

PLANNING

Date: Monday 24 July 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 Gottschalk (Chair), Lyons (Deputy Chair), Bialyk, Denham, Edwards, Foale, Harvey, Mrs Henson, Morse, Newby, Prowse, Sutton 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

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. 17/0006/02 - Exeter Golf and Country Club Practice, Newcourt Drive**

To consider the report of the Assistant Director City Development. (Pages 5 - 30)

6 **Planning Application No. 17/0724/03 - Moberly House, Lower Argyll Road**

To consider the report of the Assistant Director City Development. (Pages 31 - 42)

7 **Planning Application No. 17/0461/03 - Land adj Omaha Drive and Blakeslee Drive**

To consider the report of the Assistant Director City Development. (Pages 43 - 56)

8 **Planning Application No. 17/0440/02 - Phase 2, Land north, west and south of Met Office, Hill Barton Road**

To consider the report of the Assistant Director City Development. (Pages 57 - 68)

9 **Planning Application No. 17/0862/03 - Land off Exeter Road, Tospham**

To consider the report of the Assistant Director City Development. (Pages 69 - 74)

- 10 **Planning Application No. 17/0946/03 - The Quay Bridge, The Quay, Exeter Flood Defence Scheme**
- To consider the report of the Assistant Director City Development. (Pages 75 - 82)
- 11 **List of Decisions Made and Withdrawn Applications**
- To consider the report of the Assistant Director City Development. (Pages 83 - 92)
- 12 **Appeals Report**
- To consider the report of the Assistant Director City Development. (Pages 93 - 94)
- 13 **SITE INSPECTION PARTY**
- To advise that the next Site Inspection Party will be held on Tuesday 22 August 2017 at 9.30 a.m. The Councillors attending will be Foale, Newby and Spackman.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 4 September 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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an acceptable location, and to a standard and cost acceptable to the Golf Club, the current site would not be released for development.

It is also important to note that the existence of a ransom strip is not a planning matter that should directly influence determination of this application, and that the Local Planning Authority has a duty to consider and determine the application before it on its own merits.

Improved Proposals/Impact on Old Rydon Lane

The Highway Authority have confirmed that given the scale of the development and anticipated traffic generation levels they are satisfied that the impact on Old Rydon Lane would not be so significant as to justify refusal on this proposal on transportation related grounds. Nonetheless following deferral of the application further negotiations have been held with the developer that have resulted in the following revisions to address concerns –

- Prohibiting left turn for vehicles emerging from Newcourt Drive on to Old Rydon Lane. This would mean all traffic associated with Holland Park served by Newcourt Drive, and vehicles associated with NHS use of Newcourt House, would be prevented from travelling back up Old Rydon Lane towards Rydon Lane/Countess Wear.
- Limiting access from the new development to Newcourt Drive to 'exit' only. This measure would prevent traffic associated with the existing dwellings on Newcourt Drive and the NHS use of Newcourt House trying to circumvent the prohibition mentioned above (on turning left out of Newcourt Drive to go up Old Rydon Lane) by going back through the new development and up onto Old Rydon lane that way.
- Both of these restrictions would essentially facilitate making the stretch of Old Rydon Lane between the junction of Holland Park phase 1 and Newcourt Drive one way only. This would link to the existing short one way stretch between Newcourt Drive and the link road.
- Provision of a dedicated cycle lane along the new one way section of Old Rydon Lane.
- Increased width of combined foot/cycle path from Old Rydon Lan through site to boundary with Admiral Way from 2.5m to 3m
- Incorporation of section of road and adopted highway verge right up to site boundary with Admiral Way to facilitate potential future vehicular connection.

Many of the representations have suggested that the proposals to access the development from Old Rydon Lane will compromise cycle safety on Old Rydon lane and the delivery of the strategic E9 cycle route from the city centre to Newcourt. However, it is considered that the measures outlined above, by making a larger stretch of Old Rydon Lane one way with a dedicated cycle lane, would actually improve conditions for cyclists along part of this road. The proposals would need to be the subject of a Safety Audit which is being undertaken by the developer.

The proposed E9 strategic cycle route also incorporates a section running from Old Rydon Lane down through the application site to Admiral Way. Without the application site coming forward for development it is doubtful whether this section of the route would be deliverable. Therefore it could be argued that the development, which incorporates a segregated combined pedestrian/cycle route alongside the access road, actually facilitates and brings forward an important element of this route. Furthermore, as outlined above the plans have been revised to increase the width of this combined cycle/footpath from 2.5 to 3 metres.

Representations

In addition to the representations reported to the last Committee three further representations have been received as follows -

One objection from a member of the public raising similar transportation related concerns to those summarised in the original report.

Two letters from Persimmon:

The first relates to the reason for deferral of the application from the last Committee for clarification of the access suitability and clarity regarding the ransom over access to Admiral Way. This letter acknowledges that the existence or otherwise of a 'ransom strip' is a civil landownership issue and not a material planning consideration. However it states that at no point have Persimmon been approached by either the applicant, representatives of Exeter Golf & Country Club or the County Council to determine whether they would be willing to allow a second point of access over their land. It suggests that comments at the last Committee suggested discussions had taken place, and that Persimmon were unwilling to allow access over their land, neither of which they contend is true. It suggests that in these circumstances before the application is determined a meeting should be convened between all parties to discuss the matter and provide a clear understanding for Members on which to base a decision.

The second letter is an objection raising the following matters:–

- Non-compliance with masterplan – low density with consequent under delivery of housing, and consequent impact on viability of local services and transport links, loss of green space for habitat links and impact on landscape and visual character of area by reducing separation between housing developments
- Lack of permeability – if access rights over third party land cannot be obtained then permeability suggested in layout cannot be achieved, nor can the green infrastructure network calling into question compliance with sustainability requirements set out in NPPF
- Adverse impact on setting of listed building (Newcourt House)
- Archaeological impact
- Affordable housing – does not meet 35% policy requirement, resultant under-provision associated with low density development
- Lack of consultation with DCC (Education) regarding suitability of this site for provision of a second school in Newcourt area

Conclusions

The Highway Authority are on record as having no objection to the original access proposals from Old Rydon Lane on transportation grounds. The further proposals outlined above are considered to represent a significant improvement upon the original arrangements and whilst not considered essential by the Highway Authority are welcomed as an appropriate response to Member concerns. The additional arrangements regarding access restrictions and cycle path provision on Old Rydon Lane would need to be secured via appropriate Traffic Regulation Orders, and at the developer's cost. This could be incorporated as an additional obligation in any S106 agreement. However, it should be noted that if the Traffic Regulation Orders to achieve these changes were to fail the development would still be implemented based on the original access arrangements via Old Rydon Lane that the Highway Authority are on record as considering acceptable.

Therefore the recommendation is one of approval subject to a S106 agreement covering the matters set out in the original report (plus a financial contribution relating to Traffic Regulation Orders and associated works, and a best endeavours clause on the developer to secure their implementation) and the conditions as set out in the original report.

HISTORY OF SITE

09/2081/03 -	Golf driving range, erection of single storey building, lighting and associated works.	PER	10/05/2010
07/0180/03 -	Provision of building in north east corner to provide covered golf driving range	PER	05/06/2007
05/1741/03 -	Alterations to ground to provide new golf hole	PER	12/01/2006

Other relevant off-site planning history

16/0081/03 -	Development comprising change of use to Golf Driving Range including erection of an 8 bay + 2 training bay driving range building incorporating reception and tractor store; associated flood lighting, 2m high mesh security fencing and 10m high netting; associated car parking and access. Land to the rear of Five Acres Exeter Road Topsham	PER	12/04/2016
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DESCRIPTION OF SITE/PROPOSAL

The application site comprises a parcel of land extending to approx 4.39 hectares situated between Newcourt House (Grade II listed building) and Admiral Way (the spine road linking Topsham Road and Old Rydon Lane). The site extends up between the gardens of Newcourt House and the Golf Club to link into Holland Park. The site currently comprises the practice ground to Exeter Golf & Country Club and part of the main golf course.

Full planning permission is now sought for the redevelopment of the site to provide 82 dwellings with associated vehicular access, parking provision, public open space and surface water drainage pond within the golf course. The 82 dwellings comprise the following mix of house types 23 4bed, 35 3bed, 9 2bed and 15 2bed apartments. The site will be served by two vehicular access routes leading off Old Rydon Lane, one via the existing Newcourt Drive and the other via a new section of road leading from the proposed housing up alongside the eastern boundary of the Golf Club connecting into Holland Park and thereby onto Old Rydon Lane. The scheme incorporates provision of pedestrian/cycle links constructed up to the applicant's ownership boundary with Admiral Way to facilitate future connection at some point.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information -

- Planning, Design and Access Statement
- Ecological Assessment
- Transport Statement
- Arboricultural Constraints Evaluation
- Archaeological Magnetometer Survey
- Flood Risk assessment and Drainage Strategy
- Drainage & SUDS Maintenance Plan
- Biodiversity Mitigation & Enhancement Plan

REPRESENTATIONS

The following representations have been received -

Objections 27 (raising the following issues)

- Loss of green space
- Too much development/population density in locality
- Contrary to Core Strategy policies CP17 & CP19
- Access through Holland Park Phase 1 should be pedestrian/cycle only
- Exacerbates traffic problems on Old Rydon Lane, conflict between vehicles and pedestrians/cyclists given lack of pavements and inadequate lighting
- Site should be served from vehicular access onto Admiral Way for better distribution of traffic
- Increased traffic onto Old Rydon Lane - unsuitable width to accommodate traffic
- Noise and air pollution in Holland Park Phase 1 arising from through traffic
- Drainage inadequate
- Lack of local facilities to serve residents - doctors, hospitals, schools etc.
- Access inappropriate
- One way restriction on Old Rydon Lane frequently ignored, this proposal will increase flouting of restriction with consequent safety impacts
- Lacks provision of adequate affordable housing
- Contrary to stated aspirations for Old Rydon Lane to become a pedestrian/cycle friendly route- Newcourt Masterplan
- Will exacerbate use of right hand turn from Rydon Lane into Old Rydon lane for people accessing site from Countess Wear direction with associated highway safety implications
- Contrary to aspiration to create Green Infrastructure Route from Admiral Way through site to Old Rydon Lane along eastern boundary of Golf Club
- Overdevelopment
- Vehicular access should be from Admiral Way - more suitable modern road with greater capacity
- Emergency Vehicles - difficulties of access
- Compromises delivery of strategic cycle route - E9
- Poor pedestrian/cycle permeability
- Lack of cycle storage for certain house types
- Already saturated highway network
- Impact of increased traffic on Countess Wear roundabout/local road network
- Low density contrary to masterplan and maximisation of housing delivery
- Site more suited to provision of a second primary school to serve Newcourt Area
- Safety of road users/pedestrians/cyclists in relation to stray golf balls from adjoining course
- Letters in support based on vested interests and not valid material planning considerations

Support 28 (raising the following points)

- Proposal will release funds that will help to secure future of Exeter Golf & Country Club as a sporting and leisure facility for the City and maintenance of the associated listed building
- Will facilitate provision of a replacement golf driving/practice range elsewhere
- Provides much need housing
- Layout developed with full consideration of location next to a Golf Course and associated safety issues relating to stray balls
- Limited window of opportunity in relation to relocation of driving range and hence release of this land for development

CONSULTATIONS

Devon and Somerset Fire and Rescue - "The comments from Devon and Somerset Fire and Rescue Service are as follows. These are written without prejudice to the requirement to satisfy Building Regulations.

- It appears that access and facilities for the fire and rescue service have not been met. Turning facilities should be provided in any dead-end access route that is more than 20m long. This can be by a hammerhead or turning circle.

The above matter is not one to which we can object to at the planning application stage but should be borne in mind as it will become relevant at the Building Regulations stage. We would recommend early involvement with both Building Control/Approved Inspector and this fire and rescue service."

Devon and Cornwall Police Architectural Liaison Officer - No response received.

Wales & West Utilities - Highlight presence of gas pipe in Old Rydon Lane and advise developer to contact them before commencing any works that might affect it.

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

"The submitted application is for 82 new dwellings at the land known as the Driving Range at Newcourt, Exeter. The applicant has liaised extensively with the Highway Authority to discuss various elements of the scheme prior to submitting an application. Pre-application advice was sought to agree the vehicular access points and pedestrian/cycle routes running through the site.

The site is located to the south of Newcourt House NHS Trust Services and the forms Phase 3 of the Holland Park development delivered by Heritage.

Vehicular Access and Trip Generation

Vehicular access to the site will be taken from Phase 1 of Holland Park and Newcourt Drive; both of which are accessed onto Old Rydon Lane.

The first access point is located in the western corner of the site and connects into the recently constructed Phase 1. The second point of access is located in the north east corner of the site linking into the southern end of Newcourt Drive. Both access roads that lead into Phase 3 feature traffic calming measures (sections of short one-way places together with passing points) - these are acceptable and are welcomed as they promote slow speeds and careful driving through the residential estate. In order to establish the trip generation and distribution for the proposed development, traffic surveys have been carried out at junctions Phase 1/Old Rydon Lane and Newcourt Drive/Old Rydon Lane - the results have been summarised in the submitted Transport Statement. These surveys are site specific and are considered to be robust.

The Transport Statement suggests that based on site specific observations (undertaken at Phase 1&2 accesses) that the proposed development will generate 36 two-way trips in the AM Peak and 34 two way trips in the PM Peak.

Old Rydon Lane is one way (eastbound only) from Newcourt Drive to Newcourt Way and therefore all arrivals to Phase 3 will come from Old Rydon Lane west. For the departures, the recorded surveys showed a distribution split of broadly 75% / 25% favouring Old Rydon Lane eastbound to Newcourt Way. The magnitude of these movements is small and therefore is not a concern to the Highway Authority.

Pedestrian/Cycling Access

Holland Park Phase 3 represents the opportunity to create a walking/cycling route connecting Old Rydon Lane to the Newcourt Spine Road. In particular, a link running adjacent to the Golf Club is identified in the ECC Core Strategy, Newcourt Masterplan and DCC cabinet approved Strategic Cycle Route map and therefore forms a strategic route for walking/cycling.

Part of the key route is delivered by Holland Park Phase 1 and can be seen on Drawing “EGCC-01-SITE PLAN Rev24.0”. This shows a 2.5 metre shared path adjacent to the golf course linking Old Rydon Lane to the North West boundary of Phase 3. This shared path is then continued through Phase 3 running adjacent to the lots 71 to 82, before joining onto the Spine Road. This link segregates walkers/cyclists from vehicles throughout the Holland Park development, delivering what is set out in adopted policies and should be secured by condition. The principle of providing a segregated footway/cycleway complements cycle infrastructure being provided across the city and adds to the series of higher quality routes radiating out from the city centre, connecting to orbital routes on the eastern edge of the City.

A secondary pedestrian and cycle link located north of lot 44 is also proposed, providing another access onto the Spine Road. The shared path runs from Lot 22 to 36 before joining the Spine Road and is to be 3.0 metres wide. This link provides route for those who wish to access the Newcourt train Station/Community centre. It also offers a link for those who wish to use the Stagecoach Service J Bus which can be caught outside the community centre (which provides a service from Digby to Pinhoe via the City Centre).

A shared path to the North East is provided, linking Phase 3 into Newcourt Drive (Phase 2) – details of this connection will need to be agreed with the Highway Authority by a suitable agreement.

The pedestrian/cycle links proposed ensures good pedestrian/cycling permeability is achieved. Surveys carried out showed low walking and cycling trip rates. However, given that good pedestrian/cycling infrastructure is to be provided, it is thought residents at all phases at Holland Park will be encouraged to walk and cycle, reducing car borne journeys. These philosophies are in line to those outlined in the NPPF.

Finally, it is essential that secure cycle parking is provided, in accordance with the standards set out in the Exeter City Council Sustainable Transport Supplementary Planning Document. The plans do not make it explicitly clear what cycle facilities are being proposed, given the location of the site, the relevant cycle parking standards should be met and this should be secured by condition.

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, 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.

Summary

The submitted information indicates that adequate, onsite vehicular parking, highway layout and access can, in principle, be achieved. Nevertheless, the details of these arrangements still need to be submitted to and agreed by the Local Planning Authority. A condition of that effect is recommended as part of any permission.

DCC (Lead Local Flood Authority) - Comment as follows - "An acceptable permanent surface water strategy is presented within the submitted Flood Risk Assessment and Drainage Strategy Document (Ref: 16.342, Rev R01-A, dated 12/12/2016). We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage."

Recommends a condition relating to a surface water drainage management system covering the construction period.

