

## PLANNING

Date: Monday 12 February 2018  
Time: 5.30 pm  
Venue: Rennes Room - Civic Centre

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 Vizard M

## 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 meetings held on 30 November and 4 December 2017.

#### **3 Declarations of Interest**

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

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

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

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

#### **Public Speaking**

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

#### 5 **Application No. 17/1871/FUL - Land at Tesco Stores, Russell Way, Exeter**

To consider the report of the City Development Manager. (Pages 5 - 20)

#### 6 **Application No. 17/1148/FUL - Land at Clyst Road, Topsham, Exeter**

To consider the report of the City Development Manager. (Pages 21 - 44)

#### 7 **Application No. 17/0916/FUL - Land at Old Vicarage Road, Exeter**

To consider the report of the City Development Manager. (Pages 45 - 52)

#### 8 **Application No. 17/0308/FUL - Exeter Golf and Country Club, Topsham Road, Exeter**

To consider the report of the City Development Manager. (Pages 53 - 60)

#### 9 **Application No. 17/1126/FUL - 16A Monmouth Street, Topsham, Exeter**

To consider the report of the City Development Manager. (Pages 61 - 68)

#### 10 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 69 - 108)

#### 11 **Appeals Report**

To consider the report of the City Development Manager. (Pages 109 - 112)

## 12 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 6 March 2018 at 9.30 a.m. The Councillors attending will be Denham, Gottschalk and Newby.

### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 19 March 2018** at 5.30 pm in the Civic Centre.

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

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# Agenda Item 5

**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:**

17/1871/FUL

**APPLICANT:**

Mr Mantell (RMD)

**PROPOSAL:**

Construction of part 2, part 3 and part 4 storey building comprising an extra care (Class C2 ) development with associated communal lounges, restaurant, kitchen, wellness room, guest suite, laundries, care providers accommodation and office, vehicular access from Russell Way, sub-station, car parking and landscaped grounds.

**LOCATION:**

Vacant Land Adj Tesco Stores

Russell Way

Exeter

EX2 7EZ

30/11/2017

**REGISTRATION DATE:**

**EXPIRY DATE:**

**SITE HISTORY**

None

**DESCRIPTION OF SITE/PROPOSAL**

The application site (0.98 ha) is located at the bottom of Russell Way, adjacent to the existing Tesco supermarket and the A379. The site lies opposite to the Ikea site, which is currently under construction. Within the Exeter Local Plan 1995-2011, the site is designated as Open Space (Policy L3) and the SE corner of the site falls within a Site of Local Interest for Nature Conservation (Policy LS4).

The site is currently bounded by a mature band of trees, which are part of a group Tree Preservation Order, with smaller trees, shrubs and grassland to the centre of the site. The site can be accessed on foot from Russell Way, via a ditch. Access can also be gained on foot to the rear of the site, near the pedestrian footbridge. There is currently no direct access for pedestrians across the site. There is no access for vehicles to the site.

The site was originally set aside as open space as part of the Tesco development in 1993 and was secured via a S106 legal agreement as a wildflower meadow.

The proposal seeks to construct a building which would be a part 2, part 3 and part 4 storey building, varying across the land levels of the site and is proposed to be used as an extra care (Class C2) development with associated communal facilities. Car parking is proposed to the front of the site, with pedestrian and vehicular access from Russell Way.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

Site Investigation & Contamination Appraisal, Arboricultural Impact Assessment Report, Tree Survey, Transport Statement, Energy Statement, Ecological Impact Report, Desk Study Report (4 parts), Needs Report, Planning Statement (4 parts), Statement of Community Involvement, Open Space and Local Nature Conservation Policy Considerations Report and Design, Access and Sustainability Appraisal.

## **REPRESENTATIONS**

To date, 79 objections have been received, together with 5 letters of support for the provision of retirement housing and care provision. The letters of objection are concerned with the following summarised matters:

- ☒ Existing junction from Lewis Crescent onto Russell Way is already dangerous, this will be worsened with additional traffic from the development. This is an area of a number of accidents.
- ☒ Increased traffic from Ikea will worsen the existing traffic.
- ☒ The height and design of the development is not in keeping with other local dwellings.
- ☒ The area is designated as open space in the Local Plan and the loss of open space should not be permitted.
- ☒ Lack of parking spaces and future overspill onto nearby local roads.
- ☒ Loss of ecologically valuable land and trees.
- ☒ Unsuitable housing site close to busy major roads.
- ☒ Increased danger to pedestrians and cyclists trying to cross Russell Way.
- ☒ Opportunity to incorporate rainwater harvesting to reduce CO2 emissions and financial savings and to use ecogrid surfacing to reduce localised flooding and surface water absorption.
- ☒ Size of the proposal is overdevelopment for the size of the site.
- ☒ Loss of wildlife – bats and birds are regularly seen.

Digby Community Association have commented as follows:

- ☒ Concerns have been raised by residents about the safety of the existing junction onto Russell Way from Lewis Crescent/Clyst Halt Avenue for both pedestrians crossing and vehicles emerging from the junction. There is no provision in the application to improve safety at this junction.
- ☒ The poor junction will result in the proposed development will be an island cut off from the surrounding community.
- ☒ The site was not identified in the Revised 2015 Strategic Housing Land Availability Assessment and is designated in the Local Plan as open space and is included in the 10% allocation of open space provided for at the time of the original residential development in Digby and was earmarked to be a wildflower meadow. There is no provision within the proposal to replace the lost open space in any form or an alternative of equivalent ecological value.

Exeter Cycling Campaign has requested the following amendments:

- ☒ It is essential that the primary access from Russell Way is revised to give priority to people walking and cycling along the existing shared path. The current proposals degrade the existing route by giving priority to vehicles at the junction. This places pedestrians and cyclists at greater risk of harm at the junction.
- ☒ There is an opportunity to enhance connectivity between the Newcourt urban extension and shops and services at Russell Way by making the path between the A379 footbridge and the bollarded access to Tesco car park in the south west corner of the site open to the public.
- ☒ Staff cycle parking and shower/changing facilities should be provided in accordance with the Sustainable Transport SPD.

## **CONSULTATIONS**

### **Senior Arboricultural Officer:**

There are no arboricultural objections to the proposal. If consent is granted, ensure the submitted tree protection plan is made an approved document.

**DCC Highways Engineer:** To follow. Awaiting feedback from the applicant on questions raised in relation to the application.

**Natural England:**

No objection subject to securing mitigation Habitats Regulations Assessment – Recreational Impacts on European Sites.

**Principal Project Manager (Heritage):**

In 1993, the adjacent Tesco site was excavated prior to development and this work revealed prehistoric remains, including ring ditches. Further excavations to the north and north east of this have revealed further remains. It is highly likely that, although the present site has suffered some past disturbance, such remains may also extend into it. These should be properly excavated and recorded prior to their destruction by the development, by an archaeological contractor on behalf of the developer, and the results analysed, conserved, reported on and archived in line with Clause 141 of the NPPF and saved Local Plan Policy C5 and draft DDPD Policy DD28.

The standard condition should be attached to any PP to ensure that this work is carried out and completed. Site work would include a) Trial trenching by an archaeological contractor, followed where necessary by; b) Topsoil stripping and area excavation. Both to be done after clearance of the scrub and any contaminated hardcore, but before any enabling or construction works commence.

**Exeter Airport:**

The proposal does not appear to conflict with the safeguarding criteria and therefore there are no safeguarding objections providing that all safeguarding criteria are met, as stipulated in the AoA Advice Notes and no changes are made to the current application.

**Senior Environmental Technical Officer:**

Noise – The report submitted recommends mitigation to provide a suitable internal noise level. The report shows that a Good Acoustic Design process has been followed and as a result there is no need for further conditions to control sound insulation.

Contaminated Land – The ground investigation recommends further assessment of contamination in some areas of the site. Also require further consideration of potential for fly tipping contamination, including asbestos. Therefore the standard condition is recommendation for any PP.

Air Quality – The report concludes that the site will not be adversely affected by existing levels of air pollution and this conclusion is accepted. There is no detail on the extraction from the chef's kitchen and therefore a condition is recommended to cover this.

**RSPB:**

There is concern that the site is designated as Open Space and a Local Nature Conservation Designation under Saved Local Plan policies L3 and LS4. As an undeveloped space in this part of Exeter, which has, and continues to, experience substantial development, it is likely to function increasingly as an ecological stepping stone, enabling passage of mobile species such as birds (eg Cirl Bunting) and butterflies across Exeter and in particular into Ludwell Valley Park, from Exeter's rural hinterland. This important ecological function is unlikely to be recognised in ecological surveys, rather than necessarily being a function of intrinsic ecological value it relates to its location, size and undeveloped nature. These characteristics are extremely difficult to retain if the site is developed, even with retention and enhancement of some areas of natural

habitat. Irrespective of the site's lack of formal public access, it is nonetheless a significant component of Green Infrastructure within the City, delivering a range of ecosystem services. If the City Council is minded to grant this application planning permission, in accordance with LS4, it should require the applicant to secure an alternative area of land of at least the same area in the vicinity of the application site to avoid a net loss in open space/ecological stepping stone in this part of Exeter.

The site may have been subject of a historic planning obligation for management for wildlife. If this is the case we consider that Exeter City Council should not grant the application planning permission but rather enforce compliance with that obligation.

The level of provision of wildlife boxes proposed falls substantially short of ECC's own Residential Design Guide SPD and recommended that if permission is granted, that the level of integral wildlife box provision is substantially increased.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework 2012:

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

### **Exeter Local Development Framework Core Strategy**

- CP5 Meeting Housing Needs
- CP15 Sustainable design and construction
- CP17 Design and Local Distinctiveness

### **Exeter Local Plan First Review 1995-2011**

- AP1 Design and Location of Development
- AP2 Sequential Approach
- C1 Conservation Areas
- C2 Listed Buildings
- C5 Archaeology
- H1 Housing land search sequence
- H2 Location Priorities
- H5 Diversity of Housing
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Car Parking Standards
- C5 Archaeology
- LS4 Local Nature Conservation Designation/RIGS
- EN2 Contaminated land
- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG7 Crime prevention and safety

### **Exeter Development Delivery Document – Publication Version 2015**

- DD1 Sustainable Development



DD8 Unallocated Housing Sites  
DD13 Residential Amenity  
DD20 Sustainable Movement  
DD21 Parking  
DD22 Open Space  
DD25 Design Principles  
DD26 Designing out Crime  
DD28 Heritage Assets

### **Exeter City Council Supplementary Planning Documents**

Sustainable Transport SPD March 2013  
Residential Design SPD September 2010  
Archaeology & Development SPG 2004

### **OBSERVATIONS**

#### **Proposed Use**

The proposal is for the development of 61 age-restricted “Retirement Living Plus” units (Extra Care Housing) with associated communal areas. The units would consist of 35 no. 1 bedroom apartments and 26 no. 2 bedroom apartments. The development is aimed at delivering accommodation for elderly persons who require an element of support in order to allow them to continue to live independently. An on-site 24 hour team would be present to provide support and assistance at all times.

The application has been submitted by Yourlife Management Services Ltd, which is a joint venture between McCarthy & Stone and Somerset Care. The company is registered as a Domiciliary Care Agency. The Extra Care Housing is a term used in the delivery of specialised housing for older persons with a range of ‘lifestyle’ facilities. Prior to the entry of residents into the accommodation, a full needs assessment is carried out to establish the level of need in order to select the most appropriate care package. This can be modified at any stage to respond to varying needs of individual residents. The Planning Statement advises that the minimum age of entry would be 70 years old with the average age of entry being 80 years old. Basic care provision can include the provision of meals, drinks, making of beds, cleaning services, assistance with dressing, bill payments and attending/escorting to appointments. Communal facilities provided in the Extra Care Scheme include a high spec and larger residents’ lounge, function room, reception area and office, restaurant (with catering/commercial kitchen), laundry, 24 hr staffing accommodation, wellness suite and larger lifts. Individual rooms will have either one or two bedrooms, separate bathroom, living room and kitchen. Each apartment will have a small balcony space, accessed from the living room.

#### **Needs Analysis**

A Needs Analysis has been undertaken by the developer which reports that the older population of Exeter is projected to increase at a fairly uniform rate. The number of those aged 65 or over is projected to increase by 34% by 2035 with those aged 85 and above increasing by some 68% by 2035. Those having difficulty with one or more domestic tasks or at least one task of personal care will also increase as the older population increases. The proposed development is therefore aimed at assisting in maintaining the independence of older residents in specialised accommodation.

#### **Relevant Planning History**

There is no previous planning history for this site since being allocated as a wildflower meadow as part of the approval of the Tesco superstore in 1993.

## **Design Principles**

### Design

The building has been designed with the land levels in mind and to ensure that level access can be gained from the exterior into the building and throughout the ground floor to enable access to all communal areas and facilities. The building has therefore been designed with varying heights from two storey to four storey. In order to break up the massing of the building, features such as additional gables and projections have been incorporated so that there is horizontal as well as vertical articulation. The materials proposed to be used include red brick, cream render and grey cladding which correlates with the red brick, render and gable pitched roofs which can be seen in the immediate vicinity of the site. The overall height is considered to be acceptable in this location because of the varying land levels and taking the lead of the three storey existing building on the opposite corner of Russell Way and Lewis Crescent.

The building creates a strong frontage to Russell Way, with a private central courtyard created by a "U" shaped building. Both private balconies and shared outdoor amenity space have been added for outside space for residents.

### Refuse & Recycling

A refuse area for waste and recycling is proposed to the lower ground floor, which can be accessed internally by residents and staff. The area has direct external access for collection and turning space has been provided within the space for waste collection vehicles. This internal design means that there will be no outdoor bin storage space.

### Energy

The report has presented measures to be incorporated into the building design in order to deliver the expected energy standard. Measures are to include:

Energy efficient building fabric and insulation;

High efficiency double-glazed windows;

Low-energy lighting;

McCarthy & Stone improved PSi values (thermal bridging);

Minimum of 38KWp of PV installed across the site – approximately 266m<sup>2</sup> to 304m<sup>2</sup>;

Air Source Heat Pump with an efficiency of 360% installed to communal spaces.

These measures would lead to a 19.4% reduction in CO<sub>2</sub> emissions which meets our sustainability requirements.

Other renewable energies were considered but rejected including a Wind Turbine (rejected due to appearance, noise and commercial viability), Geothermal (not commercially viable) and Biomass (rejected for lack of supply and commercial viability).

### Noise

The Acoustic Design Statement confirms that the dominant noise source affecting the site will be road traffic noise. The report confirms it is not possible to attenuate the source noise levels and that the site layout has been considered by locating the proposed building as far from the A379 and Russell Way so that bedroom windows have limited exposure to surrounding roads. The Environmental Health Team have responded to the report confirming that a Good Acoustic Design process has been followed and requiring conditions to be added to any grant of permission relating to the details of plant and machinery, investigation of contamination, Construction Method Statement and details of kitchen extraction equipment.

## **Open Space, Nature Conservation and Ecology**

### Open Space

The site is allocated as Open Space within the Exeter Local Plan 1995-2011, however, this has

not followed through into later plans and is not shown in the Core Strategy (February 2012) or the Development Delivery Development Plan Document (July 2015). The area has not been adopted by ECC and is not therefore part of a public adopted open space network. The area has been used by dog walkers and pedestrians who can walk across the site to gain access to the pedestrian footbridge and onto Newcourt Way. The space has not been managed and access into the site is difficult due to a deep ditch adjacent to Russell Way. It is therefore considered that, although designated as open space in the past, there is scope for sensitive development of the area, with the retention of the mature boundary trees. This would allow better maintenance of the site as well as scope for securing better pedestrian connectivity, particularly with the opening of Ikea.

### Nature Conservation and Ecology

The submitted ecology report advises that there are no notable or invasive plant species, no notable invertebrates and no suitable amphibian breeding habitat within the site. The presence of Great Crested Newts has also been discounted. No reptiles or dormice were recorded during the assessment. It has been confirmed that the site has suitable nesting habitat for widespread bird species. The survey also recorded low levels of bat activity (Pipistelles and Noctules) as well as low number of Myotis, but no bat roosts were identified.

Site clearance would reduce the available habitat for protected species during construction and there would be a risk of direct impacts to common amphibians, nesting birds and hedgehogs. It is also noted in the report that there is potential for disturbance to commuting and foraging bats arising from light pollution both during and post construction.

The report suggests the following mitigation and enhancement measures:

- New landscape planting including wildflower seeding, scattered native tree and scrub planting and bulb planting;
- Woodland planting to enhance the connectivity of the habitat network and maintain its status as a wildlife corridor;
- Measures for legal compliance and to protect animal welfare in respect of nesting birds and hedgehogs including timing of works and appropriate ecological supervision;
- Bat and bird boxes to be integrated into the new building;
- Habitat Mitigation contribution.

Conditions have been added below in order to ensure that the above mitigation and enhancement measures are carried out, as well as additional details in relation to future lighting within the site to reduce interference as far as possible with foraging bats. The mature trees which presently fall within the designated Nature Conservation area, are also to be preserved and maintained to protect their future health and encourage the retention of wildlife.

### **Landscaping and Trees**

#### Trees

A group TPO covers the trees across the site. One oak tree did have an individual TPO, but this was revoked in February 2005 due to its condition. As part of the development, it is proposed to remove internal trees including a section along Russell Way, in order to gain access to the site and to the parking area. Boundary vegetation is to be retained but thinned to allow trees to grow in the correct amount of space.

During construction, impact resistant fencing would be used to protect retained trees.

Construction exclusion zones have been identified on the Tree Protection Plan and this will be conditioned as part of any grant of planning permission.

The Senior Arboricultural Officer has no objection to the proposed works which will allow for enhancement of the existing trees longer term.

### Landscaping

It is proposed to plant a shrub layer of native species below the retained trees to provide a woodland edge and to improve aerodynamic profiles to reduce the effect of wind on the trees and to create a diverse habitat. Within the main area of the site, areas of mown lawn are proposed, together with bulb planting and areas of wilder meadow grass and flowers. Paths will be pedestrian specification tarmac to ensure a level and safe surface. A condition will be added to ensure that any landscaping which dies within 5 years, will be replaced.

### **Highways**

The Transport Statement recommends the introduction of a bellmouth access from Russell Way into the site to accommodate 2-way vehicle movements and service/emergency vehicles with a 2m wide footpath on each side. An additional pedestrian access is provided to the SW edge of the site to connect to the existing footway/cycleway and overpass link to Newcourt Way. All servicing would take place within the site boundary.

Parking is provided but does not provide spaces in accordance with ECC Local Plan policy rates which would be 51 spaces. It is proposed instead to provide 36 spaces (including 4 disabled spaces) as data provided from the developer on similar schemes suggests that the average age of entry to Retirement Living Plus developments is between 80-85 years of age and therefore anticipated car ownership will be lower at approximately 0.44 cars per apartment. Final comments are awaited from DCC Highways as additional information has been sought from the applicant.

It is noted from the plans that no secure cycle parking has been shown. This is being discussed with the applicant, together with the provision of staff shower facilities/changing rooms and secure lockers.

### **Flood Risk/Drainage**

The site is within a Flood Risk Zone 1, at low risk of flooding. Foul drainage will be connected to the public foul drainage system. Surface water for the site is proposed to drain to a large soakaway beneath the parking area at the front of the site with 200m<sup>3</sup> capacity, subject to testing and with a connection to the existing surface water drain via an agreement with SWW if the soakaway testing fails.

### **Community Involvement**

Briefings were held for local residents, councillors and stakeholders on 20<sup>th</sup> September 2017 with a public exhibition at Countess Wear Village Hall. Concerns raised related to loss of green space, traffic and congestion, access, car parking, design, size and scale.

### **Affordable Housing and CIL contributions**

The Planning Statement Appendix details the purpose of this type of accommodation. The units are larger with all rooms being purpose designed in order to meet wheelchair standards and layouts. The development would not be a care unit as found in a nursing home or care home but has more communal facilities than the standard Sheltered Housing Scheme. Apartments would be offered on a long leasehold basis with a minimum entry age of 70. In Sheltered Housing, service charges are £40-£50 per week for a 1 bed unit and £60-£70 pw for a 2 bed unit. In Extra Care facilities, the charges are increased to cover the provision of staffing, care and catering to £120-£130 pw for 1 bed unit and £165-175 pw for a 2 bed unit.

As this is residential accommodation with care, additional information has been provided by the applicant in respect to which Use Class the development would fall under, either C2 or C3.

