agreement in respect of affordable housing and a financial contribution of £500 per dwelling towards residential travel planning, delegated authority be given to the Assistant Director of City Development in consultation with the Chair of Planning Committee to **APPROVE** the application subject to the following conditions:

- 1) A02 - Time limit - outline
- 2) A05 - Outline submission of details
- 3) Notwithstanding the those matters reserved for later approval the development hereby permitted the scheme shall adhere to development areas identified as white with the Green Infrastructure Framework plan dated 16 April 2015 (dwg no. 3887_203) unless otherwise agreed in writing by the Local Planning Authority.
Reason: To maintain the character and appearance of the area.
- 4) A15 - Construction (CEMP 1)
- 5) 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.
Reason: In the interests of the occupants of nearby buildings.
- 6) A23 - Contamination (no info submitted)
- 7) A38 - Archaeology
- 8) Prior to the occupation of the development, details of a biodiversity management

and enhancement programme for the site shall be submitted to and approved by the Local Planning Authority and the programme shall be implemented and maintained thereafter accordance with the approved plan.

Reason: To enhance the biodiversity quality of the site.

- 9) No development shall take place on site until an investigation has taken place to determine the risk posed by unexploded ordnances and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.
Reason: In the interest of residential amenities.
- 10) Prior to commencement of the development, the applicant shall submit a scheme for protecting the proposed development from ambient noise. This shall be submitted to and approved by the Local Planning Authority before development commences. All the works that form part of the scheme shall be completed before any of the permitted development is occupied.
Reason: In the interests of residential amenity.
- 11) No part of the development shall be occupied until the proposed raised table access, footways, informal crossing of Topsham Road and other works, as indicated on Proposed Site Access – Topsham Road Drawing 13650/T05 Rev D, has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users in accordance with Paragraph 32 of the National Planning Policy Framework.
- 12) No more than 50% of the development hereby approved shall be occupied until the vehicular access to Wendover Way and enhancements to the pedestrian cycle connection to Pynes Hills, as indicated on the Proposed Site Access Drawing 13650/T06 Rev B, has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To provide safe and suitable pedestrian and cycle access to and from the site to local amenities, in accordance with Section 4 of the NPPF.
- 13) No more than 50% of the development hereby approved shall be occupied until two dedicated pedestrian/cycle routes heading east on the A379 have been provided in accordance with details to be agreed in writing by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide safe and suitable access for sustainable modes, in accordance with Section 4 of the NPPF.
- 14) The development hereby permitted shall not be carried out other than in accordance with the Development Parameter Plan (dwg no. *****) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings

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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LEGEND

	Site boundary
	Sustainable Urban Drainage
	Existing vegetation
	Proposed structural planting
	Existing open space
	Proposed open space

REV.	DESCRIPTION	APP. DATE
A	Tweaks to GI and inclusion of secondary access	TS 13/11/2014

LD A DESIGN

PROJECT TITLE
LAND AT COUNTESS WEAR

DRAWING TITLE
Green Infrastructure Framework

ISSUED BY	Exeter	T: 01392 260430
DATE	October 2014	DRAWN TS
SCALE@A3	1:2500	CHECKED MS
STATUS	Draft	APPROVED MS

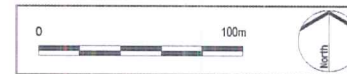
DWG. NO. 3887_203

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

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Sources: Ordnance Survey...

1. Reinforced hedgerow along north east boundary to screen long and short views from Ludwell Valley Park to the north and east.
2. Woodland blocks to screen long and short views from Ludwell Valley Park to the north and east. Woodland blocks to reflect landscape character of the valley park.
3. Vallet feature and central open space creating a 'green spine' and incorporating sustainable urban drainage.
4. Reinforced hedgerow buffer to existing homes along north west boundary.
5. Woodland Blocks and reinforced hedges to filter views from A379, properties to east side of road and to reinforce existing character within Ludwell Valley Park.
6. Existing hedge retained within accessible open space with footpath access.
7. Proposed public open space with footpath access to valley park. To safeguard 'green corridor' view from Ludwell Valley park to the north and reduce any impact on long distance views from the south. Grassland/meadow charcter to reflect landscape character of valley park.
8. Existing Valley Park.



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Agenda Item 6

ITEM NO. 6

COMMITTEE DATE: 20/03/2017

APPLICATION NO: 16/1576/01 **OUTLINE PLANNING PERMISSION**
APPLICANT: c/o agent
Waddeton Park Ltd & The R B Nelder Trust
PROPOSAL: Outline application for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (all matters reserved for future consideration apart from access)
LOCATION: Land at Home Farm, Church Hill, Pinhoe, Exeter, EX4
REGISTRATION DATE: 14/12/2016
EXPIRY DATE: 15/03/2017

HISTORY OF SITE

10/1973/16	Excavation works to form flood alleviation scheme and gated access	PER	20/01/2011
13/3961/31 - 13/4802/01 -	Screening opinion for proposed housing development 120 dwellings with associated infrastructure and open space (all matters reserved for future consideration apart from access)	REF	24/01/2014
<u>This application was subsequently allowed on appeal by Inspector's decision letter dated 29/10/2014 following a Public Inquiry in September 2014.</u>			
14/0789/01 -	120 dwellings with associated infrastructure and open space (all matters reserved for future consideration apart from access)	WDN	03/09/2015
15/1176/03 -	Deletion of Condition 12 and replacement with alternative conditions to reflect changes in the Government's position with regard to the Code for Sustainable Homes. (Minor material amendment to Planning Permission Ref No. 13/4802/01.	PER	23/02/2016

DESCRIPTION OF SITE/PROPOSAL

The application site adjoins the existing residential area of Pinhoe. It comprises two parcels of agricultural land; the smaller parcel extends to approximately 1.1 hectares and is located to the west of Church Hill; the larger parcel extends to 6.6 hectares, and is located to the east of Church Hill. The site therefore totals approximately 7.7 hectares, of which 4.7 hectares is proposed for residential development with the remainder comprising open space/sustainable drainage infrastructure.

The land generally slopes up away from the city, from the south-east to the north-west across the site, with gradients between 1:5 and 1:12. There is a network of hedgerows across the site comprising a variety of indigenous plant species. There are a number of mature oak and ash trees in the hedgerows. There is also a line of poplars.

The smaller parcel of land is surrounded by residential development on all sides, with Bickleigh Close to the west, Harrington Court Road and Harrington Drive to the south and properties along Church Hill to the north and east.

The larger parcel of land is surrounded by residential development on three sides including Broadparks Avenue and Bindon Road to the east and north east, Danesway to the south and properties along Church Hill to the west. To the north lies agricultural land. The larger parcel wraps around the Home Farm complex which is Grade II Listed. Jones Pyne, which lies adjacent to the site and fronts onto Church Hill, is also Grade II listed. The site is currently accessed via Home Farm's existing Priority T-Junction onto Church Hill.

Outline planning permission is sought for 120 dwellings with associated infrastructure and open space. Means of access is to be determined at this stage, with all other matters reserved for future consideration. Access would be gained via a new priority junction off Church Hill and via access through Bickleigh Close/Harrington Road.

Around 39% of the site is designated as public open space including two equipped children's play areas.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information -

- Illustrative masterplan
- Design and Access Statement
- Arboricultural Impact Assessment
- Archaeological and Cultural Heritage Report
- Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey (Jan 2013)
- Home Fam Pinhoe - Ecological Re-assessment (Sept 2016)
- Flood Risk Assessment
- Landscape and Visual Assessment
- Land contamination reports
- Transport Assessment
- Transport Assessment Addendum
- Travel Plan
- Access Scheme
- Statement of Community involvement

REPRESENTATIONS

41 letters of objection and 1 of comment have been received raising the following main issues :-

Objections

- Impact on local property values
- Potential loss of light
- Loss of privacy
- Loss of view
- Noise/dust levels during construction
- Light pollution
- Increased traffic noise
- Adverse highway impacts, specifically in respect of Church Hill and the wider network including the B3181. Adverse impacts highlighted can be summarised as safety and congestion which in respect of Church Hill arise due to the width/capacity of the highway.
- Contrary to development plan - impact on Landscape setting of the City
- Air pollution (traffic related)
- lack of publicity
- Impact on local services e.g. schools, doctors - in terms of capacity to cope

- Inadequate access
- Highway drainage concerns
- Drainage - surface water run-off issues, flooding, adequacy of proposed SUDs measures and future maintenance issues
- Loss of green space
- Previously submitted supporting information now out-of-date in terms of being suitable basis for decision on this application
- Question demand for additional housing
- Lack of employment opportunities for future residents
- Not a sustainable location for pedestrian/cycle access due to distance, gradient and nature of road linking proposed site to surrounding amenities, general inadequacy of pedestrian and cycle network in vicinity
- lack of suitable public transport options in the locality
- Area subject to significant recent developments - 'enough is enough'
- Ecological impact, quality of ecological information/assessment and loss of wildlife habitat
- Overdevelopment of site
- Fails to provide safe/convenient access for cyclists/pedestrians
- Need for highway improvements in Church Hill
- Need to ensure adequate parking provision is provided to serve new properties
- Lack of mitigation in respect of impact of new housing on designated habitat areas
- Impact on setting of listed buildings

Comments

- Brings recreational opportunities for walking etc
- Helps alleviate existing flooding problems
- Meets a need for more housing even though it brings about visual/landscape change in the locality
- What are Community Infrastructure Levy collected from developments spent on.

CONSULTATIONS

South West Water - No response received.

Environment Agency - Responded highlighting that they should not have been consulted as they are no longer a statutory consultee on such a proposal.

Network Rail - No response received.

Devon and Cornwall Police Architectural Liaison Officer - None received.

Devon and Somerset Fire and Rescue - Re-iterate comments made on previous application regarding narrowness of Church Hill being less than ideal and stating that it would be preferable if the road could be widened for a greater length so that two vehicles could pass thus causing no problems for emergency vehicle access.

Exeter International Airport - no objection provided that all standard safeguarding criteria are met.

County Head of Planning, Transportation and Environment (Highways) - raises no objection subject to the imposition of suitable conditions and S106 contributions. Detailed comments are set out below:-

Background

The application follows on from a previous application for 120 dwellings at the site in 2013 for which a highways response of no objection subject to appropriate conditions and contributions was provided. That application was approved at appeal with the Inspector stating that

“The Highway Authority is satisfied that the proposal would not have an adverse effect on the highway network subject to the implementation of the measures specified within the Unilateral Undertaking. No persuasive evidence has been submitted to convince me that this would not be the case.”

From a highway view, the main element that has changed since the previous submission is that the Exhibition Way Link Road is no longer deliverable and how this impacts the road network in Pinhoe and, in particular, the double mini roundabouts junction.

Double Mini Roundabouts

The performance of the double minis is considered fundamental to the acceptability of applications in the Pinhoe area and, in particular, that any queuing on the B3181 approach does not reach a point considered being severe.

Following further discussions additional analysis, set out *Transport Note of 25th June 2014*, in which a number of scenarios were modelled to understand the impact on the double minis in the future AM Peak was provided by the applicant. This analysis included a number of scenarios in which Exhibition Way is not included, which are set out in Table 1 below. Note: Scenarios 4 -6 (shaded in grey in Table 1) includes the provision of the double mini-roundabout improvements which are currently on site. These assessments are accepted as a reasonable reflection of the likely future performance of the junction.

Scenario Number	Planning Assumptions	Queues (PCU's)
S1	2010 Base	50
S2	2010 Base + Brick + Quarry + OPF1	95
S3	S2 + Home Farm	104
S4	S2 + OPF2	70
S5	S4 + Pinn Court with Langaton Lane	51
S6	S5 + Home Farm (with Langaton Lane)	60

Table 1: AM Peak Modelled Queues on B3181 approach to Double Minis

In this location, the highway authority interpretation of a severe impact was a queue of such length that it impacts on the safety and operation of another significant junction, in this instance the Old Park Farm signalised access junction. The exact point at which this is achieved has been identified as 800 metres, or 133 Passenger Car Units (PCUs). However, daily variations in traffic flows and that traffic flows on the B3181 were frequently higher than on the date of the February 2010 traffic count, a modelled threshold of 95 PCU's was considered to be classed as severe.

The analysis in Scenario 6 shows that the provision of Langaton Lane Link is sufficient to ensure that the additional traffic from both Pinn Court Farm and Home Farm does not lead to a severe highway impact.

Off Site Mitigation

Since the last response, the decision of the Town and Village Green application for Eastern Fields prevents the delivery of the Exhibition Way Link Road. As described earlier, OPF Phase 2 has fully funded the enlarged double mini roundabouts.

Pinn Court has now been granted consent and whilst no assessments of a scenario where the Pinn Court and Home Farm developments occur without provision of the Langaton Lane Link are included, given it is in part linked to the Pinn Court Farm consent, it is considered reasonable to assume its inclusion. Nevertheless, the analysis clearly shows that the Langaton Link provides a significant reduction in queue lengths and, given that Exhibition Way Link cannot be delivered **the provision of Langaton Lane Link is required to mitigate the highway impact from Home Farm.**

Revised cost estimates for the Langaton Lane link works undertaken in 2017 put the cost of providing the off-site section of this link at £1,190,000. With (including indexation) approximately £800,000 of S106 secured from the Pinn Court Farm, the shortfall of £390,000 is sought from this development.

Access

As per the previous response, suitable access can be provided to the plot of 24 dwellings from Bickleigh Close. Access for the 96 dwellings onto Church Hill was a concern due to its insufficient width for two vehicles to pass on part of its length and whether there is suitable provision for vulnerable road users.

To address this Church Hill will be widened over a 75 metre length to a 5.5m width, allowing two vehicles to pass. Footway links are to be provided to the site to the west, into Bickleigh Close, and south east, to Broadparks Avenue. These links are felt to provide safe and suitable route for pedestrians and cyclists to the primary school, public transport facilities, village centre and beyond. A satisfactory Stage 1 Road Safety Audit of the access arrangements has been provided and the detailed design of the junction will be agreed with the highway authority through the S278 process.

Therefore, to ensure that safe and suitable routes are provided for all users at all times, it is recommended that these are in place for public use prior to any occupation of the eastern portion of the site. Subject to this, and a condition relating to provision of the access on Church Hill, DCC are satisfied that a safe and suitable access to the site can be achieved.

Travel Planning

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan.

Major developments in Exeter, have been required to provide travel welcome packs, travel vouchers, personalised travel planning, monitoring of the Travel Plan and a summary report of the work undertaken and impacts of this. The specific approach needs to be set out and agreed prior to commencement of any part of the development.

Alternatively, as part of the area wide approach to travel planning identified in the Local Transport Plan DCC are, subject to a contribution of £250 per dwelling, willing to undertake this on behalf of the developer. Unless an alternative approach is agreed, it is recommended that this is secured as part of the Section 106 Agreement.

Internal Roads

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets. To assist in achieving this it is recommended that the applicant liaises with the Highway Authority **prior** to commencing design works in advance of any application for reserved matters approval.

The proposed residential roads of the site fall within an existing 20mph zone. Consequently, the applicant is advised that the existing Traffic Regulation Order will need to be amended to incorporate the new roads. The cost of any changes will need to be met by the developer and a contribution towards this is therefore sought.

Transport Contributions

In summary, the following site specific contributions are sought:

- £390,000 towards Langaton lane Link is required.
- Traffic Order Contribution.
- Unless otherwise agreed a contribution of £250 per dwelling towards implementing a residential travel plan.

Conclusion

The impact of additional traffic on the double mini roundabouts junction has been fundamental to the acceptability of development in Pinhoe. Without Exhibition Way Link Road, the submitted analysis has shown the provision of Langaton Lane Link is essential to mitigate the impact of development in the Pinhoe area and a fair and reasonable contribution towards Langaton Lane Link is sought.

