

PLANNING

Date: Monday 19 March 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 Sutton (Chair), Lyons (Deputy Chair), Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse 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 and approve the minutes of the meeting held on 12 February 2018.

3 Declarations of Interest

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

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

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

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

Public Speaking

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

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

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

6 **Planning Application No. 17/1640/FUL - Exeter Royal Academy for Deaf Education, 50 Topsham Road**

To consider the report of the City Development Manager. (Pages 21 - 46)

7 **Planning Application No. 17/1658/VOC - Honiton Inn, 74 Paris Street**

To consider the report of the City Development Manager. (Pages 47 - 58)

8 **Planning Application No. 17/1617/VOC - St James Park, Stadium Way**

To consider the report of the City Development Manager. (Pages 59 - 74)

9 **Planning Application No. 17/1824/FUL - Pinhoe Lodge, Gipsy Hill Lane**

To consider the report of the City Development Manager. (Pages 75 - 80)

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

To consider the report of the City Development Manager. (Pages 81 - 104)

11 **Appeal Report**

To consider the report of the City Development Manager. (Pages 105 - 108)

12 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 10 April 2018 at 9.30 a.m. The Councillors attending will be Councillors Harvey, Mrs Henson and Edwards.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 23 April 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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COMMITTEE DATE: 19/03/2018

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 and will be reported at the Planning Committee Meeting.

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 266m² to 304m²;

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

These measures would lead to a 19.4% reduction in CO₂ 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 200m³ 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 20th 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). The Habitat Mitigation Contribution would be £68,381.00.

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 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:

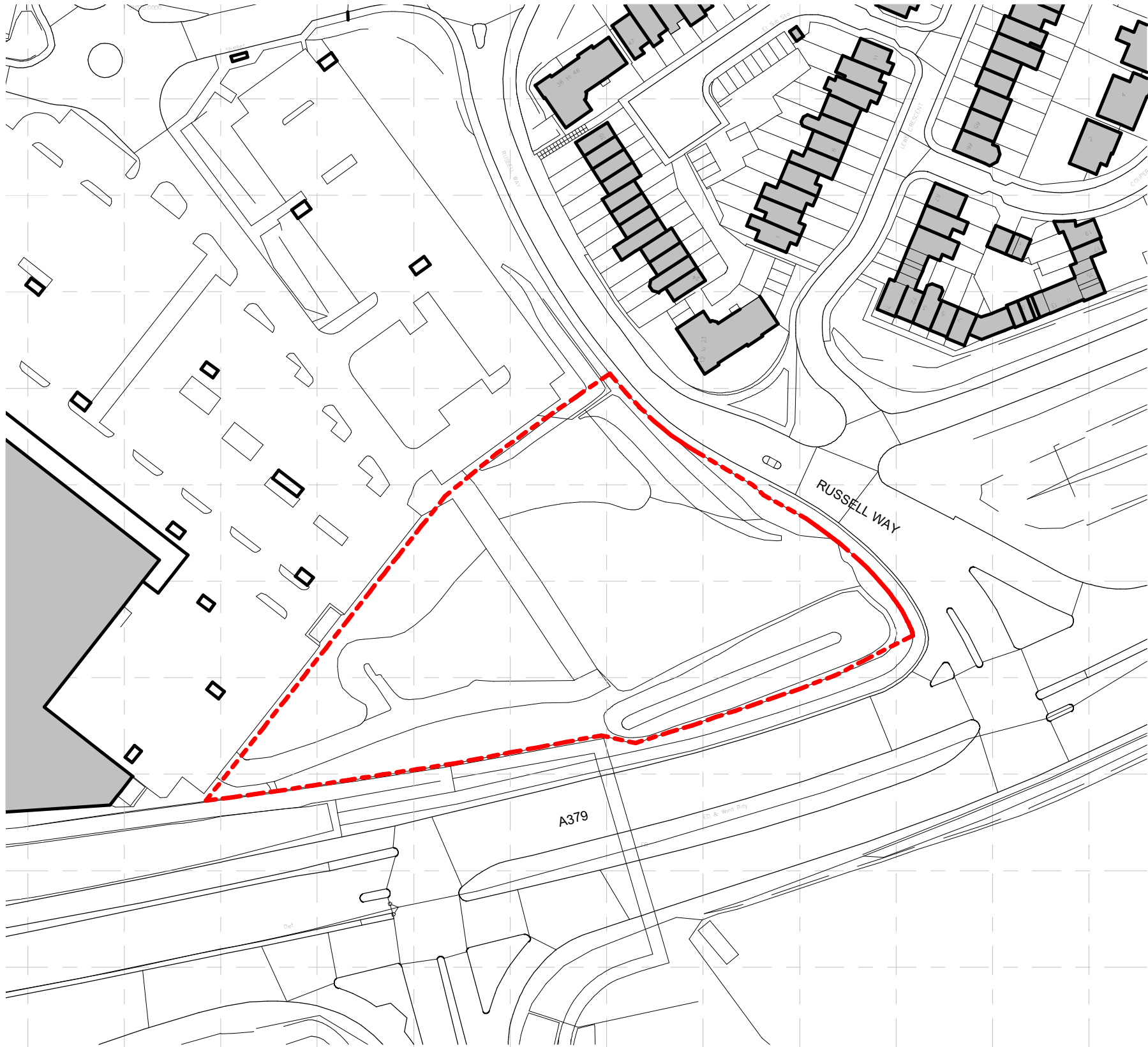
Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.

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

Background papers used in compiling the report:

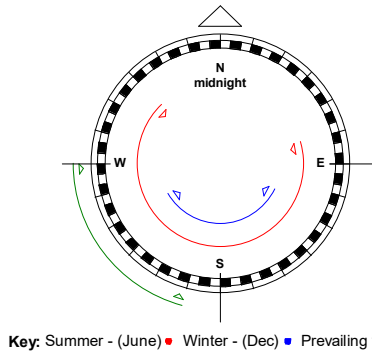
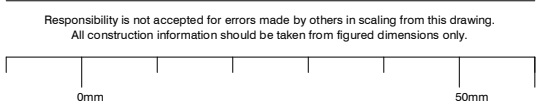
Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223

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Site Location Plan
1 : 1250



REV	DATE	DESCRIPTION	BY	CHK
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<http://www.stride-treglow.co.uk/en/contact/bristol.html>

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
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REGION - PROJECT NO. - STAGE NO. - DISCIPLINE - DRAWING NO. - REV - DRAWING TITLE
SW- 2439- 03- AC-00- Site Location Plan

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COMMITTEE DATE: 19/03/2018

APPLICATION NO: 17/1640/FUL
APPLICANT: Exeter Royal Academy For Deaf Education (eRADE)
PROPOSAL: Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works.
LOCATION: Exeter Royal Academy For Deaf Education
50 Topsham Road
Exeter
Devon
EX2 4NF
REGISTRATION DATE: 19/10/2017
EXPIRY DATE:

HISTORY OF SITE

The previous planning history of the site relating to its historical use as the Exeter Royal Academy for Deaf Education is not considered directly relevant to the current proposal and is not therefore listed here.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 3.37-hectare parcel of land on the south side of Topsham Road opposite St Leonards Primary School. The site is bounded to the east and west by Trews Weir Reach and Weirfield Road respectively and its southern boundary abuts residential properties on Trews Weir Reach, Old Mill Close and Baring Terrace. The site is currently utilised for education purposes by the Exeter Royal Academy for Deaf Education. The education buildings predominantly occupy the northern part of the site with the southern portion comprising open space associated with the school. There are a significant number of mature trees across the site.