RSPB - Identify need for a Landscape and Biodiversity Management Plan.

Environmental Health Officer - Recommends conditions relating to CEMP and land contamination.

Assistant Director Housing and Contracts - Comments as follows - We have entered into early pre-app discussions with the developer on this site regarding the affordable housing. We had agreed to starter homes provision as announced under the Housing & Planning Act, however, it had been hoped that the regulations would have been produced by the time this planning application had been submitted. In the absence of the regulations, we have agreed the following:

24 units on site of which 16 (20%) is starter homes/shared equity comprising 9 x 2 bed flats & 7 x 2 bed houses. The other 8 units are for social rent (6 x 2 bed flats and 2 x 2 bed houses) to be sold to ECC for £1. There will also be a commuted sum of £88,002.60. 35% is 28.7 and the commuted sum is 0.7 @ 2 bed house.

We are receiving 4 less units on site that policy but that has been taken into account as part of the transfer price to ECC for the 8 units.

PLANNING POLICIES/POLICY 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 – Meeting Community Needs
CP11 – Pollution and air quality
CP12 – Flood risk
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
CP19 - Strategic Allocations

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
L3 - Open Space
L4 – Provision of playing pitches
L7 - Local Sporting Facilities
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

OBSERVATIONS

Introduction

There are a number of detailed material planning considerations that need to be assessed in connection with this application. However, before examining each of those issues individually it is important to set the context in respect of the position in relation to the Council's 5 year housing land supply and implications for relevant development plan policies.

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 (i.e. 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.

Background to this application coming forward

As representations have raised the issue it is worth briefly outlining why this land has come forward for development at this stage and why the development opportunity is limited. Essentially in order for this land to come forward for the development 2 things need to happen -

1. The Golf Club need to secure permission for a replacement driving range. This has now happened with the granting of consent of consent in April 2016 for a driving range on land to the rear of Broom Park Nurseries off Exeter Road Topsham (ref 16/0081/03).
2. The Golf Club need to secure the means to implement the above-mentioned consent. The securing of permission for residential development of the application site will, through private agreements between the Golf Club (as owners of the site) and the developer, secure the provision of the replacement facility and hence release of this land for development.

The reason this window of opportunity is limited relates to the fact that the consent for the replacement driving range is only valid until 12th April 2019 and that there is no guarantee that the replacement site will continue to be available indefinitely.

Highways/Transportation matters

As highlighted in the Highway Authority's consultation response the proposed development has evolved from extensive pre-application negotiations between officers and the applicant. The key transportation matters highlighted in the Highway Authority's consultation response relate to access and trip generation, pedestrian/cycling access and travel planning. Serving the proposed site by two points of access from Old Rydon Lane (one via Newcourt Drive, the other via Holland Park phase 1) provides alternative routes for traffic movements associated with the new housing and avoids potentially concentrating all traffic through one junction onto Old Rydon Lane. Whilst representations have queried the capacity of Old Rydon Lane to cope with the additional traffic and have advocated access being provided via Admiral Way, the Highway Authority have confirmed that given the low anticipated traffic levels associated with this scale of development and that both proposed access routes incorporate traffic calming measures, they are satisfied with the proposed means of access and the capacity of the road network to cope with the traffic movements likely to be generated. Therefore, the proposed means of access to the development and the potential impact on the surrounding highway network is considered acceptable.

In terms of pedestrian/cycling access the desirability of creating an entirely segregated route linking Old Rydon Lane and the Newcourt spine road, as identified in ECC's adopted Core Strategy and the Newcourt Master plan has been highlighted in the Highway Authority's consultation response. Two points of pedestrian/cycle access are provided to the Spine Road from the development and the internal road layout has been designed to incorporate traffic calming features and an off road pedestrian cycle route running alongside the internal road up between the golf course and Newcourt House and through Holland Park Phase 1 onto Old Rydon Lane. This entirely segregated route alongside the road in this location will involve eating slightly into the section of open space provided as part of Holland Park Phase 1 to provide a 2.5 metre wide tarmac shared pedestrian/cycle path and will provide a segregated cycle/pedestrian route as part of a strategic cycle/walking route in line with the relevant Core Strategy policy and aspirations of the Newcourt Master plan.

Designated cycle parking provision is provided to serve both apartment blocks whilst it is anticipated that cycle parking for the majority of the houses will be accommodated within the proposed garages. This approach is consistent with that adopted on earlier Holland Park phases. For the few properties that do not have garages (which have driveway parking) cycle parking would have to be accommodated within rear gardens if required. Given the small proportion of such properties this approach is considered acceptable in the context of the overall layout.

Affordable Housing/Viability

Extensive pre-application negotiations took place regarding the affordable housing provision to form part of this development. Agreement between officers (planning/housing) and the developer was reached on the following provision -

- 24 dwellings in total comprising 16 2bed units (9 flats & 7 houses) as either starter homes/shared equity units, and 8 2bed units (6 flats & 2 houses) for social rent to be sold to ECC for £1 each. In addition to this there would be a commuted sum of £88,002.60 to be paid to the Council for its use in the direct provision of further affordable housing.

Current policy requires 35% of units provided on a site to be affordable provision which in this case equates to 28.7 units. The negotiated provision of 24 units plus a commuted sum, as set out above, is numerically 4 units short of the policy requirement however this has been taken into account as part of the agreed transfer price for the 8 units to be sold directly to the Council for £1/each. The negotiated commuted sum accounts for the 0.7 of a unit.

The developer had subsequently questioned the financial viability of the scheme on the basis of the agreed offer due to changing economic circumstances. However, a full viability appraisal would have resulted in a significant delay to the determination of the application and a potential further worsening of the financial viability of the scheme. Consequently the developer has decided to proceed on the basis of the negotiated position.

Heritage Issues

Newcourt House is a Grade II listed building set within a landscaped setting, originally formal gardens surrounded by informal parkland. It is important that the impact of any proposed development on the current driving range site is assessed in terms of its impact upon the setting of this heritage asset. The setting of a listed building can be more extensive than merely the immediate current grounds and gardens of the building itself. Clearly any development that takes place on the currently undeveloped open land situated between Newcourt House and Admiral Way will interrupt medium/long range views of the building from surrounding areas. This will alter the character of the area around the listed building and inevitably have some impact on its wider setting. The main front of the house faces SE, across the present site and historically it was approached from two directions - from the SE via Newcourt Road and a formal tree lined avenue and from the north from Old Rydon Lane (the present access). Historically, the present site was always open, starting as informal parkland in the 19th century and used for arable (and then a golf range) in the 20th century, and there was no tree screen interrupting the view of the main front of the house. When approaching visitors would catch glimpses of the main house through the avenue trees, and then see it fully when the trees ended just short of the house. Although glimpses of the main house can still be seen, it is now obscured by a screen of trees that developed after WWII, when the main drive also went out of use. Therefore, whilst the principal designed view of the main house was gained by approaching from the tree lined avenue, opening out into an open area in front, the rest of the site was an informal parkland setting. The main formal landscaped setting/garden to Newcourt House lies to the south-west of the building and views of it to and from the main house are not affected by the development. In this context it is considered that the most important issue with regard to the impact on the setting of Newcourt House is the impact on views of it from the principal historic approach to it from the SE, particularly from the direction of the original drive, which still remains as a strip of undeveloped land along the northern edge of the proposed development. The main open space to serve the proposed residential development has been sited in the NE corner of the site to preserve a greater sense of openness in front of the listed building, in the same area as there was historically at the top of the drive; and the latter is still retained as an undeveloped strip of land which, at least in theory, could in the future be reinstated as an access route of some form. As such, the ability in the future to appreciate the principal historic view of the house from the SE, particularly if the modern tree screen is thinned or removed at some point and the original drive reinstated in some form, will not be lost. Therefore, the impact of the development on the setting of the listed building is considered to be acceptable. Lastly, whilst medium/longer range views of the building from distance will be interrupted by the proposed development in its immediate foreground, the listed building will still be visible in glimpses over and behind the development. As such, whilst there will undeniably be a change to the nature/character of the wider setting of Newcourt House it is not considered that this would have such an adverse impact that it would warrant refusal of the application.

Regarding buried remains, the geophysical survey provided with the application identifies that some, probably of prehistoric date, are present within the areas to be built on. Based on experience with nearby sites these are likely to be relatively insubstantial and would be removed during the course of development. Although the presence and condition of such remains would normally be confirmed through site investigation, the present use of the site precludes this. Therefore on balance it is considered unlikely that these remains - although potentially significant, would be of such quality of survival that they would merit preservation in situ and would potentially affect the layout of a development. However, just in case there are some remains that do merit preservation it is recommended that a condition be attached that requires prior approval where necessary of proposed formation levels and foundation design in any areas where this applies. Where this is not the case, the remains should be subject to archaeological investigation and recording, after the present use has ceased and before construction begins, to record them in lieu of their permanent removal, and this should be ensured by condition.

LS1/Open Space/Green Infrastructure/Ecological impact

The application site is identified in the Exeter Local Plan as Landscape Setting covered by policy LS1 of that plan. However, the subsequent Core Strategy provides for growth to the east and south west of the City and identifies three Strategic Allocations at Newcourt, Monkerton/Hill Barton and South of Alphington. The Newcourt Strategic Allocation (Policy CP19) includes the application site which has the effect of removing the LS1 designation from this site. In this context the principle of residential development of this land is considered acceptable.

The site is currently open space lying within the boundary of the Newcourt Strategic Allocation, albeit private open space that is not accessible to the general public. It is not identified in the Newcourt Area Framework section of the Green Infrastructure Strategy (GIS) as forming part of the city open spaces programme (although the GIS does identify a key habitat link and cycle/footpath in indicative form along the SW boundary. On the masterplan (indicative) contained within the Newcourt Master plan document November 2010 the application site is identified as a combination of residential development land and green space.

The layout has been developed in negotiation with officers to concentrate the main area of public open space serving the development in the NE corner of the site as a focal feature at the arrival point into the site from Newcourt Drive. This also has the benefit as highlighted above of preserving an element of the open setting to Newcourt House. The public open space will be fronted by houses providing natural surveillance and an attractive framing of the space. The other main area of public open space will sit alongside the new section of road and pedestrian/cycle way leading from the development up between the Golf Course and Newcourt House to Old Rydon Lane via Holland Park (Phase 1). This element of open space will, in conjunction with the golf course itself, form part of a green infrastructure/wildlife corridor which is considered consistent with development plan policy and the aspirations set out in the Newcourt Master plan. Two other smaller incidental areas of open space are included within the main body of the development, both of which are fronted by houses and will form attractive features contributing to the overall attractiveness of the development. The overall level of open space to be provided as part of the development and its distribution throughout the site is considered acceptable.

The Ecological Assessment submitted in support of the application concludes that due to the current use of the land with regular mowing the habitat value of the site is currently minimal and that there are no ecological reasons to prevent its development. However, it does identify the opportunity for ecological enhancement as part of the development through a Wildlife Management Plan/Biodiversity Mitigation Plan. This can be secured through an appropriate condition and ensure that the development makes a positive ecological contribution to the locality. The proposed surface water attenuation pond to be created within the golf course has the potential to add

ecological interest and bird/bat bricks will be incorporated on a proportion of dwellings comprised in the development (25 nesting bricks in total).

The proposal will indirectly facilitate the provision of a replacement practice/driving range for the Golf Club thereby ensuring that there is no net loss of leisure/recreation facility.

Design/layout/amenity standards

The layout proposed takes account of the proximity of the adjoining golf course and the setting of the listed Newcourt House together with the Highway Authority's desire for two points of access to the site. The development comprises a mix of 2, 3 and 4bed dwellings with provision for a decent level of front curtilage and roadside planting to create an attractive residential environment and incorporates the provision of an appropriate level of public open space, with the main area forming a focal point of the development that is overlooked by dwellings that front onto it.

All of the properties are provided with private gardens that in the majority of cases significantly exceed the minimum requirements set out in the Council's Residential Design SPD. The separation distances between individual properties are such that appropriate levels of privacy will be afforded to future residents of the development. The majority of the properties significantly exceed the relevant internal space standards sought by the Council.

The scheme has evolved through a proactive negotiation process between officers and the developer and is considered to represent an appropriate solution that takes account of relevant site constraints and will form an attractive environment for future residents.

The applicant has confirmed that the comments of the Fire & Rescue Service have been incorporated in the amended layout and that appropriate turning provision has now been made.

The proposed drainage strategy for the development comprises foul drainage to be discharged to the public sewer network with a sustainable urban drainage approach to the associated surface water. This will comprise discharging surface water to a new surface water attenuation feature to be constructed within the confines of the existing golf course. Not only will this allow for control of surface water discharge rates but it will also provide a further amenity feature to the golf course and enhanced ecological interest in the area. This surface water drainage strategy has been agreed with Devon County Council as the lead Local Flood Authority.

Financial Considerations

The proposal will be CIL liable at a rate of £102.14/m². Based on the number and mix of dwellings proposed this would equate to £1,231,788.90 in CIL contributions before the application of any relief associated with affordable housing. The developer would however be entitled to claim relief from CIL in respect of the affordable housing units meaning that the final sum payable in such circumstances would be £1,020,934.20

For ease of calculations based on an assumption of Council Tax Bands B and C for the flats and houses respectively the development would be estimated to yield £209,000 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.

Section 106

A Section 106 agreement will be required in respect of the following:-

- affordable housing
- open space - provision of play equipment to an agreed scheme, public access and maintenance arrangements

Conclusions

It is considered that the proposed development represents a suitable solution to the development of the site taking into account the constraints and character of the surrounding area. Although all traffic associated with the development will have to utilise Old Rydon Lane it is considered that the use of two different points of vehicular access will help to spread traffic movements out and minimise any adverse impact on that road.

The development of this site will bring forward more much needed housing within the boundary of the Newcourt strategic allocation in line with the Council's adopted Core Strategy which, given the Council's position with regard to its 5 year housing supply, is an important material planning consideration. Overall the proposal is considered acceptable.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement covering the items referred to above **APPROVE** subject to 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 21st December 2016, 5th April, 24th May and 5th June 2017 (including dwg. nos. EGCC-10-LOC rev 2.0B, EGCC-01- SITE PLAN Rev 24.0B, EGCC-01-SITE Plan Rev 24.0 - CIL & Construction Phasing Plan, EGCC-02-SITE PLAN Rev 24 - proposed Hard Landscaping layout (1 of 3), EGCC-03-SITE PLAN Rev 24 - proposed Hard Landscaping layout (2 of 3), EGCC-04-SITE PLAN Rev 24 - proposed Hard Landscaping layout (3 of 3), EGCC.KNS.01, EGCC.RDB.01 Rev A, EGCC.RDB.02 Rev A, EGCC.13-21.01 Rev A, EGCC.HAR.01, EGCC.BMT.01 Rev A, EGCC.PET.01, EGCC.BRLY.01, EGCC.APP2.01,EGCC.APP3.01, EGCC.APP3.02, EGCC.HRLY.01, EGCC.ELS.01, EGCC.BRM.01 Rev A, EGCC.BLY.01 Rev A, EGCC.BLY.02, EGCC.OKM.01 Rev C, and EGCC-DG) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** Before commencement of phase of the 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 for the dwellings contained within that phase. 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 for pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.
- 4) A38 - Archaeology

- 5) No development (other than archaeological investigation works) shall take place within the application site until the means of construction of foundations, and levels (including formation levels for the dwellings, roads and parking areas) have been agreed in writing by the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that disturbance to important archaeological remains is minimised.
- 6) A23 - Contamination (no info submitted)
- 7) A13 - Tree protection
- 8) A16 - Construction (CEMP 2)
- 9) A18 - Construction (site layout)
- 10) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) A12 - Landscape and trees - replacement planting
- 12) No building hereby permitted shall be occupied until the off-site surface water attenuation feature indicated on drawing no. EGCC-01-SITE PLAN Rev 24.0B has been completed and brought into use to serve the development. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed Drainage & SuDS (Sustainable Drainage Systems) Maintenance Plan prepared by TWP Consulting Structural and Civil Engineers (Project Ref:16.342 Rev R02 dated November 2016).
Reason: To ensure the satisfactory drainage of the development.
- 13) The development hereby approved shall be implemented in accordance with the drainage strategy set out in the submitted Flood Risk and Drainage Strategy (Project Ref:16.342 Rev: R01-A) dated November 2016 and Construction Management Plan (Project Ref:16.342 Rev R01) dated May 2017 prepared by TWP Consulting Structural and Civil Engineers .
Reason: To ensure the satisfactory drainage of the development.
- 14) A19 - Travel Plan
- 15) No more than 50% of the development hereby approved shall be occupied until the footway/cycle path running adjacent to the Golf Club from Old Rydon Lane to the Newcourt Spine Road has been constructed up to the site boundary of the applicant's ownership in accordance with plans to be approved in writing by the

Local Planning Authority.