Appeal decisions relating to similar schemes have been considered by Inspectors and have concluded that the individual apartments and communal care facilities are inextricably linked and therefore the building forms a single planning unit providing residential accommodation and care to people in need of care and therefore falls under Class C2. With the amount of evidence available through appeal decisions, it is considered that the development correctly falls within Class C2 and therefore would not attract an Affordable Housing Contribution or CIL Liability. However, it is considered that the development would still attract a Habitat contribution to mitigate against impacts on the Exe Estuary SPA, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA as set out in the local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS).

### **Section 106**

A S106 agreement is required to maintain the provision of the accommodation for the specific age targeted residents.

### **Summary**

The principle of the introduction of the Extra Care development in this location is appropriate. This is a sustainable location, in that the mature boundary vegetation is to be maintained, the site is in close proximity to local housing, shopping facilities, major road networks, a bus route, cycle route and walking distance of a train line. The overall height, scale, massing and design approach is also considered to be acceptable. Subject to finalising details of pedestrian connections, access details and cycle use provisions, the provision of a S106 Legal Agreement and the Habitat Mitigation Contributions, the application is recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 agreement for Age Related Occupation, Habitat Mitigation Contributions and 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 \*\* \*\*\*\*\* 20\*\* (including dwg. nos\*\*\*\*\* ) 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) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors .

5) Pre-commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason for pre-commencement condition:** In the interests of the amenity of the occupants of the 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.

6) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.
- k) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be adhered to throughout the construction period of the development.

**Reason 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.

7) Pre-commencement condition: No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the

Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

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

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.

8) 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.

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

**Reason 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.

10) Prior to occupation of the development hereby approved, details of provision for nesting birds in addition to those currently proposed shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

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

11) Before the commencement of development, a scheme for the installation of equipment to control the emission of fumes and smell from the chef's kitchen shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**Reason:** In the interests of residential amenity.

12) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material

shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

13) The development hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

14) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme shall not start until the Local Planning Authority have approved a scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with 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

15) No part of the development hereby approved shall be occupied until secure cycle parking facilities and associated facilities have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

**Reason:** To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

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

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

17) 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 the Tree Protection Plan (Dwg. No. 04930-TPP-2017) hereby approved. 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:** 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.

18) Each unit of the Extra Care Facility hereby permitted shall be occupied only by:  
- persons of minimum age of 70 years old.

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

## **INFORMATIVES**

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

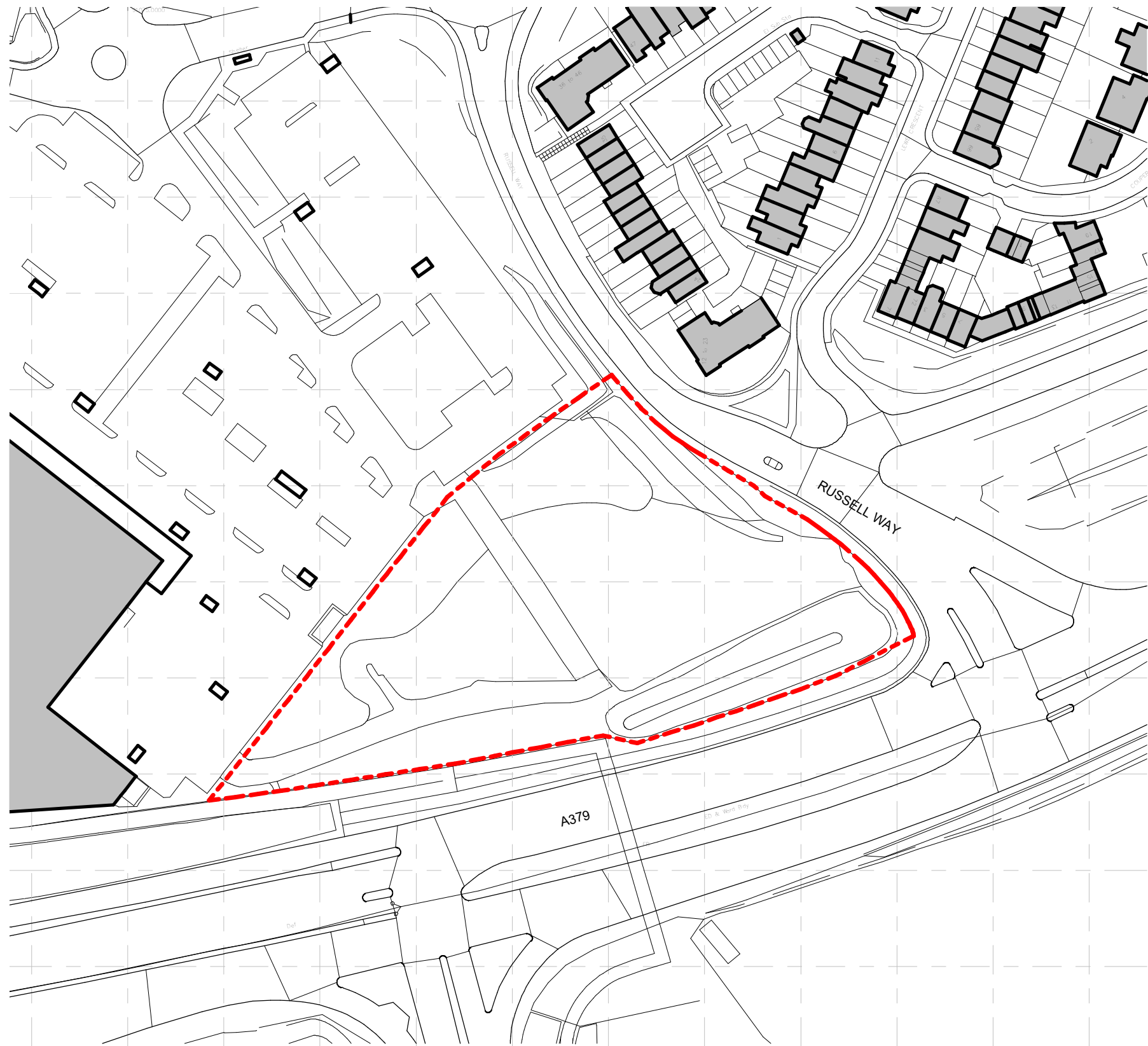
Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.

*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*

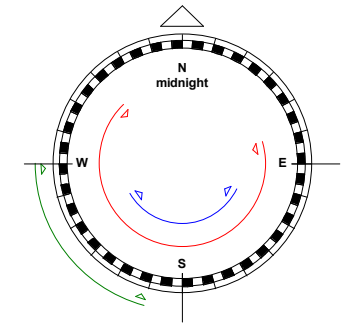
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Site Location Plan  
1 : 1250

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



Key: Summer - (June) Winter - (Dec) Prevailing wind direction

REV	DATE	DESCRIPTION	BY	CHK
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# STRIDE TREGLOWN

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CLIENT NAME	ORIGINATOR NO
McCarthy & Stone	151264

PROJECT
Rydon Lane Exeter

DRAWING TITLE
Site Location Plan

SUITABILITY STATUS	SCALE
Pink File	1 : 1250 @ A3



**McCarthy & Stone**  
The UK's leading retirement housebuilder

REGION - PROJECT NO. - STAGE NO. - DISCIPLINE - DRAWING NO. - REV - DRAWING TITLE

SW- 2439- 03- AC-00- Site Location Plan

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# Agenda Item 6

**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:** 17/1148/OUT

**APPLICANT:** Waddeton Park Ltd

**PROPOSAL:** Outline planning permission for up to 155 residential units and a 64-bedroom residential care home. Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration.

**LOCATION:** Land At Clyst Road, Topsham

**REGISTRATION DATE:** 20/07/2017

**EXPIRY DATE:**

## **HISTORY OF SITE**

There is no relevant planning history relating to this site.

## **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a single agricultural field of approximately 6.6 hectares. The site is bounded to the east by the Exeter-Exmouth branch railway line, to the west by Clyst Road, to the north by further agricultural land and to the south by existing residential properties on Towerfield. The site boundaries comprise hedgerows and the field is currently access via a field gate from Clyst Road in the south-eastern corner.

Outline planning permission is sought for the development of the site with up to 155 residential dwelling units and a 64 bedroom residential care home. The scale, layout, appearance and landscaping of the site are all reserved matters for future consideration. Approval is sought for the means of access to the site via this application. The proposed means of access to serve the site comprises the following –

- a new junction with Clyst Road in the northern corner of the site incorporating a junction design that diverts vehicular traffic on Clyst Road through the proposed development and bollards on Clyst Road itself to make the majority of the stretch of Clyst Road fronting 'Highfield' pedestrian/cycle access only.
- a new junction with Clyst Road at the southern end of the site incorporating new sections of footpaths and further bollards to restrict vehicular access to the above-mentioned section of Clyst Road.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by the following supporting documents –

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment

- Ecological Report
- Transport Assessment
- Residential Travel Plan
- Care Home Travel Plan
- Heritage Desk-Based Assessment
- Geophysical Survey Report (Archaeology)
- Land Contamination – Phase 1 Desk Study
- Acoustic Appraisal

## **REPRESENTATIONS**

132 letters of objection have been received raising the following issues –

- Clyst Road inadequate to support anticipated vehicle, pedestrian and cycle traffic
- Traffic, parking, infrastructure – impact on wider highway network, congestion including Junction 30
- Clyst Road too narrow, no capacity
- Impact on community and historical character of Topsham
- Environmental impact
- Strain on local amenities/infrastructure
- Need for affordable housing
- Overdevelopment
- Lack of comprehensive planning for additional housing – i.e. road capacity, infrastructure
- Timing of submission deliberate to avoid public comment (i.e. during holiday season)
- Local highways can't cope with extra traffic – Clyst Road unsuitable for construction traffic and thereafter extra residential traffic
- Noise pollution
- Air pollution
- Urban sprawl – separate identity of Topsham under threat
- Lack of street lighting – installation of lighting will adversely affect rural character
- Highway safety – lack of sight lines, absence of pavements, narrowness, rat-run, already dangerous esp. near Highfield Farm
- Lack of accessibility to pedestrians – lack of pavements
- Schools/doctors oversubscribed
- Lack of public consultation
- Contrary to Local Plan – LS1 designation
- Other more suitable sites for additional housing
- Loss of agricultural land
- Ecological impact, loss of hedgerows, wildlife (extensive range), Question if recent management practices were adopted to reduce wildlife value
- Urbanisation of green spaces
- Flooding – Clyst Road prone to flooding
- Question need for additional care home

- Adverse impact on quality of life in the area
- Inadequate access
- Lack of parking
- Out of keeping with character of area
- Build somewhere else around Exeter – Topsham had enough
- Is proposed diversion of traffic from Clyst Road for all traffic or just residential traffic
- Local infrastructure, including road network need upgrading and this development should contribute
- Which developers are making/promoting proposal
- Size of proposal disproportionate to size of town
- Affordable housing provision
- Precedent for further applications on adjoining land
- Care home too remote from town facilities
- Lack of public transport serving the site – train lack of rolling stock
- Exacerbate use of Denver Road – impact on highway safety in locality
- Required services to support additional housing don't exist/lag behind – lack of future planning for provision
- Not a sustainable location – appeal decision 01105/A/14/2229080 – facilities beyond recommended guidelines for walking
- Question feasibility of suggested shuttle bus
- Question benefits of making stretch of Clyst Road a cycle route given ultimately it has to re-join the already busy road with even more traffic
- What is limit to expansion of City and Topsham in particular
- Topsham Society –
  - Contrary to LS1
  - Closure of gap – question reliance on lack of 5yr housing supply to justify policy as out-of-date. Suggest site not a sustainable location therefore fails NPPF test
  - Involves open land not infilling, therefore urbanisation outside perceived edge of town
  - Highway access fundamental change in character of area
  - Potential massing of care home buildings – question suitability of site for retirement living
  - Precedent
  - Impact of recent developments on town's infrastructure and services
- Not a logical extension
- Increase likelihood of flooding
- Increase traffic on Clyst Road – safety pedestrian/cyclists in particular
- Whilst relatively close walking/cycling distance to town – safety will discourage people and prompt them to use cars
- Better locations
- Poor environment – housing close to railway
- Lack of affordable housing
- Lack of bus service
- Thoughtless erosion of farmland
- Question need for another care home

- Lack of public consultation by developer
- Diverting road through new development creates poor environment
- Question developer's ability to deliver footpaths due to land ownership
- Lack of street lighting
- Weight limit on Clyst Road
- Emergency vehicle access
- Highfield inappropriate as main means of access to properties on it as it is a private road
- Practicality of shuttle bus service in terms of finance, security of long term provision
- Drainage – impact on flooding – capacity of infrastructure to cope
- Fails to cater for needs of younger population of Topsham
- Insufficient width of footways
- Proposal fails to constitute sustainable development according to NPPF and local plan policy without significant highway improvements to facilitate sustainable modes of travel

## **CONSULTATIONS**

### **Devon and Somerset Fire & Rescue Service – Comment as follows –**

“We have no observations/comments in relation to the above planning application. We will be happy to consult fully on the proposed developments once suitable plans/details are available. At this stage it is appropriate to raise the value in considering Sprinklers in the development. We would be happy to pre-consult once initial documents are available on the design for both the residential dwellings and in particular the care home. Finally, it is important to raise the issue of Emergency vehicle access at this early stage of the development/design. To assist the developers we would refer to Approved Document B and section B5.”

**Environmental Health** – Highlights need for air quality assessment and recommends conditions relating to land contamination, CEMP, Acoustic Design Statement, kitchen extraction details, and details of mechanical plant associated with care home.

**South West Water** – No objection.

**East Devon District Council (Planning)** – No comments received.

### **DCC (Lead Local Flood Authority) – Comment as follows –**

“A suitable surface water strategy is presented within the submitted Flood Risk Assessment (Ref. 457/FRA2, Rev V2, dated 05/06/2017). It is noted that an assumed Infiltration value of 10 mm/hr has been used to inform the design of the surface water strategy on the basis of adjacent development site ground investigation, this is shown to be consistent with other development in the immediate area. However full infiltration testing will be a requirement at the detail design to demonstrate this is viable at this location however sufficient area is available with the development to develop an attenuation based design.”

Recommendation - no in-principle objections from a surface water drainage perspective subject to appropriate pre-commencement conditions relating to percolation tests and



groundwater monitoring, details of detailed surface water drainage management system and adoption/maintenance arrangements thereof.

**DCC (Education)** – Comments as follows –

“Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them.

Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £529,015 for primary school facilities and £470,863 for secondary school facilities, equivalent 38.75 and 21.48 children respectively. This figure has been calculated in accordance with the county council's education infrastructure plan and s106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that contributions could be provided for through CIL.

A contribution towards Early Years education would also be required to ensure delivery of provision for 2, 3 and 4 year olds. This would cost £38,750 (based on £250 per dwelling). This will be used to provide additional early years provision for pupils likely to be generated by the proposed development.

If the application is approved we will deem the houses to be built and the number of school spaces considered to be available in Exeter will be reduced accordingly - this will be taken into account when calculating contributions from future applications.”

**Highways England** – comment as follows -

“HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SAN). The SAN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning applications 17/1148/OUT and has been prepared by the Planning Manager for the SAN in Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application is seeking outline consent for up to 155 dwellings and a 64-bed care home on a site adjacent to Clyst Road in Topsham. Clyst Road connects directly to the A376 and the M5 junction 30 approximately 2km from the site. The application is supported by a transport assessment (TA) prepared by PCL Transport.

### Trip Generation

The TA has used trip rates which have been submitted in other TA's in the area which it states are approved by Devon County Council (DCC). It is not clear which other developments in the area are referred to, but it is assumed that this relates to development in the Newcourt area of Exeter. In this case, the text in the TA is misleading as whilst the trip rates within those other TA's were approved by DCC at the time, it does not follow that the same trip rates would automatically apply to this development, which is further from the centre of Exeter and on the southern side of the MS with limited walking and cycling routes.

The TA has assumed a two way trip rate of 0.45 generating 70 trips in the peak hour periods for the residential element of the development which we believe to be relatively low. Our results using a more robust trip rate of 0.6 generate 93 peak trips, an increase of 23 over that used in the TA. However, we are satisfied that this difference is unlikely to be significant. The care home generates a very small amount of traffic, - equating to 6 trips in the am peak and 7 in the pm peak.

### Trip Distribution

Trip distribution has been assessed using Census Travel to Work data, and this methodology is accepted. Trips have been assigned to the network manually, but details of this assignment have not been provided within the TA. The applicant has assumed that 13.5% of trips will route along the MS north, and 18.3% will route along the MS south, which is broadly consistent with the distribution assumptions.

### J30 Assessment

The TA uses UNSIG to assess the operation of junction 30, and it is stated that the model is a DCC approved model. However our review has highlighted some areas of concern:

- the results indicate the circulatory queues will extend beyond the stacking link space, which could potentially gridlock the junction in places and create a serious safety concern;
- the lane connectors do not match the lane destinations observed on Google maps. On arm 5/4, the model allows traffic to enter arms 9/3 and 9/4 whereas google maps show Arm 5/4 to enter arm 9/3. This occurs on several arms around the junction, the effect of this is likely to show lower queues in the model than what will occur in practice, as traffic is being distributed over a number of lanes whereas the white lining and destination marking will guide traffic to certain lanes. Therefore, there are concerns that the model does not reflect current junction geometry.

However, the modelling results indicate that the development is likely to have a negligible impact on the operation of junction 30 during the peak hours with regard to the SAN with minimal increases in queuing and delay. Having interrogated the flows predicted to use junction 30 the level of traffic using the north bound and southbound off

slips in the peak periods is minimal. It is predicted that flows on the NB off will increase by 3 trips and on the SB off will increase by 1 in the AM peak. In the PM peak it is predicted that flows on the NB off will increase by 3 trips and the SB off will increase by 2 trips.

Therefore, whilst there are concerns with the assessment and modelling, it is not considered that the development will have a severe impact on the operation of junction 30 with regard to the SRN.

### Recommendation

Highways England has no objection to the proposed development.”

**Network Rail** – No objection in principle to this proposal but make recommendations for conditions and design considerations to be taken into account to protect railway infrastructure.

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

The Highway Authority consultation response has considered the submitted Transport Assessment and subsequently submitted additional transportation impact related information in terms of its assumptions and predictions of impact on the transportation network, the proposed vehicular and pedestrian/cycle access arrangements and the wider sustainability of the proposal from a transportation perspective.

Whilst the response highlights some disagreement with the trip rates used in the Transport Assessment of the proposal it concludes that even if the higher trips rates they consider appropriate were used it would not result in a severe impact being demonstrated.

The Highway Authority response therefore concludes –

“National Policy is for the presumption of sustainable development and for developments to maximise the sustainable transport solutions in the area. The development proposes enhancements to the local sustainable transport provision by the way of a significant financial contribution and therefore it is felt that the development should be approved subject to 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  
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

### **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

T5 – Cycle Route Network  
T8 – Safeguarding Former Railway Land and Access to Rail  
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  
DD8 - Housing on Unallocated Sites  
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings  
DD13 - Residential Amenity  
DD19- Railway Land  
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. 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 in respect of landscape protection should still carry appropriate weight.

Essentially in the absence of a five year land supply paragraph 14 of the NPPF is engaged. Paragraph 14 of the NPPF provides for what is known as the 'tilted balance' in favour of granting planning permission. Namely, planning permission should be granted unless the 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.

Two issues are important to understand in relation to paragraph 14. Firstly, the development plan (including housing supply policies) retains its statutory force under section 38(6) of the Planning and Compulsory Purchase Act 2004 but the focus shifts to 'other material considerations'. The 'other material considerations' will then be determined in accordance with the national guidance in paragraph 14.

Secondly, whilst the housing supply policies are to be considered out of date for the 'other material consideration' assessment planning weight may still be given to other policies in the development plan. However, such weight must be considered on the 'significantly and demonstrably outweigh the benefits' test founded on the golden thread of sustainable development. This 'tilted balance' test is a matter of planning judgement and the weight to be given to remaining local development plan policies is a matter for the decision maker. The absence of a five year housing land supply can legitimately be considered to constitute an 'other material consideration' in the context of the assessment of the merits of this application.

#### Background to this application coming forward

This application has come forward without any pre-application discussion. It has been brought forward by the applicant in response to the Council's position with regard to its inability to demonstrate a 5 year housing land supply.