In terms of topography the site slopes gently from north to south until the southern edge of the site when the land slopes steeply down to adjoining residential properties below the site.

Full planning permission is now sought for redevelopment of the site comprising demolition of all the existing buildings and the erection of 146 dwellings, pre-school accommodation, a 68-bed care home and 61 assisted living units (use class C2) together with associated vehicular access, open space and landscaping of the site.

The Care home and assisted living units would occupy the western part of the site with a new shared access off Weirfield Road. There would also be a secondary vehicular access to this part of the site for drop-offs and deliveries.

An area of open space will separate the care home/assisted living units from the residential development which comprises a mixture of terraced and detached dwellings to the rear part of the site with four blocks of apartments along the Topsham Road frontage (one of which will incorporate the ground floor pre-school accommodation. A separate vehicular access to serve this part of the site will be provided off Topsham Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information –

- Planning Statement
- Design & Access Statement
- Transport Assessment
- Heritage Statement
- Landscape Strategy Report
- Townscape Appraisal
- Tree Survey and Constraints Plan
- Feasibility Report – Utilities
- Ecological and Further Bat Survey
- Energy & Sustainability Statement
- Flood Risk Assessment
- Acoustic Assessment
- Air Quality Assessment
- Ground Investigation Report
- Site Waste Management Plan
- Waste Audit Statement
- Parking Note – Care Home and Assisted Living Apartments
- Statement of Community Involvement

REPRESENTATIONS

The following representations have been received –

Support

- Facilitates the retention of the pre-school which is only local pre-school and a much-needed local community facility (following productive negotiations with the developer)
- Proximity of pre-school to Primary school provides continuity
- More appropriate than a commercial form of redevelopment
- Increase choice of accommodation for elderly in locality
- Mix of young and elderly in close proximity potential mutual social benefits

- Residential development good re-use of site providing much needed housing
- Open space welcome addition to local area.

Objection

- Loss of trees (protected by TPO) – wildlife/visual impact, loss of tree screen exacerbates loss of privacy
- Potential increased flooding of site below – surface water run-off
- Traffic congestion – difficulties in getting onto Topsham Road from adjacent road. Gridlock on main road
- Absence of comment on future of Mount Radford Lawn
- Loss of on-street parking in Weirfield Rd, and increased pressure on limited space in locality, including in St Leonards Avenue
- Access via Weirfield Rd inappropriate – risk of accidents, only single width with parking both sides – inappropriate to cater for all traffic associated with Care Home and Assisted Living Units
- Access would be better via Trews Weir Reach
- Overlooking/loss of privacy – especially from balconies on houses
- Overbearing massing in relationship to properties in Weirfield Rd/Cygnet Court, Old Mill Close and Trews Weir Reach
- Impact of increased traffic on Weirfield Rd upon residential amenity
- Potential adverse amenity impact from on-site laundry – noise etc.
- Impact on property values locally
- Overdevelopment – too many dwellings, buildings too high
- Increased air pollution
- Impact on adjacent Conservation Area
- Overshadowing/loss of daylight
- Lack of parking for potential residents – consequential pressure locally
- Noise impact
- Safety at junction of Weirfield Rd/Topsham Rd
- Land stability
- Disturbance during construction – noise, dust etc.
- Design out of character with area, including adjoining Conservation Area
- Lack of amenity space provided to serve proposed houses
- Shame not include more community facilities e.g. shop/community hub
- All proposed development should be served via Topsham Road
- Lack of affordable housing – provision below Local Plan policy requirement of 35%
- Lack of appropriate and safe crossing facilities on Topsham Road
- Lack of open space within development
- Increased pressure on school places
- Exeter Cycle Campaign –
 - Need for improvements off-site in relation to improved connections to local cycle network

- o Lack of priority to pedestrians/cyclists at Topsham Road junctions
- o Highlight problems with pedestrian/cycle access to city centre in westerly direction and suggest improvements needed are replacement of Toucan Crossing in better location nearer to existing footbridge facilitating alternative route to city centre via St Leonards
- o Greater priority for pedestrians/cyclists over side roads in wider locality

In respect of the revised plans 13 further representations have been received raising the following –

- Disappointment and frustration at lack of changes to originally submitted plans in response to issues raised by local residents
- Inadequacy of Weirfield Road to accommodate additional traffic due to restricted width, safety implications, potential to exacerbate existing problems with frequent damage to parked cars from service vehicles such as refuse vehicles. Highlighted with difficulties of access during recent extreme weather/snowfall.
- Access to care home/assisted living element of scheme should be via Topsham Road through the residential part of the site
- Massing/height of buildings, and proximity to properties on Weirfield Road
- Loss of existing on street parking on Weirfield Road to accommodate access
- Overlooking of properties below site – adverse amenity impact from additional noise and loss of privacy
- Loss of light due to massing and proximity of buildings
- Drainage – increased surface water flooding potential
- Land stability
- Adverse visual impact plots 146-147 dominating Trews Weir Reach
- Loss of mature trees – visual and screening impacts
- Ecological impact on bats
- Increased pollution – dust and noise during construction process
- Impact of care home laundry on local residential amenities
- Impact on adjacent conservation areas and setting of nearby listed building
- Adverse visual impact on locality viewed from riverside/canal area
- Lack of long term control over proposed landscape buffer
- Dominant scale and massing of proposed dwellings in relation to properties in Trews Weir Reach/Old Mill Close

CONSULTATIONS

Historic England – comment statutory consultation not required.

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

“Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant should confirm the drainage of the north-western portion of the site, including the care home.

The applicant should also submit confirmation of South West Waters acceptance of discharge into their network at the rate proposed.

The applicant must submit details, including a plan, of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.”

RSPB – Question biodiversity considerations and recommend a more detailed landscape and ecological management plan be secured through an appropriate condition.

Natural England – “Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.” Also refer to standard advice in respect of protected species and natural environment issues.

Environmental Health – Seek further information to potential noise impacts from piling activities and nursesey. Recommend conditions relating to CEMP, plant noise limits, noise insulation, contaminated land and CHP plant.

Exeter Civic Society – “One point the Planning Sub-committee of the Exeter Civic Society would like to make is how much the trees around the periphery of the site, especially along the Topsham Road, enhance the elevations. A softening contrast to the strong build they partly screen. Because of this we would wish to press for the first planting, from the outset, to be of very well grown saplings, to achieve this important look from the beginning. The quality built elevations do need this final enhancement as soon as possible.

Also, our assessment for the plans and figures submitted, result in an affordable home proportion close to 30. This of course, should be 35% and given the total represents a loss of about 8. We consider this to be unsatisfactory. As all know, there is a very inadequate provision of affordable housing and we consider this shortfall to be unacceptable. We very much wish to see it rectified before approval.”

DCC (Education) – Comment on the additional need for school places generated by the proposal and the need to secure appropriate contributions from the CIL collected in connection with this development to facilitate the additional capacity/provision generated by the proposed housing.

County Head of Planning, Transportation and Environment (Highways) – The consultation response from the Highway Authority has considered the following aspects of the development from a transportation perspective –

- Traffic Generation
- Junction Impact
- Vehicular access
- Pedestrian & Cycling Access
- Internal Road and Layout
- Adoption

- Travel Planning
- Transport Contributions

Taking all the above into consideration the consultation response summary is as follows:-

“The proposal(s) is in a sustainable location; within walking & cycling distance to the City Centre/employment hubs and is well served by buses along the frontage to the site. 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 shared footway/cycleway along the frontage and connections to Weirfield Road/Trews Weir Reach therefore it is felt that the development should be approved subject to conditions (& successful TRO).”