Reason: To facilitate provision of a safe and suitable access for pedestrians and cyclists in accordance with paragraphs 32 of the National Planning Policy Framework.

- 16) No more than 50% of the dwellings contained within Phase 4 of the development (as indicated on drawing nos. EGCC-01-SITE PLAN Rev 24.0) shall be occupied until the foot/cycle path running between plots 33-43 and plot 44 has been constructed up to the site boundary of the applicant's ownership with the Newcourt spine road.
Reason: To facilitate provision of a safe and suitable access for pedestrians and cyclists in accordance with paragraphs 32 of the National Planning Policy Framework.
- 17) The development hereby approved shall be implemented in accordance with the provisions and recommendations set out in the submitted Biodiversity Mitigation & Enhancement Plan dated march 2017 prepared by Sunflower International Ecological Consultancy, and include the provision of integral nesting boxes as specified in the email from David Lovell dated 31st May 2017.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 18) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and no development above damp-proof course level shall take place before their approval is obtained in writing. The materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: In the interests of character and appearance of the development and the visual amenity of the area.
- 19) Prior to the occupation of each dwelling 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.
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 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

DEVELOPER'S BRIEFING NOTE

Application for Residential Development at the EGCC Practice Ground, Newcourt:

Briefing Note for Planning Committee Members

It was clear from the debate at Planning Committee on 26th June, that members were not aware of all the circumstances which have led up to the application before them.

This note is therefore to explain the background to this application and give Members a clear understanding and details of the circumstances which must exist in order for this site to be brought forward for development in the foreseeable future.

It is important to note that the site forms part of the Strategic Allocation at Newcourt, allocated as a sustainable urban extension under policy CP19 of the adopted Core Strategy and as such forms a key part of the Council's spatial strategy set out under policies CP1-CP3. It also contributes to delivery of the City's objectively assessed housing needs and plays a significant part in terms of delivering an adequate supply of housing land, currently well below the required 5 year supply.

Exeter Golf and Country Club (EGCC) have support from its membership to bring this site forward for development as part of the Newcourt Strategic Allocation. However, Club members were very clear with the Board that this would only be acceptable if the existing Practice Ground was first re-provided with enhanced facilities including a driving range, made available prior to the loss of the existing facility. Further, the loss of the existing driving range would only be considered acceptable if the proceeds released by the sale of the land were sufficient to purchase a site for the new facility, provide all associated infrastructure and facilities and pay for the Club's associated financial commitments including all Tax and Capital Gains costs arising from the sale of the land. Failure to do so would mean that the proposals for re-provision would not be viable.

EGCC having identified the merits of an alternative use for the Newcourt Practice Ground engaged in negotiations with Persimmon and Heritage Homes as developers active in Newcourt. The negotiations with Persimmon were immediately blighted by the aggressive leverage Persimmon sought to extract from their retained ownership of Admiral Way and the excessive value they sought for access over the ransom strip. Seeking to impose :

- a) an exclusivity clause in favour to Persimmon and
- b) the application of a Ransom Payment of up to 40% of the site value.

Such demands rendered any access onto Admiral Way completely unviable for the Club and the alternative access solution with Heritage Homes was pursued.

A further requirement of the EGCC board was for Heritage to secure a suitable alternative Practice Ground for Newcourt which needed to be near to the Club on which to relocate the existing Practice Ground and create a new Driving Range Facility.

Heritage was successful in securing an option on the only suitable alternative site that exists close enough to satisfy the Club's requirements. This site is located off Exeter Road, Topsham. Members will recall that planning permission for the replacement driving range has already been granted thus facilitating the re-provision in planning terms and enabling the existing site to be released for development

Notwithstanding the identification of this alternative site, re-provision must take place before the extant permission and the option agreed for the purchase lapses as under the land acquisition terms, it cannot be renewed. Further, as described above, without this re-provision the existing Practice Ground cannot be released for development either now or in the foreseeable future. Further, without approval of the current residential application neither the opportunity nor the necessary funds to acquire the alternative replacement site will be forthcoming. As a consequence, it will not be possible for the site of the existing practice ground to be released for residential development with consequential implications for the worsening housing land supply, not to mention the missed opportunity to provide enhanced recreational facilities within the City.

The recent reconfiguration of the golf course was necessitated by the proximity of new Persimmon houses immediately adjacent to the boundary of the course and the need for nets. EGCC were forced to redesign the course and change the direction of play causing significant disruption to the Club. It also resulted in a reduction of the area which is available to be released for development due to the need to retain the land for what is now the 10th hole. This has significantly reduced the financial value of the development site and put considerable pressure on the viability of the whole scheme by reducing the available funds to re-provide and enhance the practice facilities even without any further Ransom Payment being required.

Over the last 18 months Heritage Homes has worked at great length with the Club, it's Golf Architects, Planning Officers and DCC Highway Officers to design a scheme which is financially viable, does not impact on the playability of the course, can deliver the agreed amount of affordable housing, and has suitably designed access arrangements and adjoining highways connections which meet all DCC Highway's requirements and all national traffic and pedestrian safety requirements. The design of the scheme is deemed to be acceptable in every respect by DCC Highway Safety Officers given its location and the surrounding road network.

Access Design

The approval from DCC Highways was sought and received at a very early stage in the design process so as to ensure there were no barriers to development of the site with access through Holland Park phases 1 & 2. Virtually none of the dwellings in Holland Park Phase 1 are actually affected by the access proposals as they are set back into the development and do not face the access route. Nevertheless, the proposal to provide a link road along the western edge of Holland Park phase 1 using the same connection point to Old Rydon Lane, together with the strategic cycle path link, and connecting loop to the end of Newcourt Drive, in Holland Park phase 2, was made clear to all purchasers of Holland Park phase 1 and 2 before they bought a house on the development. The proposed connection route from Holland Park phase 1 was shown on plans and discussed openly with all buyers who were interested before they bought and it is disingenuous of residents of Holland Park (either Phase 1 or 2) to now claim they knew nothing about it.

Conclusion

DCC Highway Officers have made it clear that they have no objection to the proposed application on highways safety grounds, that they fully support the access arrangements that are proposed and that they comply fully with all traffic safety requirements for the number of proposed dwellings. Given that Persimmon Homes demanded an unreasonable ransom which effectively prevents any access to or from Admiral Way, the only opportunity for this site to be released for development either now or for the foreseeable future is via the access arrangements set out within this application, via Old Rydon Lane. EGCC wish to make it clear that without such approval, the site will not be available for residential development at all for the foreseeable future and the opportunity to re-provide, alternative, enhanced driving range facilities will be lost, together with a Strategic Cycle Route and 82 homes that will be lost from the dwindling 5 year land supply numbers.

Additional Improvements and Enhancements Proposed

Notwithstanding all of the above, the fact that DCC Highways have clearly confirmed that the proposed scheme is fully acceptable in highways and access terms and that they have stated that there is no reason for refusal on highways grounds, Heritage have nevertheless been working with Officers to enhance the proposals to advance the ability of DCC Highways to bring forward, immediately, some very significant long term strategic improvements to the traffic and cycle provisions in the locality including the introduction of the R9 Cycle route which is ECC Adopted Policy.

Far from making matters worse, approval of this application will facilitate significant strategic improvements, both immediately and later, which would not be possible without approval of this application and a road link through the proposed site connecting phases 1, 2 & 3 of Holland Park.

In addition to provision of part of the R9 Strategic Cycle Route from Old Rydon Lane to Admiral Way, Heritage have agreed to extend the proposed Adopted Highway and provide an additional turning head right up to the southern boundary of the site with Admiral Way. **This puts Devon County Council in full control of an Adopted Highway, right up to the southern boundary of the site** adjoining the strip presently ransomed by Persimmon. Once the development has been approved it will enable DCC at their own discretion to negotiate or CPO a highway connection to Admiral Way without any ransom value as part of the wider strategic improvements to the road and cycle connections in the locality.

Immediate proposals are that DCC makes the exit from Holland Park Phase 2 and Newcourt Drive right turn only which will mean all the traffic from 34 houses and all the 80+ Parking Spaces within the NHS Offices exiting Newcourt Drive would be directed out on to the by-pass or around to the Admiral Way distributor road instead of turning back up Old Rydon Lane. **This will make Old Rydon Lane immediately safer for cyclists and pedestrians and will be necessary in any event in order to bring forward the R9 Cycle Route.**

It will mitigate a very large proportion of any additional vehicle movements through Old Rydon Lane caused in the short term by the proposed development and allow the **immediate introduction** of a **Dedicated Cycle Lane** running all the way along Old Rydon Lane from Newcourt Drive up to the entrance to Holland Park Phase 1 and connect it with the new Strategic Cycle route running south which is to be built as part of this proposed development.

It has also been agreed that the Strategic Cycle Link through the proposed development from Old Rydon Lane to Admiral Way is widened to a full 3.0m wide.

These major additional improvements are **deliverable immediately** over and above the fact that this proposed development has already been deemed acceptable on highways grounds.

Once the proposed development is approved, the highway connection through Holland Park Phase 1 and Phase 3 to the Southern boundary will allow Devon County Council, at a time of their choosing, the option of negotiating or issuing a CPO to open up the access onto Admiral Way, without any ransom value, in accordance with NPPF Guidance, which will then facilitate the further extension of the new Strategic Dedicated Cycle Lane along the rest of Old Rydon Lane to complete the R9 Cycle Route. This will allow drivers to exit onto Admiral Way and return to Topsham Road as an alternative to travelling East down Old Rydon Lane. This will remove ALL West bound traffic from Old Rydon Lane altogether.

Without approval of this application with the access as proposed, **the Practice ground cannot be relocated and this site cannot be released for development at all!** It means it would not be possible to make these strategic improvements for cyclists and pedestrians in the foreseeable future. It will mean no Strategic Cycle Link from Old Rydon Lane to Admiral Way at all, No R9 dedicated Cycle Lane along the length of Old Rydon Lane, No affordable housing including new rented homes to Exeter City Council for £1.00, the loss of a new Driving Range Sporting Facility for the residents of Exeter, as well as the loss of 82 new homes from the existing Exeter Newcourt Strategic Allocation numbers and the dwindling 5 year land supply.

Approval of this amended scheme therefore not only meets with **full approval from DCC Highways, it also will immediately facilitate significant strategic enhancements for cyclists and pedestrians in Old Rydon Lane in accordance with the Adopted Local Plan**, immediate delivery of 82 new homes and affordable rented homes for ECC as well as a new Driving Range Sporting Facility. Furthermore it will secure the long term financial future of the Golf Club and it's other sporting facilities, as well as allow Devon County Council to bring forward, sooner, major strategic improvements for cyclists in accordance with the Local Plan

Therefore, with the full support of DCC Highways, it is respectfully asked that members approve this application as proposed.

PERSIMMON LETTER

Mr M Higgins
Principal Project Manager (Development)
Office of Assistant Director City Development
Civic Centre
Paris Street
Exeter
Devon
EX1 1NN

10th July 2017

Dear Mr Higgins

Location – *Exeter Golf and Country Club Practice Ground, Land to the South, Newcourt Drive, EXETER*

Proposal – *Construction of 82 dwellings, access, estate roads, landscaping and associated infrastructure (17/0006/03).*

I write in reference to the recent meeting of Exeter City Council's Planning Committee on 26th June 2017.

It is understood that a report regarding the aforementioned application was presented to Members and that although the proposal was recommended for approval, Members determined that a decision on the application should be deferred until further information could be provided to them regarding the suitability of the proposed access into the site and the assumed existence of a 'ransom' that would prevent another point of access being formed into the site.

As you are no doubt aware, Persimmon Homes South West is the owner of the adjacent land. Therefore if access were to be sought and/or formed into the application site from a position other than that which is currently proposed then this would need to pass through land that is within our ownership.

The issue of whether our ownership of this land forms a 'ransom' over the applicant is somewhat immaterial, as the subject of land ownership is a civil issue and cannot therefore be regarded as a material planning consideration. However, I would like to make it clear to both you and the Members of the Council's Planning Committee that we have never been approached by either the applicant, representatives of Exeter Golf and Country Club or the County Council to determine if we would be willing to allow a second point of access into the site to be formed on our land.

In view of the lack of contact that we have received from these parties, I am at somewhat of a loss to understand why it was suggested to Members at the Committee meeting that "*due to the existence of a ransom strip at Admiral Way, the identification of alternative access arrangements has not been possible*".

Such a statement would seem to suggest that firstly; discussions have taken place and that secondly; as a result of these we have confirmed that we are unwilling to allow access over our land. This is not the case.

I would therefore seem prudent to me that before the application is returned to Committee that a meeting between the applicant, representatives of both the City and County Council and Persimmon Homes South West is held to discuss this issue,

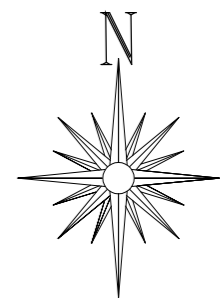
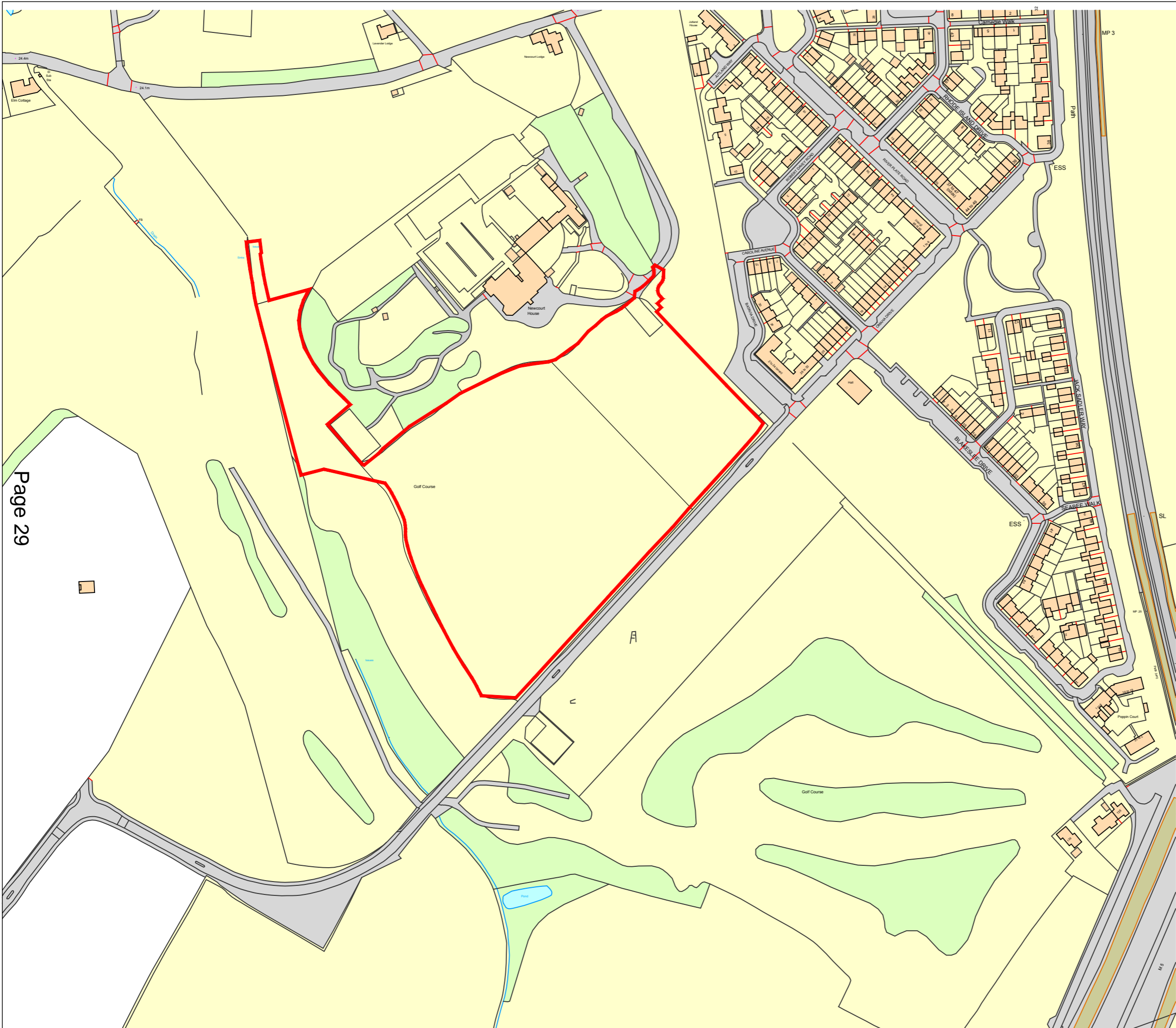
thus enabling the Members of the Planning Committee to be presented with definitive answers regarding the issue of site access and to therefore make a formal determination on the basis of all of the relevant facts.