The access arrangements proposed by the developer are considered acceptable. Consequently, and subject to contributions towards off site infrastructure, traffic orders and, unless otherwise agreed, travel planning being secured through an appropriate legal agreement and conditions, the highway authority raises no objection to the proposed development.

County Head of Planning, Transportation and Environment (Children's Services)

Respond as follows: -

Devon County Council would need to request an education contribution to mitigate its impact. Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them. Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £271,265 for primary school facilities and £394,578 for secondary school facilities, equivalent 19.87 and 18.00 children respectively. This figure has been calculated in accordance with the County Council's education infrastructure plan and S106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that these contributions would be provided for through CIL.

A contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £30,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

If the application is approved we will deem the houses to be built and the number of school spaces considered to be available in Exeter will be reduced accordingly - this will be taken

into account when calculating contributions from future applications. I trust the above provides information that will be helpful in the determination of the application.

DCC (Lead Local Flood Authority) - Comment as follows and recommend conditions regarding detailed design and maintenance of the proposed surface water drainage management system - An acceptable surface water management strategy is presented with the submitted Flood Risk Assessment (Report Ref. 386/FRA, Rev. 2, dated 21/11/2016) which is consistent with the previously approved strategy within application 13/4802/01. The Flood Risk Assessment has been updated to reflect changes following the publication of the Flood Risk Assessments: Climate Change Allowances document (dated 19th February 2016) by central government, in which a climate change uplift value of 40% when sizing the proposed surface water drainage management system for this development. The scheme also includes the ECC promoted flood alleviation scheme to alleviate flooding downstream within Harringcourt Road and Harrington Lane as a result of surface water runoff.

An outline exceedance routing has been provided however further detail will be required at the detailed design stage particularly where the proposed Lower pond and the protection to the properties at Harringcourt Road.

It should be noted that regarding paragraph 3.6 of the Flood Risk Assessment that DCC as the LLFA could manage the proposed FAS ponds, it is likely that these would be designated a flood risk asset but DCC is unlikely to take on the future management of these ponds.

East Devon District Council - No response received.

RSPB - Re-iterate previous comments that scheme should comply with biodiversity requirements of ECC Residential Design SPD.

Natural England - No specific comments, refer to standing advice.

Exeter and East Devon Growth Point Green Infrastructure Project Manager - None received.

Assistant Director Public Realm - No comments received.

Assistant Director Housing & Contracts - Based on the planning history relating to this site, and the abnormal costs associated with the development, accept a level of affordable housing provision of 30% (70/30% split between social rent and intermediate) with a dwelling mix based on need (predominantly 2 and 3 bed units) rather than the previously agreed representative mix.

Environmental Health Officer - Recommends conditions relating to contaminated land assessment, CEMP and Air Quality Assessment.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):-

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

11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

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

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

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

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP9 – Strategic transport measures to accommodate development
- CP10 – Community facilities
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP13 – Decentralised energy networks
- CP14 – Renewable and low carbon energy
- CP15 – Sustainable design and construction
- CP16 – Strategic green infrastructure
- CP17 – Design and local distinctiveness
- CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H3 – Housing sites
- H6 – Affordable housing
- H7 – Housing for disabled people
- L4 – Provision of playing pitches
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes of transport
- T10 – Car parking standards
- C2 – Listed buildings
- C5 – Archaeology
- LS1 – Landscape setting

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
DG5 – Provision of open space and children’s play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Development Delivery Development Plan Document (Publication Version):-

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

DD1 - Sustainable Development
DD8 - Housing on Unallocated Sites
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD22 - Open Space
DD25 - Design Principles
DD26 - Designing Out Crime
DD28 - Heritage Assets
DD29 - Landscape Setting Areas
DD30 - Green Infrastructure
DD31 - Biodiversity
DD33 - Flood Risk
DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2013
Archaeology and Development SPG 2004
Planning Obligations SPD 2009
Public Open Space SPD 2005
Residential Design SPD 2010
Sustainable Transport SPD 2013
Trees and Development SPD 2009

Devon County Council Pinhoe Area Access Strategy July 2013

OBSERVATIONS

Background

Outline planning application 13/4802/01 for the same development was refused on 24th January 2014 for following reasons -

1) The proposal is contrary to the National Planning Policy Framework 2012, Policies CP1, CP4 and CP16 of the Exeter Local Development Framework Core Strategy 2012, Saved Policies H1, H2 and LS1 of the Exeter Local Plan First Review 1995- 2011, and policies DD9, DD21 and DD30 of the emerging Exeter Draft Development Delivery Development Plan Document 2013, because:

- i) the proposal would harm the landscape setting of the city through development of protected land of particular importance to the setting of the city and of intrinsic landscape value in itself;
- ii) adequate information has not been submitted to demonstrate that the proposal is acceptable in terms of access and impact on the highway network; and,
- iii) it would set an undesirable precedent for other nearby residential development proposals that individually, or collectively, would harm the character of the area.

2) In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for a contribution towards affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policy CP7, Exeter Local Plan First Review 1995-2011 Saved Policy H6 and Exeter City Council Affordable Housing Supplementary Planning Document 2013.

The applicant appealed against this refusal and a Public Inquiry was held in September 2014. Subsequently the Inspector allowed the appeal and granted permission for the development by a decision letter dated 29th October 2014 subject to conditions and S106 Agreements. At the same time an application for award of costs by the appellant was allowed. In the Inspector's decision letter (copy attached as Appendix A) the main issues were identified as -

- The effect of the proposal on the landscaped setting of Exeter;
- The effect of the proposal on highway safety and traffic;
- Whether in the light of the development plan, national guidance and other material considerations, including the housing land supply position, the appeal proposal would be a sustainable form of development; and
- Whether the proposal would set a precedent for other development which could harm the character of Exeter City.

In addition to the above the Inspector's decision letter also considered the following other matters - Biodiversity & Ecology, Flooding, and Setting of listed buildings.

One of the conditions imposed by the Inspector required the application for approval of reserved matters to be made not later than 3 years from the date of the permission, i.e. by 29th October 2017. The applicant has indicated that there was a significant delay in the marketing of this site due to having to await the outcome of the Council's legal challenge of the Inspector's decision. Consequently, to provide a comfortable period for the preparation and submission of reserved matters for any potential developer/purchaser of the site it has been necessary to submit this fresh application for outline planning permission.

There are 3 separate completed legal agreements in respect of Affordable Housing provision, Open Space and Highway Matters each covering the following -

Affordable Housing - 35% of units of which 70% social rented, financial payment in respect of part any unit generated by the 35% calculation, proportion mix of open market provision, cluster size, wheelchair accessible units, phasing/delivery.

Open Space - Provide equipped play area and agree equipped play area maintenance scheme and specification, provide informal open space and agree informal open space maintenance scheme and specification, set up Management Company for both.

Highway Matters - Implement one of two options for highway improvement schemes to current double roundabouts in Pinhoe in conjunction with highway improvement works to lower part of Church Hill or pay a Highway Financial Contribution in lieu of those works, pay Travel Plan Contribution.

Since the original outline planning permission was granted on appeal by the Planning Inspector the Council's housing land supply situation, and hence weight to be attached to development plan policies, has been further considered in connection with a number of other applications for residential development and the current position is set out below.

Development Plan and NPPF Policy Context

Initially it is necessary to consider the proposed residential use against relevant national and development plan policies, particularly in light of the appeal decision at Exeter Road, Topsham. The principal finding of this Inspector's decision letter was to conclude that the Council could not demonstrate that it has a five year supply of deliverable housing sites. This conclusion is important as NPPF paragraph 49 states that relevant policies for the supply of housing should not be considered up to date.

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

i) Assessment of relevant Local Plan Policies

Notwithstanding NPPF paragraph 49 in respect of out of date planning policies (which it is accepted is applicable here because of the 5 year shortfall), recent case law has maintained that the starting point for considering planning applications is still the Development Plan as recognised in paragraph 11 of the NPPF, which states that planning permission must be determined in accordance with the Development Plan unless material consideration indicate otherwise. This maintains that the local planning authority must still continue to weigh up all the relevant Development Plan policies irrespective of whether they are now deemed out of date. The fact that a policy is out of date does not mean it is dis-applied and nor does it mean that the policy must carry only limited weight. Weight is a matter for planning judgement depending on the facts of the case. For this application the most relevant policies are Core Strategy CP16 'Green Infrastructure' and Local Plan LS1 'Landscape Setting' and it is against these policies which the application is primarily assessed.

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

NPPF paragraph 49 renders the Council's policies in respect of housing delivery out of date and consequently the weight attached to relevant policies requires reassessment. Recent legal judgements have clarified that it is still for the decision maker (ie the local planning authority) to make the planning assessment as to how much weight each policy is given. However what the Courts have made clear is that the lack of a 5 year housing supply may influence how much weight these out of date development policies are given. This is dependent on the specific scheme and will include for example the extent of the Council's 5 year supply shortfall, what the Council is doing to address this issue and the particular purpose of the restrictive policy, in this instance Core Strategy Policy CP16 and Local Plan Policy LS1. The Council currently has an approximately 2 year 4 month supply of housing and the intention to address this matter will rely on co-operation with neighbouring authorities, although this is unlikely to occur in the short term. Given these circumstances it is considered that the restrictive policies would be afforded less weight given the limited progress made in respect of the housing shortfall. However, the protection of landscape setting remains a strong theme of the NPPF and the Development Plan policies themselves are generally consistent with the approach in the NPPF and would ordinarily carry due weight

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

That said, the Council's current housing land supply of 2 years and 4 months is significantly worse than the 3.6 year supply concluded by the Planning Inspector and upon which the decision to allow the appeal was based. This shows that since the original appeal decision the situation has worsened rather than improved and this is important when considering the merits of this re-submitted duplicate application.

In paragraph 73 of the decision letter the Planning Inspector draws attention to Paragraph 49 of the NPPF regarding housing supply policies not being considered up-to-date where a 5 year housing supply cannot be demonstrated and the presumption in favour of sustainable development. In paragraph 76 the Planning Inspector concluded that the development constituted sustainable development -

"The appeal site occupies an accessible location within walking distance of bus services to and from Exeter City centre, and some local services. The proposal would not harm the landscaped setting of the city. Through the proposed links with the surrounding area it would encourage walking and cycling. It would also contribute to the green infrastructure sought by Core Strategy policy CP16 through the provision of the linear park and open space. Overall I conclude that the proposal would be socially, environmentally and economically sustainable."

Having considered all matters the overall conclusion of the Planning Inspector was as follows:-

"I have found above that the proposal would not harm the landscaped setting of Exeter and subject to the provisions of the Unilateral Undertaking would be acceptable in terms of its effect on highway safety and traffic. The proposal would deliver much needed housing within Exeter and would represent sustainable development. For the reason given above I conclude that the appeal should be allowed."

Representations

The representations received in respect of the current application have generally raised the same issues that were highlighted at the time of the previous application and during the associated Public Inquiry. The main issues relate to visual impact on landscaped setting of Exeter, highway safety and traffic, drainage, sustainability, impact on surrounding properties and ecological impact. All of these were considered by the Planning Inspector during the Public Inquiry in connection with the previous application.

The adequacy of the assessment of the ecological impact of the scheme has been the subject of particular criticism with regard to the extent, duration and methodology of the surveys undertaken, and the further ecological information submitted with the current application regarding the degree to which the original information can be relied on, and its relevance to the assessment of the ecological impact of this re-submitted scheme given the passage of time since the Planning Inspector's original decision.

Notwithstanding this, the issue of the extent and adequacy of the submitted ecological surveys was raised at the time of the Public Inquiry into the previous application, so this is not an entirely new issue. This issue was raised with the applicant's agent who has pointed out that the representations raise the same concerns that were raised in respect of the appeal scheme and provide no new information. The Inspector specifically addressed the issue in the decision letter commenting as follows with specific regard to the issues raised relating to dormice (paragraphs 80 & 81) and bats (paragraphs 82 & 83)...

Dormice - *"Some local residents were critical of the survey in that it did not include a dormouse survey, despite the fact that dormice have been noted within an area 1-1.5km to*

the south of the appeal site. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System advises that the presence or otherwise of protected species on a site should be established before planning permission is granted. It also states that bearing in mind the cost and delay that might be involved, developers should not be required to undertake surveys unless there is a reasonable likelihood of species being present and affected by the proposed development. The Phase 1 Habitat Survey found an absence of records in relation to dormice within the Devon Biodiversity Record Centre. The Appellant's ecologist also undertook recent surveys at Pinhoe Quarry to the west and Old Park Farm to the north, two sites both of which are situated close to the appeal site. Neither of these surveys found any evidence of dormice. Therefore the likelihood that dormice are present on the appeal site is low. The majority of the appeal site is grazed by cattle, therefore the most likely location for any dormice would be within the hedgerows, which it is intended to retain. Therefore there would be minimal potential for disturbance and should there be any dormice present on the site, they would be unlikely to be affected by the development. In these circumstances I do not consider that a survey is necessary. Nevertheless I consider that a condition requiring the retention of the hedgerows would safeguard any potential dormouse habitat."

Bats - *"It is also suggested that the bat surveys were inadequate due to their duration. The bat surveys were carried out by licensed bat workers and noted at least eight bat species including common pipistrelle, noctule, Myotis spp., serotine, long-eared (Plecotus spp.) barbastelle and lesser horseshoe. Whilst the walked transect surveys lasted for about two hours, the survey included automated static detector surveys which were of longer duration. I am therefore satisfied that the surveys provide a reasonable indication as to the extent of bat activity on the appeal site.*

In the light of the survey results the Appellant proposes a Biodiversity Mitigation and Enhancement Plan. This will include a method statement in relation to the removal of the buildings; the retention of mature oak trees within hedgerow boundaries to retain features for potential roosting sites and foraging habitat; the retention of hedgerows within the site (or compensation where impacts are unavoidable); a lighting plan designed to minimise disturbance to bat species which avoid areas of artificial illumination; the creation of areas of new habitat for foraging bats and a management plan which includes appropriate long-term management of retained and created ecological features such as hedgerows. Subject to these measures the proposal would be likely to have minimal effect on the bats on the appeal site."

The Inspector concluded as follows in respect of ecological matters -

"The provision of substantial areas of landscaping, including the proposed park would be likely to provide an enhanced habitat for wildlife over that which exists at present. I am therefore satisfied that subject to a Biodiversity Mitigation and Enhancement Plan the proposal would not significantly harm wildlife in the vicinity of the appeal site."

The applicant's agent has highlighted that the current application is accompanied by an Ecological Reassessment Memorandum which concludes that there are no significant changes to the site in terms of ecology and therefore the principle of development remains acceptable in this respect with no reason to suggest that the conclusions of the Inspector are no longer valid. It is considered that appropriate regard has been had to conserving biodiversity subject to the imposition of the same condition as originally imposed by the Inspector. On that basis it is not considered that there is any justification based on the information available to reach a different conclusion to the Inspector on ecological matters.

The fact that there are extant consents in existence for an identical form of development to that for which permission is now sought (save for the proposed reduction in level of affordable housing provision and alteration to the affordable housing mix) is also a material consideration to be taken into account in considering the current application in respect of all matters, including ecological impact.

Transportation Matters

Given that the Inspector concluded, subject to implementation of measures set out in the Unilateral Undertaking and provision of a priority traffic scheme, that the proposal would not have an adverse effect on highway safety or traffic and was therefore acceptable, there would need to have been a significant change in circumstances in order for the Council to reach an alternative conclusion that could be substantiated in the event of any appeal against a refusal based on highway grounds.