#### Principle of development/LS1

The site lies within an area identified as Landscape Setting in both the Adopted Local Plan and Core Strategy.

Policy LS1 states –

“Development which would harm the Landscape Setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:

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

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

The supporting text to Policy LS1 contains the following text at para 11.8 in respect of land locally known as the ‘Topsham Gap’, of which the application site forms a part –

“The open flattish, agricultural and horticultural land comprising large fields and low hedges between Countess Wear and Topsham, might be considered of less obvious interest but it is of significant local importance in clearly separating the settlements of Exeter and Topsham and maintaining their distinct identities. The attractive rural landscape of small fields, hedgerows and copses to the north and east of Topsham provides the essential green setting to the historic settlement of Topsham. Both these areas contribute to, and are an integral part of the wider rural landscape of East Devon and ensure the south-eastern containment of the City.”

This text is reflected in the supporting text to policy CP16 of the Core Strategy which states –

“The strategic gap between Topsham and Exeter is also particularly important in that it forms an open break between the two settlements, thus preventing their coalescence, whilst also protecting Topsham’s attractive setting. Whilst this area has a low intrinsic landscape value, the role it plays makes it sensitive to development.”

The text of policy CP16 refers to the character and local distinctiveness of specific areas (of which the ‘Topsham Gap’ is one) being protected, and the potential for proposals for landscape, recreation, biodiversity and educational enhancement to be brought forward.

The key consideration therefore in respect of the application proposal in terms of its acceptability from a policy context is considered to be –

- a) whether it would harm the landscape setting of the city by virtue of its impact upon the local distinctiveness and character of the area, and
- b) if it is determined that there is harm in this respect, whether taking into account other material considerations, such as the absence of a 5 year housing land supply, that harm/adverse impact significantly and demonstrably outweighs the benefits of the proposal in terms of the provision of much needed housing to meet identified needs.

There are similarities between this current proposal and application 14/2066/01 on land next to Topsham Rugby Club (which was allowed on appeal following a Public Inquiry in 2016) in terms of assessment of the ‘landscape setting’ matters and relevant development plan policies LS1 and CP16. In his decision letter on the latter the appeal Inspector stated the following –

“Topsham’s strong separate identity comes mostly from its history, its old buildings, its streets, its waterside setting and its community spirit. The relatively flat fields of which



the appeal site forms a part, between the western fringes of the town and the M5 also contribute to its sense of separation. The area is referred to generally as the Topsham Gap, and is protected by Core Strategy policy CP16 as the strategic gap between Topsham and Exeter. The Exeter Fringes Landscape Sensitivity Study identified the area as valuable in separating Topsham from Exeter. This wider area extends well beyond the appeal site and it is common ground that it does not have high landscape quality. Indeed it is notable that the Council have already granted planning permission for development in the gap on the opposite side of Exeter Road. Nonetheless, the large number of representations in respect of this appeal, and the many interested local people attending the inquiry, attest to the strongly-held local view that the open area between Topsham and the M5 has considerable importance as an open break in development on leaving Exeter and entering Topsham.”

Like the appeal proposal the current application site forms part of the ‘Topsham Gap’, and albeit that it is located more towards the northern fringes of the town, it still contributes to the sense of separation from Exeter as well as being part of the more open countryside to the north of Topsham. Like the appeal site this land does not have a high landscape quality and in terms of the Exeter Fringes Landscape Sensitivity Study is also identified as being of ‘medium’ landscape sensitivity.

It is fact that this scheme would result in development of part of the Topsham gap and landscape setting around Topsham, and would consequently harm the character of part of it. Having acknowledged that it would cause some harm to the landscape setting it is necessary to try and quantify the severity of this harm.

In respect of the previous appeal site the Inspector noted that the M5 forms a very strong boundary to the city’s developed area and concluded “the first open land seen after the M5 when travelling towards Topsham is, and will be, very important in maintaining the separate character of Exeter and Topsham.”

Approaching Topsham from the north along Clyst Road there is a significant amount of open land between the M5 and application site. In fact, this is the last piece of open land before the suburban fringes of the Topsham built up area that effectively bound the appeal site; directly to its southern boundary, and to the east on the other side of Clyst Road directly opposite the site. In this context the proposed development would be perceived against the backdrop of existing suburban fringe development.

Whilst the development would reduce the extent of open land between the built up area of Topsham and the M5 it is considered that the remaining open land beyond the application site to the north and the land between the appeal site and the M5, are more important in maintaining the visual separation and separate identity of Topsham and its wider landscape setting. Thereby it is considered that the degree of harm to the landscape setting and the integrity and purpose of the Topsham Gap arising from the current proposal would be relatively modest.

Therefore, whilst it is acknowledged that in this context the proposal is contrary to development plan policies LS1 and CP16 this has to be balanced against ‘other material considerations’. The Government has made clear its policy to boost significantly the supply of housing land and in a recent Supreme Court judgement Lord Gill expressed the following view –

“If a planning authority that was in default of the requirement of a five-year supply were to continue to apply it’s environmental and amenity policies with full rigour, the objective of the Framework could be frustrated”.

In this context the fact that the Council is unable to demonstrate a 5 year housing land supply is considered to amount to one such 'other material consideration. Allowing for this material consideration, and applying the principle of 'tilted balance', it is not considered that the modest harm arising from the proposal identified in respect of landscape setting development plan policies would significantly and demonstrably outweigh the benefits of the proposal in terms of the provision of housing and contribution that development of this site would make to addressing the Council's shortfall in terms of 5 year housing land supply.

### Transportation Matters

Two of the key considerations in the assessment of the proposal from a transportation perspective are:

- a) the relative sustainability of the proposal in terms of ability and ease of access to a reasonable range of facilities that would normally be required by residents of the development, and
- b) the impact of the development on the transportation network.

### Sustainability from a transportation perspective

Whilst the site is located on the outskirts of Topsham it is considered to be a relatively sustainable location in terms of its proximity to facilities. Topsham benefits from a range of services and facilities including doctor's surgery, dentists, primary school, library, sports grounds, public houses, shops and restaurants.

The submitted Planning Statement identifies that the site is situated approximately 0.4 miles (8 minute level walk) from the beginning of Topsham High Street and 0.6 miles (12 minute level walk) of Fore Street which is the main shopping area. It is also approximately 0.5 miles from Topsham train station which provides regular rail links to Exmouth and the national rail network via Exeter St David's Station.

Improvements to Clyst Road from the site to the Denver Road junction to provide improved pedestrian/cycle access are proposed as part of the application, along with a significant financial contribution towards wider sustainable transport improvements.

In this context it is considered that the proposal amounts to sustainable development from a transportation perspective in the context of assessment in relation to section 4 of the NPPF.

### Impact on transportation network

Whilst the Highway Authority and Highways England have both questioned the trip rates and the associated assessment and modelling in the submitted Transport Assessment they have both advised that even if different trip rates/assumptions which they consider more appropriate were used, this would not demonstrate a severe impact on the local road network or the strategic road network/M5 J30. Therefore, in capacity terms the proposal is considered acceptable.

The measures highlighted above to improve pedestrian/cycle accessibility along Clyst Road, coupled with the financial contribution towards sustainable transport improvements and Green Travel Plans will all help to reduce reliance on motorised transport and thereby reduce the potential impact of the development on the transport network.

The submitted plans demonstrate two suitable accesses into the development land from Clyst Road and a condition is proposed to secure the above mentioned improvements to Clyst Road. The internal road network within the site linking these two access points would be brought forward and agreed as part of any subsequent reserved matters application.

Consequently, it is not considered that the proposal would result in severe transport impacts that would warrant refusal when assessed against policy contained in the NPPF.

#### Green Infrastructure/Ecological Impact

The site lies within Flood Zone 1 as indicated on the Environment Agency (EA) Flood Zone maps and as such is defined as being low risk in terms of potential river or sea flooding. From a surface water perspective, the submitted Flood Risk Assessment notes that EA surface water flood risk plans identify a limited local risk associated with a low-lying area within the site which could be designed out through attention to proposed site levels as part of any detailed development proposals. The Flood Risk Assessment identifies the potential for adoption of a Suds approach (Sustainable Urban Drainage) to surface water drainage as part of the development of this site. This would need to be subject to further infiltration tests to confirm acceptability of this approach and DCC as the Lead Local Flood Authority have recommended appropriate conditions covering this and detailed design/maintenance arrangements in respect of the drainage system to be utilised. Potential surface water drainage features offer significant potential to make positive contributions to the enhancement of the site ecological interest.

The executive summary of the submitted Ecological Report states the following –

“The habitats of the site are typical of the surrounding landscape. The boundary hedgerows are not especially species-rich but they have a bushy structure and, like all native hedgerows they are a habitat of principal importance for nature conservation. The main field supports species-poor grassland at the time of the survey, although it is periodically ploughed and used for arable crops.

Survey work has indicated that the site is used by low numbers of bats, which forage and commute along the boundary hedgerows. The open fields are of very little value for bats. There is evidence that dormice use the boundary hedgerows, albeit in low numbers and their population is limited by the presence of wood mice (which out-compete them for resources).

The retention of the boundary hedgerows will preserve the majority of the site’s ecological value. The provision of a buffer zone around the edge of the site, within which there will be no artificial lighting, will further protect the ecological interest. The development will deliver a net gain in biodiversity.”

The report concludes –

“It is clear from the survey results that the proposed development can be completed without harm to biodiversity. By implementing the recommendations for habitat enhancement and management it will be possible to create net gain in biodiversity.”

An appropriate condition can be attached to any approval to secure submission of wildlife and ecological enhancement plan.

Retention and enhancement of existing vegetation, along with provision of open space within the development and improvement of walking and cycling facilities in the vicinity of the site will make a positive contribution to green infrastructure as part of the development.

The site has the potential to contain as yet unknown archaeological remains. Whilst the submitted geophysical survey and report are sufficient to allow the application to be determined and do not identify any remains that would affect the principle or layout/quantum of development achievable on this site. However, such surveys are not infallible and do not identify less substantial remains such as those of timber buildings, burials or fire pits for example. These have been found elsewhere in the locality despite not showing up on geophysical surveys, such as on the Burrington Estates development on the other side of the railway line adjoining Topsham Rugby Club. Therefore, a programme of archaeological site investigation is required to identify, excavate and record any significant but less substantial remains before construction work commences and destroys such remains. This can be secured by an appropriate condition attached to any grant of planning permission.

#### Affordable Housing/Specialist accommodation for older people

The proposal will provide 35% of the total number of residential units on site in the form of affordable housing in line with policy CP7 of the Council's adopted Core Strategy. This would be secured through appropriate clauses within any S106 associated with the development.

There is a recognised need to provide more accommodation catering for the ageing population. It is likely that a significant proportion of this ageing population will choose to live in specialist older persons accommodation, including care homes and therefore the proposed care home incorporated within this proposal will help to meet this growing need.

#### Design/layout/amenity standards

Given the size of the site and proposed access arrangements there is no reason, in principle, why the site could not accommodate the scale of development sought i.e. up to 155 residential units and a 64-bed residential care home in an acceptable layout that complies with the advice contained in the Council's adopted Residential Design SPD, including appropriate internal and external amenity space standards. The application is accompanied by an illustrative framework masterplan that depicts one potential approach to the layout that incorporates open space, sustainable drainage and a managed landscape buffer to the existing railway line. However, all detailed matters relating to the scale, layout, appearance and landscaping of the development are reserved for subsequent approval, so it is possible that an alternate approach to the layout could be brought forward as part of any subsequent 'reserved matters' application.

The final detailed layout and design of the development will therefore be subject to further appraisal as part of the consideration of any subsequent application for approval of those reserved matters.

#### Financial Considerations

The proposal is CIL liable in respect of any dwellings constructed on the site apart from those provided as social Housing for which Social Housing Relief would be applicable on application in accordance with the CIL Regulations. The Care Home falls with use Class C2 and as such does not attract CIL. In the absence of any detailed information in respect of the size/design of the dwellings (which would follow at 'reserved matters' stage) it is not possible to quantify the amount of CIL that will be payable in association with the development.

All new dwellings would attract New Homes Bonus payments in line with legislation in force at the relevant time.

### Section 106

This development will be CIL liable as stated above. The Education Authority have referred to funding of additional school places through CIL contributions derived from this proposal. However, no decision on the allocation of CIL contributions associated with this application have been taken and therefore there can be no assumptions made in this respect.

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

- £1 million contribution towards the funding of sustainable transport improvements that enhance linkage of the site to a greater range of facilities by non-car means of travel.
- Travel Plan contribution £500/dwelling.
- Clyst Road improvements comprising combined foot/cycle path to encourage sustainable transport
- 35% affordable housing with a tenure split 70/30% social rented/intermediate, and 5% of affordable units as wheelchair accessible housing built in accordance with the Council's Wheelchair Accessible Housing Design Standards.

### Conclusions

Having considered all the matters outlined above, with particular reference to the relatively modest impact of the development in terms of landscape setting policy, the conclusion that the development would not have any severe transport impacts that would justify refusal. The significant contribution that this site would make to housing delivery (including affordable housing and a care home meeting the needs of the ageing sector of the population) and having due regard to the weight to be attached to the fact that the Council is unable to demonstrate a 5 year supply of housing land, the proposal is considered acceptable.

### **RECOMMENDATION**

Subject to the completion of a S106 covering the matters referred to above **APPROVE** the application subject to the conditions listed below:-

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the City Development Manager to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.  
**Reason:** To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended).
- 2) **Pre-commencement condition:** Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and

approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason for pre-commencement condition:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

- 3) In respect of those matters not reserved for later approval (i.e. access to the site) the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. ....

**Reason:** To ensure that the detailed design of the two access junction serving the site from Clyst Road are appropriate and provide a safe and suitable means of access to the site.

- 4) **Pre-commencement condition:** Prior to the commencement of the development hereby approved a scheme of highway improvement works (including a timeframe for its implementation) to the stretch of Clyst Road from its junction with Whitehill Lane to its junction with Denver Road (to include the provision of a combined footpath/cycleway) broadly in accordance with the indicative scheme on drawing no. .... shall be submitted to, and be approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the development shall be completed in accordance with the approved scheme and implementation schedule.

**Reason for pre-commencement condition:** To improve pedestrian and cycle access to and from the site and thereby encourage the use of sustainable modes of transport and enhance the sustainable nature of the development.

**Or**

To improve the accessibility of the site by sustainable modes of transport in the interests of sustainable development.

- 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, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

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

- 6) **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

**Reason for pre-commencement condition:** To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

- 7) **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

**Reason for pre-commencement condition:** To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

- 8) **Pre-commencement condition:** 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 for pre-commencement condition:** 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.

- 9) **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system, and full details of its proposed adoption and maintenance arrangements, has been submitted to, and been approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Ref. 457/FRA2, Rev V2, dated 05/06/2017).

**Reason for pre-commencement condition:** To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, is managed in accordance with the principles of sustainable drainage systems, and that the surface water drainage management systems will remain fully operational throughout the lifetime of the development.

- 10) Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

**Reason:** To protect the functioning of the railway network and the on-going provision of public transport facilities.

- 11) **Pre-commencement condition:** All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary

compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

**Reason for pre-commencement condition:** To protect the functioning of the railway network and the ongoing provision of public transport facilities.

- 12) **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.

- 13) **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.

- 14) **Pre-commencement condition:** Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. *The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.*

**Reason for pre-commencement condition:** In the interests of the protection of the residential amenity of future occupants of the development.

- 15) **Pre-commencement condition:** Before commencement of development the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO<sub>2</sub> 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.

- 16) Any reserved matters application submitted pursuant to this outline planning permission shall incorporate within the overall design and layout of the development appropriate pedestrian/cycle connectivity to all adjacent land.

**Reason:** To ensure that connectivity/permeability is achieved that maximises the opportunity for the use of sustainable modes of transport to access local facilities and links to the wider transport network.

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

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

- 18) Before the care home use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the kitchen(s) shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions thereafter. *The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.*

**Reason:** In the interests of the protection of the residential amenity of future occupants of the care home.

- 19) Prior to the installation of any mechanical building services plant at the care home, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the care home boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

- 20) The care home hereby approved shall be operated in accordance with a detailed Travel Plan that shall be submitted to be approved in writing by the Local Planning Authority prior to its occupation. The detailed Travel Plan shall be based on recommendations and conclusions of the submitted outline Care Home Travel Plan Project Ref 4182 dated 20<sup>th</sup> June 2017 prepared by PCL Transport and submitted in support of the application.

**Reason:** In the interests of sustainable development.

21) 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.

22) Prior to the occupation of the development, details of a biodiversity management and enhancement programme for the site shall be submitted to and approved by the local planning authority and the programme shall be implemented and maintained thereafter in accordance with the approved details.

**Reason:** To enhance the biodiversity quality of the site.

### **Informatives**

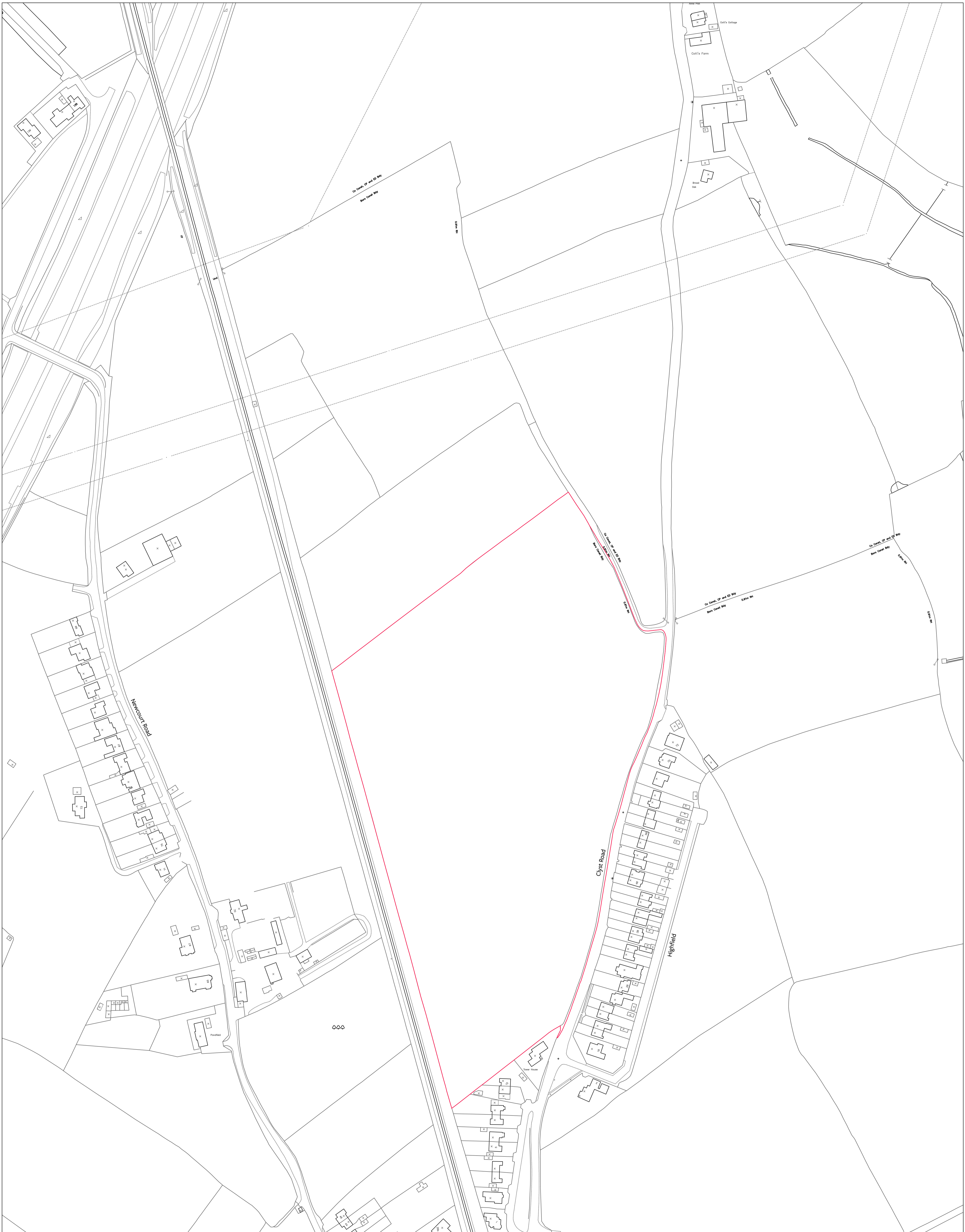
- 1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) Your attention is drawn to the comments of Network Rail in their consultation response dated 15<sup>th</sup> November 2017 (copy attached to this decision notice)
- 3) The internal road network within any reserved matters submission pursuant to this outline consent will be expected to demonstrate a 6m carriageway width on any through roads (excluding any foot/cycle paths).
- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 5) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

*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*



NOTES:

— Application boundary



Land at Clyst Road, Topsham EX3 0DQ  
Location Plan

B  
BB/DC

161113 L 01 02

1:1250 @ A1

March 2017

**CliftonEmerydesign**

Ground Floor, Number 3, Silverdown Office Park, Fair Oak Close, Exeter, EX5 2JX  
T: 01392 368866 W: www.cliftonemerydesign.co.uk E: mail@cliftonemerydesign.co.uk

DRAWING STATUS PLANNING

B Titleblock updated  
A Road names added.