Should you require anything further or discuss arrangements for such a meeting, please do not hesitate to contact me.

Yours sincerely

Andy West
Planner

andy.west@persimmonhomes.com



HERITAGE

ARCHITECTS



Heritage Developments South West Ltd
 1A Newton Centre, Thorverton Road, Exeter. EX28GN
 TEL: 01392 829900

Project

THE GREEN (PHASE 3)
 HOLLAND PARK, EXETER
 (EGCC PRACTICE GROUND)

Drawing

LOCATION PLAN

Date	Scale	Drawn
DEC 2016	1:2500 @A3	
Drawing No.		Rev
EGCC - 10 - LOC		

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Agenda Item 6

ITEM NO.

COMMITTEE DATE:

24/07/2017

APPLICATION NO:

17/0724/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Fitzsimons
UPP Projects Limited

PROPOSAL:

Demolition of existing halls of residence building (139 bedrooms) and a replacement building providing 251 student bedrooms arranged in 26 cluster flats including reception and common rooms, bike and refuse storage, reposition of existing access with Lower Argyll Road, associated infrastructure and landscaping works.

LOCATION:

Moberly House, Halls Of Residence, Lower Argyll Road, Exeter, EX4 4QT

REGISTRATION DATE:

03/05/2017

EXPIRY DATE:

28/06/2017

DESCRIPTION OF SITE/PROPOSAL

The application site (0.54 ha) is located on the eastern side of Cowley Bridge Road bordered to the north by Lower Argyll Road and west of Glenthorne Road. Moberly Halls of Residence currently accommodates 139 students and occupies an overall floorspace of 3,909 sq metres. The existing accommodation is contained within a four/five storey building within three distinctive blocks. Pedestrian and vehicular access to the site is currently from Lower Argyll Road with an additional pedestrian access from Glenthorne Road. The site is bordered by a number of large mature trees and has distinct level changes in relation to the adjacent roads. The closest residential property is Duryard Lodge located on the junction of Cowley Bridge Road and Lower Argyll Road. Duryard Halls of Residence are located on the opposite side of Lower Argyll Road. To the south of the site is located Boniface House and the Gatehouse, which provide a chaplain service for the University. Non student accommodation is situated to the east within Argyll Mews and the flats located in Coplestone Drive.

Moberly was constructed in 1966 and has the appearance of a 'tired' looking building both internally and externally. Whilst studies have been undertaken regarding the potential for retention and refurbishment the report concluded that it was not viable due to the nature of the construction. Accordingly, the application seeks to demolish the existing building and replace with a new hall of residence to accommodate 251 students. All the rooms are arranged as cluster flats which have a shared kitchen and dining room comprising of 8, 9 or 10 bedrooms each with bathrooms typically shared between two residents rather than as individual ensembles. The building would be arranged in an 'H' shaped over five to seven storeys with a total floor space of 6,583 sq metres. The main vehicular entrance would still be retained off Lower Argyll Road and serve four parking bays (two specified for disabled parking) with a further six temporary parking spaces. The pedestrian link to Glenthorne Road is to be retained.

The building is proposed to be constructed of brick with green/grey metal cladding which would highlight the kitchen and stairway areas arranged to create a vertical emphasis. The façade of the building is further broken up with the use of large format ceramic tiles of a rust colour.

Originally the application proposed to remove all the red cedar trees fronting Lower Argyll Road, as the Arboricultural Report anticipates that they have a viable life span of approximately 10 years and have effectively outgrown their original function which was to create a hedge. However during the consideration of the application, it has been agreed to retain two of the mature cedars closest to Cowley Bridge Road, although these trees are scheduled to be removed in a few years. The removed trees along Lower Argyll Road are to

be replaced with new Scots Pines at 5 metre spacing that will match the tree belt on the opposite of the road.

The building has been designed to meet BREEAM 'excellent' rating. The submitted plans also include designated areas for refuse disposal and two separate cycle parking stores.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement
Statement of Community Involvement
Design and Access Statement
Utilities Infrastructure Report
Transport Statement
Energy Statement
External Lighting Statement
Geo-Environmental Report
Heritage Statement
Ecological Survey
Arboricultural Constraints Report
Demolition Health and Safety Plan
Additional illustrative material

REPRESENTATIONS

2 letters of comment (including one from the Duryard Trust) and 9 letters of objection (including one from the Civic Society). Principal planning issues raised:-

1. Student halls should be accommodated on campus;
2. Too many student halls already exist or are proposed particularly given the recent approval of East Park;
3. Increased noise, disturbance and litter from students particularly along Glenthorne Road;
4. Site should provide housing for low income people in the City;
5. Inadequate parking facilities provided on site given that students will still bring cars;
6. Proposed building too high, 'top heavy' and overbearing for area;
7. Overdevelopment of the site; density of student numbers already too great for the area;
8. Loss of privacy to Duryard Lodge;
9. Increased traffic attracted to the site leading to greater levels of congestion in the area;
10. Increase in the existing conflict between pedestrians and vehicles due to the location of the bus stop at exit of Lower Argyll Road;
11. Too many students accessing Glenthorne Road particularly given additional student accommodation is anticipated for submission further along this road in the near future;
12. Potential loss of hedgerow;
13. Insufficient proposals for energy conservation/carbon mitigation;
14. Building should be re-orientated to improve the visual impact of the building in the streetscene and provide a better environment for students;
15. Loss of frontage trees detrimental to the streetscene and contrary to the Exeter Green Infrastructure Strategy;
16. Health and Safety issues for increased students using the high path along Cowley Bridge Road;
17. Need for greater consideration of pedestrian safety through an independent safety audit;
18. Increased light pollution;
19. Loss of wildlife such as bats, owls and woodpeckers with the felling of the mature trees;
20. Area around the site too steep and therefore not conducive to cycling;
21. Increased students crossing Cowley Bridge Road leading to potential risk of accidents.

CONSULTATIONS

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

Streatham Campus is within 1km of the site and is within walking distance. The direct route to reach the campus is via Glenthorne Road (which is privately owned) and as such the plans indicate a staircase linking the site to Glenthorne Road. Although on private ground, it is advised that vegetation is cut back and maintained to ensure pedestrian visibility. Vehicular and pedestrian access will be provided to the development (as per existing) by a simple junction from Lower Argyll Road. This arrangement almost mirrors the existing access but with slight adjustments, accommodating the new layout and landscaping proposed. The submitted plans show that the visibility requirement is met (in accordance to the speed limit) and therefore acceptable.

The student accommodation block is being promoted as car free, which for a sustainably located student development is acceptable. However, four parking bays at the front of Moberly have been provided to serve the student accommodation unit (two disabled parking bays and two staff spaces). The applicant is advised that restrictions should be put in place to prevent student parking in these designated spaces. In addition the parking area at the front of the building can be used to accommodate service vehicles – the applicant has provided tracking diagrams confirming that a refuse vehicle can turn in site and exit the site in forward gear. This is welcomed as it prevents unnecessary obstructions on the highway.

Management

In addition to the four vehicle spaces being provided to the front of the site, the applicant has indicated a supplementary five vehicle spaces which are dedicated for student pick up and drop off. 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.

On site facilities

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

Construction

It is anticipated that construction (& demolition) will be over a long period will and therefore it needs to be carefully managed to ensure the impact on the public highway is minimised. It is therefore recommended that a condition for a Construction Traffic Management Plan (CTMP) is attached in the granting of any permission and the applicant is advised to liaise with the Highway Authority prior to commencement.

Residential Parking Zones

The Highway Authority intends to review the parking arrangements in this area of the city and the development proposals have potential to influence any strategy. Although management plans may stipulate no cars for residents it seems difficult to police and in all likelihood some students would park on nearby residential streets, exacerbating existing issues. Therefore, to help address this, a contribution of £15,000 towards a review of the existing residential parking zones, making and implementing traffic orders is requested. The assessment on contribution is informed by recent residents parking schemes within the City and includes costs associated with technical design, Traffic Regulation Order and physical road markings / signing. Were the application to be approved, this contribution should be secured prior to commencement.

Subject to the above conditions regarding on site facilities, resident parking review contributions and CTMP being attached in the granting of any planning permission, no objection.

Natural England comment that a thorough evidence based Habitat Regulation Assessment should be carried out to justify why the recreational impacts of students can be exempt from paying mitigation contributions. (*Natural England has been sent a HRA which addresses this issue and no further observation from been received*).

County Flood Risk Officer No objection subject to condition.

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

Environmental Health Officer Comments that additional information is required in respect of noise from any proposed mechanical plant, and conditions in respect of a Construction and Environmental Management Plan and contamination report.

Devon and Cornwall Police Liaison Officer views awaited.

Wales and West Utilities Have no objections to the proposal however apparatus may be at risk during construction works and should the application be approved then it will be necessary for the promoter of these works to contact Wales and West Utilities directly to discuss requirements in detail. Should diversion works be required these will be fully chargeable.

Devon and Somerset Fire Service Raise no objection to the application based on the new building meeting the appropriate requirements of Approved Document B or equivalent standard. The key points at this stage is to ensure the following: satisfactory access for emergency vehicles including high reach; suitable and sufficient water supplies; firefighting facilities and access and means of escape and travel distances within the buildings. Comment is made that as with all new buildings, which are sleeping accommodation, it is strongly recommended that sprinklers are installed. The Fire Service is happy to meet with developers and building control to talk through the scheme prior to the formal building regulations application.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 8. Promoting healthy communities
 - 11. Conserving and enhancing the natural environment
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

CP1 - Spatial Approach

CP4 - Density

CP5 - Student Accommodation

CP9 - Transport

CP11 - Pollution

CP14 - Using Renewable and Low Carbon Energy in New Development

CP15 - Sustainable Construction
CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach

H5 - Diversity of Housing

Relevant text- Student housing will be permitted provided that:

a) the scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;

b) the proposal will not create an overconcentration of the use in any one area of the city which would change the character or the neighbourhood or create an imbalance in the local community;

d) student accommodation is located so as to limit the need to travel to the Campus by car

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T10 - Car Parking Standards

EN2 - Contaminated Land

EN3 - Air and Water Quality

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG4 - Residential Layout and Amenity

DG6 Vehicular Circulation and Car Parking in Residential Development

DG7 - Crime Prevention and Safety

Exeter City Council Supplementary Planning Documents:-

Sustainable Transport March 2013

Trees in relation to Development September 2009

Residential Design Guide September 2010

OBSERVATIONS

It is accepted that the existing Moberly building is in need of refurbishment and given its prominent location within Cowley Bridge Road this is to be welcomed. The building is currently used for student accommodation in association with Exeter University and accordingly the principle of a replacement building for the same use is wholly appropriate. However the proposal would result in a larger building with an increased number of students on the site and consequently this requires specific assessment in respect of the design, scale, height of the building; loss of existing trees; potential impact on residential amenities and related highway issues. Some residents have raised objection to the overall increased number of students in the city. However Core Strategy Policy CP5 supports the provision of additional student numbers in appropriate location and given the existing site is used for this purpose there is no objection to the continuation of this use. As is the case for conventional housing there is no requirement for the applicant to prove the need for student accommodation. The application must be considered on its merits.

The scheme proposes the increase in student numbers from 139 to 251 student bedspaces arranged within 29 cluster flats. The increased number is viewed positively given the requirements of Policy CP5 and represents a more efficient use of the land on a site close to the University Campus. However to accommodate this greater number of units the building has increased in scale and, in particular, in terms of its height. The proposed scheme results

in the complete removal of the existing building to create an 'H' shaped design with two distinct courtyards one 'public' facing the Lower Argyll Road and a 'private' one to the rear. It is considered that this responds well to the site and would improve the external amenity area for future students. The proposed external appearance through a combination of brickwork and metal cladding will be a significant improvement from the existing 'tired' looking Moberly House and this is to be welcomed. However it is the height of the building which represents the most important consideration for this scheme.

The existing building is arranged over four and five storeys. The new building is proposed to increase the height to between five and seven storeys. It is considered that due to the nature of the site, with changes in levels and distance retained in relation to the surrounding roads, an increase in height by an additional two floors can be accommodated without undue harm to the appearance of the area and in respect of residential amenity to properties located off Glenthorne Road. However it is considered that more specific assessment is required in respect of the building's impact when viewed from Cowley Bridge Road and in respect of Duryard Lodge. The building will increase in height from four floors to five floors fronting Cowley Bridge Road. Whilst this will result in the building appearing more prominent from this main road it is considered that the improved design will compensate for this increase. This frontage also benefits from an existing row of mature trees situated along Cowley Bridge Road, which will mitigate the increased height of the building on the higher ground to the south of the site. It is therefore considered that the visual impact of the building when viewed from Cowley Bridge Road is acceptable. It is accepted that there is already an incongruous relationship between the existing building and Duryard Lodge, a single storey gatehouse building. However the new building will not come closer to this residential property and although the relationship will still appear incongruous it is considered that the proposed changes to the external appearance of the new building will result in an enhanced visual appearance overall when seen from Cowley Bridge Road.

The closest residential property to the site is Duryard Lodge and non student accommodation is also located to the east off Glenthorne Road. The Duryard Lodge resident already experiences a degree of overlooking into their rear garden given the proximity, level changes and absence of trees in this area. Although the original submission indicated a new footpath and fire escape to be sited close to the boundary, this has subsequently been amended and these elements removed. In addition, the revised plan includes tree planting along this boundary which will help to mitigate the overlooking which already existing in this location. In respect of the relationship with properties in Glenthorne Road, including the Gatehouse, the new building is proposed to be set further back into the site and the continued presence of existing mature trees and hedges along the site boundary will ensure that there is no loss of amenity to these existing residential properties, even allowing for the increased height of the building. Accordingly it is considered that the new building will not result in an acceptable loss of amenity to residents of existing properties in the immediate vicinity.

Local residents have raised concern regarding the loss of the mature Red Cedar trees which currently exist along the Lower Argyll Road frontage as shown on the original submission. The arboricultural report recommends that these trees are removed and replaced with Scots Pines to reflect the trees species on the opposite of the road. It was stated that the cedars have an anticipated life span of 10 years and were originally intended to form a hedge rather than a line of mature tree. The applicant therefore views the redevelopment as an opportunity to take a comprehensive approach to landscape management of this site in relationship to nearby University managed accommodation. However given the concern about the loss of trees and the open view of the site which would result during the construction work amended plans have been revised to retain two mature trees closest to Duryard Lodge for the next few years. Whilst the future intention will be to remove these trees and replace with the new Scots Pine trees, their retention in the short term will help to screen the site during construction and integrate the development into the surrounding area. This approach is considered appropriate, as confirmed by the Council's Tree Consultant.

The scheme promotes an essentially car free development with the provision of only four permanent parking spaces proposed within the site. Whilst it is accepted that the route to the University is relatively steep, it still represents an appropriate a sustainable location for this use, as acknowledged by the Highway Officer. However, as local residents have raised within their objections, there are highway related issues in the area in particular with respect of parking, the bus stop's location on Cowley Bridge Road and the pedestrian access onto Glenthorne Road. The Highway Officer has raised no objection to the scheme subject to suitable conditions being imposed. In particular, it is requested that a financial contribution is paid for a Traffic Regulation Order to relieve parking pressure in the area and a further contribution is required towards pedestrian enhancement in the area, which could for example be used to improve the existing pedestrian crossing or replace the substandard railing along the high footway on Cowley Bridge Road. It is also recommended that improved pedestrian visibility for student accessing the Glenthorne Road, a private road, could be achieved by cutting back existing vegetation and this can be secured by condition. Although the proximity of the bus stop in relation to Lower Argyll Road and Cowley Bridge Road was assessed in highway terms it was not considered that improvements could be achieved as a result of this application. Consequently subject to suitable conditions and a financial contribution towards a Traffic Regulation Order and pedestrian improvement enhancement in the area this application is acceptable in highway terms.