As highlighted in the County Council's consultation response the only significant change in circumstances in highway terms since the appeal has been the outcome of the Eastern Fields Village Green decision with effect that the Exhibition Way Link Road is no longer deliverable. Notwithstanding this the Highway Authority have advised that with improvements that are under way to the double roundabouts in Pinhoe, the provision of the Langaton Lane link road (to which a contribution is sought), improvements to Church Hill proposed as part of the development and a contribution to Travel Plans, the highway impacts of the scheme would be acceptable. Whilst the applicant does not fully agree with the Highway Authority's analysis/justification for seeking a contribution to the Langaton Lane link (citing the fact that the Inspector had before them at the time of the appeal a Transport Assessment that found the development acceptable with and without the Exhibition Way) they are for expediency prepared to accept the revised requested contribution for the Langaton Lane link so long as a decision to grant permission can be reached at the March Committee. These matters can be secured through an appropriate S106 agreement and conditions.

In these circumstances there is not considered to be valid and sustainable grounds on which to refuse the current application on based on concerns relating to transportation matters.

Affordable Housing

This applicant's Agent does advocate a reduced level of affordable housing provision for the development (25% as opposed to the policy requirement of 35%) on viability grounds, along with a change in the mix of affordable housing set out in the current legal agreement.

Stating the following in their submission letter:-

"The marketing of the site that has now taken place has demonstrated that there are abnormal development costs associated with the development caused by the site's topography and that these costs militate towards the provision of a lower level of affordable housing provision if a competitive return to the landowner is to be available in accordance with Government policy set out at paragraph 173 (Ensuring Viability and Accessibility) of the Framework. Having regard to these abnormal costs then a level of 25% affordable housing is realistic and deliverable.

It is also the case that the existing S106 agreement in relation to permission 13/4802/01 refers to the provision of a mix of affordable housing on site to be reflective of the mix of speculative housing that was proposed. The Council's Affordable Housing SPD (April 2014) is often cited as justification for this approach. The SPD (which is guidance) is contrary to the Council's adopted policy on this matter." I hope the following commentary provides the necessary to allow our clients to proceed with meeting identified affordable needs on site, as opposed to reflecting the market mix of dwellings proposed."

The material considerations and merits regarding the level of affordable housing provision and dwelling mix from an officer perspective are set out below -

- Level of provision

The applicant has identified that location of the water main running through the site sterilises more of the site due to the required easement width and that the proposed surface water attenuation scheme amounts to an abnormal cost in respect of the development of this site. This is largely as a result of the fact that it has been designed not only to address surface water drainage associated with the development but also to incorporate an element of 'betterment over and above the existing situation to help address existing surface water runoff problems in the area. The works incorporate additional resurfacing works to the highway in Church Hill and enlarged attenuation features and associated pipework. It has been identified that since the original outline was allowed on appeal the costing associated with providing the betterment element of the surface water attenuation/drainage scheme have been assessed as being significantly greater than previously estimated. Rather than remove the betterment element from the scheme (which could be done as it is not technically required to meet the drainage requirements of the development) it is advocated that this element of the scheme is retained to benefit the general locality with the level of affordable housing provision reduced accordingly to maintain scheme viability. The applicant's agent initially quantified that these issues justified a reduction in the level of affordable housing provision from 35% to 25%. Following examination of the position, and further negotiations with the applicant, it has been agreed that scheme viability can be maintained with just a 5% reduction in the level of affordable housing provision to 30%.

- Mix

The current S106 specifies that the affordable housing should comprise a mix of dwelling types that is representative of the mix of open market housing being delivered on the site. It is now proposed that the affordable housing provided should be of a mix of dwelling types that reflects local need. This is consistent with the supporting text of policy CP7 of the Core Strategy and is therefore considered acceptable. The dwelling types and proportion to comprise the affordable housing to be provided will be specified in the S106 Agreement.

When the recent Section 73 application (reference no. 15/1176/03) to vary condition 12 relating to sustainable construction was determined there was no legal agreement entered into tying the new consent to the planning obligations set out in the 3 legal agreements entered into in respect of the original outline planning permission granted on appeal. Section 73 applications result in brand new consent leaving the developer with a choice to implement either the original or amended consent. Consequently, in respect of this site the developer now has a consent for 120 dwelling on the site that is unfettered by any S106 obligations and could be implemented with no affordable housing provision at all, no highway improvements/contributions, and no obligations regarding the specification and maintenance of the open space/play areas. This is an important material consideration to be taken into account when considering the merits of the current application, particularly in respect of the reduced affordable housing provision now sought. Should consent for the current application be granted with a reduction in affordable housing provision to 30% it would be appropriate to include in any S106 Agreement an obligation precluding implementation of the unfettered consent (i.e. application ref 15/1176/03).

Whilst the unfettered consent could be implemented this would not be without some degree of difficulty for the applicant. It would require a 'reserved matters' application to be fully worked up and submitted prior to the 29th October this year without a specific developer on board. However, aside from the time constraint, and the costs in working up such an application, this is a feasible option, and one the applicant would be likely to pursue should the current application be unsuccessful. The applicant has indicated that if the current application is approved they would be prepared to agree to revocation of the unfettered planning consent ref 15/1176/03. This could be secured through a S106 Agreement.

Conclusions

In assessing the merits of the application it is essential to balance any adverse impacts of the development against the clear benefit of the scheme in providing additional dwellings to meet the identified housing needs of the City, with due regard to both the development plan and the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework. The position with regard to the Council's inability to demonstrate a 5 year housing supply, and the impact that this has in relation to the weight that can be attached to policies for the supply of housing (including restrictive policies), has been set out earlier in this report.

As well as the main issues identified by the Inspector the appeal decision letter also specifically addressed Biodiversity & Ecology, Flooding and the setting of listed buildings. It is considered that the issues identified constitute the main material considerations in respect of this application. Therefore, notwithstanding the submitted representations and the passage of time since the appeal decision, it is not considered that there has been any significant change in circumstances with regard to the material considerations relating to the principal of this development that would justify reaching a different conclusion to the Inspector with regard to the acceptability of the proposal in principal.

Indeed, the position with regard to the housing supply that the Council can currently demonstrate has actually worsened since the previous application was considered at the Public Inquiry in September 2014 and allowed by the Planning Inspector. In these circumstances, and having regard to the Inspector's decision and the fact that the previous permission is still valid, it is not considered possible to justify a conclusion that any adverse impacts of granting permission for this development would so significantly and demonstrably outweigh the benefits of the provision of additional housing.

It is accepted that there are some abnormal costs associated with the proposed surface water attenuation scheme proposed as part of this development (the benefits of which are recognised in helping to address prevailing drainage problems in the locality not directly associated with the application itself). In this context it is considered that a reduction in the level of affordable housing provision to 30% is acceptable. In reaching this conclusion the existence of a valid consent that could be implemented without any affordable housing being required is a material consideration.

Consequently, taking all the above into consideration, the officer recommendation is one of approval.

RECOMMENDATION

Subject to completion of an appropriate S106 Agreement to secure the provision of affordable housing, highway improvement/travel plan contributions and open space provision/maintenance **APPROVE** the application subject to the following conditions:-

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
Reason:- To ensure compliance with sections 91 - 93 of the Town and Country

Planning Act 1990.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason:- To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.
- 4) In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on plan no. 3007/001 Rev C.
Reason:- To ensure that an appropriate vehicular access is provided to serve the development.
- 5) Any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.
Reason:- To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans numbered 03893 TPP, appended to the Arboricultural Impact Assessment Report dated 18/06/2013, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason:- To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 7) Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason:- In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 8) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
Reason:- In the interests of the amenity of occupants of nearby buildings.
- 9) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
 - i) Timing and management of arrivals and departures of vehicles and site traffic;
 - ii) measures to control the emission of dust, dirt and noise during construction;
 - iii) temporary measures to deal with surface water associated with the site during the construction process;

- iv) the phasing and timing of work;
- v) the parking of vehicles of site operatives and visitors;
- vi) wheel washing facilities;
- vii) a procedure for handling and investigating complaints.

Reason:- 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.

- 10) If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Any remediation details shall be implemented as approved.

Reason:- In the interests of the amenity of the occupants of the buildings hereby approved.

- 11) Prior to the commencement of development a detailed scheme for traffic calming works to Church Hill, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.

Reason:- In the interests of highway safety within the vicinity of the site.

- 12) Before commencement of development the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason:- In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 13) The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface water from the site, including through the use of sustainable drainage systems. Details of the scheme, a timetable for its implementation and details of its future management, shall be in general compliance with the principles within the Flood Risk Assessment (Report Ref. 386/FRA2 V2) dated 21/11/2016, and shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.

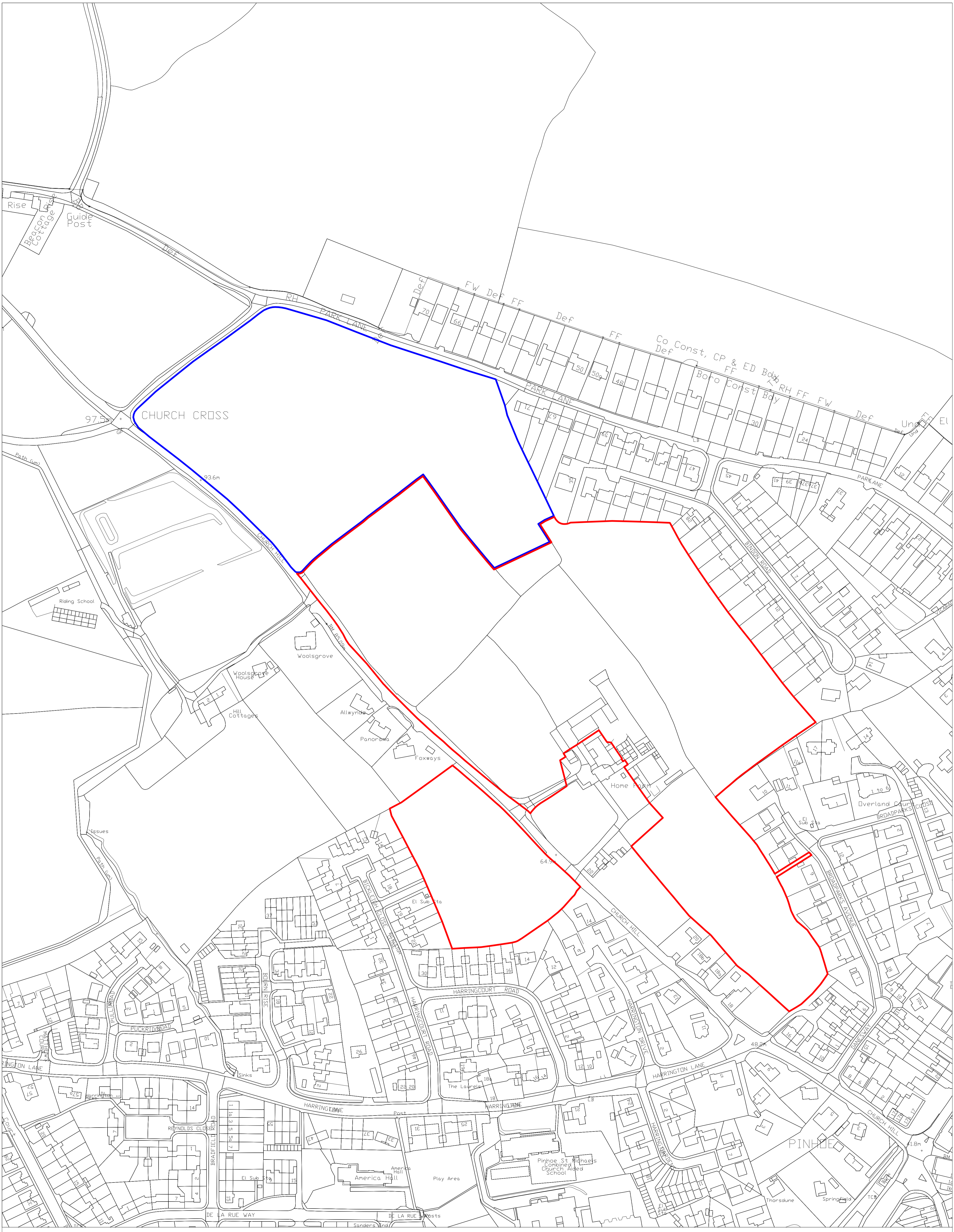
Reason:- To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- 14) C57 - Archaeological Recording

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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- NOTES:
- Application boundary
 - Other land owned / controlled by applicant

Home Farm, Pinhoe	A
Location Plan	DCC/DC
11726 L 01.01	JUNE 2013

CliftonEmerydesign

Ground Floor, Number 3, Silverdown Office Park, Fair Oak Close, Exeter, EX5 2UX
 T: 01392 368861 W: www.cliftonemerydesign.co.uk M: mail@cliftonemerydesign.co.uk

DRAWING—STATUS **PLANNING**

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Agenda Item 7

ITEM NO. 7

COMMITTEE DATE: 20/03/2017

APPLICATION NO: 16/1562/03 FULL PLANNING PERMISSION
APPLICANT: Mr Jenner
Blockyard Ltd
PROPOSAL: Demolition of existing buildings and redevelopment with student residential accommodation and associated landscape works (Revised Plans reducing from 3 storeys to 2 storeys).
LOCATION: Builders Yard, Lower Albert Street, EXETER
REGISTRATION DATE: 02/12/2016
EXPIRY DATE: 27/01/2017

HISTORY OF SITE

90/0455/01 - Demolition of industrial premises and erection of three two storey houses PER 07/03/1991

DESCRIPTION OF SITE/PROPOSAL

The site is located off Lower Albert Street, adjacent to the Newtown Close flats and the rear of terraced properties on Portland Street. To either side there are parking areas and garages.

The site currently has some single storey buildings around a central yard, which are used for storage by a building company and as a workshop by a carpenter. The site is all hard landscaped with no green spaces or landscaping. The site lies within the Student Article 4 Direction area.

It is proposed to demolish the existing buildings and to replace with purpose built student accommodation. The building would be two storeys in height. The rear section of the building is proposed to have a flat roof to minimise the height and would be marginally lower than the eaves height of the flats to the rear in Newtown Close. The front section is proposed to have a monopitch roof to add visual interest but minimise the height impact to the terraced properties on Portland Street. The maximum height of the roof would be 58.875m, which is the same height as the ridge height of the Newtown flats behind.

The front elevation is proposed to have angled windows to avoid any overlooking of the rear windows of the Portland Street houses, particularly as the distance between the new building and the rear two storey tenements of the houses is only around 9.5 – 10m.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design & Access Statement has been submitted. In support of the use in this location, the report advises that the site is 400m from the St Lukes Campus and approximately 1km from the Streatham campus. The site is in close proximity to the bus station.

REPRESENTATIONS

When the original application was received for a 3 storey building, 50 objections were received, concerned with the following:

- Noise and disturbance at night for residents
- Anti-social behaviour
- Rubbish/litter
- Design out of keeping with existing surrounding buildings
- Scale of building and loss of light to the rear of properties on Portland Street

- Further addition of student accommodation when too much already
- Insufficient parking and additional pressure for on street parking
- Impact on the tree on the boundary with Newtown Close and loss of wildlife using the tree
- Unattractive design of building
- Loss of light to neighbours
- Overdevelopment of the site – too large and too high
- Loss of privacy

Subsequently, since the plans have been revised and the building reduced to 2 storeys, 16 further objections have been received. The objections received have reiterated the points above as well as the following additional points:

- Further imbalance to the community
- The development is outside the official city centre boundary and the council has agreed to keep new student accommodation to the city centre to ease residential areas
- No warden supervision
- Light pollution
- No common room for students to socialise and insufficient room sizes
- Possible smoke pollution from students smoking outside.

CONSULTATIONS

Environmental Health Officer:

Approval subject to the submission of a land contamination assessment; a Construction Method Statement and an Investigation and Report to determine the risk posed by Unexploded Ordnance.

RSPB:

The installation of up to 6 swift bricks is required in order to improve the ecological value of the site.