BB/DC 06.06.17  
BB/DC 08.05.17

CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM. THIS DRAWING IS COPYRIGHT.

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**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:** 17/0916/FUL  
**APPLICANT:** Mr Laska  
**PROPOSAL:** Use of land for car wash and valeting service  
**LOCATION:** Land At, Old Vicarage Road, Exeter, EX2  
**REGISTRATION DATE:** 09/06/2017  
**EXPIRY DATE:**

## **HISTORY OF SITE**

A planning application (ref no. 07/0606/03) was approved in 2007 for a car wash facility on the adjacent site fronting Cowick Street. This permission was approved on a temporary basis for 2 years. The temporary consent was imposed due to a more comprehensive redevelopment of the site for retail and residential purposes being proposed and originally granted under application 08/1052/03. A subsequent application for the permanent retention of the car wash facility was approved in September 2015 under planning application 15/0098/03 given the uncertainty of the more comprehensive scheme progressing. The approved hours of use were between 0730 and 2000 hours Monday to Friday and 0800 to 1800 hours Sundays and Bank Holidays.

## **DESCRIPTION OF SITE/PROPOSAL**

The application site is an existing car park located on the eastern side of Old Vicarage Road, to the rear of residential properties in Powderham Road and to the east of the St Thomas Social Club which this car park principally serves. The area to the north of the site is occupied by a funeral directors and alongside a vacant site which has planning approval to redevelop for retail and residential use under current planning application 16/1189/03.

The application seeks consent for the use of this existing car park for a hand car wash. This business previously occupied the adjoining site fronting onto Cowick Street but closed last year due to the future redevelopment of the site. The proposal seeks to recreate this former use on the adjoining site by installing a single storey flat roofed timber building for office, customer waiting and staff facilities with the dry valeting alongside the rear of properties in Powderham Road and the wet wash area alongside the funeral directors premises. In addition, four spaces are retained for use by the funeral directors alongside their existing building. The pedestrian and vehicular access onto Old Vicarage Road is proposed to remain unchanged.

The agent has indicated that the business will operate in the same way as the previous use but with reduced hours between the hours of 0800 to 1800 hours Monday to Saturday and 0900 to 1700 hours on Sundays. The site will operate a circular one way system which will be managed by the staff. The agent has stated that the St Thomas Social Club will continue to use the site for parking in the evening.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design and Access Statement has been submitted with the application.

Flood Risk Assessment concludes that the change of use of this land poses no unacceptable flood risk to the area or any increase in flood risk to existing nearby properties.

Noise Assessment was based on noise measurements taken at the nearest noise-sensitive receptors to the site. The assessment shows that the rating level from operations at the site is likely to have a low impact on nearby noise-sensitive receptors. Consequently it is concluded that noise should not pose a material constraint to development at the site.

## REPRESENTATIONS

11 objections received. Principal issues raised:-

1. Potential increase in unauthorised parking and therefore need to look at residents parking permits in the area;
2. Increased safety risk to pedestrians living in the area particularly children and the elderly;
3. Increased parking problem in the area, the scheme will displace existing parking which currently use the social club car park;
4. Greater pressure on an existing dangerous junction of Cowick St/Old Vicarage Road;
5. Increase in traffic using the cut through from Alphington Road to Cowick Street via Old Vicarage Road;
6. Hours of opening will detrimentally affect the amenities of nearby residents;
7. Increase in air pollution;
8. Use too close to existing residential properties/gardens;
9. Inadequate boundary treatment to protect existing residents from detrimental impact of the proposed use;
10. Noise and disturbance from machines and operators detrimental to residential amenity;
11. Overlooking into neighbouring residential properties windows;
12. Contrary to Core Strategy which aims to minimise use of the private car;
13. Inappropriate use in a predominantly residential area;
14. Proposed wooden hut will appear unattractive within the streetscene;
15. Use should have an hours restriction to specify no use at weekends/restricted hours on Sunday.

## CONSULTATIONS

**The Head of Planning, Transportation and Environment** comments that this application is for a car wash and valeting service at the land off Old Vicarage Road, Exeter. This site is related to the application for the mixed use development comprising of commercial floor space and residential uses (16/1189/03), which has now been given planning consent.

The site is currently being used as a car park for the “Co-operative” funeral service and the St. Thomas Social Club (albeit during evenings only). It is understood that there is no restriction on the car park uses.

The site itself is accessed off an existing bell mouth onto Old Vicarage Road – however, a dropped kerb access is recommended instead of the illustrated bell mouth to provide pedestrian priority at this location. Given the nature of the development, a facility to prevent excess water on the highway should be installed.

The visibility at the point of access onto Old Vicarage Road is substandard to the right – upon site visit; the existing fencing obscures oncoming vehicles. The vehicular access onto Old

Vicarage Road and visibility splays providing inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) should be 25 metres in both directions. The visibility can be improved upon (by lowering the fence line or by another means within the site boundary) and should be secured by condition.

The level of traffic generation from the site is not expected to be significantly more than the existing use. A car wash was in operation at an adjacent site previously and given that the existing car park has no restrictions, the level of additional traffic is not significant to form a reason for refusal.

In addition, the submitted plan shows that there is sufficient space to accommodate the existing uses (car parking for funeral directors) and for the operation of the car wash (customer waiting and staff facilities). Furthermore, the plan shows a circularity one-way system ensuring vehicles can enter and exit the highway in forward gear and is secured by condition.

There have been a number of comments from the public who are concerned that the proposed car wash will result in customers parking on Old Vicarage Road where parking can become difficult. To overcome this issue, a car park management condition is recommended to ensure that sufficient space is allocated on site to prevent any overspill onto the highway. In addition, financial contribution is sought for the Highway Authority to review the parking arrangements in this area of the city – this contribution will not cover the entire works, but will help to forward fund a review by DCC.

In summary, the submitted application does not generate significant additional traffic movements compared to the current site, provides suitable facilities for parking for the existing use and provides a suitable layout for the proposed business. Therefore, subject to the conditions recommended below being attached in the grant of any permission, no objection is raised.

**The Environmental Health Officer** initially required details in terms of contamination, drainage and noise assessment. Further information has been submitted by the applicant in terms of clarification and in particular a noise assessment report. Further comments have been made stating that the predicted noise levels are slightly higher than normally permitted, the proposed hours are not particularly sensitive and therefore would be acceptable. Consequently subject to suitable conditions regarding hours of operation, no objections are raised.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance: National Planning Policy Framework

4. Promoting sustainable transport

7. Requiring good design

Decision making

Exeter Local Development Framework Core Strategy

CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

DG1 - Objectives of Urban Design

EN2 – Contaminated Land

EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise

## **OBSERVATIONS**

A car wash facility had operated from the adjacent site since 2008 and only recently closed down due to work commencing on site for retail and residential development and pending the outcome of this planning permission. The agent's supporting statement highlights the popularity of the use and strong customer basis, which this business has built up in the area. It is acknowledged that the location of the proposed car wash, adjacent to the previous one, would continue to take advantage of the existing client base. The proposed scheme is located within an existing car park and has a number of car movements throughout the day, which could be similar in number to a car wash business. However there are clear differences between the proposed use of the site and its former location, which need to be assessed.

The proposed site would use a single access from Old Vicarage Road which currently serves the St Thomas Social Club car park. Although the highway officer has raised no objection in principle, it is considered that the impact from noise and disturbance from traffic movement from the car wash use will be different from the existing car parking and have the potential for greater disturbance. The site already serves an existing car park used mainly during the evening by social club uses. It is understood that there are no restrictions on the existing car park but the creation of the car wash use will inevitably lead to more frequent car movement to and from the site during the day. The closer proximity of the car wash use to residential properties in Old Vicarage Road and Powderham Road is a significant change from the previous location fronting the existing commercial uses in Cowick Street. Whilst residents have raised concern about an increase in parking problems and highway safety issues in the area, the highway officer has stated that subject to conditions in respect of improvements to the access arrangement, a car park management plan and a financial contribution towards a review of the traffic regulation order in the area the scheme is acceptable. Although it is considered that an hours of use condition would minimise the impact of the use on residential properties a potential detrimental impact on occupiers living nearby remains.

Local residents have raised concern about water spray and the potential for noise pollution. The applicant has produced a noise report which has been assessed by the environmental health officer. Although it is accepted that there will be some noise disturbance to residential occupants nearby it is considered that the proposed hours of use would minimise the impact on their amenities. The layout plan indicates that the dry valeting area is located adjacent the existing residential properties with the wet area adjacent to the funeral directors premises. Whilst it is considered that this would help to address concerns of residents in Powderham Road it may cause problems to residents who ultimately live in the area identified for redevelopment.

Accordingly, although there remain some concerns about the impact of this use in close proximity to existing and future residents in the area, the level of impact is considered acceptable within the hours of use imposed through a condition. Whilst there are commercial units in the form of the adjacent funeral directors and the social club, the relocation of the car wash would bring the use much closer to existing and future residential properties. Consequently it is considered that the use has the potential to be detrimental to residential amenity from traffic generation and environmental factors and therefore, in addition to the conditions to mitigate against these factors, a temporary consent for 2 years is considered appropriate. This will enable the use to be assessed against existing properties and enable the



properties in the adjacent site to be constructed, occupied and these residents' views considered.

## **DELEGATION BRIEFING**

19 December 2017 - The Principal Project Manager (Development) explained that the application had previously been reported to the delegation briefing but deferred to obtain further information, which had been received. There were now no objections raised by either the highway or environmental health officer in terms of parking, traffic generation, noise issues and general impact on residential amenity subject to suitable conditions being imposed. However, there had been 11 objections received and given this level of concern, Members considered that the application should be reported to Planning Committee.

## **RECOMMENDATION**

Subject to the completion of an appropriate agreement to secure a financial contribution of £5,000 towards traffic regulation orders in the vicinity of the site **APPROVE** the application subject to the following conditions:-

1) The use hereby permitted shall be discontinued and buildings/structures removed and the land restored to its former condition on or before 12 February 2020.

Reason: To assess the impact of the use on nearby residential properties and determine its suitability on a permanent basis in this locality.

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 13 October 2017 as modified by other conditions of this consent.

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

3) No other part of the development hereby approved shall be occupied until a dropped kerb access and a facility to prevent uncontrolled discharge of water over the footway on Old Vicarage Road have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework.

4) No other part of the development hereby approved shall begin until a visibility splay of 2.4 metres measured back from the nearside carriageway edge on the centreline of the site access and parallel with the edge of the carriageway over the entire site frontage to the south, with all land and vegetation enclosed within the splay reduced to a height not exceeding 600mm above adjacent carriageway level, shall have been provided and maintained. Once provided the visibility splay shall be retained and maintained for that purpose at all times.

Reason: To provide a safe and suitable access in accordance with paragraph 32 of the National Planning Policy Framework.

5) No part of the development hereby approved shall be commenced until a turning area and parking spaces for customers/funeral directors shall be laid out in accordance with the Proposed Plans and Elevations plan and maintained for those purposes at all times.

Reason: To enable vehicles to enter and exit the highway in forward gear therefore

providing a safe and suitable access.

6) No part of develop shall commence until a Car Park Management Plan outlining how adequate car parking will be provided for the onsite office uses will be maintained following commencement on site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate onsite parking provision is provided for the existing use.

7) The use shall not take place other than between the following times: 8am to 6 pm Monday to Saturday); 9am to 5pm on Sundays and not at all on Bank or Public Holidays.

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

## **INFORMATIVES**

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) The Council's Environmental Health officer has stated that the use has the potential to cause disturbance to neighbouring properties as a result of noise. The applicant is therefore advised that if complaints are received further changes to noise level may be required to mitigate any nuisance created.

*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*



Site Plan shows area bounded by: 291000.01, 91608.27 291141.43, 91749.7 (at a scale of 1:1250), OSGridRef: SX91079167. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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# Agenda Item 8

**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:** 17/0308/FUL  
**APPLICANT:** Mr D Lovell  
**PROPOSAL:** Two Bays of fine mesh protective golf netting on 20 metre high. lattice supports (x3) over a total length of 60 metres to provide protection from stray golf balls for nearby dwellings Exeter Golf & Country Club, Topsham Road, Exeter, EX2 7AE  
**LOCATION:**  
**REGISTRATION DATE:** 21/02/2017  
**EXPIRY DATE:**

## **HISTORY OF SITE**

13/3822/03 - Erection of specialist golf course netting (20 and 30 metres high) along specific sections of the golf course's boundaries. WDN 22/01/2015

## **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a section of the NE boundary of Exeter Golf and Country Club. This boundary of the golf course abuts land that has recently been developed with new housing (Heritage Homes along the north-eastern boundary with the 9th hole).

The application proposal comprises the erection of specialist golf course netting along a specific section of this golf course boundary as follows -

- 20 metres high along a 60 metre stretch of the north-eastern boundary abutting the Heritage Homes development (9th hole)

The fencing comprises 3 galvanised steel lattice towers situated at 30 metre intervals along the respective boundary. Each tower is set on reinforced concrete pad footings. Suspension ropes between each tower will support dark netting made from heavy duty twine.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

None.

## **REPRESENTATIONS**

10 letters of objection have been received raising the following matters:-

- Visually overbearing/eyesore in both short and long range views
- Query necessity of 20 metre height of netting
- absence of golf ball trajectory probability diagrams to support proposed solution
- Query if proposed solution would solve problem - length and height of netting not sufficient
- Contrary to Local Plan policy DG4 in terms of ensuring a level of amenity to residents that allows them to feel at ease within their home and gardens
- Suggest main problem stems from height of 9th tee

- Supporting pylons - visually damaging to locality
- Query long term effectiveness of conifer trees as screen to the netting/supports, i.e. life span of trees.
- Impact on bird life

## **CONSULTATIONS**

Exeter International Airport - No objection.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

NPPF - National Planning Policy Framework - Para 17 Core Planning Principles, Paras 56-68 Requiring good design, Paras 69-70 Promoting healthy communities, Para 109 and 118 - Conserving and enhancing the natural environment, paras 186-197 Decision-taking.

### **Exeter Local Development Framework Core Strategy**

CP10 - Meeting Community Needs  
 CP16 - Green Infrastructure  
 CP17 - Design and Local Distinctiveness  
 CP19 - Strategic Allocations

### **Exeter Local Plan First Review 1995-2011**

AP1 - Design and Location of Development  
 DG1 - Objectives of Urban Design  
 DG4 - Residential Layout and Amenity  
 L7 - Local Sporting Facilities  
 LS3 - Sites of Special Scientific Interest

## **OBSERVATIONS**

In considering this proposal it is important to understand the context within which it has been brought forward. Land around the golf course was allocated for development through the Adopted Exeter Local Plan First Review 1995-2011 and the Core Strategy (adopted Feb 2012) and over the last decade specific proposals for residential development abutting the golf course boundaries have been approved and subsequently built out.

Following the construction of housing on the parts of the former Royal Naval Stores Depot abutting the golf course Exeter Golf & Country Club became concerned that the proximity of the housing left the Club and its members vulnerable to claims in respect of injury to future residents, and damage to property from stray golf balls. Subsequently works were carried out at the golf club, which included re-orientation of the playing direction and tee positions for some holes, fencing and landscaping, to address the concerns and protect the interests of the Golf Club and its members.

Since then, further housing development has taken place off Old Rydon Lane alongside the north-eastern boundary of the golf club (Holland Park Phase 1 Heritage Homes) and since these properties have become occupied some of the closest properties have experienced occasional stray golf balls landing in the properties.

Golf Clubs have a legal responsibility to keep their golfing activity within their boundaries and in response to the on-going issue the housing developer, in consultation with the Golf Club, has brought forward the current proposals to address the issue.

#### Planning issues (protection of community facility, visual impact, residential amenity, ecological impact)

The Golf Club does represent a local sporting facility to which Local Plan policy L7 and Core Strategy policy CP10 would apply. Essentially these policies set out to protect existing sporting and leisure/community facilities. Therefore, in the context of the Golf Club having to address its relationship with adjoining land uses, a relationship which is changing as a result of adjoining land being developed for housing, the implications of not granting consent for development required to protect the interests of the Golf Club and ensure its continued existence and function is a material planning consideration.

Since this application was submitted planning consent has been granted for housing development on the Golf Club's current driving range/practice ground. Part of the vehicular access arrangements to serve this additional housing comprise an extension of the existing road from Old Rydon Lane serving Holland Park along the golf club boundary into the new housing. This route will also secure part of the strategic cycle network and is thereby likely to be extensively used by cyclists in the future. In addition to protecting the adjoining properties and their residents from damage/injury the proposed fencing would also protect users of this new road access/cycle route from Old Rydon Lane.

#### Visual

Given the height of the proposed netting and supporting structures it is inevitable that it will be a prominent visual feature in both short and long terms views. However, there is an existing significant belt of trees along this boundary and the fencing is to be erected on the inside of these trees which will screen the lower part of the fence. Given the fine mesh nature of the proposed netting, and its limited extent (a 60-metre length) it is not considered that the element projecting above the trees would have such an adverse visual prominence that would warrant refusal of the application.

#### Residential Amenity

The two closest dwellings to the proposed netting either face onto its proposed location or are at right angles to it. Consequently, their principle external amenity space does not directly face the proposed netting.

It is an objective set out within Local Plan policy DG4 for new residential developments to ensure that houses have a quality of amenity which allows residents to feel at ease within their homes and gardens.

Policy DG1 of the Local Plan also states that development should –  
(f) be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent parts of buildings relate well to adjoining buildings, spaces and to human scale,  
(g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and surrounding townscape.

It is considered that these objectives are relevant considerations in respect of the proposed netting and supporting structures.

Given the limited extent of the proposed netting, and its location on the other side of an existing tree belt from the nearest residential properties it is not considered that the proposal would be so overbearing as to significantly adversely affect the residential amenity of the occupants of nearby properties, nor their ability to feel at ease within their gardens. Indeed, it could be argued that the presence of the netting would enhance this by the protection that it would give from stray golf balls.

Whilst the netting will be higher than the surrounding trees and neighbouring buildings it is relatively limited in extent. It is considered that the benefits of protecting people and property from stray golf balls outweighs the limited visual impact of the netting on the character and appearance of the locality.

### Ecological Impact

Whilst some concerns have been raised regarding the impact of the proposed netting on birds/bats it should be noted that similar netting protection features exist throughout the UK, predominantly around sporting facilities to prevent balls from leaving those venues and does not appear to pose a significant hazard to birds/bats with this type of netting detectable by bats. The length of the netting is limited compared to the overall length of the tree belt along this boundary and it is not considered that there would be any significant adverse ecological impact that would warrant refusal of this application.

### Delegation Briefing (02/05/2017)

Members noted that 8 letters of representation had been received and that in response to those officers were seeking clarification from the Golf Club that the proposals would effectively solve the problem of stray balls in this location. Members accepted the officer recommendation that subject to receiving this confirmation, and a condition relating to additional landscaping, given the limited stretch of netting involved the proposal was acceptable and supported approval under delegated powers.

After the Delegation Briefing meeting further letters of representation were received and in the light of these officers considered it appropriate that the application be determined by the Council's Planning Committee.