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
CP13 – Decentralised Energy Networks
CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP17 – Design and local distinctiveness
CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
H1 – Housing land search sequence
H2 – Housing location priorities
H3 – Housing sites
H6 – Affordable housing
H7 – Housing for disabled people
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T6 – Bus Priority Measures
T10 – Car parking standards
C1 – Conservation Areas
C2 – Listed Buildings
C5 – Archaeology
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG5 – Provision of open space and children's play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Development Delivery Development Plan Document (Publication Version):-

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

DD1 - Sustainable Development

DD8 - Housing on Unallocated Sites

DD9 - Accessibility, Adoptable and Wheelchair User Dwellings

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

DD26 - Designing Out Crime

DD28 - Heritage Assets

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

Background to site coming forward

The site is currently occupied by ERADE which is a charity that has been based in Exeter for 190 years. ERADE comprises a specialist day and residential school/college for students with hearing impairments from throughout the UK. These existing buildings are however in a poor state of repair and are no longer suitable for the existing use and the cost of upgrading/replacing them these buildings have been deemed prohibitive by the charity. Their unsuitability for the current use is acknowledged within the 2016 OFSTED Inspection which noted as follows –

“Overall, the residential accommodation is not good quality throughout and does not provide pupils with a welcoming and relaxing home to live in. Senior leaders recognise this weakness and plans to relocate to better premises are under way.”

Consequently, it has been stated that ERADE need to relocate from this site to an alternative one that will provide more suitable accommodation to meet their current needs. The replacement school will be funded in part through the proposed redevelopment of this site. Initially plans were to relocate within Exeter to a site on Ringswell Avenue but subsequently the decision has been taken to relocate to the former Rolle College campus in Exmouth and the relocation plans are underway with building works taking place on the new site. Hence this site is available for redevelopment.

Development Plan and NPPF Policy Context

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.

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 housing applications should be considered in the context of the presumption in favour of sustainable development and that 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.

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.

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 any relevant restrictive

policies. 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 restrictive policies would be afforded less weight given the limited progress made in respect of the housing shortfall.

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 for sustainable development. 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.

The application proposes housing, including specific housing for the elderly sector of the population, on a brownfield site in a sustainable location close to the city centre and a range of recreational and cultural facilities. The site is also on a sustainable transport route facilitating connections to other main public transport nodes such as bus and railway stations. These factors weigh heavily in the assessment as to whether the proposal constitutes sustainable development.

Relationship to surrounding properties

On a sustainably located brownfield site such as this one it is important to balance the maximisation of housing delivery through increased density of development against the impact on existing properties.

Topsham Road

To the north of the site on the opposite side of Topsham Road lie open space and the St Leonard's Primary School. The school buildings are significantly set back from the road. In this context the relationship between the proposed buildings and those on Topsham Road is considered acceptable.

Weirfield Road

The relationship between the care home/assisted living elements of the scheme and the existing properties on Weirfield Road has been the subject of significant representation.

The building containing the assisted living units steps down in height on the corner of Topsham Rd/Weirfield Rd and again as it returns into Weirfield Rd. Essentially where it is directly opposite properties on Weirfield Rd it is shown to be of comparable height to the overall ridgeline of the dwellings. The middle part of the terrace of Weirfield Rd will face onto an open gap between the assisted living and care home elements of the scheme comprising the vehicular access into the site and their respective parking areas. The care home opposite the bottom part of the Weirfield Rd terrace is marginally higher than those properties.

Both the assisted living units and the care home are set back into the site creating a minimum 18 metre gap between the faces of the respective buildings. This is considered an acceptable distance in terms of preserving the privacy of the front rooms of the Weirfield Rd properties.

Furthermore, whilst some of the existing trees/vegetation along Weirfield Rd will be removed to accommodate the development replacement planting is proposed. As the landscaping matures it will improve privacy, partially screen the new buildings and make a positive contribution to the street scene and character of the area. Overall the massing of the proposed buildings relative to the Weirfield Rd properties, and the inter-visibility between them is considered acceptable.

Trews Weir Reach (eastern boundary)

The proposed apartment block on the corner of Topsham Road and Trews Weir Reach will be partially screened from the property on the opposite side of the road (No. 78 Topsham Road) by existing vegetation, and in any event, there is a significant distance between the proposed building and this property. In this context whilst windows to apartments in this block will face towards no 78 and its garden it is not considered that the massing of this building nor any overlooking from it would adversely affect the residential amenity of no 78 to an extent that would warrant refusal of the proposal.

Plots 145/146 of the development are proposed right on the boundary with Trews Weir Reach and will due to level differences be significantly higher than the road. These properties incorporate upper floor roof terraces that will overlook properties on the opposite side of the road. These properties have relatively open private amenity spaces that are already overlooked from public vantage points (namely the road). Opportunities to provide screens to the terrace areas to reduce overlooking impact have been raised with the developer.

Baring Terrace/Old Mill Close/Trews Weir Reach

The topography of the site relative to surrounding properties is such that any redevelopment of the site which seeks to maximise the use of site effectively will be higher than the adjacent properties to the south of the site. Essentially the dwellings proposed along this boundary are 2 storeys to the street internally and due to the topography 3 storeys to the rear. Given the land is elevated above the properties below there will inevitably be a significant change in the prevailing outlook from those dwellings and the new properties will overlook them. That said the separation distance between them ranges from 27 metres up to 40+metres. The revised plans have incorporated changes to the design and layout of some of these properties to improve the relationship. Whilst there will be the potential for greater overlooking of these properties in the short-term the scheme incorporates significant landscaping which is designed to develop into a managed buffer zone that will reduce potential overlooking and help to direct views over the existing dwellings..

Whilst it is acknowledged that the proposal represents a significant change in the residential environment of the existing dwellings it is considered that the substantial separation distances coupled with extensive planting will ensure that the relationship and impact on the residential amenity of existing residents is acceptable.

Similarly, the proposed planting between the proposed care home and properties below will minimise the potential for direct overlooking and inter-visibility between windows of the new and existing development.

Design/layout/amenity standards

The existing buildings making up the site lack a cohesive design rationale. They are constructed in a variety of materials and are of differing scales/mass set back from the street frontage in a haphazard fashion which creates a random street scape. The proposed redevelopment represents an opportunity to improve the overall contribution of the site to the general character and appearance of the area whilst at the same time providing much needed general housing and specific accommodation for the older sector of the population. This is a particularly important consideration given the Council's inability to demonstrate a 5yr housing supply.

The overall layout of the site incorporates a perimeter block arrangement to the residential element with a central green street (car free) running through the spine of the residential area. The proposed open space forms a focal point of the development sitting between the assisted living apartments and the general dwellings. The incorporated pre-school facility also faces onto the open space.

The assisted living apartments and care home both incorporate significant communal accommodation as well as providing generous private accommodation for residents. Proposed landscaping will provide a setting to these large buildings. The massing of the assisted living unit building steps down in height to respect the massing of properties on Weirfield Rd and to respect the setting of the Church

The residential element of the scheme represents a higher density scheme seeking to maximise the delivery of housing on a sustainably located site. The substantial 4 storey apartment blocks fronting Topsham Road are set back to accommodate a combined cycle/footpath across the entire frontage of the site and facilitate significant tree planting to provide a landscaped frontage in keeping with the established character of Topsham Road. Whilst the accommodation of the combined cycle/footpath has reduced the available planting space the applicant's landscape architect has demonstrated that the landscaped frontage is still achievable.