In summary, it is considered that the continuation of the use of the site for student accommodation, albeit with an increased number of students is compatible with the area and development plan policies and therefore acceptable. Whilst the building is significantly larger than the existing, the improvement in the external appearance compensates for this greater scale, bulk and massing of the resultant building. The increased height of the buildings can effectively be integrated into the area due to the different ground levels and the existing trees along the boundaries. Accordingly it is considered that the scheme as now submitted is acceptable should be approved.

The application will require a financial contribution of £15,000 towards the delivery of a Traffic Regulation Order for nearby residential areas and £25,000 towards off site pedestrian enhancement in the area, which will be included within the Section 106 Agreement. The creation of the additional 2,674 sq metres of student accommodation (6,582 sq metres new building minus 3909 sq metres existing building) will equate to £136,561.18 of CIL based on the 2017 figure of £51.07 per sq metre. In addition, the development will receive New Homes Bonus, based on the creation of 29 cluster flats.

DELEGATION BRIEFING

20 June 2017 - Members were advised that two letters of comment (including one from the Duryard Trust) and eight objections had been received. The objections including concerns about the increase of students in the area; building being too high; loss of mature trees and potential conflict between increased pedestrian use and existing vehicles in the area. Comparison plans were presented to show the change in footprint and height of building from the existing building to that proposed. In particular it was highlighted that the building fronting Cowley Bridge Road was proposed to increase from four storeys to five storeys.

Members expressed their concern regarding the loss of the trees fronting onto Argyll Road and were advised that the Head of Exeter University Parks and Ground had written stating that the trees would be replaced.

Devon County Highways comments were awaited however there was concern from residents that the existing problems at junction of Argyll Road and Cowley Bridge Road would be exacerbated by the increase student numbers proposed and the positioning of the existing bus stop in particular was raised.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan and a financial contribution towards a Traffic Regulation Order (£15,000) and off-site pedestrian enhancement in the area (£25,000), **APPROVE** the application subject to the following conditions:-

- 1) A01 - Time Limit - full
- 2) A06 - Details and drawings compliance
- 3) A09 - Materials (1)
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and the building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) A12 - Landscape and trees - replacement planting.
- 6) No development shall take place until a Detailed Arboricultural Method Statement in association with the Tree Protection Plan for the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant shall proceed in accordance with the measures described in the Arboricultural Method Statement throughout the duration of the works.
Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.
- 7) Prior to occupation of the development hereby permitted, a Travel Pack for each dwelling 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.
- 8) A15 - Construction (CEMP 1)
- 9) **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.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. 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) A33 - BREEAM (commercial only)
- 11) A36 - Swifts
- 12) No part of the development hereby approved shall be brought into its intended use until secure cycle and vehicular 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.
- 13) No part of the development shall be brought into its intended use until the amendments to the Lower Argyll Road access as indicated on the "*Proposed Site Access Drawing A098304 - SK01 RevA*", have been provided and maintained in accordance with details approved in writing by the Local Planning Authority and retained for that purpose at all time.
Reason: To provide safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site.
- 14) Prior to commencement of the development, excluding demolition and ground re-profiling work, the applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing by the LPA. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, communal areas, residents and events. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.
Reason: In the interests of residential amenity.
- 15) Prior to the commencement of the development, excluding demolition and ground re-profiling work, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: In the interests of residential amenity.
- 16) Prior to occupation of the building hereby approved details of the pedestrian access onto Glenthorne Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details
Reason: In the interests of pedestrian safety.
- 17) A23 - Contamination (no info submitted)
- 18) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface

water drainage management system must satisfactorily address both the rates and volumes and quality of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues to the surrounding 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



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- Ecological Appraisal
- Site Briefing Note
- Commercial Report

REPRESENTATIONS

38 objections to the application have been received raising the following issues –

- Loss of green space for children to play outweighs need for retail facility
- Noise pollution, especially associated with retail unit unsociable hours
- Loss of space used by older children/teenagers – provision on estate inadequate
- Loss of light
- Loss of privacy/overlooking
- Will exacerbate parking problems in locality – not enough spaces already
- Air pollution
- Adverse highway safety impacts
- Exacerbate access problems for buses
- Main park/play only suitable for younger children
- Contrary to community wishes
- Detrimental to visual qualities of area/quality of life
- Retail encourage congregation of people and associated anti-social behaviour, especially if alcohol sold
- Retail unit not required given other retail in locality (Tesco/Ikea/Countess wear)
- Overdevelopment
- Lack of cycle parking for retail unit
- Contrary to Residential Design SPD advice
- Flat cycle parking poorly located in terms of surveillance/distance – Sustainable Transport SPD
- Absence of e-bike charging provision
- Contrary to Core Strategy policy CP17 and NPPF
- Design/street scene parking dominated
- Adverse impact of deliveries to retail unit, what is provision?
- Developer greed
- No need for further housing here
- Negative impact on sense of community and well-being of existing residents
- Inadequate amenity space for flats
- Undermine delivery of local store within Seabrook Orchards development and associated local centre
- Lack of affordable housing as part of proposal.

CONSULTATIONS

Environmental Health Officer – recommends conditions relating to Construction Environment Management Plan (CEMP), contaminated land and noise assessment.

South West Water – Highlight location of public water main and easement requirements, and hierarchy for surface water disposal.

County Head of Planning, Transportation and Environment (Highways) – Detailed comments are provided in relation to the main considerations relevant to assessment of the proposal from a transportation perspective, namely vehicular access, pedestrian and cycle access, trip generation, parking, loading, travel planning, and construction. The consultation

response concludes that the proposal is considered acceptable in terms of potential traffic generation, access arrangements, levels of parking provision and raises no objection subject to the imposition of appropriate conditions.

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
- CP2 - Employment
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP8 - Retail
- CP9 – Transport
- CP10 – Meeting Community Needs
- CP11 – Pollution and air quality
- CP12 – Flood risk
- 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
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
E3 - Retention of Employment Land or Premises
H1 – Housing land search sequence
H2 – Housing location priorities
H3 – Housing sites
H6 – Affordable housing
H7 – Housing for disabled people
S1 - Retail Proposals/Sequential Approach
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T9 - Access to Building by People with Disabilities
T10 – Car parking standards
C5 – Archaeology
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG3 - Commercial Development
DG4 – Residential 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
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing Out Crime
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

OBSERVATIONS

Introduction

This site forms part of the original former Royal Navy Stores Depot for which outline consent was granted for residential redevelopment in 2004 (planning application reference no 02/1402/01). The outline consent was subject to a S106 agreement which amongst other things required the provision of a certain amount of residential and office floor space within the development, 710m² and 1360m² respectively. Subsequently reserved matter approval (ref 07/1176/02) was granted in January 2008 for 'Redevelopment to provide 398 dwellings, offices, shops, parking and associated works'. The retail/office and associated flat element comprised a 3 & 4 storey building with retail units on the ground floor and the office and 8 flats above. The majority of this consent has since been implemented, however the element containing the retail/office floor space (with flats over) and associated vehicle circulation space was not constructed and the area of land earmarked for this part of the development has in the intervening period been informally used by the public as open space. The fact that the majority of the consented development has been constructed means that the original permission is kept alive in perpetuity and therefore the consented retail/office floor space (and flats over) earmarked for this currently open area could be implemented by the developer at any point without the need for any further consent from the Local Planning Authority.

Notwithstanding this the developer has been reviewing the demand for, and viability of delivering, the approved retail/office accommodation. The application is accompanied by a report from Herridge Property Consulting which concludes that the location, surrounding context and lack of dedicated parking facilities, together with prevailing market conditions are such that there is no realistic demand for office floor space in this location, and that it would be financially unviable to deliver this element of the original scheme. The report reaches similar conclusions, based on an analysis of current retail operator interest and trends, on the demand for the level of retail floor space originally proposed. Consequently the developer has come forward with revised proposals for this part of the site, which comprise a single retail unit of significantly reduced floor space to the original scheme, no office floor space, and 20 residential apartments with associated amenity space and parking provision, and an element of additional parking spaces to serve the wider locality.

The main considerations in respect of the current application relate to the acceptability in principle of development on this part of the site, the merits of departing from the previously agreed provision of retail/office floor space, affordable housing provision, design/layout/amenity standards, transportation matters, and ecology/sustainability.

Principle of development of the application site

As stated above a valid consent exists for development on this site which could be implemented at any time. Consequently whilst it is acknowledged that residents in the locality have had the benefit of the informal use of this land as an extension of the formal open space with the developers permission it was always earmarked for development. Whilst representations have raised the lack of adequate amenity space to serve the needs of all the residents of various age ranges occupying the wider locality, the overall level of amenity space provision was assessed

and deemed acceptable at the time the original permission was granted. Consequently it has to be accepted that the principle of development on the application site is acceptable.

When the former Royal Naval Stores Depot was originally allocated for development it was also intended that it would include an element of retail/commercial floor space, and this was incorporated in the approved plans. As indicated above the consent for the retail/commercial floor space on this part of the site remains valid. Indeed the permitted amount of retail floor space is far greater (710m²) than that proposed in the current application 218m². In this context the principle of the provision of the retail floor space comprised in the application is considered, and as it forms part of a Local Plan allocation is consistent with Central Government advice contained in the NPPF regarding the sequential approach to the provision of retail development.

Merits of departing from previously approved provision of retail/office floor space

The inclusion of retail and commercial floor space within the original proposals reflected Local plan policy aimed at delivering an attractive and sustainable expansion of the urban area at Newcourt. The developer has not delivered the commercial/retail element of the approved scheme for commercial reasons as set out in the Herridge Property Consulting report submitted in support of this current application. A significant period of time has elapsed since the outline and reserved matters consents were granted in 2003 and 2008 respectively. The majority of the residential element of the original proposal has been complete for some time and it is acknowledged that the approach of reduced levels of parking provision prevalent at that time have translated into some on-going issues across the development. This would tend to add weight to the arguments advocated by the applicant's consultant regarding the attractiveness of the application site as a location for significant commercial/office provision. The retail market has also changed significantly since the original consents were granted, and it is accepted that there is unlikely to be sufficient demand for the level of retail floor space provision originally envisaged to make its delivery viable.

In these circumstances it is not considered that a sustainable argument could be advocated to resist revisiting the provision of the consented commercial/retail floor space. In assessing the merits of the submitted scheme it is still considered desirable to secure provision of a suitable retail facility to meet the local needs of residents in the locality. The applicant has indicated that there is some operator interest in provision of a reduced scale retail unit as included in the current proposal.

Affordable housing

Although the application includes 20 apartments the previously consented scheme covering this part of the site included 8 apartments, for which the required proportion of affordable housing has already been provided as part of the wider already constructed housing. Hence this application comprises a net increase of 12 apartments, and it is these 12 units upon which the requirement for affordable housing as part of this scheme should be calculated. This would generate a requirement for 4.2 affordable dwellings (i.e. 35% of 12), of which 70% should be social rented and 30% intermediate housing (approx. 3 and 1 units respectively).

Following negotiations the developer has proposed 4 apartments as affordable dwellings (2 x 1bed and 2x 2bed). Although this is 0.2 of a unit short of the relevant policy requirement it has been proposed that all 4 affordable dwelling units are of social rent tenure. It is considered that this over provision of social rented units, taken together with the 18 proposed parking spaces for community/wider use, are sufficient benefits of the proposal to outweigh the minor under provision required by the policy requirement for 35% affordable units.

Therefore the proposed number of units and tenure of the affordable provision is considered acceptable. This provision would need to be secured through an appropriate S106 agreement.

Design/layout/amenity standards

The built form now proposed largely follows the footprint of the approved buildings on the site, although the depth of the residential apartment element is reduced from the previous scheme. The proposed building would be in line with the front of the adjoining dwellings (Nos 9/11 Jack Sadler Way) before kinking to become parallel with Omaha Drive. A demarcated landscape strip is proposed in front of the building providing both defensible space to the ground floor apartments and space around the retail building. Communal amenity space is provided to the rear of the building to serve the apartments, the extent of which is considered acceptable and appropriate for this form of development. The majority of the upper floor apartments are provided with additional amenity space in the form of balconies on the rear elevation of the building which will benefit from a predominantly southern aspect.

The approved building for this part of the site has a deeper footprint and in part extends to 4 storeys as opposed to the 3 storeys currently proposed. Consequently the current proposal will have a better relationship to surrounding buildings in terms of its relative scale, and potential impact in terms of overshadowing.

The external appearance of the building will comprise a mix of brick and render finishes which is consistent with the prevailing character of the surrounding development. 20 parking spaces to serve the apartments will be provided to the rear of the building, accessed via the archway off Blakeslee Drive under the existing apartments. This will form an expansion of the parking area serving existing units and is consistent with the originally approved plans for parking to serve development on this part of the site.

Overall, in the context of the extant consent, and character of the area, the proposed development represents an appropriate form of development in terms of scale/massing and overall layout.

Transportation matters

The proposal provides 20 parking spaces to serve the 20 apartments located to the rear of the building. This level of provision is considered acceptable in the context of the site constraints, previous approval and guidance within the Council's adopted Residential Design and Sustainable Transport SPD's. Additional parking is provided in front of the building comprising a further 18 spaces which could be utilised as additional parking for the nearby Community building and the proposed retail unit. Cycle parking is also provided to serve both the residential and retail elements of the proposal.

The extant approval for this part of the wider Upper RNSD development included 8 apartments, more extensive retail floor space and a substantial element of office/commercial floor space. It is considered that the revised proposals contained in this current application would be likely to generate significantly less traffic movements than the approved scheme, which could still be implemented. The site is also well served by public transport included a bus service and the nearby Newcourt Rail Halt. Consequently from a traffic and travel perspective the proposal is considered acceptable.

The parking, and associated circulation space to the front of the building has been designed with parking spaces parallel to the proposed store which would double up as provision for servicing the retail unit. DCC have confirmed that this is acceptable from a highway perspective.

DCC as Highway Authority have confirmed that they have no objection to the proposal on transportation grounds. The scheme as proposed is considered to satisfactorily address transportation matters associated with this revised proposal for this part of the wider site. The provision of additional parking spaces on part of the site to serve the wider area, i.e. adjoining community building, are seen as a positive element of the scheme that should help to ease existing parking pressures in the locality. Therefore the proposal is considered acceptable from a highway perspective.

Ecology/Sustainability

The submitted Ecological Appraisal has not identified any significant ecological constraints to the development of the application site. There is an opportunity to enhance the ecological interest of the site through the provision of appropriate landscaping, and the incorporation of integral nesting opportunities in the form of bird/bat bricks within the building fabric.

The arrangements for surface water disposal have been clarified and will comprise discharge to the adoptable surface water sewer laid as part of the original development. The flow from this surface water sewer is attenuated in an existing downstream basin before discharge into the adjacent stream. The basin and sewer were sized to take the relevant flows from the application parcel of land as part of the original development.

The provision of a local retail facility will reduce the requirement for residents of the development to travel to meet their immediate/top-up shopping needs.

Financial Considerations/S106 Agreement

The proposal will be CIL Liable at a rate of £159.60/m² for the retail floor space and 102.14/m² for the residential floor space. This would equate to £34,792.80 and £106,004.97 respectively and total CIL liability of £140,797.77.

For ease of calculations based on an assumption of Council Tax Band B for the flats the development would be estimated to yield £45,137.20 of New Homes Bonus payable to the City Council assuming current rules regarding the period of payment, baseline and on abatements continue to prevail following completion of the scheme.

A S106 Agreement will be required to secure the affordable housing provision (4 apartments for social rent), public availability and maintenance of the extra 18 parking spaces between the retail unit and Omaha Drive, and a contribution (£3000) from the developer towards a Traffic Regulation Order relating to the works within the public highway to provide a raised pedestrian/cycle crossing over Omaha Drive.

Conclusions

The inclusion of the 18 additional parking spaces on the front part of the site for community/public use is considered a positive element of the scheme that will in part help to ease parking pressures in the locality. Overall the proposal which seeks to retain an element of retail provision, albeit of less floor space than the extant approval, is considered an acceptable alternative development for this part of the site to the previously approved plans.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement covering the items referred to above **APPROVE** subject to the following conditions –

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 14th March and 26th June 2017 (including dwg. Nos. 001, RNSD-SK00 Rev P8, RNSD-SK201 Rev P8, RNSD-SK202 Rev P8, RNSD-SK203 Rev P8, sk1200 Rev P02 and sk1300 Rev P02) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 4) **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 buildings 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 buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 5) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, emissions of noise and dust and arrangements in respect of site compound to serve the development and accommodation of construction workers vehicles on site during the course of the works. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local

Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

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

- 6) **Pre-commencement condition:** The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment, noise from deliveries and collections, and noise transmission through the structure of the building as well as air-borne noise.
If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.
Reason for pre-commencement condition: In the interests of the residential amenities of the occupants of the proposed apartments and surrounding residential properties.
- 7) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 8) In the event of failure of any trees or shrubs planted in accordance with the approved scheme of landscaping indicated on drawing no. RNSD-SK203 Rev P8 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.
- 9) No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the

approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

- 10) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- 11) 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 used are appropriate in the interests of the visual amenity of the area.