### Conclusion

In response to concerns about whether the proposal would provide an effective solution to stray golf balls in this location further clarification was sought from the Golf Club's specialist advisors. Mackenzie & Ebert (International Golf Course Architects) have subsequently confirmed as follows –

*“Following a review of the 9<sup>th</sup> Hole, we have been requested by EGCC & Heritage Homes to update our advice.*

*Since the application for fencing was lodged a few months ago in 2017, considerable further efforts have been made by EGCC under the guidance of Mackenzie & Ebert to reduce the issue of balls leaving the golf course and reaching Mr and Mrs Russell's garden in Plot 15 Holland Park (Phase 1). This package of measures is designed to work in*



conjunction with the proposed nets as well as having a positive impact without them and include the following:

1. *Re-aligning tees for the 9<sup>th</sup> hole tucking them much tighter to the boundary and trialing moving the yellow tee forward so that the proposed netting works more effectively and the direction of aim is further away from the adjoining dwellings.*
2. *Careful selective work to free room on the right of the hole giving a much better line of sight and encouraging golfers to hit away from the boundary.*
3. *The removal of a bank to make the right of the hole more visible, thus encouraging golfers to hit away from the boundary*

*When combined with the limited proposed netting strategically placed on the golf course side of the conifer boundary trees so as to conceal all but the top of the nets, these measure amount to an effective combined package to mitigate the problem and should together provide an effective solution.*

*Whilst these measure alone will not totally eliminate the problem, first indications are that it is being reduced quite significantly and when combined with the nets, it will provide a long term solution to allow the Club to continue to play safely and provide a golf course that is capable of competing for business in the local market.*

*For that reason our recommendation is that the nets be given permission for the above reasons as soon as possible.”*

Consequently, it is considered that the protection benefits of the proposal outweigh any adverse limited visual impacts of the proposal and therefore the officer recommendation is one of approval.

## **RECOMMENDATION**

Approval 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. Approved drawings.
- 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 February and 27th March 20 (dwg. nos EGCC - Nets Loc Plan, 9th Hole Netting Survey Site Plan, 9th Hole Netting Survey Elevation, tower base foundation details, and tower elevation) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to the installation of the protective netting hereby approved a landscaping scheme shall be submitted to and be approved in writing by, the Local Planning Authority. The landscaping scheme shall include details of a timeframe for its implementation and on-

going maintenance arrangements. Thereafter the development shall be implemented in accordance with the approved landscaping scheme.

**Reason:** In the interests of the visual amenities of 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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**HERITAGE**  
**HOMES**

1A NEWTON CENTRE, THORVERTON ROAD,  
 MATFORD, EXETER, EX2 8GN  
 Tel: 01392 829900 Fax: 01392 829901  
 Email: plans@heritagesouthwest.co.uk

Project  
 EGCC GOLF COURSE  
 Off Old Rydon Lane  
 Exeter

Drawing  
 NETS Location Plan

Date	Scale	Drawn
Feb 2017	1:1250	DSL
Drawing No.	Rev	
EGCC - NETS LOC PLAN		

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# Agenda Item 9

**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:** 17/1126/FUL  
**APPLICANT:** Mr & Mrs Wiley  
**PROPOSAL:** Ground floor rear extension and front porch  
**LOCATION:** 16A Monmouth Street  
Topsham  
Exeter  
Devon  
EX3 0AJ

**REGISTRATION DATE:** 05/07/2017

**EXPIRY DATE:**

## **SITE HISTORY**

Reference	Proposal	Decision	Decision Date
17/1378/CAT	T1 - Apple - Fell T2 - Laburnum - Reduce by 6ft to 12ft	PER	08.09.2017
11/1415/FUL	Replacement ground floor extensions on north east, north west and south west elevations and glazed porch on south east elevation.	PER	19.10.2011

## **DESCRIPTION OF SITE/PROPOSAL**

The application relates to a two storey detached dwelling within the Topsham Conservation Area. The property is characterised by its rendered walls and hipped slate roof. Some of the character of the original building has been lost through the insertion of uPVC windows. The front of the property is dominated by a paved area for car parking leading to a garage with flat roof. At the rear, there is a substantial garden. The property has been extended in the past to the rear (4 metres in depth), and on the side elevation adjacent to No. 16 Monmouth Street.

This application initially sought a ground floor rear extension 10 metres in depth, in addition to other alterations. Owing to negotiation, the application under consideration now seeks planning permission for a ground floor rear extension, 3 metres in depth, with a pitched and hipped roof, 2.2 metres to eaves, 3.6 metres ridge height. Including the previous extension approved in 2011, the rear extension would total 7 metres in depth. The proposal also seeks to infill the space between the existing garage and kitchen to create further living space, replace the garage roof with a hipped lean to style roof, install a glass canopy to link the kitchen and garage doors, enlarge the porch by 1.5m in depth, install a flue at the rear of the property, and the addition of a number of rooflights.

## CONSULTATIONS

Exeter City Council Environmental Health commented on the following:

1. Condition recommended to restrict construction and demolition hours.
2. Informative - The site is not within a Smoke Control Area but the applicant should be advised of potential for solid fuel fires and stoves to cause a nuisance to neighbours by means of smoke, fumes or odour.

## REPRESENTATIONS

24 objections were received to the original plans and 16 objections to revised plans. The main points include:

- ☒ The development is out of scale and proportion with existing dwelling within a Conservation Area
- ☒ The existing extension exceeds the limit expressed in the Supplementary Planning Document – Householder's Guide to Extension Design
- ☒ Increased footprint of original property by 80-120% depending on whether the garage is included in the figures
- ☒ Poorly designed porch that is out of scale with original house; will cause difficulties accessing garage, and would detract from street view in conservation area
- ☒ Loss of privacy for immediate neighbouring properties
- ☒ Full length garden and porch windows will result in overlooking and a loss of privacy which will have a detrimental impact upon the enjoyment and amenity of the home and garden at 16B Monmouth Street
- ☒ The development will cause immediate neighbouring properties to experience a claustrophobic atmosphere
- ☒ Extension will reduce sunlight to 16 Monmouth Street and the ridge height will make 16 Monmouth Street feel much colder due to the increase in height of the sunline
- ☒ Devastating visual impact upon sensitive streetscene of Monmouth Street
- ☒ Such a large development would have a detrimental effect on the locality as a whole
- ☒ Negative impact on sky scape
- ☒ Visible from Monmouth Avenue
- ☒ Sets a dangerous precedent for future development/back garden development within a conservation area
- ☒ Proposal goes beyond the rear building line of neighbouring properties
- ☒ Loss of garden space in an area where back gardens are an important feature
- ☒ Loss of garden space will result in a loss of natural drainage
- ☒ Loss of trees – apple tree removed
- ☒ Removal of chimney stack without permission
- ☒ Flue is an incongruous development in a conservation area
- ☒ New flue would be detrimental to the air quality of the street
- ☒ Damage to wildlife and biodiversity
- ☒ Light pollution from rooflights
- ☒ Noise pollution from additional hard roof surface

- ☒ Lack of communication with neighbours by applicants
- ☒ Party wall matters
- ☒ The roof is contrived and will be difficult to build
- ☒ Proposal would prevent extension of neighbouring property (16 Monmouth Street)
- ☒ The current side extension cannot be maintained without trespassing and this will be exacerbated by this scheme

### PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance: National Planning Policy Framework

Core Planning Principles 4 and 10

Sections 7 (Requiring good design) and 12 (conserving and enhancing the historic environment)  
– notably paragraphs 132-134

Exeter Local Development Framework Core Strategy  
Objectives 8 and 9

Exeter Local Plan First Review 1995-2011

C1 - Conservation areas

DG1 – Objectives of urban design

DG4 – Residential Layout and amenity

Exeter City Council Supplementary Planning Documents

Householder's Guide to Extension Design (2008)

Topsham Conservation Area Appraisal and Management Plan (2009)

### OBSERVATIONS

In assessing the acceptability of the proposal, the Council has taken account of the policies contained in its development plan. The relevant ones are listed above. Paragraphs 133 and 134 of the National Planning Policy Framework, outline that the Council must assess whether the proposals would result in 'substantial' or 'less than substantial harm to the significance of the designated heritage asset'.

The original scheme that was submitted with this application was for a 10 metres long rear extension. It was considered to be significantly out of proportion with the property and therefore harmful to its character and appearance, and thus lead to less than substantial harm to the conservation area heritage asset. As such, negotiation led to revised plans which propose a ground floor single storey rear extension, 3 metres in depth, totalling 7 metres when taking in the 4 metres previously extended and approved in 2011 (planning ref: 11/1415/FUL). The revised plans under review for application 17/1126/FUL are considered to be in proportion with the existing dwellinghouse and subsequently not cause any harm to the character of the conservation area.

It is acknowledged that the proposal now under consideration is a large extension, enlarging a previous extension and exceeding the maximum recommended in the SPD. However, in this instance, the Council does not consider the depth arising from the additional 3 metres proposed

to be out of proportion with the existing dwellinghouse. Furthermore, owing to the size of the rear garden at No. 16a, the proposed extension is not considered to contribute to a substantial loss of garden, noted to be a character of the area.

The extension approved in 2011 was noted to exceed the 3.5 metres maximum, as set out in the Council's household extensions SPD, but at that time the Council identified no significant adverse impact on neighbouring residential amenities. With respect to the additional 3 metres proposed in this amended scheme, the Council has also concluded that there is no significant negative impact on neighbouring amenity. The case officer and a senior colleague have visited the application site and both neighbouring properties to assess the proposals. 16A and 16B Monmouth Street are detached properties; No. 16 is part of a pair of semi-detached dwellings with No. 17. All three properties are located in large plots and there is a reasonable degree of space between them. In respect of the impact on No. 16, an existing high garden wall on the boundary means that the roof of the extension would be the main source of the additional impact on the property. This would slope away from No. 16 and be hipped at the far end. With regard to No. 16B it is the case that the extension would be visible from a section of the patio doors at the rear of the property and that it would result in some limited overshadowing of the patio in the early morning. However, in both cases, it would be hard to conclude that the impacts would be so substantial that they would result in significant adverse harm to neighbouring residential amenities, particularly in terms of loss of light and outlook, or would affect the ability of existing and future occupiers of those properties to feel at ease in their homes and gardens.

While the revised scheme will present some impact, the Council is unable to identify any significant overbearing, overshadowing, or overlooking concerns presented to either adjacent neighbour. The rooflights are too high to present a privacy issue, and the full length garden windows present no greater threat to privacy than standing in the garden of the property. The porch windows face hallways windows at the neighbouring property, and, as this is not a living space, is not viewed to present a privacy concern. Furthermore, any boundary or party wall issues presented are civil matters to be resolved between neighbours and fall outside of planning law.

The other proposals, including:

- ☐ infilling the space between the existing garage and kitchen to create further living space
- ☐ replacing the garage roof with a hipped lean to style roof
- ☐ installing a glass canopy to link the kitchen and garage doors
- ☐ enlarging the porch by 1.5m in depth
- ☐ installing a flue at the rear of the property
- ☐ addition of rooflights

represent fairly minor alterations to the building and neither give rise to any local policy conflicts or identifiable harm to visual and residential amenity. The Council agreed that the original



location of the flue had potential to cause a nuisance and negotiated relocation to the rear of the property, and owing to this, the flue falls within Permitted Development limits.

The proposed rear extension was not identified to have a significant impact on any street scene. While it will be visible from certain points, the height and style of roof are set to minimise this. The site is some 17 metres from the nearest point along Monmouth Avenue where concerns have been raised. The distance and extent of visibility is not considered to present harm to this street scene.

In respect of this extension setting a precedent or affecting other planning applications, all applications are reviewed individually and on their own merit. The outcome of this application does not serve to pre-determine the outcome of another.

The Council considers the removal of the chimney stack to fall within permitted development and thus not requiring planning permission. This was confirmed to the applicants by an officer in December 2017, prior to the chimney works beginning in early 2018.

It is also worth noting that the removal of the apple tree was permitted under application 17/1378/CAT following an assessment by the Council's Senior Arboricultural Officer.

Concerns raised regarding inaccuracies in the Design and Access Statement and the site location plan have been addressed and the documents revised.

The impact of this proposal upon neighbours and the conservation area is considered minimal following the amendments. While it is a large extension, and goes beyond the recommended maximum depth as outlined in the Householder's Guide to Extension Design SPD, it is considered acceptable owing to the large plot it is sited within, the size and design being in proportion with the dwellinghouse, and the lack of any significant harm to the amenity of adjacent neighbouring properties or the character of the conservation area. As such, the proposal is recommended for approval.

## **RECOMMENDATION**

**Approve** with 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 5 July 2017 (including revised Design and Access Statement received 5 January 2018; dwg. nos 7528-01; 7528-14 Rev C; 7528-15 Rev C) as modified by other conditions of this consent.

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

3) 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 8am 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.

## **INFORMATIVES**

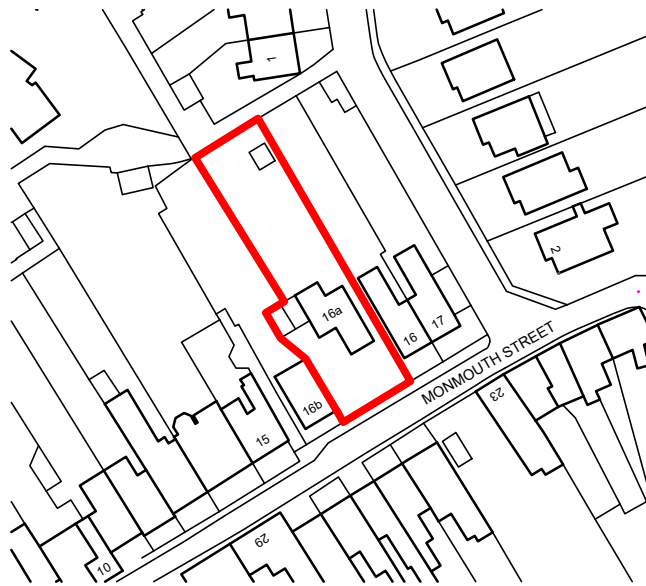
**1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.**

**2) This site is not located within a Smoke Control Area and so there is no requirement on the type of appliance that can be installed or the type of fuel that can be burnt. The applicant should be advised however of the potential for solid fuel fires and stoves to cause a nuisance to neighbours by means of smoke, fumes or odour if they do not burn cleanly or dispersion from the chimney is poor.**

*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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THE LAURELS, 16A MONMOUTH STREET,  
TOPSHAM, EX3 0AJ

**ara**  
architecture

39 Rolle Street, Exmouth, Devon, EX8 2SN  
tel: (01395) 271619 fax: (01395) 270386

Location Plan

Job No 7528 - LP

Scale 1:1250 @ A4

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**REPORT TO: PLANNING COMMITTEE**

**Date of Meeting: 12 February 2018**

**Report of: City Development Manager**

**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 Asst City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to Planning Committee meeting.

2.2 Members are asked to note the report.

**3 PLANNING APPLICATION CODES**

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

OUT	Outline Planning Permission
RES	Approval of Reserved Matters
FUL	Full Planning Permission
TPO	Works to Tree(s) with Preservation Order
ADV	Advertisement Consent
CAT	Works to Tree(s) in Conservation Area
LBC	Listed Building Consent
ECC	Exeter City Council Regulation 3
LED	Lawfulness of Existing Use/Development
LPD	Certificate of Proposed Use/Development
TEL	Telecommunication Apparatus Determination
CMA	County Matter Application
CTY	Devon County Council Application
MDO	Modification and Discharge of Planning Obligation Regulations
NMA	Non Material Amendment
EXT	Extension to Extant Planning Consent
PD	Extension - Prior Approval
PDJ	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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## All Planning Decisions Made and Withdrawn Applications between 23/11/2017 and 01/02/2018

### Alphington

Application Number:	17/0616/FUL	Delegation Briefing:	11/05/2017	
Decision Type:	Permitted	Decision Date:	30/11/2017	Delegated Decision
Location:	Balls Farm, Balls Farm Road, Ide, Exeter, EX2 9RA			
Proposal:	Conversion and extension of existing garage and storage building to form a 1 storey dwelling with pitch roof			
Application Number:	17/0924/FUL	Delegation Briefing:	10/08/2017	
Decision Type:	Permitted	Decision Date:	29/01/2018	Delegated Decision
Location:	Dunns Business Centre11 Trusham RoadMarsh Barton Trading EstateExeterEX2 8RL			
Proposal:	The decommissioning of existing underground fuel tanks and the installation of a new 100,000 litre capacity underground fuel tank with replacement above ground tanker delivery fills and tank vent stack.			
Application Number:	17/0925/ADV	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	17/01/2018	Delegated Decision
Location:	Units 1-4, Alphington Retail Park, Marsh Green Road West, Marsh Barton Trading Estate, Exet			
Proposal:	Tenant estate board signage to be pole mounted			
Application Number:	17/1215/FUL	Delegation Briefing:	24/08/2017	
Decision Type:	Permitted	Decision Date:	29/11/2017	Delegated Decision
Location:	Husseys Auction CentreMatford Park RoadExeterEX2 8FD			
Proposal:	Construction of a new business/household storage facility, new access, car parking and associated landscaping.			
Application Number:	17/1394/ADV	Delegation Briefing:		
Decision Type:	Split Decision	Decision Date:	30/11/2017	Delegated Decision
Location:	103 Grace Road WestExeterDevon			
Proposal:	New signage			

## Alphington

Application Number:	17/1405/FUL	Delegation Briefing:	26/10/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	24/11/2017	Delegated Decision
Location:	Land At Crabb LaneIdeExeterDevon			
Proposal:	Construction of agricultural building for the housing of livestock			
Application Number:	17/1406/FUL	Delegation Briefing:	26/10/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	24/11/2017	Delegated Decision
Location:	Land At Crabb LaneIdeExeterEX2			
Proposal:	Construction of detached bungalow			
Application Number:	17/1521/FUL	Delegation Briefing:	21/12/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	22/01/2018	Delegated Decision
Location:	3 Midway TerraceExeterDevonEX2 8UY			
Proposal:	Detached bungalow on land opposite 3 Midway Terrace			
Application Number:	17/1525/DIS	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	27/11/2017	Delegated Decision
Location:	The Gym Unit 2, Retail Park CloseExeterEX2 8LH			
Proposal:	Discharge of conditions 4 (sound insulation), 5 (plant), 6 (disability spaces), 7 (staff cycle parking) and 8 (visitor cycle parking) of pp. 17/0234/03 - Change of use of existing building from A1 retail to D2 health and fitness use, associated works including new cycle parking.			
Application Number:	17/1583/FUL	Delegation Briefing:	07/12/2017	
Decision Type:	Permitted	Decision Date:	02/01/2018	Delegated Decision
Location:	21 Myrtle CloseExeterDevonEX2 8UX			
Proposal:	Demolition of existing garage and porch and replacement with a single storey side extension consisting of an entrance porch, shower room and office/study.			



## Alphington

Application Number: 17/1588/MDO Delegation Briefing:

Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision

Location: Northcott WarehouseHaven RoadExeter

Proposal: Modification of planning obligation by varying the charging and mortgagee clause in the original obligation (clause 3.6)

Application Number: 17/1722/FUL Delegation Briefing: 21/12/2017

Decision Type: Permitted Decision Date: 16/01/2018 Delegated Decision

Location: 39 Woodbury ViewExeterDevonEX2 9JQ

Proposal: Two storey side extension

Application Number: 17/1798/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: WestoverLittle Johns Cross HillExeterDevonEX2 9PJ

Proposal: removal of two oak trees - may cause damage

Application Number: 17/1800/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 07/12/2017 Delegated Decision

Location: 93 Ebrington RoadExeterDevonEX2 8JR

Proposal: T1 Horse Chestnut - to be felled due to significant basal decay

Application Number: 17/1882/PD Delegation Briefing:

Decision Type: Permission not required Decision Date: 05/01/2018 Delegated Decision

Location: 33 Courtenay RoadExeterDevonEX2 8JT

Proposal: Construction of side return infill extension; Maximum Depth 3.7 metres; Maximum Height 3.9 metres; Maximum Height to Eaves 2.8 metres,

## Alphington

Application Number:	17/1944/PD	Delegation Briefing:		
Decision Type:	Prior Approval Not Required	Decision Date:	31/01/2018	Delegated Decision
Location:	9 Parkway Exeter Devon EX2 9NE			
Proposal:	Demolition of existing conservatory and extension 12m2			

## Cowick

Application Number:	16/0311/ECC	Delegation Briefing:	24/03/2016	
Decision Type:	Permitted	Decision Date:	19/01/2018	Committee Decision
Location:	102 Merrivale Road, Exeter, EX4 1PW			
Proposal:	Reconstruct dwelling along with 2 storey rear extension and front porch			

## Duryard And St James

Application Number:	17/0853/FUL	Delegation Briefing:	15/06/2017	
Decision Type:	Permitted	Decision Date:	10/01/2018	Delegated Decision
Location:	Gilgarran, Lodge Hill, Exeter, EX4 4AB			
Proposal:	Development of dwellinghouse.			