Achieving a higher density has resulted in a scheme that is not compliant with the advice contained in the Council's Residential Design SPD in terms of back to back distances and provision of private amenity space to all dwellings. However, given the sustainable location of the site, close to the city centre and all its recreational/cultural facilities, larger tracts of public open space, e.g. Riverside valley park and on a route well served by public transport, this is considered absolutely the right site on which to try to deliver a higher density scheme focused on delivering an overall high-quality environment in terms of design. Whilst the majority of houses do have private amenity space the flats/apartments do not. This reflects a more urban feel with a degree of 'cheek by jowl' living and a life style choice into which prospective occupants of the development would choose to sign up to when selecting to purchase a house on this development.

All the house types and apartments meet the national space standards in terms of overall floor area and provide an acceptable level of residential amenity. Indeed, many of the units significantly exceed the minimum space standards.

Heritage matters

The application site is not located within a Conservation Area, nor does it contain any statutorily listed buildings. However, it is adjacent to the Southernhay and the Friars Conservation Area to the west and the St Leonards Conservation Area to the north, and within the setting of the Grade II listed St Leonards Church off Topsham Road to the north-west corner of the site.

In determining this application regard must be had to the statutory duty in respect of matters relating to the setting of listed buildings and conservation areas under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is referred to in NPPF paragraph 134 which states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

The existing buildings comprising the Deaf Academy are not considered to be of any significant intrinsic merit in themselves, nor in terms of making a significant positive contribution to the character and appearance of the adjacent conservation areas. The overall design and massing of the proposed development is considered appropriate in the context of the adjacent conservation areas, and in terms of impact on the setting of the listed building. It is not considered that the proposal would result in any significant harm to the heritage assets in this respect. Whilst it is acknowledged that some of the existing trees/landscaping on the site will be removed as part of the redevelopment, the proposal includes significant replanting that has been considered as a fundamental aspect of the overall design. Over time the proposed landscaping will make a positive contribution to the character and appearance of the site itself and the immediate surroundings.

Paragraph 134 of the NPPF has been appropriately considered within the recommendation based on the evidence presented and the assessment of the application with regards to impact on the adjacent conservation areas and nearby listed building.

Whilst the archaeological potential of the site is not considered to have been sufficiently covered in the submitted Heritage statement it is considered that the geotechnical investigation carried out prior to submission of the application, together with a previous desk top study does provide sufficient background information to obviate the need for a revised heritage statement to be provided. Therefore, whilst no further site investigation is required prior to determination of the application there is still potential for buried remains to survive in some areas of the site. In line with NPPF paragraph 141 any remains existing would need to be properly identified, excavated and recorded. This can be secured through an appropriate condition attached to any approval.

Highways/Transportation matters

The existing school has a number of vehicular access points onto Topsham Road, and a single access to Weirfield Road. The submitted scheme proposes that the residential element is served by a single vehicular access off Topsham Road leading to an internal loop road. The care home/assisted living element would be served via a vehicular access off Weirfield Road. This would involve the loss of some existing on-street parking to provide necessary

visibility and appropriate access to the range of service vehicles and cars likely to be attracted to the premises. A small secondary drop-off turning head facility would be provided to the front of the assisted living units accesses directly from Topsham Road.

Following extensive negotiation, the scheme has been amended to incorporate a 3.5-metre-wide combined pedestrian/cycle path across the entire Topsham Road frontage of the site.

The Highway Authority have accepted the trip rates used in the submitted Transport Assessment relating to the residential element and the care home/assisted living units, and acknowledge that the pre-school element of the scheme directly replaces the existing provision at the site with no change in capacity. Overall, notwithstanding concerns raised by the public the Highway Authority have advised that the vehicular impact of the development in terms of traffic generation cannot be considered as severe.

Commenting on the vehicular access proposals the Highway Authority have noted that the access to the residential element of the proposal from Topsham Road achieves appropriate visibility splays and incorporates a raised crossing giving pedestrians and cyclists priority. Regarding the access arrangements to serve the care home and assisted living units the Highway Authority have commented as follows –

“Vehicular access to serve the care home/assisted living units will be taken from Weirfield Road, as shown on drawing 162290-SPA-006. The access onto Weirfield Road meets visibility standards for a slow movement environment (2.4 x 22m). To facilitate this access, the removal of residential parking spaces is required to facilitate a refuse vehicle entering/exiting the care home site (tracking diagrams submitted show that a refuse vehicle can turn on site and exit in forward gear).

Although loss of resident parking spaces is not desired, the number of spaces lost is not significant – on-site observations suggest that resident parking spaces on Weirfield Road are not well utilised. However, the LPA needs to consider that if the TRO fails, then alternative access arrangements will need to be explored. It is noted that ECC members recommended approval for Sandy Park Hotel which was also dependant on a TRO.”

Commenting on the loss of the on-street parking spaces the Highway Authority state –

“The loss of spaces not only aids the refuse/delivery vehicle, but creates an additional passing place for vehicles wishing to access the site and existing residential properties located on Weirfield Road. The removed parking bays will be replaced with double yellow lining – hence if a vehicle upon exit of the care home site sees another car approaching (forward visibility can be achieved), there is room and visibility for a vehicle to give way (and vice versa) to allow a vehicle to pass – an improvement to existing conditions. A swept path analysis has been conducted clearly showing how this will work in reality – a car can wait at either end of the pinch point (a section of 24m of one-way operation, acting as a standard traffic calming feature).”

The inclusion of a pedestrian crossing on Weirfield Road from the care home site to the existing footpath is welcomed by the Highway Authority as facilitating safer access to riverside routes and beyond.

Given the sustainable location of the site in terms of proximity to local facilities, the city centre and its location on a public transport route the scheme proposes a reduced level of parking provision comprising 168 allocated and 15 unallocated parking spaces for the residential element and 52 parking spaces (including 4 disabled, 2 drop-off and 1 service bay) for the

assisted living/car home element. Given the sustainable nature of the site the Highway Authority have confirmed that the level of provision is acceptable.

The internal road layout is not proposed for adoption by the Highway Authority due to the applicant's desire to utilise a variety of high quality surfacing materials that the County Council would not be willing to maintain.

Overall the proposal is considered acceptable from a transportation perspective.

Affordable Housing/Viability

The applicant is proposing 35 affordable dwellings as part of the development comprising 23 social rent units and 12 shared ownership/intermediate units. This equates to 24% of the total number of proposed dwellings (146) and is below the adopted Core Strategy policy requirement of 35% as set out in policy CP7.

In putting forward this reduced level of affordable housing provision the applicant has cited abnormal costs associated with the development of the site, the incorporation of the pre-school facility as part of the proposal and the potential for Vacant Building Credit (VBC) to apply in the not too distant future, upon vacation of the site by Erade, as a material consideration weighing in favour of accepting the reduced provision currently proposed.

Based on the floor space of the existing building the applicant has demonstrated that full application of the VBC would result in a significantly reduced level of affordable housing provision amounting to 16% of the overall number of units to be provided on site. The rationale behind the current offer of 24% affordable housing is not entirely clear. However the fall-back position with regard to VBC is considered a material consideration in the assessment of the acceptability of the current offer of 24% affordable housing provision. It is fact that ERADE are moving from the site and that all the buildings will become vacant in the relatively near future as the new site for ERADE at the former Rolle College campus in Exmouth is currently under-construction.