- 12) Prior to occupation of the development 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 shall be submitted to and approved by the Local Planning Authority. The Wildlife Plan shall include the incorporation of a minimum of 20 integral bird/bat bricks within the fabric of the building. 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

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NOTES:

No dimensions to be scaled off this drawing. The contractor is responsible for setting out and checking all dimensions and levels prior to commencing the works on site.

All discrepancies on or between drawings and specifications are to be reported immediately to Persimmon Homes South West Ltd.

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Rev Description Date

PERSIMMON
Together, we make a home

Project: RNSD Upper Site Replan

Drawing Title: Location Plan

Scale: 1:1250 @ A3	Drawn: JS	Checked:	Approved:
Project Ref: 2015-RNSD		Drawing No. 001	Revision:
Persimmon Homes South West Ltd Mallard Road Sowton Trading Estate Exeter Devon. EX2 7LD Tel: 01392 252541 Fax: 01392 430195 www.persimmonhomes.com			

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The application site comprises part of the land covered by the outline planning consent ref 12/0472/01 (as modified by 14/0832/03). It constitutes the 2nd Phase of the development comprised in the aforementioned applications. The site is bounded to the north by the recently constructed housing comprising Phase 1 of the wider development and the combined foot/cycle from Hill Barton Road to Fitzroy Road that runs between the site and the Met Office car park. To the south the site is bounded by the railway line to Exmouth and the consented commercial development at 'Moor Exchange'.

The application comprises a 'reserved matters' proposal for 115 dwellings with associated roads, parking provision and open space. Access to the site would be obtained via the internal estate road constructed in phase 1 which links to Hill Barton Road via the recently constructed roundabout. The development comprises a mix of 1, 2, 3 and 4 bed houses/apartments served by a combination of on-plot, courtyard and on-street parking spaces. The layout provides for a potential road link to subsequent phases of the wider development.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents –

- Planning Statement
- Framework Plan
- Affordable Housing Statement
- Arboricultural Constraints Report
- Ecology & Nature Conservation Assessment
- Travel Plan
- Transport Assessment
- Utilities Report (site wide)
- Flood Risk Assessment
- Phase 2 Geo-Environmental Site Investigation Report

REPRESENTATIONS

3 letters of representation have been received raising the following points –

- Layout fails to implement adequate design and mitigation measures set out in the original outline Environmental Statement, Transport Assessment and Travel Plan – i.e. absence of adequate cycle parking in accordance with ECC Residential Design SPD – location, type and natural surveillance
- Over reliance on parking courts and on-street parking
- Lack of well-overlooked visitor cycle parking
- Absence of Home Zone design principles e.g. shared surface streets to restrict vehicle speed and give sense of priority to pedestrians/cyclists
- Street scene dominated by vehicle parking
- Insufficient dropped kerbs
- Absence of details of pedestrian and cycle networks and on-site bus routes as required by outline conditions 28, 29 & 30
- Adjoining landowner not welcome vehicular connection to their land due to concerns about capacity of Fitzroy Road/Honiton Road junction to cope with traffic from the residential development

- Question highway network capacity impact, and ability to deliver access strategy set out in the outline consent – i.e. delivery of a secondary access to the development in addition to Hill Barton Road
- Highlight need for provision of substantial car park on current application site to meet likely demand for residents of the development wanting to use any retail development delivered on adjoining land
- Concern about impact upon highway network in terms of capacity in event of more than 500 dwellings being served without provision of a secondary access i.e. Oberon Road
- As proposed would prejudice delivery/development of adjoining Moor Exchange site which is allocated for commercial development because –
 - Houses shown in close proximity – noise nuisance to potential occupiers from service vehicles associated with commercial development
 - Connection between two sites inappropriate and compromise functioning of future commercial development
- Bus only connection into adjoining land unacceptable given uncertainties of operator commitment
- Adjoining landowner only commit to providing vehicular connection once Oberon Road link is provided and open for use
- Introduces uncertainty which could compromise development at Moor Exchange
- Contrary to previously agreed access strategy – Monkerton and Hill Barton Masterplan and Core Strategy policy CP19 and outline consent
- Application made pursuant to incorrect application – should be withdrawn, re-submitted and re-consulted

A further letter of objection in respect of the revised layout plan has been received on behalf of the owner of the adjoining land raising the following concerns –

- Whilst not objecting to omission of a full vehicular connection to their land, and hence Fitzroy Road, express surprise at Highway Authority's stance given this is contrary to access strategy for Monkerton/Hill Barton and Development Plan
- Express concerns about arrangements to ensure restriction to buses/pedestrians/cyclists is maintained and enforced in perpetuity, particularly in light of proposed reliance on signage only rather than physical measures
- In light of above concerned about impact on Fitzroy Road junction and highlight potential reluctance to deliver corresponding part of link through their land in connection with future applications
- Query funding availability for bus service, state only upon confirmation of funding would they be prepared to deliver a connection, and only then with physical restrictions to limit general usage
- Re-iterate previous comments regarding facilitation of appropriate access to any potential Moor Lane development, with consequent potential for additional traffic movements on road network and/or indiscriminate parking within residential layout
- Compatibility of residential development proposed with adjacent land use, and potential impact on its operation. Query effectiveness and visual impact of acoustic fence. Consider this issue should be addressed prior to any consent being granted not left to a condition

CONSULTATIONS

Natural England – No comments, refer to standing advice.

Highways England – comment as follows “This application relates to reserved matters for the phase 2 development area previously approved under permission reference 12/0472/01. The original outline planning permission provided for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works. All matters were reserved for future consideration apart from access. Phase 1 consisted of the construction of 140 dwellings with associated work, and phase 2 now seeks to deliver a further 115 dwellings. The traffic impact of the proposed development on the SRN (Strategic Road Network) was dealt with at the outline stage. The number of dwellings which are subject to the reserved matters application remains within the overall number of dwellings permitted at the outline stage and highway access arrangements are not affected by the proposals. Highways England is therefore satisfied that the reserved matters will not alter the previously assessed impact of the development on the SRN. Recommendation – Highways England has no objections to the proposed reserved matters.”

Environmental Health – submitted contaminated land report is acceptable to meet the pre-commencement requirements of the relevant condition on the outline consent.

Met Office (Safeguarding) – No objection.

County Head of Planning, Transportation and Environment (Highways) – Comments as follows –

“The submitted application is for approval of reserved matters for the erection of 115 dwellings including associated works at land to north, west & south of the Met Office, Exeter. The site represents Phase 2 of the outline consent for 750 dwellings on the site (12/0472/01).

Vehicular Access

Vehicular access to the site will be provided via link from Hill Barton Phase 1. Speed calming measures have been proposed and are consistent to those in place at Phase 1 – this is acceptable. The internal road layout has been progressed in liaison with the Highway Authority and is broadly acceptable (albeit that the turning head designs and other minor points may need to be amended during the S38 stage). Nevertheless, it is pleasing that the onsite layout incorporates best practice design philosophies from Manual for Streets to promote low vehicle speeds and safer environment for vulnerable users. The applicant has indicated that raised tables will be provided – the exact specifications, including the construction and materials used will need to be agreed with the Highway Authority.

Pedestrian and Cycle access

Generally, a high level of pedestrian and cycle permeability has been provided within the site, meeting some of the aspirations set out in the Hill Barton Masterplan – this is welcomed. This includes a number of new connections to the existing Met Office footway/cycleway (immediately north to the site) and an exits to the most easterly point of the site. All pedestrian/cycle links provided should be at least 3m wide.

Bus Provision

During the consultation process, the applicant and Highway Authority have discussed the possibility of a bus running through the site. The applicant has provided tracking diagrams, giving confidence that if a bus service were to be in operation in future, a bus could manoeuvre safely around the proposed highway layout. The potential bus service would run through Hill

Barton Phase 1 and enter Phase 2 via the northern vehicular access and eventually exit onto Fitzroy Road. The applicant has built this potential link to the boundary, safeguarding the route for future use. The connection to the south will only be available to buses, pedestrians and cyclists; **private motorised vehicular use will be prohibited**. As such, the applicant will provide signage should a bus route be in operation. The submitted plans also show a build out to discourage private motorised vehicular use, whilst providing a facility for pedestrians and cyclists to pass through safely and is therefore conditioned.

Finally, a Traffic Regulation Order (TRO) will also be required to advertise the “bus only” link to the south – this shall only be requested when the bus route is in operation.

In summary, a safe and suitable access can be achieved for all users. Subject to a condition safeguarding a potential bus route to the south and satisfying the outline conditions, no objection.”

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 – Meeting Community Needs
CP11 – Pollution and air quality
CP12 – Flood risk
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
CP19 - Strategic Allocations

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
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
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

OBSERVATIONS

As this application constitutes a 'reserved matters' application for the second phase of a wider development, with the principle of development being established via the outline consent, the main considerations relate to detailed matters in respect of design/layout/amenity standards, transportation matters, and affordable housing provision.

Design/layout/amenity

One of the conditions of the outline consent required that a 'Framework Plan' be submitted and approved for each phase of the development subject to a reserved matters application. The purpose of this document was to demonstrate that each phase of the wider development coming forward was in accordance with the broad principles established in the outline indicative master plan, and the parameter plans and Design and Access Statement approved at the outline stage. Such a plan accompanies this application for phase 2 of development the subject of this application. Essentially the submitted Framework Plan is an extension of that previously approved for phase1 and is considered acceptable.

The essential elements of the layout comprise a continuation of the existing road through the recently constructed Phase 1 through the site to a potential connection point with the adjoining commercial development constructed off Fitzroy Road. Due to the linear narrow nature of the site the majority of the proposed dwellings will front this new section of road. Where the site widens out in the north a cul-de-sac will spur off the main road to serve further houses. The layout also incorporates pedestrian/cycle path connections to both the main cycle path leading from Hill Barton Road to the Met Office and to the cycle/footpath provided to the north of the current site as part of the Phase 1 development. Overall the general layout and linkages to adjoining land is considered logical and appropriate to the site and its constraints.

The scheme provides a total of 116 units (86 open market and 30 affordable) comprising a mix of semi-detached, terraced and apartment properties ranging from 1 to 4 bedroom dwellings. The proposed house types are a continuation of those constructed on Phase 1 except for the Moseley House type (of which 8 are proposed). The breakdown in size of dwellings proposed is as follows:-

- 40 1bed dwellings
- 60 2bed dwellings

- 13 3bed dwellings, and
- 2 4bed dwellings.

The proposed mix is a reflection of the current demand for smaller house types. Overall the mix of house types is considered acceptable. The layout has been the subject of pre-application negotiations with officers to achieve acceptable private amenity space and separation distances between properties. All of the houses are provided with private gardens, the majority of which comply with the standards set out in the Council's Residential Design SPD. The small proportion that are under the standard are only marginally short and, in the context of the overall layout and need to maximise housing delivery, the level of private external amenity space provided across the scheme is considered acceptable. The apartments within the scheme are provided with an acceptable level of communal amenity space to serve the residents of those units. Likewise the separation distances between proposed dwellings is considered acceptable.

Open space is provided as part of the development and has to be considered in the context of the overall outline consent. As part of that outline consent later phases will provide the more significant areas of open space as part of the linear park alongside Hollow Lane. This approach is consistent with the masterplan and in this context the level of provision provided as part of this phase is considered acceptable.

Significant tree planting along the main road is proposed in continuation of the approach adopted within Phase 1. This will be further enhanced by planting to individual plots which will form part of a landscaping scheme to discharge the relevant condition of the outline consent.

The southern part of the site will adjoin land likely to be developed for commercial purposes. With this in mind the boundary treatment along this part of the site will need to comprise an appropriate acoustic fence to minimise potential noise disturbance and facilitate the consented commercial use of the adjoining land. The layout plan has been annotated accordingly and the erection and specification of this fence can be controlled by an appropriate condition.

Transportation matters

The road layout within the development has been the subject of significant negotiations with officers, including representatives of the Highway Authority. The main aim has been to secure an appropriately located vehicle connection to adjoining land to facilitate a bus route running through the site in the longer term if there is operator interest in providing a bus service, and a road layout that caters for bus tracking along the entire length. This has been secured within the revised plans/layout. The road layout is a continuation of that running through the earlier phase and provides the opportunity for a bus route to run through the site from Fitzroy Road to Hill Barton Road and beyond. It is intended that this connection would be for pedestrian/cyclists and buses only and has been designed with this in mind including a small build out to narrow part of the carriageway. Restricting this link to buses only will require a Traffic Regulation Order (TRO) and signage which would need to be funded by the developer and secured through an appropriate legal agreement.

The layout incorporates appropriate pedestrian and cycle connections to existing footpaths/routes and thereby should serve to encourage the use of modes of sustainable transport other than the private motor vehicle.

The parking strategy for the site also continues the approach adopted for Phase 1 and provides a mix of on-plot and on-street parking to serve the dwellings. Where right angle parking is provided tree planting has been incorporated to break up the dominance of cars within the street

scene. This has resulted in a small number of limited size parking courts to serve some dwellings in addition to the communal parking courts serving the proposed apartments/flats.

The Highway Authority have raised no objection to the proposal on transportation grounds and overall the proposal is considered acceptable from this perspective.

Affordable Housing

The S106 Agreement attached to the outline consent requires 25% of the dwellings on site to be provided as affordable housing in the form of social rented and intermediate accommodation. The 25% would comprise a proportionate mix of the house types proposed for the overall site, although it does include all of the proposed 4 bed units within this phase (x2). For this phase 25% would equate to 29 affordable dwellings. However, within this phase 30 affordable dwellings are proposed which corrects a marginal under provision within the previous phase. The number, mix and location of the affordable housing has been subject to negotiation with officers. The affordable units are grouped within 3 clusters comprising 7, 9 and 14 dwellings respectively. Whilst one of these clusters is marginally larger than that advocated in the Council's Affordable Housing SPD there is considered to be a logic to the distribution proposed within layout taking into account mix/dwelling size. Given that 2 of the other clusters are under the maximum number suggested, and the constraints of the site layout, the clustering is considered acceptable in this instance.

Conclusions

The first phase of Hill Barton has progressed relatively quickly and already has a high level of occupation. The Monkerton/Hill Barton strategic allocation area, of which this proposal forms part is important to the Council's delivery of housing. This phase represents a continuation of the form of development within Phase 1 and has been developed with reference to wider objectives, the Monkerton/Hill Barton Master Plan and the site constraints. The scheme as now proposed has been the subject of a positive process of negotiation involving City Council officers and Devon County colleagues from a transportation perspective.

The applicant is in the process of preparing a Unilateral Undertaking regarding payment of the required financial contribution to the County Council (£3,000) towards the necessary Traffic Regulation Order in respect of the bus only highway connection to the adjoining land.

Overall, the reserved matters proposals for this second phase of the development are considered acceptable subject to the satisfactory completion of the above mentioned agreement and accordingly the recommendation is one of approval.

RECOMMENDATION

Subject to the completion of a satisfactory S106 Unilateral Undertaking as set out above **APPROVE** subject to the following conditions -

- 1) All conditions imposed on application number 14/0832/03 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 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 22 & 26 June and 6 July 2017 (including dwg. nos. Location Plan, 120 Rev P7, 121 Rev P4, GA-02 Rev P1, 122 Rev P2, 123 Rev P3, PL500-1 Rev P2, PL500-2 Rev P2, PL500-3 Rev P2, PL501-1 Rev P2, PL501-2 Rev P2, PL501-3 Rev P2, PL501-4 Rev P2, PL501-5 Rev P2, PL501-6 Rev P2, PL501-7 Rev P2, PL502-1 Rev P2, PL502-2 Rev P2, PL502-3 Rev P2, PL503-1 Rev P1, PL503-2 Rev P1, PL503-3 Rev P1, PL503-4 Rev P1, PL504-1 Rev P2, PL504-2 Rev P2, PL504-3 Rev P2, PL504-4 Rev P2, PL504-5 Rev P2, PL504-6 Rev P2, PL505-1 Rev P2, PL505-2 Rev P2, PL505-3 Rev P2, PL506-1 Rev P3, PL506-2 Rev P3, PL506-3 Rev P3, PL506-4 Rev P3, PL506-5 Rev P3, PL506-6 Rev P3, PL507-1 Rev P2, PL507-2 Rev P2, PL507-3 Rev P2, PL507-4 Rev P2, PL507-5 Rev P2, PL508-1 Rev P2, PL509-1 Rev P2, PL509-2 Rev P2, PL509-3 Rev P2, PL509-4 Rev P2, PL510-1 Rev P2, PL510-2 Rev P2, PL510-3 Rev P2, and PL510-4 Rev P2) as modified by other conditions of this consent.