Devon County Council Highways Engineer:

Being situated in the city centre, the site is well located to access a variety of amenities by sustainable modes. Therefore, the proposed development is being promoted as car free, which for a city centre student/residential development is acceptable. The impact of the development is acceptable in highway terms and suitable loading and cycle parking facilities are proposed for the traffic attracted to the site. Conditions as part of any planning approval are therefore recommended to ensure adequate on secure cycle parking facilities, Travel Plan and to agree construction management arrangements.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012:

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

Exeter Local Development Framework Core Strategy

- CP2 Retention of Employment Land or Premises
- CP5 Student Accommodation
- CP15 Sustainable design and construction
- CP17 Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- AP2 Sequential Approach
- C5 Archaeology
- H1 Housing land search sequence
- H2 Location Priorities
- H5 Diversity of Housing

Relevant text – Student housing will be permitted provided that:

- a) *The scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;*
 - b) *The proposal will not create an overconcentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community;*
 - d) *Student accommodation is located so as to limit the need to travel to the campus by car.*
- T1 Hierarchy of modes of transport
 - T2 Accessibility criteria
 - T3 Encouraging use of sustainable modes of transport
 - EN2 Contaminated land
 - DG1 Objectives of Urban Design
 - DG2 Energy conservation
 - DG7 Crime prevention and safety

Exeter Development Delivery Document – Publication Version 2015

- DD1 Sustainable Development
- DD7 Allocated Housing Sites
- 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 the 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

Exeter City Council Supplementary Planning Documents

- Sustainable Transport SPD March 2013
- Development Related to the University June 2007

OBSERVATIONS

Student Use & Article 4 Direction

The principle of student accommodation in this location, which is in close proximity to the city centre, is supported by the Core Strategy, Local Plan and the draft Development Delivery Development Plan Document. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. Paragraph 6.28 states that '75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'. It is considered that the application site meets these locational criteria, being centrally located to the various campus sites across the City and within walking distance of the bus station and train station.

However, the site also lies within the Article 4 Student Direction area where there is a control over the number of private residential dwellings which can be converted into student use and therefore the balance of the community. Within Portland Street, 32% of the houses are council tax exempt, housing approximately 165 students, resulting in community imbalance immediately adjacent to this site. This is slightly offset by the amount of Local Authority Housing to the rear of the site where the population is predominantly permanent residents.

Whilst the provision of any further private HMOs is not permitted in this location, the provision of the purpose built accommodation could allow new students to be redirected away from existing private dwelling houses and potentially for existing students to move out of private dwelling houses, allowing more houses back into the private rental market, which would assist in rebalancing the community.

Design Principles

The site is currently visually detrimental in an area which is predominantly residential dwellings. Surrounding the site are properties of varying heights. There is the later flat development of Newtown Close, which is 3 storeys, the terraced houses of Portland Street, which are 2 storeys with tenements to the rear of various styles and the 2 storey properties fronting Clifton Road. The new building, when originally submitted was proposed to be 3 storeys in height, with a flat roof and full site coverage. This was considered to be over-development of the site and inappropriate design in this location. Subsequently the plans were revised and it is now proposed to be 2 storeys, reflecting the heights of adjacent dwellings.

The design is contemporary with a mix of flat roof and monopitch roof to keep the overall height as low as possible and in-keeping with the Newtown flats. At the rear, the building has been pulled away from the boundary with the Newtown flats to create space for the cycle and bin storage and a small courtyard space for one of the student studios. This much reduces the impact of the building on the existing flats by reducing any loss of light.

The front elevation on plan appears to be relatively flat, however, the first floor windows would protrude from the front façade, creating depth and shadow and a difference in colour. The upper floor materials would also be a mixture of brick and metal panelling while the ground floor would be brick, to mirror the materials of nearby buildings. Discussions took place to introduce a vertical emphasis to the upper floors to replicate the individual terraced houses on Portland Street and to further break up the mass of the front façade, which led to the materials described. The first floor windows are proposed to be angled so that there is no direct overlooking of the rear of the Portland Street properties but still allowing adequate light into the rooms.

Bin storage is to be provided on the ground floor within the courtyard space at the rear of the site.

Relevant Planning History

In 1990, an application was received for the demolition of the existing buildings and the erection of 3 two-storey houses. The application was approved but not undertaken. Whilst the principle of residential dwellings would be acceptable on this site, the depth and width of

the site is very prohibitive in the ability to provide the minimum house size, parking provision and minimum amenity space.

Impact of residential amenities

It is recognised that there can be issues with student accommodation in close proximity to private residential dwellings and the application site does lie immediately adjacent to residential dwellings in Newtown Close and Portland Street. However, a S106 Agreement for a Student Management Plan be provided to ensure that an on-site management presence is maintained at all times to manage noise, as well as safety and security matters, arrivals/departments arrangements. The SMP will also provide local residents with contact details for potential student disturbance issues. It is therefore considered that the site does provide a suitable location for student accommodation in terms of its impact on residential amenity.

Loss of Employment

The site is currently used for storage of building materials and the small workshop is used by a carpenter. Whilst it is considered that the loss of these buildings would not harm business opportunities locally, the loss would require these businesses to be relocated to new premises, of which there is a shortage of this size and nature within Exeter City area.

Highways

There is no parking provision proposed on site and students would be excluded from joining any residential permit schemes. The site is in close proximity to the centre of the City, well connected by footpaths within a few minutes' walk of both the Bus Station and the Train Station, negating the requirement for private transport. The site is approximately 10 minutes walk to the University's St Lukes Campus.

A vehicle drop off space has been provided for, for use during arrivals and departures at the beginning and end of term. Time slots to spread arrivals would be encouraged in the Student Management Plan. This space can also be utilised for shopping and food deliveries during term time to prevent the blocking of Lower Albert Street. Cycle parking (16 no. spaces) is proposed to be provided on the ground floor at the rear of the site in the secure courtyard area.

Landscaping

There is currently no landscaping on the site and no landscaping, other than one small area at ground floor adjacent to the flats and garages is proposed. This means that there will be no opportunity for students to sit outside and contribute further to noise disturbance.

Section 106

A Management Plan for the day to day operation of the Student Accommodation is required to be implemented by way of a legal agreement.

There is also a requirement for CIL contributions amounting to £15,321.00.

The development is estimated to yield £29,016.75 of New Homes Bonus payable to the City Council assuming the current rules regarding the period of payment, baseline and on abatements continue to prevail following completion of the scheme.

Conclusion

This is a difficult site to redevelop due to its size and location within an existing residential area. However, it is also a central site which would be beneficial to develop. The proposal is for student accommodation which is supported through Policy H5 of the Local Plan due to its proximity to University campuses and therefore limiting the requirement for private transport. However, within the same policy, it is also recognised that the addition of student accommodation should not add to the existing number of students or change the character of the neighbourhood or create an imbalance in the local community. In light of the number of existing students currently residing on Portland Street, this is therefore a finely balanced decision.

The proposed scheme has been revised to reduce its height, scale, massing and design and this approach is considered to be acceptable, as it would provide a positive contribution to this rear street. In conclusion, having considered all policies and the nature of the site, the application is recommended for approval with conditions.

RECOMMENDATION

APPROVE subject to the completion of a Section 106 agreement for the Operational Management Procedures, the CIL provision and the following conditions:

- 1) A01 - Time Limit - full
- 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 2nd December 2016 and 27th January 2017 (including dwg. nos. 174/P/2.05/A; 174/P/2.01/A; 174/P/2.03/A; 174/P/2.02/A; 174/P/1.04/A; 174/P/1.01/B and 174/P/1.02/A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) A23 - Contamination (no info submitted)
- 4) **Pre-commencement condition:** No development (including ground works) or clearance works shall take place until a Construction 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 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 8:00am to 18:00 Monday to Friday.The approved statement shall be adhered to throughout the construction period of the development.
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.
- 5) **Pre-commencement condition:** No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.
Reason for the pre-commencement condition: In the interests of public safety.
- 6) **Pre-commencement condition:** Prior to the commencement of the development, details of provision for six nesting swift boxes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB and DBRC.

Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason for pre-commencement condition: In the interests of preservation and enhancement of biodiversity in the locality.

- 7) **Pre-commencement condition:** No development shall be commenced until surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason for pre-commencement condition: To ensure the satisfactory drainage of the development.

8) A09 - Materials (1)

9) A33 - BREEAM (commercial only)

- 10) No part of the development hereby approved shall be brought into its intended use until the car drop off point and secure cycle parking facilities as indicated on *Drawing Number 1.01 RevB*, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

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

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

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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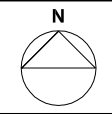
1 Location Plan
scale 1:1250



2 Block Plan
scale 1:500

Revision

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Status: SK - Sketch D - Design P - Planning (Planning Permission Application) W - Working (Building Regulations Submission) T - Tender C - Construction A - As Built

Project: Lower Albert St - Yard Client: Blockworks

Drawing Title: Location Plan - Block Plan
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Scale (at paper size): 1:500 @A3 1:1250 @A3	Date: 04.11.16	Drawing Purpose: Approval
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Job No.: 174	Status: P	Drawing No.: 0.01	Reviser:
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Agenda Item 8

ITEM NO. 8

COMMITTEE DATE: 20/03/2017

APPLICATION NO: 17/0053/03 FULL PLANNING PERMISSION
APPLICANT: C/O Agent
Exeter SPV Limited
PROPOSAL: Demolition of existing building and construction of a 7-storey building including basement to provide student accommodation (*Sui Generis*) and associated works and improvements; and the provision of a new coach passenger waiting room (*Sui Generis*).
LOCATION: British Heart Foundation, 1 Cheeke Street, Exeter, EX1 2DD
REGISTRATION DATE: 09/01/2017
EXPIRY DATE: 10/04/2017

HISTORY OF SITE

02/0665/03 -	Change of use from shop (Class A1) to cafe (Class A3), internal and external alterations to include replacement and removal of doors and windows on front and side elevations	REF	11/09/2002
06/1702/03 -	Alterations to entrance doors on south west elevation	PER	13/10/2006
11/1852/05 -	Internally illuminated fascia sign and projecting sign on south west elevation, non-illuminated fascia signs on south (1), south east (1) and north east (2) elevations	PER	19/12/2011

DESCRIPTION OF SITE/PROPOSAL

Demolition of existing building and construction of a 7-storey building including basement to provide 150 rooms of student accommodation (*Sui Generis*) and associated works and improvements; and the provision of a new coach passenger waiting room (*Sui Generis*).

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- CIL Form
- Application Drawings
- Design and Access Statement
- Planning Statement
- Geotechnical and Geo-environmental Desktop Study
- Noise Assessment
- BREEAM Pre-Assessment report
- Transport Statement
- Historic Environment Desk Based Assessment

REPRESENTATIONS

The application has been advertised by site notices, press notice and neighbour letters. In addition to those representations set out below two **public responses** were received raising the following issues:

- Site should be used for a proper coach station
- Campus for students should be provided outside the city

- Hong Kong densities should be provided with Hong Kong Public Transport
- Will make on street parking worse
- Increased number of students impact on infrastructure
- Imbalance of students and residents

South West Water: Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. South West Water is able to provide clean potable water services from the existing public water main for the above proposal. South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer. The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. The applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable): That Hierarchy is 1. Discharge into the ground (infiltration); or where not reasonably practicable, 2. discharge to a surface waterbody; or where not reasonably practicable, 3. discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, 4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

Transition Exeter Transport Group are pleased to see that this application includes provision for waiting coach passengers. This would be well located in relation to the planned coach stops and addresses a concern we have raised repeatedly in the plans for redeveloping the Bus and Coach Station site. However, it is disappointing that the proposed room has half the floor area of the current waiting room, and the lack of toilet provision is still a concern. If toilets cannot be added to the current application, perhaps a free-standing installation could be considered, as in the new Plymouth Coach Station. Including it in the plans for this site would allow the water and sewerage works to be done at the same time as those for the building, and it seems an appropriate extension to the developer's contribution to the area.

We note that "Exact details of the management and operation of this facility are still to be agreed with the council." Given that coaches run at all times of the day and night, it is important that 24 hour access is maintained. We welcome the open design of the space, with full height glazing on two sides: this offers shelter against poor weather while providing good visibility into and out of the room so that waiting passengers will feel safe. We hope that CCTV surveillance of the site (Design and Access Statement item 5.3) will extend to the coach passenger waiting area and we note that Devon and Cornwall Constabulary have commented on the need for effective monitoring in this area.

The provision of information for coach passengers is not mentioned in this application. There must be scope to install electronic displays with live information and WiFi access for coach passengers, and to upgrade in future as technology develops. There also needs to be clear signage linking the coach waiting area to the new Bus Station, and provision to cross Cheeke Street safely.

We have concerns about the amount of cycle parking planned. Section 3.12 of the Design and Access Statement states:

"During early conversations with the Council the applicant was advised that the number of cycle storage provision could be phased from the first occupation of the building and therefore space should be provided for cycle storage numbers to increase as and when required. The proposals are to initially provide 40 number of cycle bays with flexibility for a further spaces to be added as and when required. In addition several visitor cycle stands are to be provided along Bampfylde Street."

Why not provide the full number of cycle bays from the start? Alternatively, start with single-tier storage using the full space allocated and add a second tier as needed. Double-tier racks can be awkward to use and provide a disincentive to cycle owners – perhaps leading to higher than expected levels of on-street cycle parking. The number of visitor cycle stands needs to be quantified: 3 are shown on the ground floor plan, but this is well below the 6 required by the Sustainable Transport SPD. We support the detailed comments on cycle parking made by Exeter Cycling Campaign.

Exeter Cycling Campaign in summary supports the development of high density residential development in the city centre from a sustainable transport perspective. However, we must express CONCERN about the current proposals for the following reasons: The Proposed Development significantly under-provides cycle parking spaces and the quality of provision should be enhanced to enable use by people of reduced mobility or with specially adapted cycles; Insufficient consideration has been given to the highway network around the Proposed Development, particularly in terms of how residents and coach passengers using the new waiting room will access passenger facilities and shopping and leisure uses on the opposite side of Cheeke Street. Detailed comment and bullet-point recommendations are provided. The Applicant should be made to address the detailed comments before any consent is granted and improvements to the proposals must be secured by planning condition.

Exeter Civic Society: The coach travellers experience will be the tiniest of rooms with no facilities. The application should be refused. We are not attracted to the bulk, look nor height of this student tower block and would be pleased to see reconsideration of the whole proposal.

CONSULTATIONS

Natural England: No comments to make on this application.

Devon and Cornwall Police: The current bus station generates a high level of Police calls. The concern with this proposal is that the issue of formal surveillance and management is not clearly addressed for the coach waiting area. Currently Bampfylde Street and Cheeke Street is not covered by the monitored city cctv network. The design of this proposal offers no formal physical surveillance over the waiting area. I have had no detail of a management plan of this area (opening times, management and control etc). Coupled with the lack of formal surveillance in the area I am concerned this element of the application will create a crime and disorder risk owing to unauthorised use. To reduce this risk options would include: Re-designing a section of the GF floor plan so the staffed office has a one way viewing window with direct surveillance over the coach waiting area. Secondly, extension of the city monitored CCTV camera coverage to include the area. Owing to the number and nature of calls to Police associated with these facilities, 'in house' CCTV managed by the development itself would not be acceptable to manage a public facility.

The student community is historically at risk of being victims of acquisitive crime, police approved physical security standards will need to be adopted by the applicant. Therefore doors and windows should meet general Secured by Design standards. Windows with direct

access to the public realm should also not be capable of opening (there are no approved restricting methods). All external access doors to the public realm should meet the above standards for doors. Note that bin stores, fire exits and doors where communal access is provided to private outdoor space are at higher risk. Electronic access control should meet the guidance in British Security Industry Association (BSIA) 'A specifiers guide to the Security classification of access control systems'.

ECC Environmental Health: Recommend approval with condition (noise limits, AQIA, CEMP).