Notwithstanding this discussions regarding the level of affordable housing provision are on-going and the outcome of these discussions will be reported via the update sheet.

Open Space/Green Infrastructure/Ecological impact

The development incorporates a central area of public open space as a focal point within the development. Whilst the proposal does involve the removal of significant numbers of existing trees the perimeter of the site will be landscaped with significant replacement planting, including a significant managed planting buffer zone along the southern boundary which will help to reduce overlooking of the properties below in the longer term. The areas of planting within the public realm will be maintained by a management company.

The submitted ecology report identifies mitigation measures that would need to be carried out to ensure that the development does not result in a net loss in terms of biodiversity. It also identifies opportunities for enhancement through the inclusion of bat/bird boxes within the fabric of buildings and selection of appropriate plants forming part of the landscaping scheme. Subject to the identified mitigation and enhancement being implemented, which can be secured through an appropriate planning condition, the proposal is considered acceptable in terms of its ecological impact.

Financial Considerations

The residential dwelling element of the proposal will be CIL liable although the overall liability will be reduced once allowance is made for the demolition of existing floor space and social housing relief. The Care Home/assisted living elements fall within a C2 use class and as such are not CIL liable.

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.

The scheme will also generate New Homes bonus in respect of the new dwellings in line with legislation in force at the relevant time.

Section 106

A Section 106 agreement would be required in the event of approval of the application in respect of the following matters –

- Affordable housing provision
- Travel Plan Contribution £500/dwelling
- £10,000 contribution towards costs of relevant Traffic Regulation Orders, including one relating to loss of existing street parking on Wierfield Road in connection with formation of the access to serve the development.
- Open Space – Public access and maintenance arrangements

Delegation Briefing/Site Inspection Panel

Members noted the proposals had been subject to previous presentations to Planning Member Working Group. Due to the level of representations received the application would be brought to Planning Committee for determination. It was also noted that a site visit for all Planning Committee members would be arranged prior to Planning Committee.

A further site visit to which all Planning Committee and local ward members were invited, to include a balloon test indicating proposed building heights had been scheduled for 2nd March but had to be postponed due to the extreme weather event. At the time of writing this report it was not clear whether it would be possible to re-arrange this prior to Planning Committee taking place.

Conclusions

The proposal needs to be assessed in the context of its conformity with the development plan as a whole, and having regard to the tilted balance in favour of granting planning permission for sustainable development in the absence of a demonstrable five-year land supply for housing.

Having considered all the matters outlined above, subject to the satisfactory outcome of on-going discussions relating to affordable housing matters 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) 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 and 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: The development hereby approved (planning application no. 17/1640/FUL) shall not be implemented until a Traffic Regulation Order (TRO) in respect of the formation of the access from Weirfield Road to serve the care home/assisted living elements of the scheme and associated removal of existing on-street parking spaces has been approved and implemented by Devon County Council as the relevant Highway Authority, and all works necessary to implement the Order have been completed to the Highway Authority's satisfaction and the Order brought into force.

Reason for Pre-commencement condition: To ensure that the proposed access to serve this part of the development is capable of being delivered in accordance with the approved plans and thereby safe and suitable access to serve the development is provided.

4) Pre-commencement condition: Prior to the commencement of the development a further bat survey as recommended in the submitted Ecological and Further Bat Survey Report dated October 2017 prepared by Clarkson & Woods Ecological Consultants shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with any recommendations/mitigation works identified as necessary based on the results of the additional survey work.

Reason for Pre-commencement condition: To ensure that the development proceeds based on up to date information in relation to potential bat habitats and is implemented in a manner that minimises and ameliorates any identified impact on protected species.

5) Samples/further details of all the materials it is intended to use externally in the construction of the development (including all hard surface and road materials) 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/details in all respects.

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

6) 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.

7) 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.

8) Pre-commencement condition: The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all dwellings and the Care home/assisted living units, and the final levels of all roads forming part of the development, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. The information submitted pursuant to this condition will be expected to confirm any finished floor levels/overall building heights already indicated on the approved plans referred to in condition 2. Thereafter the development shall be implemented in accordance with the approved details.

Reason for Pre-commencement condition: In the interests of the visual amenities of the area and the residential amenities of future occupants of the development and the occupants of existing neighbouring properties.

9) Pre-commencement condition: A Construction Environmental Management Plan 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.

10) Prior to the commencement of the development hereby approved a Biodiversity Mitigation and Enhancement Plan for the site incorporating the recommendations set out in the submitted Ecological and Further Bat Survey report by Clarkson and Woods dated October 2017 shall be submitted to and approved by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. The Biodiversity Mitigation and Enhancement Plan should also incorporate a Habitat Management Plan. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: To enhance the biodiversity of the site and clarify how newly planted areas of the site will be managed so as to maximise their biodiversity value and achieve objectives of ecological mitigation and compensation/enhancement.

11) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

12) Prior to commencement of the development details of any proposed CHP plant shall be submitted to and approved in writing by the LPA. The submitted details shall include as a minimum: fuel type, appliance size (net rated thermal input), maximum fuel consumption rate, flue gas abatement equipment if fitted, maintenance scheme, chimney height and a chimney height calculation to demonstrate adequate dispersal of the products of combustion. CHP plant shall only be installed in accordance with the agreed details, and operated as agreed thereafter. Reason: In the interests of residential amenity.

13) No building hereby permitted shall 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.

The details submitted pursuant to this condition will be expected to be in general conformity with the submitted Flood Risk Assessment dated September 2017 prepared by Vectos.

Reason: To ensure the satisfactory drainage of the development.

14) No part of the development hereby approved shall be brought into its intended use until a 3.5m shared footway/cycleway along the frontage of the scheme/vehicular access (on Topsham Road) as indicated by Drawing Number "162290_G_01 Rev B" and ped/cycle access points onto Topsham Rd as indicated by Drawing Number "160601 L 02 01 Rev AD" have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be retained for that purpose at all times.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

15) No part of the development hereby approved shall be brought into its intended use until the access point for the care home/assisted living units as indicated by Drawing Number "160601 L 02 01 Rev AD", with a facility to prevent uncontrolled discharge of water over the highway, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter it shall be 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

16) Unless otherwise agreed in writing by the Local Planning Authority (LPA), the buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating, including appropriate space for plant and machinery, are capable of being connected to the proposed low temperature hot water district heating network. Prior to commencement of development routes for the connection of those systems to the network at points at the application site boundaries shall be agreed in writing by the LPA.

Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.

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

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

18) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority. The details submitted pursuant to this condition will be expected to be in accordance with the details set out in the submitted Landscape Strategy report dated 16/10/2017 and drawing nos. MWA-16.13-900_04 (Tree Planting Strategy) and MWA-16.13-100_05 (Landscape Plan) prepared by Matthew Wigan Associates.

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

19) 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.

20) No part of the development hereby approved shall be brought into its intended use until the vehicular parking facilities for the care home/assisted living units and pedestrian crossing on Weirfield Road as indicated by Drawing Number "160601 L 02 04 Rev C" have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter they shall be 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.

21) Prior to its construction details of the proposed pedestrian/cycle connection of a minimum 3 metre width between the care home site and the residential site (adjacent to plot 126) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and the use of sustainable modes of transport.

22) Prior to its construction details of the proposed pedestrian connection between the residential site to Trews Weir Reach shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and the use of sustainable modes of transport.

23) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any of the dwellings/plots comprised in this

development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class D porch

Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse

Part 1, Class F hard surfaces

Reason: In order to protect residential amenity and to prevent overdevelopment given the density of this development, relative juxtaposition of buildings and the relationship to surrounding properties bordering the site.

24) The level of noise emitted from the plant on the site shall not exceed the levels in the table below (measured as a rating noise level using the methodology in BS4142:2014). The developer shall demonstrate by measurement compliance with the levels prior to occupation of the development and as requested by the LPA thereafter.

Plant rating noise levels at nearest sensitive receptors

Daytime (07:00-23:00)	Night (23:00-07:00)
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37 dB	30 dB
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Reason: In the interests of residential amenity

25) 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.

26) Prior to construction commencing on any of the buildings comprised in this development, details shall be submitted to the Local Planning Authority of secure cycle parking provision/staff changing facilities for the development. Construction of the buildings shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

27) A comprehensive Framework Travel Plan/Parking Management Plan for the Care Home and assisted living site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. Thereafter the development shall be implemented in accordance with the approved travel plan measures. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

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

28) Prior to the use of the pre-school facility commencing a Travel Plan to promote the use of sustainable means of transport shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the pre-school shall be operated in accordance with the approved Travel Plan.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car.

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 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.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

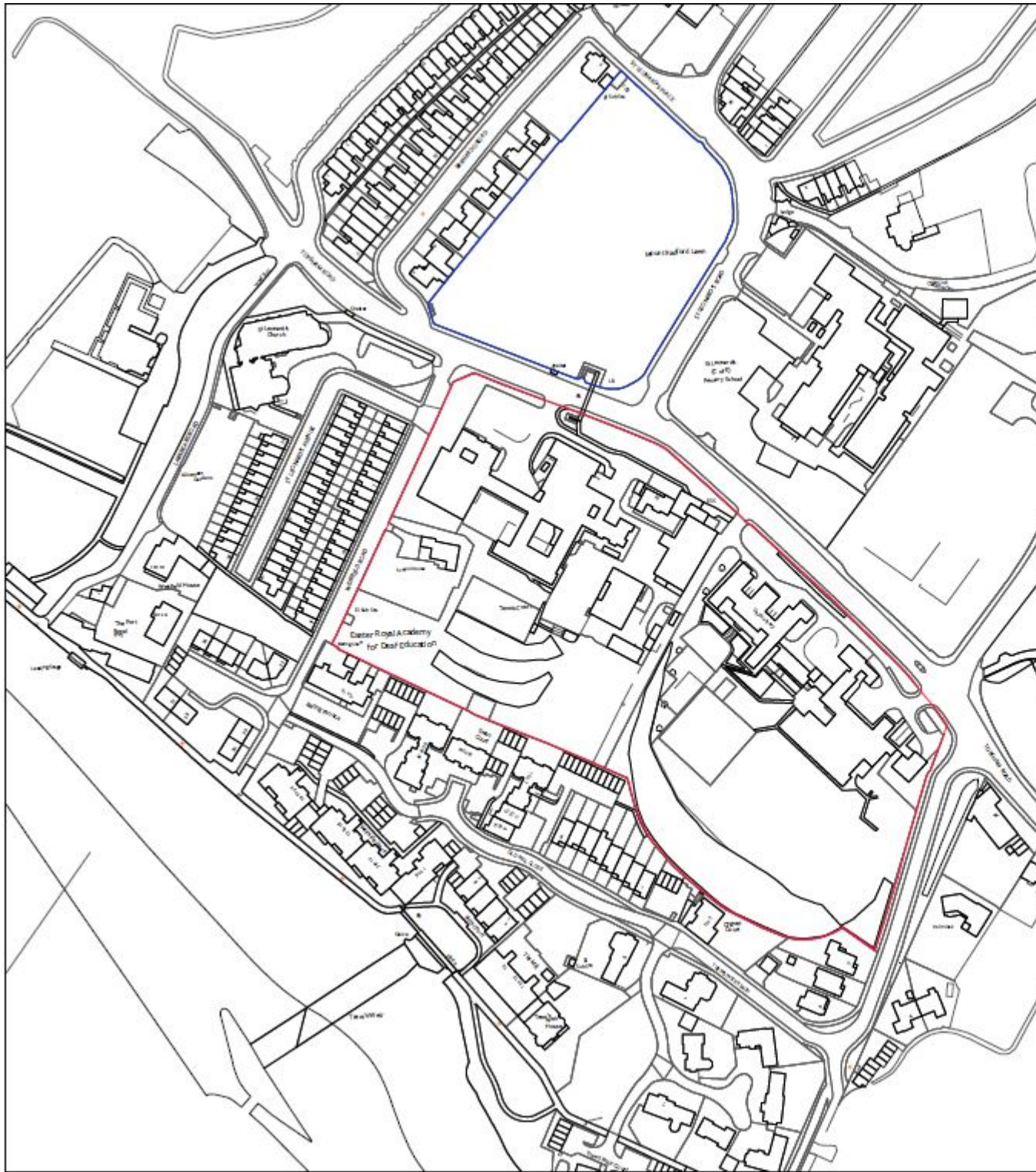
4) Your attention is drawn to the need to obtain an appropriate European Protected Species Licence from Natural England prior to the demolition/destruction of buildings and identified bat roosts on the site.

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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COMMITTEE DATE: 19/03/2018

APPLICATION NO:

17/1658/VOC

APPLICANT:

Mr Cryer

PROPOSAL:

Variation of condition 2 of planning application 16/1210/03 granted permission on 12 April 2017 to allow for the reduction/removal of areas of communal space to be replaced with 12 additional bed spaces.

LOCATION:

Honiton Inn
74 Paris Street
Exeter
Devon
EX1 2JY

REGISTRATION DATE:

20/10/2017

EXPIRY DATE:

17/1658/VOC

Honiton Inn, 74 Paris Street, Exeter City Council

Variation of Condition 2 of planning application 16/1210/03

HISTORY OF SITE

Planning permission was granted in April 2017 (ref no, 16/1210/03) to demolish the existing Honiton Inn and replace with a mixed use development comprising a double height café/bar and entrance to the student accommodation on the lower ground floor fronting Paris Street; a common room, cinema, gym, laundry room, bin and bike store for student use only on the ground floor; an additional three storeys (floors 1, 2 and 3) extending the complete depth of the site containing a total of 24 bedrooms on each floor; an additional storey (floor 4) containing 18 bedrooms; a further storey (floor 5) containing 13 bedrooms and a final storey (floor 6) with 4 bedrooms. The total number of bedspaces was 107.

The predominant approved building material is red brick for the tower and the top two floors of the building fronting Western Way constructed of zinc cladding.

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

It is understood from the applicant that work is intended to start shortly on the demolition of the existing building and redeveloped in line with this approved planning permission.

DESCRIPTION OF SITE/PROPOSAL

The application site (0.084ha) is located on the junction of Paris Street and Western Way. The Honiton Inn lies on the southern side of Paris Street alongside the Devon and Cornwall Housing

Association offices and the Council Civic Centre buildings. The Honiton Inn has been vacant for approximately 10 years, although the associated car park to the rear is still being used.