Application Number:	17/1240/FUL	Delegation Briefing:	09/11/2017	
Decision Type:	Permitted	Decision Date:	01/12/2017	Delegated Decision
Location:	41 West Avenue Exeter Devon EX4 4SD			
Proposal:	Replacement of existing pre-fabricated garage with a new brick and tiled garage			

Application Number:	17/1451/FUL	Delegation Briefing:	05/10/2017	
Decision Type:	Permitted	Decision Date:	23/11/2017	Delegated Decision
Location:	2 The Courtyard 48 New North Road Exeter Devon EX4 4EP			
Proposal:	New window openings and replacement of all existing timber windows with powder-coated aluminium units.			

## Duryard And St James

Application Number:	17/1589/MDO	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	20/12/2017	Delegated Decision
Location:	Land At Eveleighs Garage Acland Road/King William Street Exeter			
Proposal:	Modification of planning obligation by varying the charging and mortgagee clauses in the original obligation (clauses 3.2 and clause 5)			
Application Number:	17/1596/FUL	Delegation Briefing:	14/12/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	31/01/2018	Delegated Decision
Location:	Clock Tower Hotel 16 New North Road Exeter Devon EX4 4HF			
Proposal:	Change of use from hotel (C1 use) to 18-bed House in Multiple Occupation			
Application Number:	17/1700/FUL	Delegation Briefing:	23/11/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	18/12/2017	Delegated Decision
Location:	52 Danes Road Exeter Devon EX4 4LS			
Proposal:	Raised ridgeline, loft conversion and construction of flat roof dormer extension.			
Application Number:	17/1702/LBC	Delegation Briefing:	16/11/2017	
Decision Type:	Permitted	Decision Date:	11/12/2017	Delegated Decision
Location:	12 Howell Road Exeter Devon EX4 4LG			
Proposal:	Replace section of glazed pitched roof in rear extension with natural slate covering and 3no. heritage roof light windows.			
Application Number:	17/1704/FUL	Delegation Briefing:	16/11/2017	
Decision Type:	Permitted	Decision Date:	20/12/2017	Delegated Decision
Location:	7 Devonshire Place Exeter Devon EX4 6JA			
Proposal:	Remove a 1.3m gate post and a front wall between 0.00 and 20 cm high to open driveway for car access			

## Duryard And St James

Application Number: 17/1723/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 29/01/2018 Delegated Decision  
Location: Clayden University Of Exeter Streatham Drive Exeter Devon  
Proposal: Discharge of conditions 3 (Materials); 4 (Landscaping) and 6 (CEMP) of planning permission 17/1144/FUL granted consent on 8 September 2017.

Application Number: 17/1766/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 04/12/2017 Delegated Decision  
Location: Hope Hall Prince Of Wales Road Exeter Devon EX4 4PL  
Proposal: Discharge of conditions 3 (Construction Method Statement), 4 (surface water drainage), 5 (service runs) & 7 (tree protection fencing) of pp. 17/1087/FUL - New family centre building.

Application Number: 17/1801/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision  
Location: Norwood House Pennsylvania Road Exeter Devon EX4 6TR  
Proposal: Works to 2 no trees, T1 Beech and T2 Hawthorn

Application Number: 17/1815/FUL Delegation Briefing: 04/01/2018  
Decision Type: Permitted Decision Date: 15/01/2018 Delegated Decision  
Location: 31 Edgerton Park Road Exeter Devon EX4 6DD  
Proposal: Two-storey rear extension

Application Number: 17/1872/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 21/12/2017 Delegated Decision  
Location: Unit B35-36 Sidwell Street Exeter Devon EX4 6NS  
Proposal: 1 internally illuminated flex face sign; 1 double sided shaped internally illuminated projecting sign

## Duryard And St James

Application Number:	17/1892/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	17/01/2018	Delegated Decision
Location:	Land Adjacent To, 157 Pennsylvania Road, Exeter, EX4			
Proposal:	Non-material amendments sought to approved scheme (ref. 17/0302/02) to change external finish of ground floor and detached garage walls, relocate and enlarge detached garage, alter driveway layout and front boundary screening.			

Application Number:	18/0001/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	17/01/2018	Delegated Decision
Location:	2 Velwell Road Exeter Devon EX4 4LE			
Proposal:	T1 Cherry - reduce crown by 1 metre			

## Exwick

Application Number:	17/1372/FUL	Delegation Briefing:	26/10/2017	
Decision Type:	Permitted	Decision Date:	06/12/2017	Delegated Decision
Location:	67A John Levers Way Exeter Devon EX4 1DZ			
Proposal:	Conversion of ground floor office into 1-bed flat.			

Application Number:	17/1660/FUL	Delegation Briefing:	23/11/2017	
Decision Type:	Permitted	Decision Date:	18/12/2017	Delegated Decision
Location:	10-32 Cleve Road (even Numbers) Exeter EX4 2BN			
Proposal:	Replacement of aluminium windows and composite doors with UPVC equivalents on front and rear elevations and structural opening amendments to rear elevation.			

Application Number:	17/1764/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	09/01/2018	Delegated Decision
Location:	22 Lincoln Road Exeter EX4 2EA			
Proposal:	To reduce window depth (to raise sill levels) on the lounge and dining room windows at ground-floor level to the East elevation			

## Heavitree

## Heavitree

Application Number: 17/1187/FUL Delegation Briefing: 14/09/2017  
Decision Type: Permitted Decision Date: 04/12/2017 Delegated Decision  
Location: 63 Roseland Avenue Exeter Devon EX1 2TN  
Proposal: Remove existing extension and construction of new rear single storey extension with a mono-pitch roof and steps to the garden.

Application Number: 17/1470/LBC Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 05/01/2018 Delegated Decision  
Location: 104A Fore Street Heavitree Exeter Devon EX1 2RS  
Proposal: Like for like replacement of 2 front elevation sash windows

Application Number: 17/1498/FUL Delegation Briefing: 30/11/2017  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision  
Location: 64 Sweetbrier Lane Exeter Devon EX1 3AQ  
Proposal: Single storey rear extension with decking

Application Number: 17/1506/FUL Delegation Briefing: 21/12/2017  
Decision Type: Permitted Decision Date: 17/01/2018 Delegated Decision  
Location: 79 East Wonford Hill Exeter Devon EX1 3DB  
Proposal: Replacement single storey rear extension and detached garage.

Application Number: 17/1611/FUL Delegation Briefing: 30/11/2017  
Decision Type: Permitted Decision Date: 11/01/2018 Delegated Decision  
Location: 26 Alpha Street Exeter Devon EX1 2SP  
Proposal: Two storey rear extension

## Heavitree

Application Number:	17/1653/FUL	Delegation Briefing:	09/11/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	14/12/2017	Delegated Decision
Location:	City VetsRosary House27 Fore StreetHeavitreeExeterDevonEX1 2QJ			
Proposal:	Two storey extension, infill courtyard to create kennels, single storey extension to replace existing store rooms			
Application Number:	17/1670/FUL	Delegation Briefing:	02/11/2017	
Decision Type:	Permitted	Decision Date:	12/01/2018	Delegated Decision
Location:	55 Polsloe RoadExeterDevonEX1 2DS			
Proposal:	Changes to block of garages in South Avenue			
Application Number:	17/1687/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	27/11/2017	Delegated Decision
Location:	26 Chard RoadExeterDevonEX1 3AX			
Proposal:	Existing flat roof replaced with pitched roof. Drainage will utilise existing.			
Application Number:	17/1727/FUL	Delegation Briefing:	09/11/2017	
Decision Type:	Permitted	Decision Date:	04/12/2017	Delegated Decision
Location:	97 Chard RoadExeterDevonEX1 3AY			
Proposal:	Rear Ground Floor extension (4m deep x 3.2m max height x 2.8m to eaves)			
Application Number:	17/1732/FUL	Delegation Briefing:	16/11/2017	
Decision Type:	Permitted	Decision Date:	12/12/2017	Delegated Decision
Location:	67 Whipton LaneExeterDevonEX1 3DL			
Proposal:	Addition of loft conversion to new dwelling on land adj. to 67 Whipton Lane			
Application Number:	17/1741/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	01/12/2017	Delegated Decision
Location:	2A North AvenueExeterDevonEX1 2DU			
Proposal:	T1 - Horse Chestnut, to be cut back to relieve weight on nearby telephone wires			

## Heavitree

Application Number: 17/1802/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision  
Location: 38 Polsloe Road Exeter Devon EX1 2DW  
Proposal: T1 Silver Birch - to be felled

Application Number: 17/1816/FUL Delegation Briefing:  
Decision Type: Withdrawn by Applicant Decision Date: 30/01/2018 Delegated Decision  
Location: 57 Roseland Avenue Exeter Devon EX1 2TN  
Proposal: Demolish garage and provide outbuilding

Application Number: 17/1848/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 07/12/2017 Delegated Decision  
Location: Mowbray Court Butts Road Exeter Devon EX2 5TQ  
Proposal: T1 - Cherry - Remove lower whorl of branches. Maximum Diameter cuts of 100mm. T2 - Tulip Tree - Reduce height by approximately 25%. Maximum diameter cuts of 50mm. T3 - Lime - Fell and replant with ornamental pear. T4 - Cypress - Fell. G1 - Birches - Crown raise to 3 metres above ground level. Maximum diameter cuts of 50mm. Thin crown by 20%. Maximum diameter cuts of 25mm.

Application Number: 17/1867/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 07/12/2017 Delegated Decision  
Location: St Johns Villas Sivell Place Exeter Devon EX2 5ES  
Proposal: T1 Holly - to be felled as damaging wall and preventing completion of fencing, T2 Acer Palmatum - replacement to be planted

Application Number: 17/1929/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 13/12/2017 Delegated Decision  
Location: 10 North Avenue Exeter Devon EX1 2DU  
Proposal: Works to 30m Conifer in back garden.

## Mincinglake And Whipton



## Mincinglake And Whipton

Application Number: 17/1507/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 05/01/2018 Delegated Decision  
Location: 79 Iolanthe Drive Exeter Devon EX4 9DZ  
Proposal: Single Storey Rear Extension

Application Number: 17/1576/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 06/12/2017 Delegated Decision  
Location: 10 Headland Crescent Exeter Devon EX1 3NP  
Proposal: Removal of front garden wall and paving of front garden to form driveway.

Application Number: 17/1709/FUL Delegation Briefing: 07/12/2017  
Decision Type: Permitted Decision Date: 15/01/2018 Delegated Decision  
Location: The Edge Stoke Hill Exeter Devon EX4 9JN  
Proposal: Two storey side extension, ground floor rear extension, conversion of integral garages into additional accommodation and new detached garage building

Application Number: 17/1724/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 05/12/2017 Delegated Decision  
Location: 10 Mile Lane Exeter Devon EX4 9AA  
Proposal: First floor extension over garage and rear utility/conservatory with balcony

Application Number: 17/1905/TPO Delegation Briefing:  
Decision Type: Permitted Decision Date: 05/01/2018 Delegated Decision  
Location: 9 Woolsery Close Whipton Exeter EX4 8BN  
Proposal: T1 - Oak - To crown reduce and crown lift a small amount of snall branches.

Application Number: 17/1940/AGF Delegation Briefing:  
Decision Type: Prior Approval Not Required Decision Date: 10/01/2018 Delegated Decision  
Location: Land Off Stoke Hill  
Proposal: Prior approval for agricultural building for storage of produce and machinery

## Newtown And St Leonards

Application Number: 17/1174/FUL Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision

Location: 66 Magdalen RoadExeterDevonEX2 4TN

Proposal: Loft Conversion and internal works

Application Number: 17/1311/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 18/01/2018 Delegated Decision

Location: Land North Of Exeter Small Bore Rifle ClubClifton HillExeterEX1 2DJ

Proposal: Temporary permission for two portacabin units for Scrapstore storage for a period of three years.

Application Number: 17/1330/LBC Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision

Location: 66 Magdalen RoadExeterDevonEX2 4TN

Proposal: Loft Conversion and internal works

Application Number: 17/1530/FUL Delegation Briefing: 26/10/2017  
Decision Type: Permitted Decision Date: 06/12/2017 Delegated Decision

Location: Magdalen Court SchoolVictoria Park RoadExeterDevonEX2 4NU

Proposal: Installation of astro-turf sports facility on north-west part of site with associated green mesh fencing, netting and timber panelling

Application Number: 17/1606/FUL Delegation Briefing: 07/12/2017  
Decision Type: Permitted Decision Date: 03/01/2018 Delegated Decision

Location: 11 Lyndhurst RoadExeterDevonEX2 4PA

Proposal: Alteration of windows and doors on SW and rear elevations; access ramps on SW and rear elevations, rear raised terrace, plus internal alterations

## Newtown And St Leonards

Application Number:	17/1607/LBC	Delegation Briefing:	07/12/2017	
Decision Type:	Permitted	Decision Date:	03/01/2018	Delegated Decision
Location:	11 Lyndhurst RoadExeterDevonEX2 4PA			
Proposal:	Alteration of windows and doors on SW and rear elevations; access ramps on SW and rear elevations, rear raised terrace, plus internal alterations			
Application Number:	17/1645/LBC	Delegation Briefing:	07/12/2017	
Decision Type:	Permitted	Decision Date:	04/01/2018	Delegated Decision
Location:	13A Lyndhurst RoadExeterDevonEX2 4PA			
Proposal:	Replace/part replace 6 sash windows; install 2 conservation roof lights; and internal alterations			
Application Number:	17/1681/FUL	Delegation Briefing:	14/12/2017	
Decision Type:	Permitted	Decision Date:	29/01/2018	Delegated Decision
Location:	Exeter SchoolVictoria Park RoadExeterDevonEX2 4NS			
Proposal:	Proposed removal of existing groundskeeping storage and workshop facilities and construction of groundskeeping and sports facilities with associated works			
Application Number:	17/1694/FUL	Delegation Briefing:	23/11/2017	
Decision Type:	Permitted	Decision Date:	15/12/2017	Delegated Decision
Location:	14 Alexandra TerraceExeterDevonEX4 6SY			
Proposal:	Replacement Garage			
Application Number:	17/1710/LED	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	24/11/2017	Delegated Decision
Location:	Grosvenor Cottage7 Grosvenor PlaceExeterDevonEX1 2HJ			
Proposal:	Certificate of Lawfulness of existing use of dwelling house as House in Multiple Occupation (HMO) by 3-6 residents (Class C4)			

## Newtown And St Leonards

Application Number: 17/1719/FUL Delegation Briefing: 14/12/2017  
 Decision Type: Permitted Decision Date: 08/01/2018 Delegated Decision  
 Location: 14 College RoadExeterDevonEX1 1TE  
 Proposal: Single storey rear extension

Application Number: 17/1720/CAT Delegation Briefing:  
 Decision Type: Permitted Decision Date: 08/12/2017 Delegated Decision  
 Location: MulgroveMatford RoadExeterDevonEX2 4PE  
 Proposal: Ash: Fell, large branch already dead in danger of falling onto treehouse.Ash: 30% crown reduction to allow light into garden.

Application Number: 17/1735/DIS Delegation Briefing:  
 Decision Type: Permitted Decision Date: 19/12/2017 Delegated Decision  
 Location: 79 Heavitree RoadExeterEX1 2LX  
 Proposal: Discharge of Condition 13 of Application Number 17/0459/FUL

Application Number: 17/1757/CAT Delegation Briefing:  
 Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision  
 Location: Grendon Almshouses Grendon RoadEX1 2NJ  
 Proposal: Corkscrew willow - fell as growing to close to wall and footpath

Application Number: 17/1881/CAT Delegation Briefing:  
 Decision Type: Permitted Decision Date: 04/01/2018 Delegated Decision  
 Location: 62 Wonford RoadExeterDevonEX2 4LQ  
 Proposal: T1, Fig - reduce height by 2 - 3m and spread by 1m to leave a natural form.

Application Number: 17/1913/FUL Delegation Briefing: 14/12/2017  
 Decision Type: Permitted Decision Date: 16/01/2018 Delegated Decision  
 Location: 2 Baring CrescentExeterDevonEX1 1TL  
 Proposal: Two storey side extension, front single storey extension with porch at rear

## Newtown And St Leonards

Application Number: 17/1918/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 04/01/2018 Delegated Decision  
Location: 10 Matford AvenueExeterDevonEX2 4PP  
Proposal: T1 T2 - Ash - Pollard to previous level

Application Number: 17/1942/TPO Delegation Briefing:  
Decision Type: Refuse Planning Permission Decision Date: 05/01/2018 Delegated Decision  
Location: 13 Leighdene CloseExeterDevonEX2 4PN  
Proposal: T1 - Norway Maple 30% reduction in crown due to overshadowing and loss of light.

Application Number: 17/1965/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 04/01/2018 Delegated Decision  
Location: 18 Matford AvenueExeterDevonEX2 4PW  
Proposal: T1 - Ash tree - reduce to previous pollard pointsT2 - Scycamore tree - reducing to same height as Ash tree

Application Number: 17/1985/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 09/01/2018 Delegated Decision  
Location: 1 Cheeke StreetExeterDevonEX1 2DD  
Proposal: 3 x Illuminated 'The Barn' Signs, 2 x Student Living Cantilever signs and 3 x Building Graphics.

Application Number: 17/1986/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 31/01/2018 Delegated Decision  
Location: Builders YardLower Albert StreetExeterDevon  
Proposal: Discharge of Conditions 3, 4, 5, 6 and 7 of Application Ref: 16/1562/FUL

## Newtown And St Leonards

Application Number: 18/0039/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 18/01/2018 Delegated Decision

Location: LarkbyVictoria Park RoadExeterDevonEX2 4NU

Proposal: T4 Fig - Prune for fruit and reduce height by 1-2m, clean poor pruning cuts. Target prune away from car park & road.T21 Holly - Fell to ground level due to proximity to road T28 Cherry Laurel - Removal of stem with crack onT35 Holm Oak - Reduce and thin branches overhanging the roadT39 Holly - Fell to ground level

Application Number: 18/0041/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 19/01/2018 Delegated Decision

Location: 52 Magdalen RoadExeterDevonEX2 4TL

Proposal: T2 Cypresses Macrocarpa - Crown reduce/ crown lift lower branches near highway.T4 Ash Weeping - Crown lift near car park and monitor for further decline.As per attached QTRA tree survey

Application Number: 18/0060/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 26/01/2018 Delegated Decision

Location: 14 Lyndhurst RoadExeterDevonEX2 4PA

Proposal: T1 - Eucalyptus to be felled, T2 - Lawson Cypress to be felled

## Pennsylvania

Application Number: 17/0683/FUL Delegation Briefing:

Decision Type: Withdrawn by Applicant Decision Date: 08/01/2018 Delegated Decision

Location: 18 Collins Road, Exeter, EX4 5DY

Proposal: Two storey side extension to existing detached house and single storey rear extension to existing detached house. 2m high timber boarded fence on boundary adjacent to Aldrin Road.