DCC Development Management (Highways): The proposed development is being promoted as car free, which for a sustainably located city centre student development is acceptable. Being situated in the city centre the site is well located to access a variety of amenities by sustainable modes. With 150 bedrooms, the proposed development is expected to generate a considerable number of new pedestrian and cycle movements to and from the site. Indeed the TA sets out the proposed development is expected to generate approximately 500 two way pedestrian movements per day. The majority of pedestrian movements are expected to be heading northwards towards Sidwell Street for access to the City Centre and/or University. However, there will also be a demand for pedestrians heading west for access to the Bus Station. To provide for this, a new informal "imprint" crossing has been proposed. The principle of this is acceptable, and the detailed design will need to be secured through a S106/278 agreement.

Access for cyclists is primarily taken from an entrance located to the east of the building – an external door and dropped kerb on Stover Court should be provided, giving convenient access for users who wish to cycle to and from the site. This will provide access to a store for 80 secure cycle parking spaces, meeting the standard set out in the Sustainable Transport SPD. In addition, the applicant has shown 4 Sheffield cycle stands located next to the main entrance – these will provide a facility for visitors and short stay trips and are welcomed. The redundant dropped kerbs on Stover Court that were used to serve the previous use must be reinstated to a full height kerb in the interest of safety.

Two parking spaces to the east of the site provides facilities for student pick up/ drop off at the start/end of term. Combined with the off street parking (namely Stover Court located immediately next to the site) in the vicinity to the site this is felt to provide adequate provision. The applicant is advised that the peak periods of student drop off and collection should be carefully managed to make best use of the designated spaces. These arrangements can be agreed through either a Travel Plan or a management plan as part of any legal agreements attached to the site. To provide for deliveries to the site and the servicing of the building, it is proposed that service vehicles would access the site/unload on Bampfylde Street and / or Stover Court (as per existing use). Although this is acceptable, the applicant is advised that this should be monitored carefully to ensure vehicles do not block access to the coach stops proposed on Bampfylde Street (which is being delivered as part of the Bus Station redevelopment works).

The site is located in a prominent city centre location adjacent to a number of traffic sensitive streets – particularly Cheeke Street for bus services. Consequently, demolition and subsequent construction will therefore need to be carefully managed to ensure the impact of these is minimised and the potential for large plant, including cranes, on the highway is likely to be limited. 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 that adequate areas will need to be made available within the site to accommodate construction vehicles off of the public highway.

In summary, the impact of the development is acceptable in highway terms and suitable loading and cycle parking facilities are proposed for the traffic attracted to the site. Conditions

as part of any planning approval are therefore recommended to ensure adequate on secure cycle parking facilities, proposed informal crossing on Cheeke Street, Travel Plan and to agree construction management arrangements.

Therefore, subject to the inclusion of a pedestrian crossing in an appropriate legal agreement and appropriate conditions being attached in the granting of any permission, no objection.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy
CP1 - The Spatial Approach
CP2 - Employment
CP3 - Housing Distribution
CP5 - Meeting Housing Needs
CP8 - Retail
CP10 - Meeting Community Needs
CP11 - Pollution and Air Quality
CP13 - Decentralised Energy Networks
CP15 - Sustainable Construction
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011
AP1 - Design and Location of Development
AP2 - Sequential Approach
E3 - Retention of Employment Land or Premises
H1 - Search Sequence
H2 - Location Priorities
H5 - Diversity of Housing
H6 - Affordable Housing
H7 - Housing for Disabled People
S1 - Retail Proposals /Sequential Approach
S3 - Shopping Frontages
S5 - Food and Drink
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
T5 - Cycle Route Network
T6 - Bus Priority Measures
T9 - Access to Buildings by People with Disabilities
T10 - Car Parking Standards
T11 - City Centre Car Parking Spaces
C1 - Conservation Areas
C5 - Archaeology
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN4 - Flood Risk
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG3 - Commercial Development
KP1 - Pedestrian Priority Zone

OBSERVATIONS

The Core Strategy was adopted in February 2012, is up to date and relevant and sets out the strategic vision for development in the City including “maintaining a vital and viable mix of uses in the City Centre and delivering development to enhance Exeter’s position as a premier retail and cultural destination.” This vision is supported by the Objectives set out in the Core Strategy document and by the policies of the Local Plan and the emerging Development Delivery DPD. The site is currently occupied by a retail unit and is at the edge of the identified secondary retail area. However the proposals include active ground floor frontage and introduce residential population which will add to the vitality of the area and hence the loss of retail frontage is not resisted.

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

The site is considered to be well located for student housing development, provided that provision can be adequately made for living conditions of occupiers, outside the areas of restriction of student housing, with good links to transport facilities and amenities and good links to the two University Campuses. The provision of purpose-built student housing in the city centre and near transport nodes is supported by Policy CP5 of the Core Strategy. Given the pressure on the city to accommodate the rising number of students, the capacity of the site to meet this specific housing need should be developed to the highest appropriate density as guided by Policy CP4 of the Core Strategy. The site is much less well suited to other housing types for amenity reasons. The Council also supports the development of purpose-built student housing to meet housing need and to help ease pressure on family housing. It is not current policy to seek affordable housing from purpose-built student accommodation developments. As such the proposals are considered to comply with policy H5 of the Exeter Local Plan First Review.

In principle the redevelopment of this site for student accommodation on the upper floors, with active functions on the ground floor facing street level, is therefore supported in principle.

The key issues in determining this application are considered to be: the height, massing and design of the proposed building, potential for contamination and relationship with neighbouring residential units.

Design

The height and massing of the proposed building is a key issue in determining this application. The 'Grecian Quarter Height Constraints Analysis 2008' produced for Exeter City Council looked at the potential for tall buildings in this area to impact on views through the site. It recommended that buildings in the identified areas should be up to 21 metres in height with variation in massing of up to 25 metres in height. It acknowledges that impact on views is one factor which needs to be considered the appropriate height of buildings. The site is outside the most sensitive part of the study area for which an absolute height limit was recommended. The location of the site means that the building will be a skyline feature when viewed from public spaces in Newtown, St. James and Lower Pennsylvania.

The proposed building introduces pitched roofs and significant articulation of the building elements to create what officers consider a roof design of some merit. The proposed building would be a prominent feature in some public views but the design is considered effective in breaking up the massing integrating it with views across the wider roofscape of the city. The highest part is a minor part of the overall footprint with lower elements arranged either side. The three elements of the building are articulated effectively at roof level and further differentiated by materials. The main external materials are two contrasting brick colours, the approval of all external materials can be reserved by condition. The highest point of the building is just under 25 metres above ground floor level, with the top of the mansard roof of the main element being 22.4 metres above ground floor. The eaves line of the main part of the building is set at 19.8 metres above ground floor level with the 7th storey set in a mansard roof. On the south elevation the parapet of the brick facade is cut into to extend the roof level windows down to the storey below which further breaks up the horizontal emphasis of the parapet line and the apparent mass of the building. The building also steps down on Cheeke Street to preserve light to the flats above the shop units on Sidwell Street. The lower element is articulated and uses a different brick to maintain a strong vertical emphasis and visually split the two elements of the facade to reduce the roof height on Belgrave Road and Bampfylde Street towards the north end of those streets. The entrance is located on the corner of Bampfylde and Cheeke Street and the highest part of the building and entrance arrangements give suitable prominence and legibility to that entrance.

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

The Development Principles are:

Principle A: Development must be viable.

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

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

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

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

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

Principle G: Development must create a network of accessible open streets and spaces.
Principle H: Buildings must be individual and of a high architectural quality, with landmark buildings and gateways formed at key locations using materials appropriate to the location.
Principle I: Vehicular traffic servicing and car parking must be accommodated in such a way as to minimise their impact.
Principle J: The development must adopt high standards of sustainable design and enhance biodiversity

The Design Review Panel considered the scheme at pre-application stage in March 2016 as presented in the Design and Access Statement. The Panel were generally supportive of the design of the building but raising specific points of concern to be addressed. Following the presentation of the scheme to the Panel the roof design and external cladding were revisited and greater emphasis given to the entrance to address the concerns raised.

A condition is proposed to secure the details of the landscaping to the courtyard area and ecological enhancements.

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

The development will introduce further residential accommodation into the 'Grecian Quarter' regeneration area which will support street level activity. The ground floor is designed to have active and transparent frontages contributing positively to the redevelopment of the area. The ground floor common room links well to a small private external courtyard at the rear for occupier use.

Relation with neighbours

As discussed above the building design steps down to four storeys along the Cheeke Street facade to preserve light and avoid overbearing impact to the four flats above the shop units on 157-158 Sidwell Street which, share an outdoor space at first floor level and have windows of habitable rooms facing the site. The windows in the end elevations of the proposed building which face directly towards these properties are windows to stairwells and can be secured to be obscure glazed to protect privacy of occupiers of these four flats. This being the case the window to window distance between unobscured opposing habitable rooms is a minimum of 23 metres which is considered adequate to maintain in-building privacy.

Transport

Coach Passenger's waiting room is provided on the ground floor. This is 32m² and is laid out with 27 seats. It is glazed on two sides. The enclosed waiting room is smaller than that currently provided in the existing bus station however that caters for bus and coach service passengers and a fully enclosed concourse for bus passengers is provided as part of the new bus station details of which were approved as application reference 16/0890/02. The scheme of highways works with the outline permission for the redevelopment of the Bus and Coach Station site include provision of two large 'bus' shelters on the pavement outside the waiting room. The waiting room and shelters serve four scheduled coach bays on Bampfylde Street. Four stops are required to serve the peak demand. The City Council has indicated that it will take responsibility for the management of the waiting room, including provisions for maintenance, security provision of information for passengers and cleaning. A condition to

secure approval of a scheme of management of the waiting room before it is first brought into use is proposed to be attached to any consent.

The application has been amended since first submitted so as that occupier cycle parking is provided to the appropriate standard from first occupation. The development proposes two on-site car parking spaces reserved for disabled drivers. Given the City Centre location, the access to a full range of local facilities and the public transport, pedestrian and cycle provisions this is considered acceptable pursuant to Local Plan Policy and the National Planning Policy Framework. The application is accompanied by a Transport Statement and a condition is recommended to be attached to any consent to ensure that detailed measures are implemented to promote sustainable transport use, including restriction on occupier's cars. The extent of on-street parking controls in the area of the site, and cost of public and private parking facilities, are considered to be a significant deterrent occupiers parking nearby. The development proposes improvements to pedestrian routes towards the west, through an informal pedestrian crossing with associated drop kerbs and has been amended to provide secure cycle storage for 80 bicycles at first occupation. The public realm includes four on-street cycle stands for visitors.

There is availability of parking and loading in Stover Court in addition to the two on site spaces to accommodate arrivals and departures from the student residential accommodation on managed basis. The management of arrivals and departures should be set out in a Management Plan secured by the consent.

Contaminated Land/Unexploded Ordnance

The potential for the site to be subject of contamination and the potential presence of unexploded ordnance require further investigation including following clearance of the site and conditions are proposed to be attached to any consent to secure this.

Noise

A Construction Environment Management Plan can be secured by recommended condition to protect the living conditions of nearby occupiers and the natural environment during the construction phase.

The development is proposed in an area where there are existing noise generating uses nearby, most notable the night club, car repair garages on Summerland Street and the bus station, all of which have the potential to impact on residential occupiers of the site. The further assessments are required to be carried out in support of the application to determine the design of any measures to mitigate the impact of noise on future occupiers. Such measures that may be necessary can be incorporated within the fabric of the building and as such officers are happy that approval of any such details be secured by condition.

Internal bin stores are provided hence there will be no need for bins on street.

Sustainability

A pre-assessment BREEAM scoring submitted with the application indicates that 'excellent' (70%) can be achieved and a condition is proposed to be attached to any consent to enable officers to continue to work with the developer towards the achievement of BREEAM Excellent.

A condition to secure details of foul and surface water drainage is proposed to be attached to the consent.

Financial Considerations

The development is estimated to yield £194,000 of New Homes Bonus (NHB) payable to the City Council assuming the current rules regarding the period of payment, baseline and on abatements continue to prevail following completion of the scheme.

Community Infrastructure Levy (CIL):

Out of Centre Retail floorspace: 0

Residential floorspace: 0

Student Accommodation floorspace: 4,711.6 square metres

Other floorspace: 32.0 square metres

Demolished floorspace: 1,164.9 square metres

Student Accommodation (2016) CIL rate: £51.07 per square metre

CIL PAYABLE (2016). Net gain in floorspace in qualifying use (student accommodation) minus demolitions and non-qualifying floorspace, multiplied by 2016 CIL rate (student accommodation) = £181,129.96

Section 106 matters

- District Heating Contribution £25,228
- Student Management Plan
- Off-site highway works (including crossing improvements)
- Traffic Order costs

RECOMMENDATION

APPROVE subject to conditions, which may be varied, amended or supplemented as appropriate, and completion of a Section 106 Agreement for the matters listed above.

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received on 6 January 2017 and as superseded by revised details received on 28 February 2017 by the Local Planning Authority and as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform to the visual amenity requirements of the area.
- 4) A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife (such as nesting bricks or boxes) shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any

earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

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

- 6) No development related works, with the exception of demolition works, shall take place until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 7) No development approved by this planning permission (excluding demolition), shall take place until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The scheme shall include the following components:

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

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

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

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

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

Reason: To protect human health and controlled waters.

- 8) If, during development, contamination not previously identified is found to be

present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 9) No development activities, including demolition or earthworks, shall take place on site until a Construction and Environment Management Plan (CEMP) for those activities 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) Site hoarding shall be kept clear of graffiti and fly-posting.

An approved CEMP shall be adhered to throughout the demolition and construction period.

Reason: In the interest of amenity of nearby occupiers.

- (10) The level of noise emitted from the site shall not exceed the limits presented in Table 1, as measured on the specified boundary of the site and specified time of day. Further, plant items associated with the development should be controlled to a 'rating' level of not more than 50dB L_{Ar,1hr} during the daytime (0700-2300hrs) and 45dB L_{Ar,1hr} during the night-time (2300-0700hrs) outside any openable study/bedroom windows of the proposed development itself. The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.

Table 1. Plant Noise Limits at Nearby Existing Residences

Location	Recommended Plant BS4142 Rating Noise Limit		
	Day (0700-1900hrs) dB L _{Ar,1hr}	Evening (1900-2300hrs) dB L _{Ar,1hr}	Night (2300-0700hrs) dB L _{Ar,15min}
Existing Residences to Southwest of Site	51	47	44
Proposed Residences to Southeast of Site	48	45	44
Existing Residences to North of Site	43	40	39

Reason: In the interests of residential amenity.

- 11) Notwithstanding condition no. 3 no works other than demolition shall commence

under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority in so far as they relate to that phase and the following shall thereafter be provided in accordance with such details:

- a) Detailed layout(s) of any plant room(s) associated with the provision of heat
- b) The entrance canopy.
- c) The Fire Access door onto Stover Court.

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

- 12) No part of the development hereby approved shall be brought into its intended use until the informal pedestrian crossing on Cheeke Street 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 safe and suitable access and adequate facilities for traffic attracted to the site.

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

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

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

Reason: To provide adequate facilities for sustainable transport.

- 15) The student accommodation hereby approved shall be constructed with heating systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

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

- 16) Unless otherwise agreed in writing by the Local Planning Authority student accommodation hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development, excluding demolition, 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.