This variation of condition application proposes additional studio flats instead of the approved gym/cinema, which would result in some modest external changes at ground floor level. However the overall height, scale, massing and design of the building remains unaltered from the scheme approved in April 2017. The main changes are internal to facilitate an increase in the total number of bedspaces from 107 to 119. This involves the removal of the previously approved gym and cinema at ground floor level to create four studio flats. On the first, second and third floor two additional bedrooms have been added in the 8 person cluster flats by the reduction in the communal area from approximately 37 sq m to 25 sq m. On the fourth and fifth floor internal configuration has resulted in the creation of an additional flat on each floor with the reduction of the communal area by approximately 12 sq metres for the 8 person cluster flats. In total the internal reconfigurations have resulted in the creation of 12 additional flats overall.

The bar/restaurant to the front of the building will remain unchanged as a result of this application.

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

REPRESENTATIONS

No representation have been received in connection with this application

CONSULTATIONS

The County Head of Planning Transportation and Environment comment that this site forms an expansion of a previously approved student accommodation development. This application is only for an additional 12 bed spaces and circumstances have not significantly changed at this location since the previous submission. Therefore, it is recommended that the observations/conditions that were recommended for the previous application still apply.

However, the revised ground floor plan suggest that the number of secure cycle spaces has now reduced from 90 spaces to 88, despite an net increase of 12 rooms. Although such decrease is not desired, the number of secure cycle spaces still exceeds the standard set out in the Sustainable Transport SPD. In addition, the plans indicate that the cycle parking facilities to the side of the building are missing from the previously approved ground floor plan – these should be included in the revised plan.

Finally, the applicant is also advised to update the student management/travel plan to take into account the increase in rooms proposed. Subject the conditions recommend as part of the original application no objections are raised.

Exeter University Student Guild comment that they do not see the removal of internal amenities to be a problem in its own right. One of their campaigns is affordable accommodation and this assumes that the rents will now be cheaper than they would have been had they had a gym/cinema etc. Communal areas are however very important as these spaces are invaluable in reducing isolation and helping building a sense of community. This is especially important to International students. The Guild would like the developers to make due consideration for the

need of adequate communal space (internal) and consider it an essential rather desirable part of building student accommodation.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 4. Promoting sustainable transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment
- Plan making
- Decision making

Exeter Local Development Framework Core Strategy

- CP5 - Student Accommodation
- CP8 - Retail Development
- CP10 - Meeting Community Needs
- CP15 - Sustainable Construction
- CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 - Design and Location of Development
- AP2 - Sequential Approach
- H1 - Search Sequence
- H2 - Location Priorities
- H5 - Diversity of Housing
- S1 - Retail Proposal
- S3 - Shopping Frontages
- T1 - Hierarchy of Modes
- T2 - Accessibility Criteria
- T3 - Encouraging Use of Sustainable Modes
- C5 - Archaeology
- EN2 - Contaminated Land
- EN5 - Noise
- DG1 - Objectives of Urban Design
- DG2 - Energy Conservation
- DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version)

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

- DD1 - Sustainable Development
- DD12 - Purpose Built Student Accommodation
- DD13 - Residential Amenity
- DD20 - Sustainable Movement
- DD21 - Parking
- DD25 - Design Principles

Exeter City Council Supplementary Planning Documents

Sustainable Transport - adopted March 2013

Southernhay and The Friars Conservation Area - adopted August 2002.

OBSERVATIONS

The planning approved granted in April 2017 allows for the demolition of Honiton Inn and redevelopment of the site for bar/restaurant and accommodation for 107 students. This application will result in no change to the height, scale and overall design of the new building but there will be some alterations to the ground floor elevation facing towards Western Way. Although the scheme will result in the increase in student bedspaces by 12 this is not considered significant within the overall scheme and increased student number is supported by CP5 of the Core Strategy. Consequently there is no objection in principle to the increase in student numbers on this site.

Members have requested further information in respect for the supply and demand for student accommodation within the city. Whilst a fuller report will be presented to members and made publicly available some key information can be provided now which should help members contextualise the proposal.

- The total number of students at the University for the 2015/16 academic year (the latest year for which figures are available) is 21,691.
- This figure represents an increase of 5971 since the Council adopted its University SPG in 2007.
- During the same period the number of bed spaces in student accommodation has increased from around 4000 to 8500.
- The number of council tax exempt homes (a proxy for student HMOs) remains fairly constant over the past few years. In May 2011 (the first year this data was collected) the figure stood at 2,120 whilst the figure for February of this year was 2080 an increase of 50 since the data was last collected in June 2016.

One may draw a number of conclusions from this data but the figures suggest that PBSA has largely accommodated the growth in student numbers over the last decade or so. One assumes they would have been housed in HMOs had the PBSA not been delivered.

Going forward it is expected that the growth in student numbers will reduce to around 350 annually and that the supply of PBSA will outstrip this. (There are 1114 bed spaces under construction and another 2279 consented). The market believes that these new developments will provide an alternative to the "traditional" HMOs and the change in emphasis in new schemes away from single studios to cluster flats is clearly aimed at encouraging such a trend. Such a shift could deliver the policy objective of releasing former family homes back into the open market.

Consequently the principal issue relating to this application is concern regarding the loss of the previous approved facilities on the amenities available for future occupants, particularly in respect of the reduction of the communal areas for some of the cluster flats.

Members at the Delegation Briefing echoed by comments received by the Exeter University Student Guild have raised concern about the loss of the communal areas, in regard to the impact this could have on future student's wellbeing. Whilst the application does not involve the complete removal of the communal area for the cluster flats, it will reduce each of the affected areas by approximately 12 sq metres to 25 sq metres in total. Whilst the need for residents to have sufficient internal space to feel comfortably within their homes is enshrined with the Council's Residential Design SPD and National Guidance Technical Housing Standards, this

does not relate to student accommodation. Consequently there are no defined internal standards or national or local planning policies, against which a reason for refusal can be justified. Whilst the concerns regarding student wellbeing is understood and clearly important this can only effectively be addressed through the proper management of the student flats operators as required by the Section 106 agreement.

Accordingly although the issue of student wellbeing is important there are no planning policy to substantiate a reason for refusal. Whilst the NPPF includes a section 'Promoting healthy communities' this relates to external factors rather than internal space standards. The concerns of Members and the Student Guild regards student welfare have been reported to the applicant. However it is considered that the increase in student numbers represents a more efficient use of the site and will help to address the need for further student accommodation within the city and accordingly should be approved

As with the previous application this scheme will require a financial contribution towards the delivery of district heating in the area which will be included within the Section 106 agreement. The creation of 3131 sq metres of student accommodation will result in the increased from the previous amount of £159,990 to £174,991.59 in CIL due to the 2018 figure now being increasing from £51.07 to £55.89 per sq metre.

DELEGATION BRIEFING

19 December 2017 – The case officer explained that the application had been previously been reported to a delegation briefing and Members had requested that the Exeter Student Guild be notified for comment given the loss of internal amenity space from the originally approved application.

The student's guild had commented that they had no objection to the loss of the gym and cinema, which could result in more affordable rents. However they did raise objection to the reduction in the communal area for the clusters flats as these were importance for student's overall well-being. Members agreed with this concern and the general feeling was that as submitted the application should be refused on loss of internal amenity.

Following this meeting the case officer reported Member's concerns back to applicant however they were unwilling to make further revision to reinstate the communal areas and wished the application to be determined as submitted.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan and a financial contribution towards the delivery of District Heating in the area and a Traffic Regulation Order APPROVE the application subject to the following conditions:-

1) The development to which this permission relates must be begun before 12 April 2020.

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 October 2017 (dwg. nos 1188 PL05 rev *; PL06 rev C; PL07 rev B; PL09 rev B; PL10 rev *; PL11 rev *; PL12 rev C; PL13 rev *; PL14 rev A and PL15 rev C) as modified by other conditions of this consent.