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

- 3) No more than 65 of the dwellings included within this application shall be occupied until the road outside plot 246 has been constructed up to the boundary of the applicant's land ownership with the adjoining land to the south (safeguarding a potential bus route), as indicated on Drawing Number 120 Rev P7, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the full extent of the road up to the said boundary shall be included within any Highway Adoption agreement in respect of this development.

Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 4) The pedestrian/cycle connections from the development to the adjoining combined foot/cycle path, located adjacent to plot 247 and between plots 262 & 263, shall be constructed and made available for use by the public in accordance with details (including a timeframe) that shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of 50% of the dwellings included within this application.

Reason: In the interests of permeability and maximisation of opportunities for the adoption of sustainable transport choices in connection with both travel to work and recreation by residents of the development and their visitors.

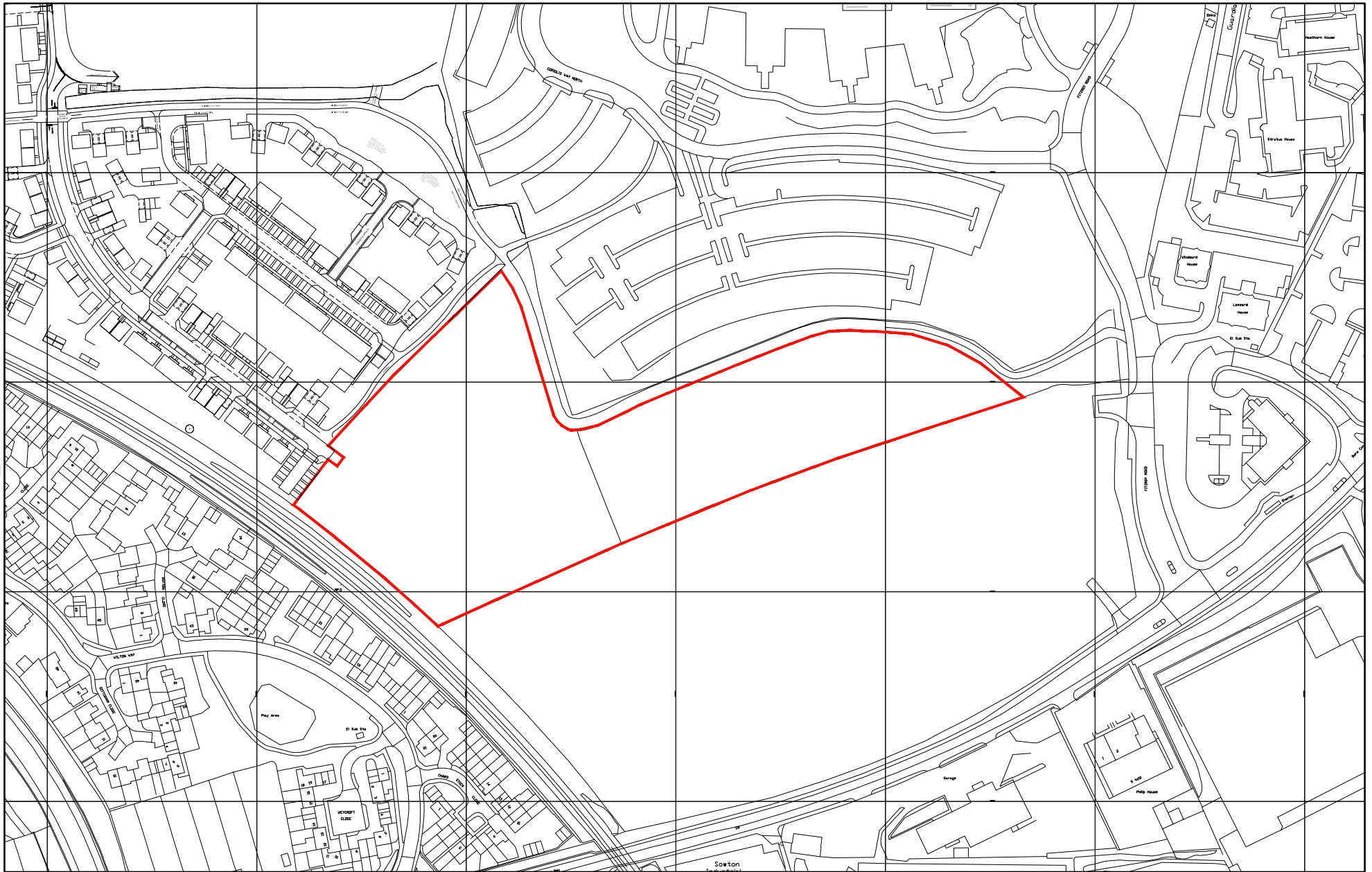
- 5) The acoustic fence along south-east boundary of the site between plots 205 and 246, as indicated on drawing no. 121 Rev P4 (Materials & Boundary Treatment Plan), shall be constructed prior to occupation of any dwellings bordering it in accordance with further details/specification which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenities of the potential occupants of those properties bordering the adjoining commercial land, and to protect the interests of the adjoining land owner in relation to the carrying out of lawful operations associated with the commercial use of the adjoining land.

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



Hill Barton Road Phase 2 Location Plan

Scale 1:2500

FEB 2017

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Agenda Item 9

ITEM NO.

COMMITTEE DATE:

24/07/2017

APPLICATION NO:

17/0862/03

FULL PLANNING PERMISSION

APPLICANT:

Mr J Davis

Heritage Developments South West

PROPOSAL:

Reorientation of car park, revised landscaping and vehicle/pedestrian access to plots 23-28 amended to The Retreat Drive.

LOCATION:

Land off, Exeter Road, Topsham, Exeter, EX3

REGISTRATION DATE:

31/05/2017

EXPIRY DATE:

26/07/2017

HISTORY OF SITE

14/1605/01 -	Development of up to 23 dwellings, access and associated services.	PER	27/07/2015
15/0907/03 -	Six no. residential flats, car parking and associated facilities.	PER	17/03/2016
15/0909/02 -	Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27th July 2015, ref 14/1605/01) for the approval of the Appearance, landscaping, layout and scale of 22 dwellings on part of outline site.	PER	17/03/2016

DESCRIPTION OF SITE/PROPOSAL

The application site lies on the southern side of Exeter Road and adjacent to the east side of the M5 motorway bridge off Exeter Road and The Retreat Drive. The site is where six units of Affordable Housing are to be constructed.

To the east, along Exeter Road, the open market houses which were approved in 2016 are under construction. To the west, on the opposite side of the M5 motorway embankment and facing the Topsham Football Club lies the Aldi store and Seabrook Orchards.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

None.

REPRESENTATIONS

CONSULTATIONS

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012:

1. Introduction
4. Promoting Sustainable Transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

Exeter Local Development Framework Core Strategy

CP3 Housing Distribution

CP4 Housing Density

CP5 Meeting Housing Needs

Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- H5 Diversity of Housing
- H7 Housing for Disabled People
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T5 Cycle Route Network
- T9 Access to Buildings by People with Disabilities
- T10 Car Parking Standards
- C57 Archaeology
- LS1 Landscape Setting

Exeter Development Delivery Document – Publication Version 2015

Development Delivery Development Plan Document (Publication Version):-

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

- DD1 Sustainable Development
- DD8 Housing on Unallocated Sites
- DD9 Accessibility, Adoptable and Wheelchair User Dwellings
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD22 Open Space
- DD25 Design Principles
- DD26 Designing Out Crime

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD March 2013

OBSERVATIONS

Principle of Access Relocation

In the originally approved planning applications, the parking court and vehicular access for Plots 23 – 28 (the Affordable Housing provision for Phase 1), was from the access road through the front of the Phase 1 site, from Exeter Road.

The proposal seeks to revise the vehicular access so that the Affordable Housing units are accessed from The Retreat Drive. This provides a private parking court for the Affordable Housing units, with secure cycle parking and two visitor parking spaces, plus designated bin stores.

The parking for Plots 20 – 22 would still be maintained from the internal access road from Exeter Road. All other plots within phases 1 and 2 would also only be accessed from Exeter Road for vehicles, only. Pedestrian routes throughout the site are maintained as previously approved.

Revised Landscaping

In order to accommodate the revised parking court and access, the landscaping to the front of the Affordable Housing units has been reduced in size. However, access to the communal open space within the overall development has been maintained.

Pedestrian Access To Rest Of Site

Clear and unimpeded pedestrian access is maintained to the front of the Phase 1 site adjacent to Plot 22 which leads to the bus stop, cycle lane and footpath to Topsham/Exeter.

The open space is accessed via the pedestrian route from The Retreat Drive, adjacent to the Affordable Housing units of Phase 2.

RECOMMENDATION

As there are only six units accessed from The Retreat Drive the location of the revised entrance, parking court and landscaping, is supported and the application is therefore recommended for approval.

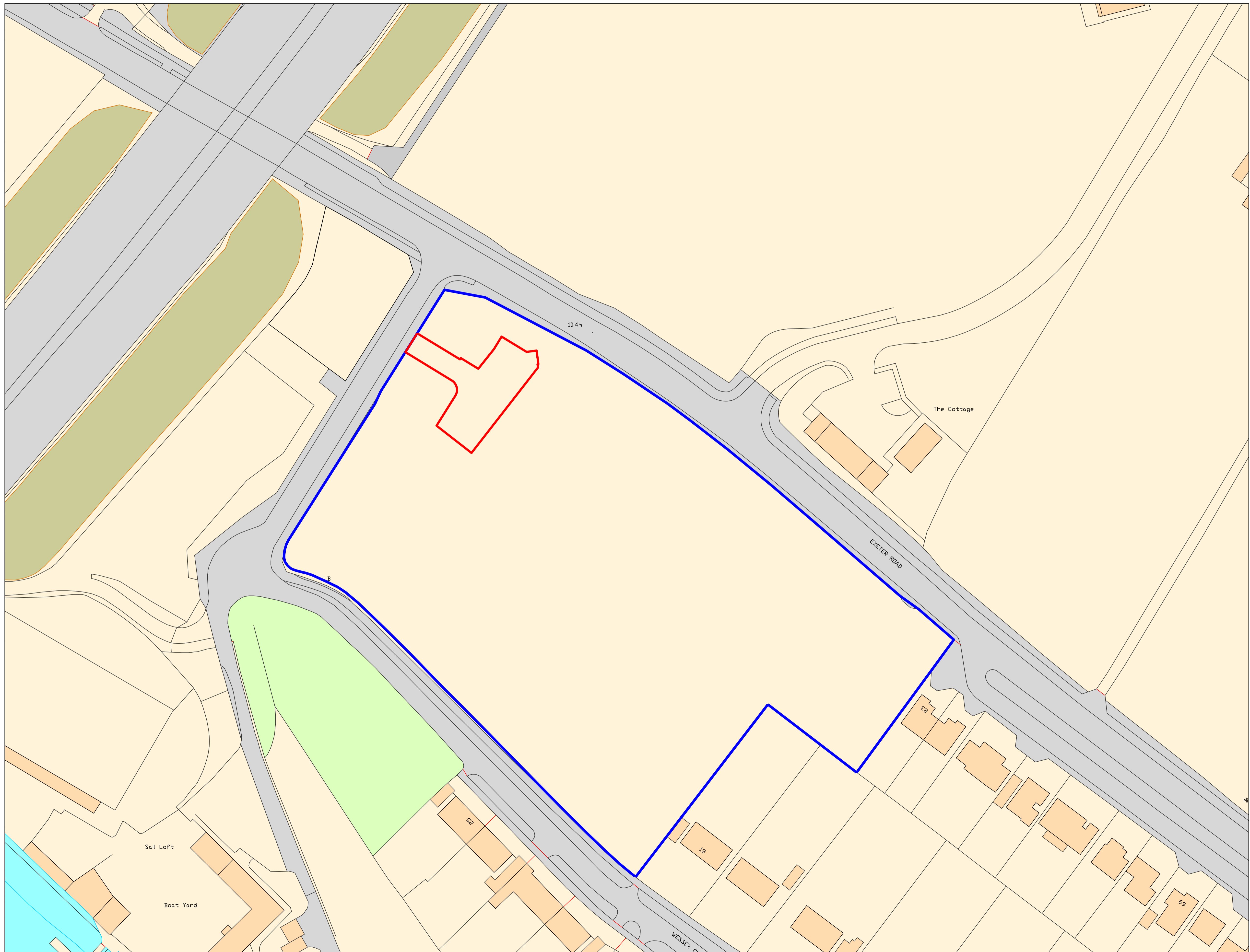
APPROVE subject to the following conditions:

- 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 31st May 2016 (including dwg. nos. EXRD-012-SITE PLAN & EXRD-020-LOC PLAN) 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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HERITAGE HOMES
 1A NEWTON CENTRE, THORVERTON ROAD,
 MATFORD, EXETER. EX2 8GN
 Tel: 01392 829900 Fax: 01392 829901
 Email: plans@heritagesouthwest.co.uk

Project
 The Chasse
 Topsham

Drawing
 Location Plan

Date	Scale	Drawn
10/08/15	1:500 @ A1	DSL
Drawing No.	Rev	
EXRD - 020-LOC PLAN	REV 45	

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ITEM NO.

COMMITTEE DATE: 24/07/2017

APPLICATION NO:

17/0946/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Cox

Environment Agency

PROPOSAL:

Exeter Flood Defence Scheme. Variation to approved scheme at Quay Bridge (ref. 15/0172/03): Introduction of a headwall to leat downstream of Quay Bridge. Masonry-clad headwall with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence barrier system.

LOCATION:

The Quay Bridge, The Quay, Exeter, EX2

REGISTRATION DATE:

09/06/2017

EXPIRY DATE:

04/09/2017

HISTORY OF SITE

- | | | | |
|--------------|--|-----|------------|
| 15/0173/07 - | The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences. | PER | 10/07/2015 |
| 15/0172/03 - | The construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences. | PER | 10/07/2015 |

DESCRIPTION OF SITE/PROPOSAL

Construction of a flood defence headwall in the leat immediately downstream of Quay Bridge as an alternative to the previously approved headwall upstream. Headwall to be masonry-clad with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence barrier system.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by the following documents:

- Quay Bridge Planning Statement
- Quay Bridge Design and Access Statement
- Quay Bridge Heritage Assessment
- Higher Leat Outlet and Quay Bridge Options report
- Flood Risk Assessment

REPRESENTATIONS

The application was advertise by site notices, press notice and by neighbour letter. The following responses were received.

Quay Traders Association. Concern about loss of disabled parking bays and disruption during construction.

No public responses have been received.

CONSULTATIONS

ECC Environmental Health. Approval with conditions (construction/demolition hours)

No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Southwest Water. No comments received.

Exeter Civic Society. No comments received.

Exeter Canal and Quay Trust wishes to see a flood defence scheme which protects as much of the quay as possible. They wish the scheme put forward (which bases the protection on a new Mallison Bridge and gates either side of Transit Shed) to be evaluated both engineering and planning and if it is a viable alternative they would prefer it and therefore object to the current application, the platform adjoining quay bridge.

Environment Agency: No comment received.

Natural England. No comments to make on this application.

Historic England. The application proposes construction of a flood defence scheme at Exeter Quay. Much of the protection will be delivered via a demountable system consisting of boards inserted between permanently-located bollards, but a new headwall is proposed across the Higher Leat, screening views of the attractive but unlisted Quay Bridge behind. The bridge is within the Riverside Conservation Area, and within the setting of the adjacent Custom House; a Grade I listed building.

Historic England consider that the proposals will harm the character and appearance of the conservation area and the setting of the Grade I listed Custom House. Your authority will need to be convinced that these proposals are the only solution capable of delivering the necessary flood defence scheme, and that other solutions which may cause less harm have been fully investigated.

Exeter's Quayside is a well-preserved townscape of considerable character which serves as a tangible reminder of the City's maritime heritage. The Exeter Ship Canal which serves the quays is one of the earliest artificial waterways in the country, and a considerable number of historic buildings and structures associated with its late 18th/ early 19th century heyday survive in the immediate context of this site. The area is now busy with leisure, office and residential uses which have replaced commercial maritime trades.