- 17) Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.
Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.
- 18) No development (with the exception of demolition) shall take place on site until an air quality assessment 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 interest of the amenity of future occupiers of the development.
- 19) A Management Plan for the Coach Waiting Facility shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority before that facility is first brought into use. The operation of the Coach Waiting Facility shall only be carried on in accordance with the terms of the Management Plan. The Management Plan shall include provisions for maintenance, security, cleaning and the provision of information to Coach Passengers.
Reason: In the interests of ensuring the facility is maintained for the purposes of a Coach Passenger waiting room.
- 20) No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.
Reason: In the interest of public safety.
- 21) The applicant shall submit a scheme for protecting occupiers of the development from noise. This shall be submitted to and approved by the Local Planning Authority before construction (excluding demolition) commences and shall be implemented before any part of the residential accommodation is first occupied.
Reason: In the interests of the living conditions of future occupiers.
- 22) The windows to stairwells and corridors in the Northwest elevation shall be constructed as obscure glazed, as shown on the approved plans, and maintained as such thereafter.
Reason: In the interests of the amenity of neighbouring occupiers.
- 23) No part of the development hereby approved shall be brought into its intended use until secure cycle parking spaces and vehicular spaces as indicated on "*GA Plan Ground Floor Plan 0787-JSA-XX-00-DR-A-02001Rev P3*", have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

- 24) No part of the development hereby approved shall be brought into its intended use until the redundant dropped kerbs have been reinstated on Stover Court have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

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

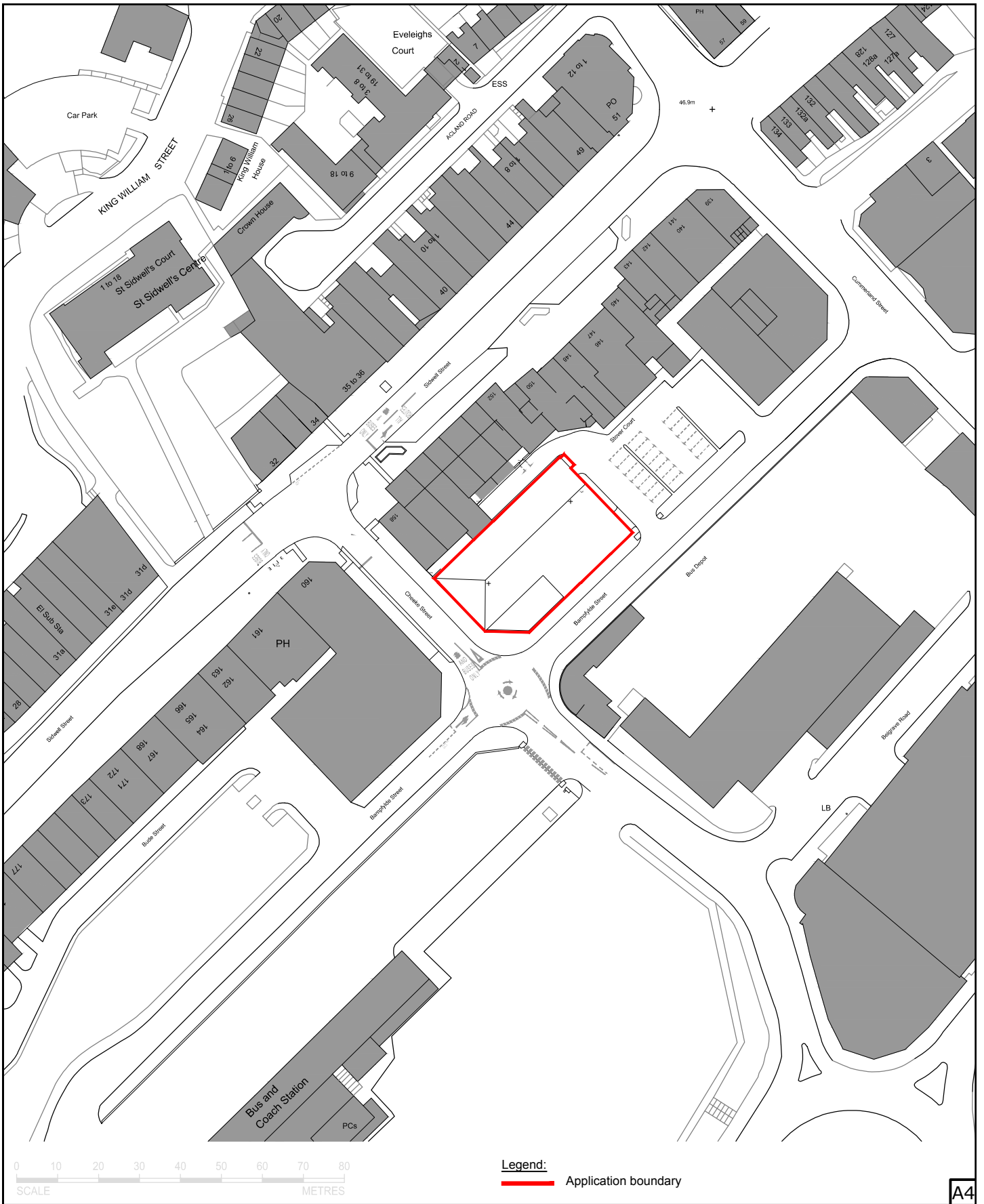
Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

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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Project
**Bampfylde Street
Exeter**

Drawing
Location Plan

Scale 1:1250 @ A4	Date December 2016	
Ref. 0787_JSA_XX_XX_DR_A_00001		
Drawing Purpose PLANNING SUBMISSION	Status S5	
Rev -	Drawn MU	Check JSA
<small>Do not scale from this drawing The contractor is to check all dimensions on site and report any discrepancies to the architect All rights described in chapter IV of the copyright, designs and patents of 1988 have been generally asserted</small>		



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Initial Issue

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ITEM NO. 9**COMMITTEE DATE:** 20/03/2017

APPLICATION NO: 16/1560/03 FULL PLANNING PERMISSION
APPLICANT: Mr Smith
Four Smiths Ltd
PROPOSAL: Change of use to Sui Generis (7 Bed HMO) and
replacement of rear conservatory and store
LOCATION: 16 Mowbray Avenue, Exeter, EX4 4HB
REGISTRATION DATE: 02/12/2016
EXPIRY DATE: 27/01/2017

DESCRIPTION OF SITE/PROPOSAL

The application site relates to 16 Mowbray Avenue. The property is located within the Duryard and St James Ward but is specifically excluded from the Article 4 Direction restricting a change of use to C4 HMO. An application is required as the proposal is to change the use from C3 to Sui Generis in order to accommodate 7 residents. The property occupies a prominent position on the corner of Mowbray Avenue and Howell Road. The application site is located within the Longbrook Conservation Area. The present use of the property is a shared house for 4 residents with a separate bed sit on the top floor. The proposal also involves the redevelopment of the rear conservatory and store room to provide a dining area.

The proposed layout would provide one bedroom on the ground floor with separate lounge, kitchen, dining and WC. At first floor there would be 3 bedrooms and 2 shower rooms and at second floor there would be 3 bedrooms and a WC. Externally space is provided for a bike storage shed for 7 bikes and space for wheelie bins within the side garden area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The applicant has submitted a design and access statement to support the application.

REPRESENTATIONS

No representations received from neighbours.

CONSULTATIONS

The Exeter St James Forum: The Forum has objected to this proposed change of use. The Forum state that the application is contrary to Local Plan Policy H5b and the St James Neighbourhood Plan C1e, C1a, c and d for the following reasons:

- Altering the internal and external layout of the house would alter the character of the house and reduce the likelihood of the property returning to a family home;
- Lack of parking provision will put further pressure on the Residents' Parking Scheme and parking in the wider area;
- Concern about other C4 dwellings in exempt streets applying for Sui Generis and a subsequent increase in residents in the ward;
- Negative impacts of over-concentration of student residents on permanent residents of St James.

ECC Environmental Health: Recommend a condition restricting construction and demolition hours.

DCC Highways: Additional parking permits will not be issued for this development. There is no on site parking provision however a car free development is acceptable in this location. Recommends that a condition requiring secure cycle parking is included.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance:

- National Planning Policy Framework

Exeter Local Development Framework Core Strategy

Exeter Local Plan First Review 1995-2011:

- H5 - Diversity of Housing;

This policy states that the conversion of dwellings to HMOs will be permitted subject to the following:

(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. In accordance with this requirement it is considered that the intensity of use will not harm the character and locality of the building. The property is a large end property with space to accommodate 7 residents with a good level of shared amenity space. The adjoining properties and the properties which share a boundary in the street to the rear of 16 Mowbray Avenue are also registered as Council Tax Exempt properties for this reason it is considered that a further HMO in this location would not harm the amenity of neighbouring occupiers. The proposal will not result in on-street parking problems as residents will be encouraged to leave their cars at home and will be provided with a secure location to store cycles if they wish to bring one. The house is located within walking distance of both the University main campus and the City Centre facilities. Devon County Council's Highways Officer has confirmed that further on-street parking permits will not be issued to serve this development;

(b) The proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the community. Mowbray Avenue is one of the exempt streets from the Article 4 Direction. 11 of the 15 properties in this street are already listed as Council Tax Exempt. It is therefore considered that there is an existing imbalance in the community and as such this application for a change of use to sui generis would not alter the character of the area or imbalance the community.

- C1 - Conservation Areas;

In accordance with this policy the proposed change of use and redevelopment of the store and conservatory would not harm the character or appearance of the Conservation Area. Use of the property for 7 residents would not detract from the current appearance of the property. The house retains a single main entrance and provides storage for bikes and bins so as not to detract from the character or appearance of the dwelling.

Exeter City Council Supplementary Planning Document:

- Exeter City Council Supplementary Planning Document, Houses in Multiple Occupation (Including Class C4 Uses) - Adopted 2014;

The purpose of this SPD is to clarify the implementation of Policy H5(b) of the Exeter Local Plan. Within St James Ward it clarifies implementation of Policy C1(e) of the Exeter St James Neighbourhood Plan. The guidance applies to all planning applications for change of use

from homes (Class C3 of the Use Classes Order) to Class C4 or Sui Generis (houses in multiple occupation of seven or more occupants) within the areas shown on the plan. The SPD states that the guidance does not apply to the nine streets that are not subject to the Article 4 Direction. Mowbray Avenue is one of those excluded streets. The SPD also lists a number of exceptional circumstances where a change of use may be permissible. An example used in these exceptional circumstances is in cases where very localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. Whilst this guidance does not directly apply to Mowbray Avenue as an exempt street the logic of the exception remains valid. Just 4 of the 15 properties on Mowbray Avenue are not listed as Council Tax Exempt. The adjoining property, as are the properties to the rear are also Council Tax Exempt.

Exeter St James Neighbourhood Plan (March 2013):

C1 - Houses in Multiple Occupation:

- a) The proposed development would not harm the character and appearance of the building, adjacent buildings or local landscape context. On the contrary it is considered that the application will enhance the appearance of the building. The conservatory to the rear is in poor condition and not of a good design. The application proposes to redevelop the conservatory and store room to form a dining area. Upgrading this structure is considered to improve the appearance of the rear of the property. No other external alterations are required to facilitate the proposed change of use;
- b) The proposed design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities. It is considered that the use of the property for 7 residents is not an over-intensification of use. The property provides a separate lounge, kitchen and dining room, two bathrooms and two separate wc's. Each of the bedrooms exceed the sizes required for letting rooms. The use would not have a detrimental impact on neighbouring residential amenities. Our records of Council Tax exempt properties show that the adjoining property and the property to the rear are also in HMO use;
- c) As already discussed internal space has been provided at an appropriate quantity. The property also provides external amenity space for residents. There is also dedicated space for bin storage and space to store 7 cycles. No car parking has been provided, however, given the location of Mowbray Avenue in close proximity to the City Centre and the University a car free development is considered the most appropriate. Devon County Council Highways concurs with this view.
- d) As a car free development residents would be encouraged not to bring their car. Cycle parking would be provided for each resident to provide sustainable travel options.
- e) Part E of policy C1 states that *'change of use to HMO will not be permitted unless the proposal would not result in an over concentration of HMOs in any one area of the ward, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community'*. The important part of this policy in this case is the second part. It is accepted that an over concentration of HMOs already exists in this area. An analysis of Council Tax Exempt properties in Mowbray Avenue showed that 11 of the 15 properties are listed as Council Tax Exempt. The second part of this states that applications should be refused where it would change the character of the area or undermine the maintenance of a balanced community. Mowbray Avenue is excluded from the Article 4 Direction. Therefore a change of use from C3 to C4 is permitted development. The chances in this case are that this property will be used as a HMO for 6 residents, regardless of the outcome of this application. The key question therefore is whether use as a HMO for 7 residents would change the character of the area. It is considered that the character of Mowbray Avenue is as a street which is primarily occupied by students residing in HMO's. Therefore, the addition of 1 extra resident would not change the prevailing character of the area. While such proposals have a cumulative impact it does not in isolation cause significant harm to the balance of the community.

H1 - Heritage:

The proposed change of use and alterations to the rear of the property conserves the character and appearance of the Conservation Area. Use of the property for 7 residents is considered acceptable and would not result in harm to the character or appearance of the property and subsequently the Conservation Area.

APPEAL DECISIONS

The following are two appeal decisions which are material considerations to this application.

32 Danes Road (15/0346/18): This is an appeal against the Council's decision to issue a refusal of a certificate of lawfulness for a proposed change of use from C4 to Sui Generis to use the house as a HMO for 7 residents. The inspector noted Class C4 of the Town and Country Planning (Use Classes's) Order 1987, as amended, which is headed 'Houses in Multiple Occupation' indicates that the class applies to the use of a dwelling house for this purpose "*by not more than six residents*" In the light of this, it is perhaps self-evident that the use proposed, would fall outside of Class C4. Likewise, it is equally apparent that the additional occupancy would represent an intensification of the use of the property. The inspector then goes on to discuss the definition of development in section 55(1) of the 1990 Act. This includes "*the making of any material change in the use of any buildings or other land*". While the intensification of a use can amount to a material change of use, the Courts have held that the mere intensification does not in itself constitute a material change of use. The inspector concluded that the scale of the increase of residents and the additional degree of activity is unlikely to be so great that it would materially alter the fundamental character of the use of the appeal property as a HMO. The inspector found that as a matter of fact and degree, the proposed use would not amount to a material change of use. It would not therefore amount to development as defined by section 55 of the 1990 Act and so would be lawful.

8 Velwell Road (12/1673/03): This is an earlier appeal against the Council's decision to refuse planning permission for a change of use from C4 to Sui Generis for a HMO up to 7 residents. The inspector took a different view to that of Danes Road and concluded that the effect of increasing the occupation of a dwelling from six to seven persons, whilst small, would not be insignificant. It would increase the density of occupation of the dwelling to an extent that would be out of character in the residential street, and it would lead to an unbalancing of the locality.

OBSERVATIONS

It is accepted that the proposed development is contrary to the intentions of the aims of the Exeter St James Neighbourhood Plan which seeks to maintain a balanced community by preventing the increase in HMO's in the ward. However, a closer analysis of the policies and the specific circumstances of this property makes it difficult to provide a robust reason for refusal. The policy analysis above has demonstrated that the impact of this proposal on the St James Ward is negligible. Use of the property as a HMO for 3-6 residents is lawful and in fact likely due to the exclusion of this street from the Article 4 Direction which restricts permitted development to C4 dwellings. The property is considered to be an adequate size for 7 residents and would not be an over-intensive use of the property.

The two appeal decisions above offer conflicting guidance on the situation with one Inspector concluding that an additional person would have a material impact and the other concluding that it wouldn't. Perhaps more similarities could be drawn between the Danes Road appeal and this application as both streets are excluded from the Article 4 Direction where the objective of maintaining a community balance is unlikely to be achieved due to the existing concentration of student uses. This is a finely balanced proposal with strong arguments for

and against the proposed change. On balance it is considered that the impact of this proposal is acceptable and should be approved.