Application Number: 17/0956/FUL Delegation Briefing: 03/08/2017

Decision Type: Permitted Decision Date: 08/12/2017 Delegated Decision

Location: 1 Rosebarn AvenueExeterDevonEX4 6DY

Proposal: Extensions and alterations of existing dwellinghouse

## Pennsylvania

Application Number: 17/1213/FUL Delegation Briefing: 14/09/2017  
Decision Type: Permitted Decision Date: 12/01/2018 Delegated Decision  
Location: 32 Aldrin RoadExeterDevonEX4 5DN  
Proposal: First floor extension to existing dwelling and associated works

Application Number: 17/1231/FUL Delegation Briefing: 14/09/2017  
Decision Type: Permitted Decision Date: 19/12/2017 Delegated Decision  
Location: 44 Hamlin LaneExeterDevonEX1 2SB  
Proposal: Single storey rear and side extension

Application Number: 17/1563/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 05/01/2018 Delegated Decision  
Location: Exeter Gateway CentreMount Pleasant RoadExeterDevonEX4 7AE  
Proposal: Single storey extension and refurbishment of building

Application Number: 17/1599/FUL Delegation Briefing: 23/11/2017  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision  
Location: 10 The FairwayExeterDevonEX4 5DW  
Proposal: Single storey rear extension

Application Number: 17/1649/FUL Delegation Briefing: 30/11/2017  
Decision Type: Permitted Decision Date: 21/12/2017 Delegated Decision  
Location: 7 Elliott CloseExeterDevonEX4 5ED  
Proposal: Increase height of garden fence following alterations to ground level

Application Number: 17/1749/PD Delegation Briefing:  
Decision Type: Prior Approval Not Required Decision Date: 07/12/2017 Delegated Decision  
Location: 41 Lower Kings AvenueExeterDevonEX4 6JS  
Proposal: Single storey rear lean-to extensionDepth 3.7 metresHeight 3.85 metresHeight to eaves 2.4 metres

## Pennsylvania

Application Number: 17/1756/LPD Delegation Briefing:  
Decision Type: Was lawful use Decision Date: 11/12/2017 Delegated Decision  
Location: 9 Fulford Road Exeter Devon EX1 2UA  
Proposal: Extension to dwelling - See plans

Application Number: 17/1926/PD Delegation Briefing:  
Decision Type: Prior Approval Not Required Decision Date: 16/01/2018 Delegated Decision  
Location: 18 Jubilee Road Exeter Devon EX1 2HX  
Proposal: Single storey rear extension Maximum depth 4.8m Maximum height 2.915m Maximum height to eaves 2.915m

## Pinhoe

Application Number: 17/1314/NMA Delegation Briefing:  
Decision Type: Permitted Decision Date: 27/11/2017 Delegated Decision  
Location: Land Known As Monkerton Farm On Western And Eastern Sides Of Cumberland Way, Exeter  
Proposal: Non-material amendment to Condition 29 of Planning Permission 13/4984/01 - Condition 29 reworded to: "Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Reason: In the interests of sustainable development."

Application Number: 17/1448/FUL Delegation Briefing: 16/11/2017  
Decision Type: Permitted Decision Date: 15/12/2017 Delegated Decision  
Location: 28 Chancel Lane Exeter Devon EX4 8PY  
Proposal: Rear and side extension to semi-detached property. Single storey with flat roof. Extension to form larger kitchen and lounge, as well as new garage/ storage area and decking.



## Pinhoe

Application Number: 17/1520/FUL Delegation Briefing: 30/11/2017  
Decision Type: Permitted Decision Date: 22/12/2017 Delegated Decision  
Location: 26 Summer Lane Exeter Devon EX4 8BY  
Proposal: Raise fence along Summerway boundary

Application Number: 17/1590/FUL Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 29/11/2017 Delegated Decision  
Location: British Telecom Oberon Road Exeter Devon EX1 3QD  
Proposal: Installation of pole field training facility.

Application Number: 17/1637/FUL Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 04/12/2017 Delegated Decision  
Location: Flat First Floor Peterhayes Park Lane Exeter Devon EX4 9HQ  
Proposal: Alterations to existing access to create new visibility splay

Application Number: 17/1677/FUL Delegation Briefing: 14/12/2017  
Decision Type: Refuse Planning Permission Decision Date: 05/01/2018 Delegated Decision  
Location: 438 Pinhoe Road Exeter Devon EX4 8EW  
Proposal: Hip-to-gable extension, rear dormer and roof lights to the front.

Application Number: 17/1686/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 30/11/2017 Delegated Decision  
Location: 63 Parkers Cross Lane Exeter Devon EX1 3TA  
Proposal: First floor rear extension

## Pinhoe

Application Number: 17/1746/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 05/12/2017 Delegated Decision

Location: Flat First Floor Peterhayes Park Lane Exeter Devon EX4 9HQ

Proposal: Tree T3 (739) - dismantle and fell to ground level. Tree T4 (741) - crown reduce to a height of 18m and specified spreads. Tree T6 (745) Remove defective branch at 10m W and all deadwood.

Application Number: 17/1769/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: Flat First Floor Peterhayes Park Lane Exeter Devon EX4 9HQ

Proposal: Tree T13 (349) - crown reduce to the specified dimensions - to address structural defects.

Application Number: 18/0042/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 18/01/2018 Delegated Decision

Location: British Telecom Oberon Road Exeter Devon EX1 3QD

Proposal: Discharge of condition 3 - Car Park Management Plan - of planning approval ref. 17/1590/FUL granted 29 November 2017.

Application Number: 18/0095/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 26/01/2018 Delegated Decision

Location: 28A Oakley Close Exeter EX1 3SB

Proposal: Discharge of conditions 3, 7 and 9 pursuant of planning approval Ref. 17/0948/FUL.

## Priory

Application Number: 17/0670/FUL Delegation Briefing:

Decision Type: Permitted Decision Date: 06/12/2017 Delegated Decision

Location: Flying Horse, 8 Dryden Road, Exeter, EX2 5BS

Proposal: The construction of two dwelling houses, the improvement of surfacing and perimeter finishes, the installation of entrance gates, and windows to an existing wall.

## Priory

Application Number: 17/1524/FUL Delegation Briefing: 21/12/2017  
Decision Type: Permitted Decision Date: 17/01/2018 Delegated Decision  
Location: 22 Wilford RoadExeterDevonEX2 5LD  
Proposal: Part two storey and part single storey rear extension.

Application Number: 17/1631/LBC Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 05/12/2017 Delegated Decision  
Location: Wonford House HospitalDryden RoadExeterDevonEX2 5AF  
Proposal: Refurbishment and internal works to part ground floor.

Application Number: 17/1747/FUL Delegation Briefing: 23/11/2017  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision  
Location: 7 Mansell Copse WalkExeterDevonEX2 5GU  
Proposal: Construction of single storey rear extension and installation of four rooflights

Application Number: 17/1805/FUL Delegation Briefing: 23/11/2017  
Decision Type: Permitted Decision Date: 18/12/2017 Delegated Decision  
Location: 44 Well Oak ParkExeterDevonEX2 5BB  
Proposal: Conversion of garage to additional living accommodation including window on north-west elevation

Application Number: 17/1906/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 19/01/2018 Delegated Decision  
Location: 10 Salmonpool LaneExeterDevonEX2 4SN  
Proposal: Garage conversion and single storey side and rear extension.

Application Number: 17/1917/FUL Delegation Briefing: 21/12/2017  
Decision Type: Permitted Decision Date: 16/01/2018 Delegated Decision  
Location: 77 Burnthouse LaneExeterDevonEX2 6AZ  
Proposal: Regularisation of internal layout, changes to first floor rear windows and exterior cladding.

## Priory

Application Number: 17/1951/ADV Delegation Briefing:

Decision Type: Permitted Decision Date: 21/12/2017 Delegated Decision

Location: Pynes Hill House Pynes Hill Exeter EX2 5SP

Proposal: 1 no internally illuminated fascia sign to main pedestrian entrance.

Application Number: 18/0064/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 30/01/2018 Delegated Decision

Location: 9 Veysey Close Exeter Devon EX2 6AS

Proposal: Scots Pine T1 Suppressed specimen removed to ground level Scots Pine T2 Suppressed specimen removed to ground level Scots Pine T3 Suppressed specimen removed to ground level Poplar T4 Vehicle damaged tree removed to ground level Poplar T5 removed to ground level due to location Area replanted with mixed Japanese Acers

## St Davids

Application Number: 17/0704/FUL Delegation Briefing: 18/05/2017

Decision Type: Permitted Decision Date: 22/12/2017 Delegated Decision

Location: 48-49 High Street & 19 Cathedral Yard, Exeter, EX1 1HB

Proposal: Change of use of basement and rear ground floor of book shop (Use Class A1) to restaurant (Use Class A3) (with subdivided shop (A1) retained on High Street); change of use of upper floors above rear of book shop from offices (Use Class B1) to restaurant (Use Class A3); alterations to shopfront facing Cathedral Yard; ancillary outdoor seating area for restaurant; and installation of kitchen extraction equipment and A/C plant on roof.

Application Number: 17/0946/FUL Delegation Briefing: 22/06/2017

Decision Type: Permitted Decision Date: 21/12/2017 Committee Decision

Location: The Quay Bridge The Quay EXETER EX2

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.

## St Davids

Application Number: 17/1086/FUL Delegation Briefing: 20/07/2017  
Decision Type: Refuse Planning Permission Decision Date: 06/12/2017 Committee Decision  
Location: Exeter College Further Education Hele Road Exeter Devon EX4 4JS  
Proposal: Construction of 60 bed student accommodation building on corner of St David's Hill and Howell Road, with new pedestrian access on St David's Hill, footpath and landscaping. (Revised)

Application Number: 17/1167/ADV Delegation Briefing:  
Decision Type: Refuse Planning Permission Decision Date: 24/11/2017 Delegated Decision  
Location: 8-9 Princesshay Exeter Devon EX1 1GE  
Proposal: New External shopfront signage. New LED internally illuminated 25mm thick white acrylic with polished returns horizontal individual stacked letters reading " Superdry R". New Internal signage - 2x LED internally illuminated vertical sign lettering reading " Superdry R"

Application Number: 17/1206/FUL Delegation Briefing: 24/08/2017  
Decision Type: Refuse Planning Permission Decision Date: 24/11/2017 Delegated Decision  
Location: 8-9 Princesshay Exeter Devon EX1 1GE  
Proposal: New shopfront layout, main entrance to be changed.

Application Number: 17/1239/FUL Delegation Briefing: 21/09/2017  
Decision Type: Withdrawn by Applicant Decision Date: 30/11/2017 Delegated Decision  
Location: 1 Silver Terrace Exeter Devon EX4 4JE  
Proposal: Ground floor, 1st and 2nd floor to have a change of use from residential use to business use as a Podiatry clinic.

Application Number: 17/1308/FUL Delegation Briefing: 07/09/2017  
Decision Type: Permitted Decision Date: 11/12/2017 Delegated Decision  
Location: Riverside Baptist Church Lower Coombe Street Exeter Devon EX1 1DX  
Proposal: Temporary change of use of chapel to a single live/work unit.

## St Davids

Application Number:	17/1326/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	27/11/2017	Delegated Decision
Location:	25 Feltrim Avenue Exeter Devon EX2 4RP			
Proposal:	Hip-to-gable extension, rear dormer and roof lights to the front.			
Application Number:	17/1360/FUL	Delegation Briefing:	07/09/2017	
Decision Type:	Permitted	Decision Date:	05/12/2017	Committee Decision
Location:	16-17 Cathedral Yard And Royal Clarence Hotel Cathedral Yard Exeter			
Proposal:	Reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel			
Application Number:	17/1373/FUL	Delegation Briefing:	26/10/2017	
Decision Type:	Permitted	Decision Date:	06/12/2017	Delegated Decision
Location:	Willeys Court Willeys Avenue Exeter Devon			
Proposal:	Converting ground floor office and garage into 1-bed flat. Including works to elevations and provision of new bin store to car park.			
Application Number:	17/1374/FUL	Delegation Briefing:	07/09/2017	
Decision Type:	Permitted	Decision Date:	16/01/2018	Delegated Decision
Location:	Riverside Baptist Church Lower Coombe Street Exeter Devon EX1 1DX			
Proposal:	Construction of 2 no. dwellings and conversion of existing chapel into 2 no. dwellings and associated works			
Application Number:	17/1500/LBC	Delegation Briefing:		
Decision Type:	Withdrawn by Applicant	Decision Date:	18/01/2018	Delegated Decision
Location:	36 Richmond Road Exeter Devon EX4 4JA			
Proposal:	Extension of outhouse to self-contained ancillary living accommodation			

## St Davids

Application Number: 17/1526/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 05/01/2018 Delegated Decision

Location: Princesshay Centre Exeter EX1 1EU

Proposal: Install handrail to roof of Bedford House, Princesshay Gardens and Block B

Application Number: 17/1531/ADV Delegation Briefing:  
Decision Type: Split Decision Decision Date: 15/12/2017 Delegated Decision

Location: First Floor 177 Fore Street St Davids Exeter EX4 3AX

Proposal: Installation of 2x illuminated fascia signs, 1x illuminated projecting sign and 3x sets of window graphics

Application Number: 17/1532/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 07/12/2017 Delegated Decision

Location: 99-101 Fore Street St Davids Exeter Devon EX4 3HY

Proposal: Installation of 1x hanging sign, 2x set of individual letters, 1x amenity board and 2x lanterns to the exterior of the building

Application Number: 17/1547/FUL Delegation Briefing: 30/11/2017  
Decision Type: Permitted Decision Date: 21/12/2017 Delegated Decision

Location: Musgrave House Musgrave Row Exeter Devon EX4 3JR

Proposal: Installation of shop front

Application Number: 17/1593/NMA Delegation Briefing:  
Decision Type: Permitted Decision Date: 23/01/2018 Delegated Decision

Location: Radmore & Tucker, Frog Street, Exeter, EX1 1BR

Proposal: Amendment to approved consent comprising revisions of the basement, lower ground-floor, ground floor and upper ground floor plan to remove split levels and amalgamate into 2 floors (lower ground and ground), minor layout changes to other floors and related changes to elevations to which they relate. The proposed external works plan prepared by TGA seeks to amend the original landscape plans (Non-Material Minor Amendment to Planning Permission ref no. 16/0113/03 granted on 14th October 2016)

## St Davids

Application Number: 17/1615/LBC Delegation Briefing: 23/11/2017  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision  
Location: 79-82 Queen StreetExeterDevonEX4 3RP  
Proposal: Internal alterations for fire safety upgrade

Application Number: 17/1623/VOC Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 24/11/2017 Delegated Decision  
Location: Catherine SquareExeterDevonEX1 1DY  
Proposal: Variation of Condition Number 5 to extend the opening hours to match the Premises Licence

Application Number: 17/1638/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 13/12/2017 Delegated Decision  
Location: 60 South StreetExeterDevonEX1 1EE  
Proposal: Installation of an ATM through the existing glazing in the second window to the right hand side of the front elevation.

Application Number: 17/1651/LBC Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 13/12/2017 Delegated Decision  
Location: 60 South StreetExeterDevonEX1 1EE  
Proposal: Installation of an ATM through the existing glazing in the second window to the right hand side of the front elevation.

Application Number: 17/1689/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 27/11/2017 Delegated Decision  
Location: 98 Topsham RoadExeterDevonEX2 4RR  
Proposal: Single storey extension in location of garage, front of house. Revised car parking area with disabled ramp.



## St Davids

Application Number: 17/1712/LED Delegation Briefing:  
Decision Type: Was lawful use Decision Date: 15/01/2018 Delegated Decision

Location: Peninsular Housing Association Ltd Gabriels Wharf 44 Water Lane Exeter EX2 8BG

Proposal: Certificate of Lawfulness for existing use as office space (Class B1)

Application Number: 17/1729/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 18/01/2018 Delegated Decision

Location: 32 Feltrim Avenue Exeter Devon EX2 4RP

Proposal: Single storey rear extension.

Application Number: 17/1765/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 04/01/2018 Delegated Decision

Location: 17 Princesshay Exeter Devon EX1 1GE

Proposal: Fascia signage composed by panel in white powder coated metal and single backlit letter in lilac methacrylate.

Application Number: 17/1777/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 04/01/2018 Delegated Decision

Location: 247 High Street Exeter Devon EX4 3PZ

Proposal: Grey backed rectangular signs (x2 above both front facing windows). Text - 'Regatta Great Outdoors' in white with 'R' in orange.

Application Number: 17/1779/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: Wellpark House Alphington Street Exeter Devon EX2 8AU

Proposal: T1 - Cut back braches on building side, to give 1m clearance

## St Davids

Application Number: 17/1799/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: Mount Dinham, Exeter, EX4 4EB

Proposal: Work to T1 Wellingtonia - remove one branch

Application Number: 17/1803/LBC Delegation Briefing: 07/12/2017

Decision Type: Permitted Decision Date: 15/01/2018 Delegated Decision

Location: Royal Albert Memorial Museum Queen Street Exeter Devon EX4 3RX

Proposal: Installation of clip-frame poster holder (advertising the Shop at RAMM) onto the railings of the RAMM's south-east side. Dimensions of will be: 1720mm x 590mm.

Application Number: 17/1804/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 07/12/2017 Delegated Decision

Location: Rougemont Telephone Exchange Queen Street Exeter Devon EX4 3TL

Proposal: Discharge Of Condition 8 (Travel Plan) of planning permission 14/0899/03 granted on 15 May 2015

Application Number: 17/1806/ADV Delegation Briefing:

Decision Type: Permitted Decision Date: 29/01/2018 Delegated Decision

Location: Gater House Gater Lane Palace Gate Exeter Devon EX1 1JL

Proposal: Advertisement above the doorway to the dance studio

Application Number: 17/1812/ADV Delegation Briefing:

Decision Type: Permitted Decision Date: 15/01/2018 Delegated Decision

Location: Royal Albert Memorial Museum Queen Street Exeter Devon EX4 3RX

Proposal: Installation of clip frame poster holder (advertising the Shop at RAMM) onto the railings of the Royal Albert Memorial Museum's south east side. The poster holder will be visible from the end of Gandy Street. Dimensions of the poster holder will be: 1720mm x 590mm.

## St Davids

Application Number: 17/1838/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 23/01/2018 Delegated Decision

Location: 5 High StreetExeterDevonEX4 3LF

Proposal: Replacing the existing 'Starbucks Coffee' word mark sign with just the word 'Starbucks'. Moving the existing Starbucks protruding roundel down to a lower position

Application Number: 17/1865/LBC Delegation Briefing: 21/12/2017  
Decision Type: Permitted Decision Date: 17/01/2018 Delegated Decision

Location: 54 High StreetExeterDevonEX4 3DJ

Proposal: Installation of single stud wall and door on first floor

Application Number: 17/1886/PNT Delegation Briefing: 21/12/2017  
Decision Type: Prior Approval Required and Granted Decision Date: 15/01/2018 Delegated Decision

Location: Concord HouseSouth StreetExeterDevonEX1 1EG

Proposal: The installation of 3No. antennas located on the rooftop, and associated development

Application Number: 17/1971/NMA Delegation Briefing:  
Decision Type: Permitted Decision Date: 20/12/2017 Delegated Decision

Location: 9 Bartholomew Street WestExeterDevonEX4 3AJ

Proposal: Non material amendment to application number 17/1421/FUL to change rotten single pane wooden sash windows to double glazed wooden sash windows

Application Number: 18/0037/LPD Delegation Briefing:  
Decision Type: Permitted Decision Date: 22/01/2018 Delegated Decision

Location: 12 Telford RoadExeterDevonEX4 4BQ

Proposal: Flat roof dormer to the rear and a roof light to the front.

## St Davids

Application Number:	18/0046/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	26/01/2018	Delegated Decision
Location:	Friars LodgeMelbourne PlaceExeterDevonEX2 4AX			
Proposal:	T1 Elder to fell.T2 Elder to top to fence heightT3 Unknown species to cut back away from property by 2m.			

## St Loyes

Application Number:	17/1269/FUL	Delegation Briefing:	21/09/2017	
Decision Type:	Permitted	Decision Date:	30/11/2017	Delegated Decision
Location:	Moto HospitalityExeter Motorway Services AreaSidmouth RoadSt LoyesExeterDevonEX2 7HF			
Proposal:	Construct a detached drive-thru coffee shop with associated works.			

Application Number:	17/1478/FUL	Delegation Briefing:	30/11/2017	
Decision Type:	Permitted	Decision Date:	22/12/2017	Delegated Decision
Location:	23 Broadfields RoadExeterDevonEX2 5QX			
Proposal:	Single storey side and rear extension and demolition of existing rear Garage			

Application Number:	17/1587/MDO	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	20/12/2017	Delegated Decision
Location:	Land Off Rydon Lane, Adjacent To Sidmouth Road And Woodwater LaneExeter			
Proposal:	Modification of planning obligation by varying the charging and mortgagee clause in the original obligation (clauses 12.4)			

Application Number:	17/1628/FUL	Delegation Briefing:	02/11/2017	
Decision Type:	Permitted	Decision Date:	04/12/2017	Delegated Decision
Location:	Premier HouseBittern RoadExeterDevonEX2 7LW			
Proposal:	Extension from a 30m high radio mast in north west corner of site to a 50m mast.			

## St Loyes

Application Number: 17/1685/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 17/01/2018 Delegated Decision  
Location: 14 Coates Road Exeter Devon EX2 5RH  
Proposal: Two storey side extension

Application Number: 17/1739/FUL Delegation Briefing: 16/11/2017  
Decision Type: Permitted Decision Date: 12/12/2017 Delegated Decision  
Location: 4 Apple Farm Grange Exeter Devon EX2 7TH  
Proposal: Two storey rear extension, and new side access gate.