The area is vulnerable to flooding, and these proposals have sought to balance preserving the character of the quayside with providing a practical means of flood prevention. In general this ambition is achieved; the combination of demountable barriers and use of existing buildings will provide the necessary protection without being unduly prominent. This is welcome in the context of the relationship between the Custom House and the water's edge, which would have been compromised if permanent raised barriers had proven necessary. Happily, they have not.

However, we retain reservations with regards to the design of the proposed headwall across the Higher Leat. This takes the form of a pair of masonry walls linked by a pedestrian bridge with glazed balustrade. The new bridge would screen the existing bridge behind; an attractive dual-arched structure of apparent 18th century origin constructed in local sandstone. Its appearance is marred by a waste-water pipe clumsily attached above the twin arches, but it nevertheless makes a positive contribution to the character and appearance of the conservation area and the setting of the custom house.

The introduction of a new 'bridge' structure ahead of the existing historic bridge would detract from the picturesque grouping of the existing bridge juxtaposed with the Grade I listed Custom House, to the detriment of the character and appearance of the conservation area.

Historic England have long favoured a solution whereby sliding/rolling floodgates would be provided either of the bridge, which would then act as part of the flood defence system. Such a solution would obviate the need for a new, independent headwall ahead of the bridge and thus preserve its original appearance. The design and access statement makes reference to this option on page 7, stating it was "discounted at an early stage due to insufficient storage space".

Your authority should test this proposition to make sure it is correct. If there is scope for sliding/rolling floodgates to be incorporated into existing fabric, then it follows that the harm to historic environment (as identified by the applicant's heritage statement) could be further reduced or even omitted, and therefore does not have the clear and convincing justification required by the NPPF.

NPPF 132 advises that all harm requires clear and convincing justification, and the more important the heritage asset the greater the weight that should be given to its conservation. In this context, we remind you that the Custom House, whose setting would be adversely affected, is a Grade I listed building – i.e. a 'heritage asset of the highest significance'.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. You should also be mindful of the requirement in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy
CP9 - Transport
CP10 - Meeting Community Needs
CP12 - Flood Risk
CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011
T5 - Cycle Route Network
C1 - Conservation Areas
C2 - Listed Buildings
C3 - Buildings of Local Importance
C5 - Archaeology
LS1 - Landscape Setting
LS4 - Local Nature Conservation Designation/RIGS
EN4 - Flood Risk
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
KP6 - Quay/Canal Basin Area

Exeter City Council Supplementary Planning Document

OBSERVATIONS

Conditions requiring approval layout of the site compound to avoid loss of parking spaces/reduce duration and/or temporarily relocate them can be secured by condition attached to any consent granted.

Conditions can also control construction activity in the interests of amenity of neighbours and the condition recommended by the Environmental Health team should be attached to any consent.

Design

The strategy of using modern forms of materials in an unadorned way to avoid a pastiche of the existing bridge is appropriate. However, the concept of the design, a flood defence structure with the appearance of a simple beam bridge lacks credibility: the crossing does not lead anywhere (it would abut part of the wall at the side of the Samuel Jones pub) and an additional crossing is clearly superfluous; the opening under the bridge is determined by the size of the flap gates rather than the width of the leat and the underside of the supporting beam which results in it being out of scale with the span and height of the structure. The artists impression in the Options Report (Fig 6.2) and the final proposal – View from Mallison Bridge (p9) provide indications of the proposed structure but are not convincing evidence that this represents an extensive appraisal of possibilities nor that the design has reached a sufficient level of design development and refinement: this is essential given the sensitivity of the location and the need to achieve design excellence.

The engineering drawings (483599-CH-04-00-DR-4230 &4231 rev.P8/P4) show some detail of the overall arrangement of the structure but do not provide sufficient information about construction and materials, dimensions of key components, adjoining levels, boundaries and paving to be acceptable. Precise and comprehensive details are needed to demonstrate that the drawings and illustrations are consistent and that the most accurate representation of the proposals is available. Reservation of such matters by condition is not considered appropriate given the sensitivity of the location.

Flood Protection

The flood defences at the quayside are part of a defence line running from the Mill on The Exe though to the Quayside protecting a 'flood cell' that includes parts of Bonhay Road, Tudor Street area, Shillhay and the Quayside as far eastwards/downstream as Kings Wharf. The majority of the flood cell area, and all the residential properties within it, are west of the Quay Bridge.

These proposals are made to provide 1 in 100 year probability (or 1% annual probability) standard of flood defence. Previously approved arrangements (ref. 15/0172/03) are, following detailed surveys, only considered to provide protection to a 1 in 75 (1.3% annual probability) standard of defence at Quay Bridge.

1 in 100 year standard was adopted for the whole of the Exeter flood defence improvements scheme in advance of detailed design and site investigations. The approved scheme in this location was comprised of a head wall on the leat upstream of Quay Bridge, lining to the underside of the bridge and incorporation of the existing bridge parapet walls and was previously considered to achieve the 1 in 100 year standard. The view now, following detailed surveys and design work, with regards the parapet walls of the Quay Bridge is that they cannot withstand an event of greater than 1 in 75 year probability.

1 in 75 years is a good standard of defence recognised by the insurance industry and would represent a significant improvement on the pre-works flood risk at the Quayside which was as low as of 1 in 20 year in places.

The Exe has a system of early flood warning in place and a flood event of greater than 1 in 75 years would be alerted by this warning arrangement.

The proposal to site a modern structure downstream of Quay Bridge in the manner proposed is considered to detract from the picturesque and important grouping of the existing bridge juxtaposed with the Grade I listed Custom House, to the detriment of the character and appearance of the conservation area and the setting of that Grade 1 listed building.

Further it is not considered that the option of protecting the majority of the flood cell west of the Quay Bridge to a 1 in 100 standard by use of roller gate on the western side of the bridge, in conjunction with the approved upstream headwall, has been demonstrated to be unfeasible. Use of a roller gate at the eastern end of the bridge would be impracticable given the space constraints. The use of a roller gate on the western side of the bridge would divide the flood cell and ensure a 1 in 100 year level of protection is provided to the flood cell west of the Quay Bridge, including all of the more flood sensitive residential property in this cell.

If the proposal as submitted here is considered unacceptable there would be greater leverage on utilities providers to consider service alterations, where that is possible, to facilitate a solution. This is in itself not a planning reason to refuse the application.

Notwithstanding the above matters there are matters of detailed design which at this stage are not acceptable. If members are minded to support the principle of a structure downstream of Quay Bridge is recommended that provision is made for further work on the detail of the design before any consent is granted.

Planning Member Working Group

The scheme was presented to Planning Member Working Group on 23 May 2017. It was noted that the Environment Agency was the body of last resort for operation and maintenance works (the City Council would normally do so in this location) and this had influenced their design concepts.

Some Members liked the use of modern toughened glass and it was remarked that the solution brought the whole defence works into the 1 in 100 year event scenario and should be supported on this basis. The majority of Members did not feel that there had been sufficient consideration to alternative options in particular the sliding/rolling gates scheme and therefore requested that the Environment Agency be asked to consider this option further. The proposed structure downstream of the bridge was only considered acceptable as a last resort other options having been exhausted.

CONCLUSION

It has not been demonstrated in the application that alternative means of protecting residential properties in this area to a 1 in 100 standard, if desired, cannot be achieved by alternative means that result in significantly less harm to the setting of listed buildings or to the desirability of preserving or enhancing the character or appearance of the Riverside Conservation Area.

It has not been demonstrated in the application that the benefits of an increase from 1 in 75 year (1% annual probability) to 1 in 100 year (1.3% annual probability) standard of flood protection outweighs the harm to the setting of listed buildings or to the desirability of preserving or enhancing the character or appearance of the Riverside Conservation Area.

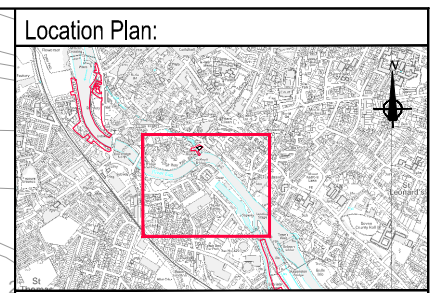
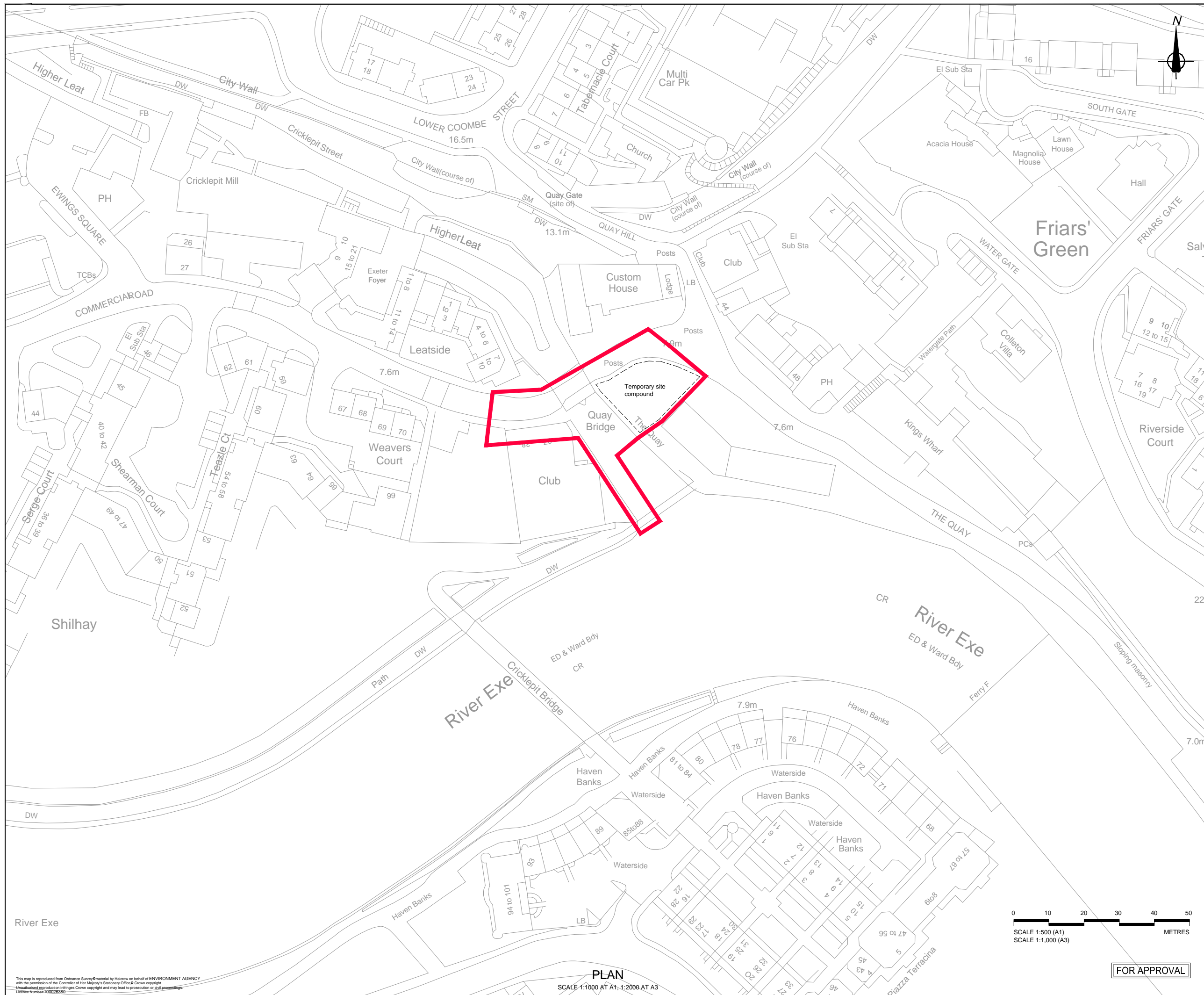
On balance the proposals are considered to be contrary to the aims of Exeter Local Plan First Review 1995-2011 policies C1 and C2, Exeter Core Strategy Policy CP17 and Paragraph 132 of the NPPF.

RECOMMENDATION

For the reasons given above it is recommended that the application is **REFUSED**.

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



Key:
 Application Site Boundary

Rev	By	Chkd	Apprv	Date	Description

Client

Environment Agency
 Devon County Council
 Exeter City Council

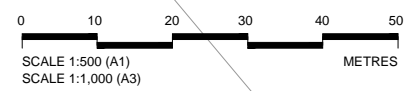
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 www.halcrow.com

A CH2M HILL COMPANY

Project
EXETER FLOOD DEFENCE SCHEME

Drawing
PHASE 2: ZONE 4 QUAY BRIDGE APPLICATION SITE BOUNDARY

Drawn by: PG	Date: 05/06/2017
Checked by: JPL	Date: 05/06/2017
Approved by: CAG	Date: 05/06/2017
Drawing No. 483599-CH-04-00-DR-T-4203	Revision T1
Drawing Scale: AS SHOWN	



FOR APPROVAL

PLAN
 SCALE 1:1000 AT A1; 1:2000 AT A3

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 24 JULY 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

**ANDY ROBBINS
CITY DEVELOPMENT MANAGER**

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Application Number: 17/0076/17 **Delegation Briefing:**
Decision Type Refuse Planning Permission **Decision Date:** 11/07/2017 DEL
Location: Homebase, Osprey Road, Sowton Industrial Estate, Exeter, EX2 7JG
Proposal: The use of the floorspace for any purpose within Use Class A1.

Application Number: 17/0766/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/06/2017 DEL
Location: Land at Rydon Lane Retail Park, Rydon Lane, Exeter, EX2
Proposal: Non material amendment to planning permission 16/0388/03 for the provision of 10 covered cycle spaces, resulting in the loss of 1 car parking space as shown on dwg. nos. 12646-114 Rev E and 12646-303 Rev D received 11 May 2017.

TOPSHAM

Application Number: 17/0716/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/06/2017 DEL
Location: 14 Fore Street, Topsham, Exeter, EX3 0HF
Proposal: Conversion of part of the rear of premises to dwelling.

Application Number: 17/0715/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 16/06/2017 DEL
Location: 14 Fore Street, Topsham, Exeter, EX3 0HF
Proposal: Conversion of part of the rear of premises to dwelling.

Application Number: 17/0352/03 **Delegation Briefing:** 04/07/2017 0
Decision Type Permitted **Decision Date:** 04/07/2017 DEL
Location: Beech Cottage, Old Rydon Close, Exeter, EX2 7JR
Proposal: Demolition of existing dwelling and construction of 5 detached houses with garages, together with associated vehicular access from Mulligan Drive, driveways and associated external works.

Application Number: 17/0358/04 **Delegation Briefing:** 15/06/2017 0
Decision Type Permitted **Decision Date:** 11/07/2017 DEL
Location: 34 Holland Park, EXETER, EX2 7JE
Proposal: Prune 3 Sycamore Trees and 1 Ash Tree.

REPORT TO: PLANNING COMMITTEE

Date of Meeting: 24 JULY 2017

Report of: City Development Manager

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.

32 Liberty Way, Exeter - Application Number 16/1633/03 - The application sought the construction of new dormer windows.

The Inspector considered the main issue of the appeal was the effect of the proposal on the character and appearance of the area. Whilst there are other examples of dormer windows across the wider housing development the proposal would introduce the first dormers at this part of Liberty Way.

He noted the property is located midway in a run of dwellings of similar design which face on to the highway and a linear open space over a short frontage. The altered house would add some variation to the row but in this context it would appear isolated and out of character with its neighbours. In contrast, other dormer windows in the area appear to be positioned to highlight different dwelling types or at focal points within the street, to add interest. In the case of the appeal property the addition of isolated dormer windows would be harmful to the character and appearance of the local area. He mentioned that there would be less of an adverse effect when viewed from the rear due to the variety of house designs. However, it is uncertain whether the rear dormers could be functionally separated from the front dormers. A split decision allowing only the rear dormers is not therefore possible.

The harm to the character and appearance of the area would conflict with Council policies and associated guidance which seek to achieve a high standard of design to complement Exeter's character and local identity; and to ensure the shape of structures relates well to adjoining buildings and surrounding townscape.

For the reasons given above the Inspector concluded that the appeal should be dismissed.

4. New Appeals:

- 4.1 No new appeals have been received since the last report.

CITY DEVELOPMENT MANAGER

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. Tel: 01392 265275

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