RECOMMENDATION

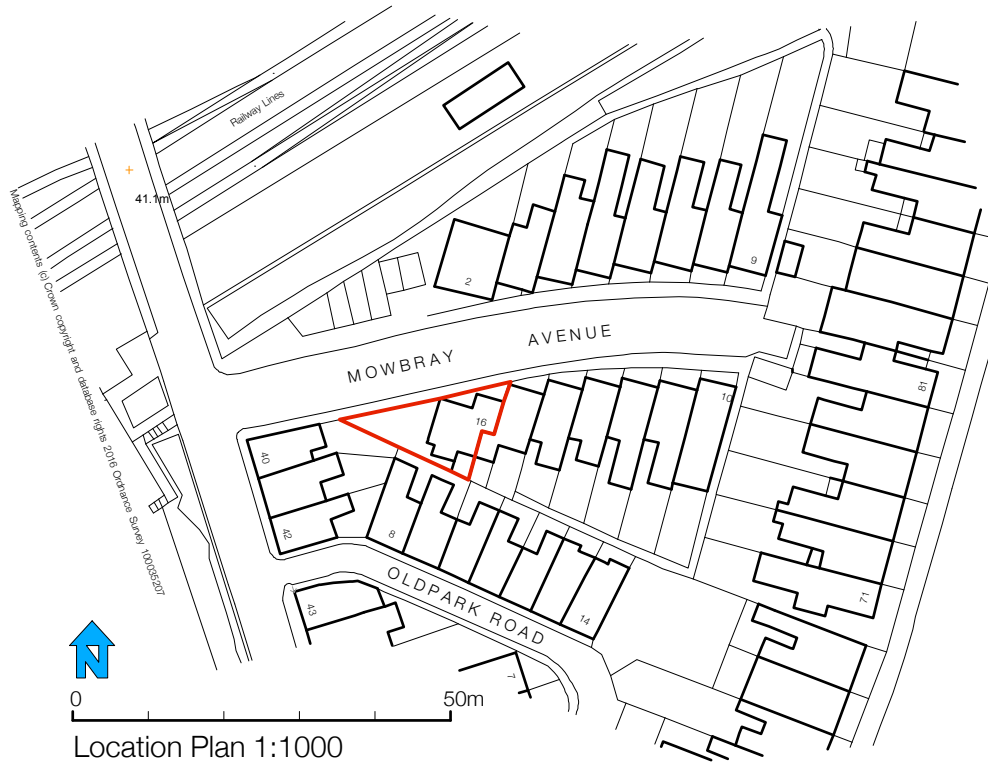
APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 2 December 2016 (*dwg. no(s). 82-P01, 82-P02, 82-P03, 82-P04, 82-P04 and 82-P05*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to the occupation of the dwelling as a Sui Generis HMO secure cycle parking for 7 bicycles will be provided in accordance with the details provided on *dwg.no. 82-P04A* received by the Local Planning Authority on 09 January 2017.
Reason: To encourage sustainable travel.

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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Location Plan 1:1000

16 Mowbray Avenue,
Exeter EX4 4HB

Tom Spriggs Architect Limited

01392 662244 - www.tomspriggs.com
tomspriggs@gmail.com

Project: 16 Mowbray Ave
 Client: Mr Ben Smith
 Scale: 1:1000 @ A4
 Drawing Title: Location Plan
 Drawing no: 82-P01

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Agenda Item 10

ITEM NO. 10

COMMITTEE DATE: 20/03/2017

APPLICATION NO: 16/0318/03 FULL PLANNING PERMISSION
APPLICANT: McCarthy and Stone Retirement Lifestyles Ltd
PROPOSAL: Erection of part three part four storey building comprising 39 retirement living apartments with associated communal facilities car parking access and landscaped grounds
LOCATION: Land adj Pinhoe Hoard Public House, Pinhoe Road, Exeter, EX4 8EW
REGISTRATION DATE: 04/03/2016
EXPIRY DATE: 03/06/2016

HISTORY OF SITE

14/0963/03 -	Three storey building containing 41 retirement apartments including communal facilities and associated car parking and landscaping. Appeal was refused on Affordable Housing grounds.	REF	05/06/2015
14/0057/03 -	Three storey building containing 41 retirement apartments including communal facilities and associated car parking and landscaping	REF	17/04/2014

DESCRIPTION OF SITE/PROPOSAL

Erection of part three/part four storey building comprising 39 retirement living apartments with associated communal facilities car parking access and landscaped grounds. Vehicular access to the site is taken from a spine road which has already been granted consent.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

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

- Drainage layout and details
- Refuse and Fire Vehicle Tracking
- Perspective views
- Landscape and planting plans
- Landscape details
- Tree Survey
- Tree constraint plan
- Planning Statement
- Design and Access Statement
- Acoustic Survey 2013
- Topographical Survey
- Reptile Report 2013

REPRESENTATIONS

2 objections were received regarding green roofs, time restriction on building works, the numbers of storeys and the north elevation's impact on surrounding area.

CONSULTATIONS

Devon County Council, Highway Authority

The Highway Authority refer to responses to the previous applications on the site that it is satisfied with the vehicular access and turning area. They have no objection to the development subject to conditions to the provision of access, turning area, parking, secure cycle storage and prevention of surface water on to the highway.

The Authority have, for safety reasons, asked for an improvement of the access onto the pedestrian/cycle lane. This pedestrian/cycle lane is part of the strategic regional cycle

network and therefore of strategic importance to improve the cycle route. To improve the safety and functionality of the pedestrian/cycle lane the Highway Authority propose to increase its width using approximate 0.5 metres of the northern boundary of the application site to improve the lane.

ECC Environmental Health

Environmental Health refer to responses to the previous application and has no objection subject to planning conditions relating to ambient noise and construction/demolition hours.

South West Water

SWW have no objection but advise that they have water mains within the site. For comments see previous application 14/0963/03.

Environment Agency

Have no objections to the proposal providing development proceeds in accordance with the Flood Risk Assessment submitted in application 14/0963/03. For comments see previous application.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - Spatial Strategy
CP3 - Housing
CP4 - Density
CP5 - Meeting Housing Needs
CP7 - Affordable Housing
CP9 - Transport
CP10 - Meeting Community Needs
CP11 - Environment
CP13 - Decentralised Energy Networks
CP15 - Sustainable Construction
CP16 - Green Infrastructure
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
H1 - Search Sequence
H2 - Location Priorities
H7 - Housing for Disabled People
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology
LS2 - Ramsar / Special Protection Area
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity
DG5 - Provision of Open Space and Children's Play Areas

Exeter City Council Supplementary Planning Documents

Archaeology and Development SPG

Planning Obligations SPD
Public Open Space SPD
Residential Design Guide SPD
Trees and Development SPD

OBSERVATIONS

A similar application (14/0057/03) was refused on Affordable Housing grounds. The Officers recommendation was to approve the application if an acceptable Affordable Housing contribution could be agreed. In the absence of such an agreement the application went to appeal and was refused.

The amount of the Affordable Housing contribution has now been agreed with the applicant. The S106 can therefore secure the affordable housing contribution, the connection to District Heating and the land to be part of the public highway.

The amount of Affordable Housing contribution has now been agreed. There is no principal grounds for refusal of a similar scheme to application 14/0057/03. There are differences between the applications regarding the design and what has been submitted as supporting information. For instance, this application has no longer the undercroft parking that was proposed in the previous application, neither is the supporting information as comprehensive. If granted this application will be subject to conditions that reflect the differences between the two applications.

CIL Liability

The development is CIL liable. The liable amount is £413,360.58.

Affordable Housing and Viability

Viability Assessments have been carried out during the applicant's negotiations with ECC Housing Development regarding contributions for Affordable Housing. Viability included CIL and decentralized energy network contribution. The proposed commuted sum of £900,000 as the off-site contribution for Affordable Housing contribution is acceptable. The Housing Team confirmed that they would accept this commuted sum as an affordable housing contribution, in the absence of onsite provision.

Highways and Transportation

Vehicular access arrangements for this site are already established by a previous consent. The Highway Authority is satisfied that the road network has capacity to serve the development.

Cycle parking provision is necessary and therefore a condition has been added to secure the number of spaces in accordance with Sustainable Transport SPD 2013.

The Highway Authority have for safety reasons asked for an improvement of the access onto the pedestrian/cycle lane. This pedestrian/cycle lane is part of the strategic regional cycle network and therefore of strategic importance to improve this cycle route. To improve the safety and functionality of the pedestrian/cycle lane the Highway Authority propose to increase its width using approximate 0.5 metres of the northern boundary of the application site to improve the lane. The improvement is in accordance with Sustainable Transport SPD 2013, policy T5 – *Cycle route network* in the Local Plan and CP9 – *Transport* in the Core Strategy.

The applicant has agreed to improve the access onto the pedestrian/cycle lane and to use part of the site to increase the width of the lane. As part of making and forming this strip of land to a wider cycle/pedestrian lane this land needs to be transferred to the public highway and Devon County Council. Conditions will be added to ensure that above improvements for cycles and pedestrians are implemented and integrated into layout of the development.

Section A106 Agreement

A legal agreement will be required to secure:

- i. Affordable Housing - £900,000
- ii. Connection to District Heating
- iii. Land to be part of the public highway

Ecology, biodiversity, wildlife and flood risk

In the previous application several ecological surveys were submitted with the application including a biodiversity statement and Flood Risk Assessment. Environment Agency and Natural England were consulted and were satisfied as long as SuDS and biodiversity enhancements were carried out. In the previous application the RSPB wanted improvements in relation to bird nesting boxes. The Flood Risk Assessment and Biodiversity Report from application 14/0057/03 were not updated and submitted with this application. A Drainage Strategy with details was submitted with the application but not an acceptable SuDS scheme.

Conditions are added to cover areas where there are no submitted details in this application compared to the previous application or to secure matters which were highlighted in reports submitted in the previous application.

Design and amenity space

The proposed design and materials are appropriate to the character of the area. The amenity space is less than required in the Residential Design Guide SPD but acceptable for the use described and with the constraints of this site. Therefore a condition regarding Occupancy Age Limits has been added.

RECOMMENDATION

Recommendation is **APPROVAL** subject to:

- A Section 106 Agreement to secure the matters identified above
 - The following conditions (which may be varied or supplemented as appropriate)
- 1) C05 - Time Limit - Commencement
 - 2) C15 - Compliance with Drawings
 - 3) **Pre-commencement condition:** If not otherwise agreed with Local Planning Authority in writing samples of the materials that are 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) **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) Site hoardings shall be kept clear of graffiti and fly-posting.

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.

- 5) **Pre-commencement condition:** No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site (if not otherwise agreed in writing by the Local Planning Authority) to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the LPA and retained for the construction period.
Reason for pre-commencement condition: To minimise obstruction of and damage to the adjacent highway, in the interest of public safety.
- 6) **Pre-commencement condition:** 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 for pre-commencement condition: In the interests of the amenity of the occupants of the building hereby approved.
- 7) **Pre-commencement condition:** The applicant shall undertake a noise assessment to identify whether any sound insulation measures are required to protect future residents from noise from road and rail traffic. The assessment should be submitted for approval in writing by the LPA prior to commencement of the development. If, following the assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed development from noise. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.
The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.
- 8) **Pre-commencement condition:** Before the commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning Authority, to establish the absence of reptiles, badgers and other protected species.
Reason for pre-commencement condition: In the interest of conservation of habitats and species.
- 9) **Pre-commencement condition:** Before commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning Authority, to establish the absence of reptiles, badgers and other protected species.
Reason for pre-commencement condition: In the interest of conservation of habitats and protected species.
- 10) 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.

- 11) **Pre-commencement condition:** Prior to commencement of development the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 10 above will be met. The measures set out in that assessment shall subsequently be implemented prior to the occupation of development.
Reason for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 12) **Pre-commencement condition:** A detailed scheme for landscaping to increase biodiversity and the amenity quality of the site, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of biodiversity and amenity.
- 13) **Pre-commencement condition:** Development details of the pedestrian access onto the shared cycle and pedestrian lane on Pinhoe Road and chamfer/taper to provide some visibility for pedestrians shall be submitted to and approved in writing by the Local Planning Authority, and no development shall take place until the LPA have approved the details. No part of the development hereby approved shall be occupied until the pedestrian access have been implemented in accordance with the approved details.
Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of highway safety for pedestrians and cyclists.
- 14) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the LPA.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and overlooking.
- 15) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme until the LPA have approved the scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with the LPA.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 16) No part of the development hereby approved shall be occupied until the vehicular parking facilities (as indicated in the proposed site block plan) have been provided surfaced and marked out in accordance with details that shall be 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.

- 17) Unless otherwise agreed with Local Planning Authority in writing construction/ demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the occupants of nearby buildings.
- 18) Prior to occupation of any dwelling hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 19) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 20) Prior to occupation of the development hereby permitted, a Travel Pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 21) No part of the development hereby approved shall be occupied 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 and to ensure that cycle access and cycle parking is provided, in accordance with Exeter Core Policy CP9, Local Plan Policy T3 and Sustainable Transport SPD 2013.
- 22) No building hereby permitted shall be occupied until sustainable surface water drainage works (SuDS) have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details for the sustainable drainage scheme shall:

- i. show how the rainwater falling on roofs and other surfaces are managed to

- restrict both the flow rate and the volume surface runoff;
- ii. show how the SuDS scheme is achieving a flow rate and a volume surface runoff approximate to the site greenfield response;
 - iii. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - iv. show how the SuDS scheme is integrated in the landscape scheme and contributes to biodiversity;
 - v. include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory sustainable drainage of the development.

- 23) Each unit of the residential home hereby permitted shall be occupied only by:
- persons of state pensionable age;
 - persons living as part of a single household with such a person or persons;
 - persons who were living as part of a single household with such a person or persons who have since died.

Reason: The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

- 24) Prior to the occupation of each unit hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications. If not otherwise agreed in writing by the Local Planning Authority.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the National Planning Policy Framework.

- 25) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

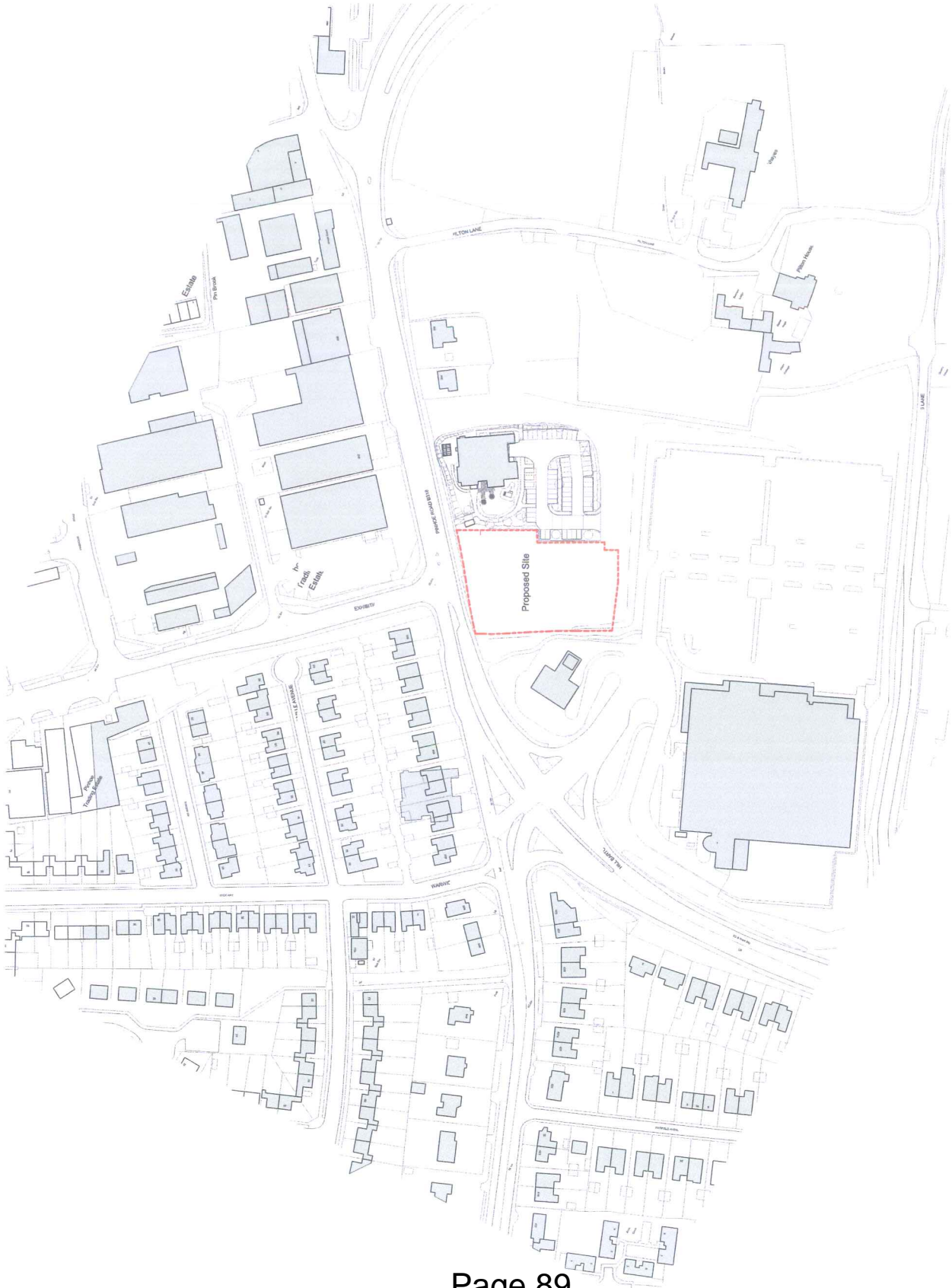
Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

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

Responsibility is not accepted for errors made by others in copying from this drawing.
 All construction information should be taken from figured dimensions only.