## St Thomas

Application Number: 17/0957/FUL Delegation Briefing: 02/11/2017  
Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision  
Location: 4 Dunsford Road Exeter EX4 1LF  
Proposal: First floor rear extension

Application Number: 17/1202/FUL Delegation Briefing: 19/10/2017  
Decision Type: Refuse Planning Permission Decision Date: 17/01/2018 Delegated Decision  
Location: Land To The Rear Of 73-77 Wardrew Road Exeter  
Proposal: Demolition of existing garages and construction of a dwelling.

Application Number: 17/1511/FUL Delegation Briefing: 07/12/2017  
Decision Type: Permitted Decision Date: 03/01/2018 Delegated Decision  
Location: 70 Dorset Avenue Exeter Devon EX4 1ND  
Proposal: Single storey rear and side extension

## St Thomas

Application Number: 17/1625/PD Delegation Briefing:

Decision Type: Prior Approval Not Required Decision Date: 07/12/2017 Delegated Decision

Location: 30 Wardrew Road Exeter Devon EX4 1HB

Proposal: Single storey rear extension Maximum depth 5.2m Maximum height 3m Maximum height to eaves 3m

Application Number: 17/1629/FUL Delegation Briefing: 07/12/2017

Decision Type: Permitted Decision Date: 10/01/2018 Delegated Decision

Location: 5 Chieftain Way Exeter Devon EX2 9DR

Proposal: Replacement shed in rear garden.

Application Number: 17/1781/PD Delegation Briefing:

Decision Type: Prior Approval Not Required Decision Date: 11/12/2017 Delegated Decision

Location: 54 Buller Road Exeter Devon EX4 1BJ

Proposal: Ground floor rear extension Maximum Depth: 5.72 metres Maximum Height: 3.45 metres Maximum Height to Eaves: 2.68 metres

Application Number: 18/0021/LPD Delegation Briefing:

Decision Type: Was lawful use Decision Date: 11/01/2018 Delegated Decision

Location: 13 Dorset Avenue Exeter Devon EX4 1NB

Proposal: LPD: Rear single-storey extension

## Topsham

Application Number: 15/0222/OUT Delegation Briefing: 26/03/2015

Decision Type: Withdrawn by Applicant Decision Date: 30/01/2018 Delegated Decision

Location: Land To The North Of, Exeter Road, Topsham, Exeter, EX3

Proposal: Phased development of a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings.

## Topsham

Application Number: 17/1091/RES Delegation Briefing: 27/07/2017  
Decision Type: Permitted Decision Date: 12/12/2017 Committee Decision  
Location: Land To North Of Exeter Road And Adjacent To Topsham Rugby Club  
Proposal: Approval of details for 54 dwellings, public open space, landscaping and associated highways and drainage infrastructure, i.e. for reserved matters of layout, scale, appearance and landscaping (Pursuant to outline planning permission granted on 27th April 2016, reference 14/2066/01).

Application Number: 17/1101/FUL Delegation Briefing: 10/08/2017  
Decision Type: Permitted Decision Date: 08/12/2017 Delegated Decision  
Location: Abbey Rooms White Street Topsham Exeter Devon EX3 0AA  
Proposal: Change of use of social club (Use Class D1) to gym/fitness studio (Use Class D2), with ancillary one bedroom owners flat and associated external alterations including dormer window, conservation rooflights and fire escape stair.

Application Number: 17/1108/FUL Delegation Briefing: 10/08/2017  
Decision Type: Permitted Decision Date: 24/11/2017 Delegated Decision  
Location: High Street Garage 1-2 High Street Topsham Exeter Devon EX3 0DZ  
Proposal: Demolish existing garage and re-develop with three terraced houses

Application Number: 17/1277/FUL Delegation Briefing: 28/09/2017  
Decision Type: Permitted Decision Date: 23/11/2017 Delegated Decision  
Location: 31 Higher Shapter Street Topsham Exeter Devon EX3 0AW  
Proposal: Removal of garden wall to front of property to create off road parking space

Application Number: 17/1425/FUL Delegation Briefing: 12/10/2017  
Decision Type: Permitted Decision Date: 15/12/2017 Delegated Decision  
Location: Bricknells Old Rydon Lane Topsham Exeter Devon EX2 7JW  
Proposal: Classical front entrance porch

## Topsham

Application Number: 17/1462/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 10/01/2018 Delegated Decision  
Location: 26 HighfieldClyst RoadTopshamExeterDevonEX3 0DA  
Proposal: Replacement single storey extension, new pitched roof over existing annexe and dormer roof extension to south elevation.

Application Number: 17/1496/FUL Delegation Briefing: 07/12/2017  
Decision Type: Permitted Decision Date: 15/01/2018 Delegated Decision  
Location: 21 Admiral WayExeterDevonEX2 7GA  
Proposal: Construction of rear conservatory.

Application Number: 17/1561/CAT Delegation Briefing:  
Decision Type: Withdrawn by Applicant Decision Date: 23/11/2017 Delegated Decision  
Location: 2 Monmouth AvenueTopshamExeterDevonEX3 0AF  
Proposal: Silver Birch - Reduce crown by 30% and thin by 30%

Application Number: 17/1575/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 06/12/2017 Delegated Decision  
Location: 13 Monmouth AvenueTopshamExeterDevonEX3 0AF  
Proposal: Construction of two dormer windows on rear of property.

Application Number: 17/1656/FUL Delegation Briefing: 09/11/2017  
Decision Type: Permitted Decision Date: 08/01/2018 Delegated Decision  
Location: Land At Corner Of Retreat Drive And Exeter RoadExeterTopsham  
Proposal: Construction of 10 residential units, access and associated infrastructure works.



## Topsham

Application Number: 17/1675/LPD Delegation Briefing:

Decision Type: Was lawful use Decision Date: 01/12/2017 Delegated Decision

Location: 24 Monmouth AvenueTopshamExeterDevonEX3 0AF

Proposal: Proposed attic conversion to include 3no rooflights & 1no sun tube. Also addition of 1no window to West Elevation

Application Number: 17/1676/FUL Delegation Briefing: 09/11/2017

Decision Type: Permitted Decision Date: 06/12/2017 Delegated Decision

Location: 13 Monmouth AvenueTopshamExeterDevonEX3 0AF

Proposal: Construction of garage extension to side of existing dwelling.

Application Number: 17/1728/FUL Delegation Briefing: 21/12/2017

Decision Type: Permitted Decision Date: 19/01/2018 Delegated Decision

Location: 62 HighfieldClyst RoadTopshamExeterDevonEX3 0DA

Proposal: Single storey extension to east elevation.

Application Number: 17/1737/FUL Delegation Briefing: 04/01/2018

Decision Type: Withdrawn by Applicant Decision Date: 31/01/2018 Delegated Decision

Location: The Globe HotelFore StreetTopshamExeterDevonEX3 0HR

Proposal: Change of use from micro-brewery (B2) to external covered seating area for use by the hotel (A3)

Application Number: 17/1761/TPO Delegation Briefing:

Decision Type: Split Decision Decision Date: 12/12/2017 Delegated Decision

Location: Newcourt LodgeOld Rydon LaneTopshamExeterDevonEX2 7JU

Proposal: T1 - Ash - Fell, T2 - Sycamore - Remove one major stem overhanging adjacent neighbour property

## Topsham

Application Number: 17/1762/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: 21 Victoria RoadTopshamExeterDevonEX3 0EU

Proposal: T1 - Japanese Acer - reduce crown by 50% as it is taking light from the windows.T2 - Pittisporum - Cut back overgrown stems and re-shape as small shrub.T3 - Acer - Prune new growth back to old cuts from previous reduction T4 - Hazel - reduce two side limbs back to coppice stool to allow new shotts to grow.T5 - Holm oak - remove lowest and side branches to make it look more tree-like and less like a shrub.

Application Number: 17/1774/FUL Delegation Briefing: 14/12/2017

Decision Type: Permitted Decision Date: 11/01/2018 Delegated Decision

Location: Kenyon House10 Underhill TerraceTopshamExeterDevonEX3 0HG

Proposal: Single storey side extension

Application Number: 17/1782/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: 38 Elm Grove RoadTopshamExeterDevonEX3 0EJ

Proposal: T1 Oak - Shorten branches overhanging road to reduce leverage.

Application Number: 17/1783/TPO Delegation Briefing:

Decision Type: Permission not required Decision Date: 30/11/2017 Delegated Decision

Location: Wilson LeisureSite OfficeTopsham RoadExeterDevonEX2 7DT

Proposal: T1 Silver Birch - Remove dead branches which died suddenly (approx 50% of crown). Possible poisoning, may need inspection of tree.

Application Number: 17/1785/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision

Location: 135 Newcourt RoadTopshamExeterDevonEX3 0BU

Proposal: Work to T1 - Holm Oak

## Topsham

Application Number: 17/1787/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 01/12/2017 Delegated Decision  
Location: Land At Rear Of Higher Shapter Street Topsham Exeter Devon EX3 0AW  
Proposal: 2 no Lawson Cyprus to be felled, previously reduced.

Application Number: 17/1817/TPO Delegation Briefing:  
Decision Type: Refuse Planning Permission Decision Date: 12/12/2017 Delegated Decision  
Location: The Chase Exeter Road Topsham EX3 0FB  
Proposal: T2 Walnut - Reduce crown back from new build, reducing eastern aspect by maximum 2 metres to reduce tree's dominance over new plot. Maximum diameter cuts of 25mm. ☐

Application Number: 17/1831/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 07/12/2017 Delegated Decision  
Location: 34 Victoria Road Topsham Exeter Devon EX3 0EU  
Proposal: T1 Oak - Remove epicormic growth from around trunk and lower limbs. Neighbours complaints about growth around street lamp

Application Number: 17/1835/FUL Delegation Briefing: 14/12/2017  
Decision Type: Refuse Planning Permission Decision Date: 17/01/2018 Delegated Decision  
Location: 12 Newcourt Road Topsham Exeter Devon EX3 0BT  
Proposal: Rear dormer

Application Number: 17/1869/VOC Delegation Briefing: 07/12/2017  
Decision Type: Permitted Decision Date: 10/01/2018 Delegated Decision  
Location: 19 The Strand Topsham Exeter Devon EX3 0AS  
Proposal: Variation of condition 2 of planning permission 11/2006/FUL approved 29/06/2012, proposal to alter the access and provide details of the gates.

## Topsham

Application Number: 17/1873/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 11/01/2018 Delegated Decision

Location: Land To The North Of Exeter Road, Topsham, Exeter, EX3

Proposal: Discharge of Conditions 7 (land contamination), 8 (Noise Assessment), 9 (Archaeology) and 13 (Surface Water Drainage) of application 14/2066/01.

Application Number: 17/1976/CAT Delegation Briefing:

Decision Type: Permitted Decision Date: 18/01/2018 Delegated Decision

Location: 45 The StrandTopshamExeterDevonEX3 0BB

Proposal: T1-4 - Horse chestnut - remove some lower branches and a little thinningT5 - remove some lower branches and a little thinning

Application Number: 18/0009/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 12/01/2018 Delegated Decision

Location: Land North of Exeter Road, Topsham, Exeter EX3 0LX

Proposal: Discharge of Condition 11 (Travel Plan) of application 14/2066/01

Application Number: 18/0016/NMA Delegation Briefing:

Decision Type: Permitted Decision Date: 18/01/2018 Delegated Decision

Location: 16 Fore StreetTopshamExeterDevonEX3 0HF

Proposal: Non-material amendment sought (to approved scheme ref. 17/1317/FUL) to reduce floor area of shop 1 and enlarge floor area of shop 2.

Application Number: 18/0040/TPO Delegation Briefing:

Decision Type: Permitted Decision Date: 19/01/2018 Delegated Decision

Location: Royal Devon And Exter Healthcare N H S TrustNewcourt HouseOld Rydon LaneTopshamExeter

Proposal: T27 - Holm Oak - Crown reduce by 25% to reduce weight and sail area.Major decay in base of trunk with the possibility of fracture which will make the tree fail. Basal suckers virulent which shows signs of distress.

Total Number of Decisions Made

193

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 12 February 2018  
**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 **2 and 3 Lymeborne Avenue** – Two appeal cases seeking retrospective consent to regularise discrepancies between the approved schemes (refs. 15/0976/FUL & 15/0975/FUL, respectively) and the as built structures – have been dismissed by the Planning Inspectorate.

Most notably, the discrepancies included a slightly larger overall height and footprint and the insertion of first floor French doors to the front elevation of each unit. The appeal cases were concerned with these inconsistencies rather than the principle of development or conversion which had already been established by the extant planning permissions.

The developments in question concern two adjoining garages located in the rear garden of both properties - each garage has a visual presence and prominence in the public realm, perhaps most notably when viewed from the Heavitree Pleasure Ground, a large open public park located on the opposite side of Lymeborne Avenue.

The Inspector considered that the two main issues in both appeal cases were the effect of the first floor extensions on the character and appearance of the surrounding area and the effect of the first floor glazed French doors in the front elevation on the living conditions of neighbours in relation to overlooking and privacy.

It was recognised by the Inspector that the difference between the approved plans and 'as built' structures in terms of height and massing is marginal and barely distinguishable in the spatial context of the immediate area. The palette of materials proposed for the garage extensions, in the context of the diversity of materials present in the locality, was also considered to be acceptable. The side and rear elevation windows do not impact upon the street scene and are deemed to be appropriately scaled and suitable for domestic outbuildings.

The Inspector considered the front-facing French doors would have a visual impact upon the character of the street scene and maintained that the fenestration treatment would not relate well to or reinforce the local distinctiveness of the surrounding area - the doors would be incompatible with and would detract from the established traditional character of the street scene in Lymeborne Avenue. He noted that the appeal case proposals included French doors that be fixed shut with obscure-glazing. This would cause no adverse impact upon the privacy of neighbouring properties and thus there would be no conflict with policy DG4 of the Exeter Local Plan First Review (LP).

However, the Inspector concluded that the proposals conflict with policy DG1 of the Exeter Local Plan Review (the Local Plan) and dismissed the appeal on that basis.

- 3.2 **77 Thornpark Rise** – Application Ref: 17/0193/FUL. The application was for a 4.8m depth single storey pitched roof extension on a terraced property, plus 1.2m of raised decking, totalling 6m depth.

The application was refused as the scale of the proposed development, by virtue of its height, length and proximity to the adjacent properties, was believed to have an unacceptable impact on the amenities of the adjacent neighbours, reducing the natural light to the rear of No 79 in particular; and having an overbearing impact on both immediate neighbours.

The Inspector dismissed the appeal agreeing that the extension would be readily apparent from Nos. 75 and 79 and likely to reduce sunlight to No 79. The Inspector concluded that the proposal would appear somewhat overbearing and visually intrusive from ground floor windows and the patio areas of adjoining properties, preventing these neighbours from feeling at ease within their homes and outside amenity areas immediately alongside, despite the outlook afforded by the large rear gardens.

The Inspector concurred with the LPA's conclusion that the proposal would conflict with Policy DG4 and that the appeal should not succeed.

- 3.3 **11 Medley Court** – Application Ref: 17/0886/FUL. The application was for a single storey rear extension that would extend two metres from the rear of the property and span the width of the property.

It was considered that the design was acceptable and the impact on the neighbouring properties minimal. The proposal would have been considered permitted development. However, permitted development rights had been removed. The application was refused as the garden was already below 55sqm metres and the further loss of private outdoor amenity space was not considered acceptable.

The Inspector did not consider that, due to the smaller size of the property, a 55sqm area garden is required. The loss of the garden area would not be harmful in amenity terms and the addition of the conservatory would potentially be an amenity asset to the property.

The appeal has been allowed and planning permission granted.

- 3.4 **21 Elliott Close** – Application Ref: 17/0197/FUL. The application sought the provision of a new infill dwelling with off-street parking on the existing plot of no. 21 Elliott Close.

The Inspector considered that the main issues were the effect of the development on the character and appearance of the area and the living conditions of the occupiers of 21 and 23 Elliott Close with particular regard to whether it would be overbearing or result in the loss of light and overshadowing to the garden areas.

The Inspector noted that there is a spacious feel to the area which is a positive and locally distinctive characteristic and the appeal site provides an open aspect between no. 19 and a garage block, which forms an important reprieve in the built form and reinforces the spacious character of the area. The appeal dwelling would narrow the gap between the buildings and consequently undermine the contribution this space makes to the character and appearance of the area. The front of the dwelling would be located very close to the back edge of the pavement, much more so than is typical in the area, and therefore the development would appear discordant with the general layout of the Close resulting in significant harm to its character and appearance. Although there would still be a sizeable gap between no. 19 and the appeal dwelling, this would not adequately mitigate the harm that would arise.

The Inspector also considered the garden areas of nos. 21 and 23 and stated that there would be some overshadowing effect but good ambient light would still reach both

neighbouring gardens would not be unduly overbearing or have a significantly harmful effect on the living conditions of the occupiers and would still allow for a quality of amenity so that nearby residents would feel at ease within their homes and gardens.

In concluding, the Inspector stated that the modest benefits of the development would not outweigh the harm that would arise to the character and appearance of the area and therefore the appeal was dismissed.

- 3.5 **Hideout, Aspen Close** – Application Ref: 17/0207/04. The appeal related to refusal to fell a Scots Pine tree (TPO 442). The tree is rooted at the entrance to this property which is a recently built detached dwelling house. The specimen is long established and was in existence prior to the construction of the new build dwellings in the vicinity.

The application sought to remove the tree due to the perceived health and safety risks posed. The tree is large and located in a relatively elevated and exposed position on top of a hill. Following an incident of a branch dropping during high winds the owners/appellants had concerns around the potential for damage to people and property, especially during windy weather conditions. The original application and subsequent appeal were not supported by a tree survey or report regarding the tree's health and longevity. Significant justification is required to support a proposal to fell a protected tree. The Inspector identified that the specimen in question is large, visible from various public viewpoints in the surrounding area including from the Ludwell Valley Park and so makes a significant positive contribution to local visual amenity.

The Inspector noted that there was no tree survey or inspection by a professional arboriculturalist to indicate the likelihood of further branch failure or the potential for prevention. It was also recognised that there is scope for removal of some deadwood within the crown of the tree which would not require TPO consent and would likely reduce or eliminate the risk of future branch or limb failure. Two residential properties are within range of future branch fall but have large outdoor amenity areas that extend beyond the influence of the tree. Apart from the deadwood in the crown, the Inspector saw nothing to indicate that the tree poses a greater than normal risk. Accordingly, it was concluded that the reasons and evidence put forward for its removal did not outweigh the significant positive contribution to public amenity and the character and appearance of the area and so the appeal was dismissed.

- 3.6 **Aspen House, Aspen Close** – Application Ref: 16/1544/04. The TPO appeal concerned the felling of one Conifer tree located in the rear garden and within close proximity to the rear aspect of Aspen House. The appeal was allowed.

Aspen House is a new build dwelling constructed on land that slopes down towards Woodwater Lane. The existing garden is large and accommodates, as well as its immediate surroundings, a variety of tree species. Due to such tree cover, undulating topography and other land cover features the Conifer tree in question is little visible from the public realm and as such contributes very little to public visual amenity value in the area.

The appellants justified their proposal by claiming the tree causes excessive overshadowing and poses a risk of potential collapse and risk to human health and property. The Inspector concluded that there is no evidence to suggest that the tree poses a greater than normal risk of failure and actually notes that it appears healthy and stable. Further, given the relative size of the tree to the garden it is unlikely to cause excessive overshadowing. The tree does however, in the view of the Inspector, impede outlook from the first floor middle-rear bedroom window and given its very close proximity this was deemed to be detrimental to living conditions and quality of life.

Due to the very limited amenity value of the tree in question its removal (and future replacement with another unit by means of planning condition) is justified even by a relatively insignificant adverse impact upon residential amenity. If the tree was considered able to offer greater public amenity then stronger reasons would need to be put forward in order to justify

its loss.

#### **4. New Appeals:**

4.1 Two new appeals have been received since the last report:

**17/0121/OUT** – Land adjoining the West of England School, Topsham Road

The outline application sought up to 123 houses and associated infrastructure with all matters reserved except for access. The appeal will be dealt with by the Written Representations procedure.

**17/0324/FUL** – 8 Lyndhurst Road, Exeter

The application sought a roof terrace at first floor level on front/side elevation.

#### **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