Map Symbols: 1: Street 2: Other 3: Public Open Space 4: Private Open Space



REV	DATE	DESCRIPTION	BY	CHK
A	19/02	General Update Following DTCL	PAF	WJ

Stride Treglown

CLIENT NAME
McCarthy And Stone

PROJECT
**Pine Hill
 Pine Hill Road, Exeter**

DRAWING TITLE
Location Plan

SUITABILITY STATUS
PLANNING

SCALE
1 : 1000 @ A1

McCarthy & Stone
 The UK's leading retirement housing builder
 REDWOOD HOUSE, STATION SQUARE, DORSET HOUSE, 100 DORSET STREET, LONDON, W1A 0AA
 SW-1947-03-AC-100- A- Location Plan

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 20 MARCH 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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Exeter City Council

20/03/2017

**All Planning Decisions Made and
Withdrawn Applications Between 2/2/2017 and 9/3/2017**

ALPHINGTON

Application Number: 16/1658/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 21/02/2017 DEL
Location: Pines, Little Johns Cross Hill, Exeter, EX2 9PJ
Proposal: Replacement of existing conservatory with single storey extension and dormer to South West facing elevation

Application Number: 17/0151/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 21/02/2017 DEL
Location: Ridgeway House, Little Johns Cross Hill, Exeter, EX2 9PJ
Proposal: Two meter crown reduction of two Oak trees (T1 & T2) situated to the front left hand side of the house as viewed from the balcony.

Application Number: 17/0026/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 22/02/2017 DEL
Location: Unit 6, Grace Road West, Marsh Barton Trading Estate, Exeter, EX2 8PN
Proposal: T1-T7 London Plane trees - crown raise to 5.2 metres

Application Number: 17/0092/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 03/02/2017 DEL
Location: J Sainsbury Plc, Alphington Cross Store, Alphington Road, Exeter, EX2 8NH
Proposal: 1 x Fascia Sign, 2 x Totem Signs and 2 x Panel Signs

Application Number: 17/0116/18 **Delegation Briefing:**
Decision Type Was lawful use **Decision Date:** 06/02/2017 DEL
Location: 44 Blenheim Road, Exeter, EX2 8SE
Proposal: Loft conversion, flat roof dormer extension to rear elevation and 3 no. roof windows to front elevation.

DURYARD

Application Number: 17/0179/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 07/02/2017 DEL
Location: 89 Sidwell Street, Exeter, EX4 6PH
Proposal: Non material amendment to planning application 16/1318/03 to amend finish material from brick to render on the rear elevation

Application Number: 16/0851/03 **Delegation Briefing:** 07/02/2017 0
Decision Type Permitted **Decision Date:** 08/02/2017 DEL
Location: Hickling Cottage, Taddyforde Estate, Exeter, EX4 4AT
Proposal: Proposed replacement outbuilding - REVISED DESIGN

Application Number: 16/1608/03 **Delegation Briefing:** 07/02/2017 0
Decision Type Permitted **Decision Date:** 08/02/2017 DEL
Location: 11 Hillcrest Park, Exeter, EX4 4SH
Proposal: Kitchen extension

Application Number: 16/1659/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 20/02/2017 DEL
Location: 5 Pennsylvania Crescent, Exeter, EX4 4SF
Proposal: Retrospective application for retention of a wooden pergola

Application Number: 16/1660/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 20/02/2017 DEL
Location: 5 Pennsylvania Crescent, Exeter, EX4 4SF
Proposal: Retrospective application for retention of a wooden pergola

Application Number: 17/0065/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/02/2017 DEL
Location: Horseguards, Exeter, EX4 4UU
Proposal: Tree no. - Species - Works
T1-13 - Various species - Various pruning works.

Application Number: 17/0014/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 24/02/2017 DEL
Location: 3 Argyll Road, Exeter, EX4 4RX
Proposal: Construction of new garage to replace demolished garage

Application Number: 17/0139/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 27/02/2017 DEL
Location: St James Park, Stadium Way, Exeter, EX4 6PX
Proposal: Removal of existing disused huts/cabins adjacent to grandstand and replacement with male and female toilet blocks and refreshment kiosk

Application Number: 16/1630/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/02/2017 DEL
Location: 49 Sidwell Street, Exeter, EX4
Proposal: External sign advertising the business occupying the premises

Application Number: 17/0188/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 01/03/2017 DEL
Location: St James Park, Stadium Way, Exeter, EX4 6PX
Proposal: Non material amendment to allow the discharge of relevant conditions relating to planning application 15/1283/03 (including removing the pedestrian access between 20/21 Old Tiverton Road) for the football stadium and student accommodation development to be approved independently of each other.

Application Number: 17/0296/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 01/03/2017 DEL
Location: Wallington, New North Road, Exeter, EX4 4AG
Proposal: Non Material Amendment to provide revised ground floor layout. (Amendment to approval 16/1395/03 approved 12/01/17)

Application Number: 16/1661/03 **Delegation Briefing:**
Decision Type Withdrawn by Applicant **Decision Date:** 07/03/2017 DEL
Location: 16-17 New North Road, Exeter, EX4 4HF
Proposal: Change of use from C1 (Hotel) to Sui Generis (18 Bed HMO)

Application Number: 17/0140/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/03/2017 DEL
Location: 1 Hoopern Street, Exeter, EX4 4LU
Proposal: Change of use from D1 massage to B1 offices and single storey extension to rear

EXWICK

Application Number: 17/0101/18 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 03/03/2017 DEL
Location: 34 Isleworth Road, Exeter, EX4 1QU
Proposal: Certificate of lawfulness for proposed hip-to-gable extension and rear dormer

Application Number: 16/1529/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/02/2017 DEL
Location: 7 Knowle Drive, Exeter, EX4 2DF
Proposal: Single-storey rear extension and a first floor side extension.

HEAVITREE

Application Number: 17/0080/39 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/02/2017 DEL
Location: 19 Chard Road, Exeter, EX1 3AY
Proposal: Prior notification for larger rear extension measuring 3.30m in depth and 3.40m in height

Application Number: 17/0251/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 22/02/2017 DEL
Location: 18 North Avenue, Exeter, EX1 2DU
Proposal: Cherry (T1) - Removed
Cherry (T2) - Removed
Pear (T3) - Reduce and reshape crown
Spruce (T4) - Lightly thin crown. Remove some lower branches resting on shed.
Bay (T5) - Reduce in height (by approx 2m) and reshape crown
Yew (T6) - Reduce in height (by approx 2m) and reshape crown
Holly (T10) (Dead) - Remove

Application Number: 16/1390/03 **Delegation Briefing:** 20/12/2016 0
Decision Type Refuse Planning Permission **Decision Date:** 22/02/2017 COM
Location: 2 Lymeborne Avenue, Exeter, EX1 3AU
Proposal: Retrospective application for first floor extension to garage/ outbuilding (revisions to approved scheme ref. 15/0976/03).

Application Number: 16/1391/03 **Delegation Briefing:** 20/12/2016 0
Decision Type Refuse Planning Permission **Decision Date:** 22/02/2017 COM
Location: 3 Lymeborne Avenue, Exeter, EX1 3AU
Proposal: Retrospective application for first floor extension to garage/ outbuilding (revisions to approved scheme ref. 15/0975/03).

Application Number: 17/0172/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 07/03/2017 DEL
Location: 16 Sweetbrier Lane, Exeter, EX1 3AF
Proposal: Rear and side extension

Application Number: 17/0159/40 **Delegation Briefing:**
Decision Type Prior Approval Not Required **Decision Date:** 02/03/2017 DEL
Location: 55-57, Fore Street, Heavitree, Exeter, EX1 2RJ
Proposal: Prior Notification Change of use from existing first floor office to 1 no. two bedroom flat

Application Number: 17/0195/18 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 27/02/2017 DEL
Location: 22 Roseland Avenue, Exeter, EX1 2TW
Proposal: Certificate of lawfulness for proposed construction of single storey rear extension

Application Number: 17/0294/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/02/2017 DEL
Location: Collard House, St. Marks Avenue, Exeter, EX1 2PX
Proposal: Non material amendment to planning application 16/0566/03 dated 31/08/2016 to add solar panels to the south west and north west elevation and replace garage window with door.

MINCINGLAKE & WHII

Application Number: 17/0070/39 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 20/02/2017 DEL
Location: 22 Brookway, Exeter, EX1 3JJ
Proposal: Ground floor rear extension. Max. depth from rear wall of original dwelling: 6 metres. Max. height: 4 metres. Height at eaves level from ground level: 3 metres

Application Number: 17/0238/04 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/02/2017 DEL
Location: Honeylands Drive, Exeter, EX4
Proposal: Tree No. Species Works
T1 - 2 London Plane Crown reduce by 2-3m and remove dead and defective branches.

NEWTOWN

Application Number: 17/0183/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/02/2017 DEL
Location: The Lodge, 22 Spicer Road, Exeter, EX1 1SZ
Proposal: Non material amendment to planning application 16/1170/03 to amend juliette balcony and window fenestration and the building footprint

NEWTOWN & ST LEOI

Application Number: 17/0194/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/02/2017 DEL
Location: 1-16 Magdalen Cottages, Magdalen Road, Exeter, EX2 4SX
Proposal: T1 - Shorten long branch to north at 5m in height by 4m, T2 - Remove deadwood, shorten long low brnches to east and south by 2-3m, T4 - Remove deadwood.

Application Number: 17/0175/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/02/2017 DEL
Location: 4 Spicer Road, Exeter, EX1 1SX
Proposal: Fell Silver Birch

Application Number: 17/0134/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 07/02/2017 DEL
Location: 1a, St. Leonards Road, Exeter, EX2 4LA
Proposal: Removal of 9 eucalyptus trees

Application Number: 17/0021/03 **Delegation Briefing:** 07/02/2017 0
Decision Type Permitted **Decision Date:** 07/02/2017 DEL
Location: Flat 1, 11 Clifton Hill, Exeter, EX1 2DL
Proposal: Erection of summerhouse on garden opposite 11 Clifton Hill - revised application to include wood burner and flue.

Application Number: 16/1388/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 17/02/2017 DEL
Location: 19 Denmark Road, Exeter, EX1 1SL
Proposal: Removal of garage to rear of property. Creation of underground basement store under garage footprint with part patio and part parking area above.

Application Number: 17/0077/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/02/2017 DEL
Location: 1 Premier Place, Exeter, EX2 4LB
Proposal: First floor rear extension.

Application Number: 17/0291/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/02/2017 DEL
Location: 11 Clifton Hill, Exeter, EX1 2DL
Proposal: Fell tree in garden

Application Number: 17/0087/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 24/02/2017 DEL
Location: 24 Matford Avenue, Exeter, EX2 4PW
Proposal: Works to two Cedar trees in rear garden, in accordance with submitted details and discussions during site visit 22 February.

Application Number: 16/1669/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 21/02/2017 DEL
Location: Victoria Park Tennis & Bridge Club, Lyndhurst Road, Exeter, EX2 4NX
Proposal: Variation of Condition 3 (of application 13/0038/03) to extend floodlight illumination hours from 9.30pm to 10pm on Wednesdays and Fridays.

Application Number: 16/1514/03 **Delegation Briefing:** 07/02/2017 0
Decision Type Permitted **Decision Date:** 07/02/2017 DEL
Location: 37 Commercial Road, Exeter, EX2 4AE
Proposal: Construction of a glass canopy

Application Number: 16/0371/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/02/2017 DEL
Location: 38 Commercial Road, Exeter, EX2 4AE
Proposal: Non material amendment to planning application 14/4834/03 including extension of outside terraced area; increase width of patio doors on Southern elevation; redesign of balconies on Western elevation and amendments to ground floor service doors on Western elevation

Application Number: 16/1464/07 **Delegation Briefing:** 10/01/2017 0
Decision Type Permitted **Decision Date:** 06/02/2017 DEL
Location: 38 Commercial Road, Exeter, EX2 4AE
Proposal: Listed building consent to superseded listed building consent 14/4835/07 including extension of outside terraced area; increase width of patio doors on Southern elevation; redesign of balconies on Western elevation and amendments to ground floor service doors on Western elevation; internal revision of restaurant and retail units and revised internal layout of apartments.

Application Number: 16/1583/18 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 06/02/2017 DEL
Location: 64 Salmonpool Lane, Exeter, EX2 4SP
Proposal: Single storey rear extension and front porch enlargement

ST LOYES

Application Number: 17/0111/21 **Delegation Briefing:**
Decision Type Prior Approval Not Required **Decision Date:** 01/03/2017 DEL
Location: The Exeter Arms Hotel, Rydon Lane, Exeter, EX2 7HL
Proposal: Installation of 1 no 15m high street -works pole, 2 no proposed equipment cabinets and 1 no meter cabinet plus ancillary works

Application Number: 17/0207/04 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 28/02/2017 DEL
Location: Hideout, Aspen Close, Exeter, EX2 5RZ
Proposal: T1 - Scots Pine - Fell.

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

Background papers used in compiling the report:

Files of Planning Applications available for inspection from:

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

Telephone No: 01392 265223

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 20 MARCH 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 One decision has been received since the last report. Application No: 16/0745/03.

The application was for a light well in the front garden of 4 Archibald Road for the benefit of living accommodation in the basement. The application was refused for its effect on the character and appearance of the dwelling and streetscene; and on the living conditions of neighbours, specifically regarding bin storage.

The Inspector concluded the light well would not be an intrusive element in the streetscene and would be largely concealed. As such the proposal would not harm the character and appearance of the property or streetscene.

The small front garden area is used to store bins. This is the case for most of the properties in Archibald Road. The Inspector said the light well would reduce the available space for bins to an unacceptable level and that bins would likely be left on the pavement. He concluded that the amenity of neighbours would be adversely affected by nuisance arising from bin storage. As such the proposal is contrary to DG4 and core planning principle 4 of the NPPF.

4. New Appeals:

- 4.1 Two new appeals have been received:

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

The application sought a ground floor rear extension.

6 Bowhay Lane – Application Ref: 15/0713/03

The application sought the construction of a detached dwelling in the garden of this property.

Assistant Director City Development

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

Background papers used in compiling the report:

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

Contact for enquiries
Democratic Services (Committees)
Room 2.3
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