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

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

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

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

5) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.

Reason: In the interests of the appearance of the Conservation Area.

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

Reason: To ensure that the proposal complies with Policy CP14 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

7) No part of the development hereby approved shall be brought into its intended use until the loading bay as indicated on Drawing Number 1188/PL05 Rev B (of at least 2.5m in width) on Paris Street, and raised pedestrian crossing at the vehicular access have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

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

8) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities as indicated on Drawing Number 1188/PL05 Rev B and an external door into the cycle store, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

9) No development shall commence until a noise assessment report, including noise from the any plant machinery has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:

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

10) No development shall take place, including any works of demolition, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- a) the parking of vehicles of site operative and visitors
- b) loading and unloading of plant and material;
- c) storage of plant and materials used in the constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- h) construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

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

11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the cafe/bar use shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be thereafter be operated and maintained in accordance with the manufacturers instructions.

Reason: To protect the amenity of nearby occupants.

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

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

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

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

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

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

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

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

16) No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

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

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

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

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

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

19) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no. (enter) and satisfactory evidence to that effect has been produced to the Local Planning Authority.

Reason: In the interests of the appearance of the Conservation Area.

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 Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this decision notice.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie 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.

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



Location Plan - 1:1000 @ A1

P A R I S S T R E E T S T U D E N

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COMMITTEE DATE: 19/03/2018

APPLICATION NO:

17/1617/VOC

APPLICANT:

Mr Harris

PROPOSAL:

Variation of Condition 2 of planning application 17/0188/37 granted permission on 1 March 2017 to allow an additional 24 bed spaces/studio flats within an extended lower ground floor level; relocation of common room and bin stores; provision of outside cycle parking and re-arrangement of internal stair cores.

LOCATION:

Exeter City Afc Ltd
St James Park
Stadium Way
Exeter
Devon
EX4 6PX

REGISTRATION DATE:

13/10/2017

EXPIRY DATE:

HISTORY OF SITE

The original planning application (15/1283/03) was approved in May 2016 for the redevelopment of the football ground, principally the rebuilding of the old grandstand and a new building for student accommodation including 312 bedspaces.

A planning application (15/1275/03) was approved on the adjacent site 31-35 Old Tiverton Road. This development sought the demolition of the existing structures on the site, principally a former petrol filling station, and erection of a new three storey building comprising ground floor retail use and student accommodation for 9 studio flats above with associated vehicular/cycle parking and bin storage.

In January 2018 a non-material amendment application (ref. 17/1627/NMA) was approved to reconfigure the internal arrangement of the student accommodation, improvement to circulation within the stairwells and for the repositioning of the cycle storage to a centralised location. The application resulted in no significant changes to the external appearance of the building and the number of students remained unchanged at 312.

DESCRIPTION OF SITE /PROPOSAL

The application site includes an area of vacant land behind the Big Bank stand; which comprised of the former garage workshop and associated buildings for vehicular related uses located on the 'Yeo Davey' site. The site is contained to the north/west by the railway line/embankment and the Big Bank stand of the football club and to the south east by existing terraced properties in Old Tiverton Road which tapers towards the north eastern edge of the site and ends at No 36 Old Tiverton Road.

The closest listed buildings are located alongside the site in Old Tiverton Road. Nos 21 to 30 (inclusion) and 36 and 37 Old Tiverton Road are grade II listed. The application site is close to the Belmont Conservation Area.

The approved application (15/1283/03) sought to develop the land to the rear of the Big Bank stand and part of the Yeo Davey Properties' land to the rear of the three storey terraced properties which front onto Old Tiverton Road for student accommodation. It proposed to build up to a total of 312 student bedrooms in new purpose built accommodation, via a combination of shared cluster flats, self-contained studios flats and disabled accessible units. To facilitate these works approval was granted to demolish the existing garages/workshop; remove the existing Big Bank wc block and clear trees and vegetation alongside the Network Rail land to the north east of the site. The main pedestrian/vehicular access to the site was approved from Stadium Way. The original application included a new pedestrian footway to be provided from Old Tiverton Road to the site between 20 and 21 Old Tiverton Road, however this has subsequently been omitted from the scheme as has the proposal to convert No. 20 Old Tiverton Road to student accommodation for up to 6 units. This property will now remain in residential use.

The approved scheme grants permission for 312 purpose built student bedrooms and studios within 4, 5 and 6 storey blocks together with associated ancillary accommodation to include refuse and secure cycle storage, administration and management suite, student common room facilities, plant rooms, laundry room and storage areas within a gross internal floor area of up to 9,322 sq metres. In addition, associated external works are proposed for the student block to include external student amenity areas of hard and soft landscaping together with access for emergency vehicles and refuse collection vehicles and up to 5 parking spaces for disabled and management staff use.

The student accommodation has been designed with a series of distinctive 6 interconnecting blocks ranging from 4 to 6 levels. The 6 storey block would have a maximum height of 18.5 metres when measured from the new ground level, stepping down to 15.8 metres at 5 storey and 12.8 metres at 4 storey level. The site has significant changes in levels and whilst the development overall seeks to regularise the ground floor level of the new accommodation, a stepped level is incorporated alongside the railway embankment. The proposed 6 storey element of the new build would establish a parapet line approximately 1 storey higher than the ridge line of the Old Tiverton Road properties and is between 55 metres and 70 metres away from these existing properties. The accommodation blocks closest to the rear of this terrace reduces in height to 5 and 4 storey and retains a minimum distance of approximately 30 metres.

This application seeks amendments to the student accommodation scheme as approved in May 2016. The most significant change is the increase in the overall number of bedspaces by 24, from 312 to 336 in total. Whilst the overall external appearance of the building, footprint and height of the building will remain unchanged the increased numbers have been achieved through the creation of additional floors at lower ground level to the block closest to the Big Bank. The relationship of the new build to existing properties in Old Tiverton Road will remain unchanged in terms of proximity to the building and overall height. In addition, the application seeks to make internal alterations within the increased space allocated for communal activities, a new building for cycle storage to the rear of the Big Bank and the redesigning of the internal courtyard space to address the new rooms at the lower level.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement submitted providing an overview of the proposed amendments namely:-

Amendments to retaining structures to allow the development of the lower ground floor area to add 24 additional cluster bedrooms in two areas beneath the approved accommodation blocks;

Associated amendments to the building's elevation and the hard landscaping;
Common room and main entrance to be relocated to the lower ground floor level;
Relocation of cycle storage facilities from behind the existing car wash to the courtyard adjacent to the Big Bank stand;
General amendments to the studios, cluster and staircores.

In response to objections raised regarding the loss of green space on the site for the students the applicant has commented that the proposed application has reduced hard landscaping and increased the amount of green space from 139m² to 176m² within the proposed 336 bed scheme.

The applicant has responded to local resident's concerns about the boundary walls adjacent to the rear walls of Old Tiverton Road which could leave a gap with no-one claiming responsibility for clearing litter etc. This is currently being agreed within the Party Wall Agreement. The applicant will be responsible for the internal fence including maintenance and debris clearance. The main reason behind the new wall is security to the boundary to ensure both neighbours and students are safe. The applicant's intention is that this will be carried for the scheme as approved and is not exclusively for the 336.

The applicant has stated that the scheme will operate a 24 hour, 7 day a week security policy whereby a member of the Student Housing Company is always present within the building. This reduces student disruption late at night as well as handling any emergencies if they arise.

All external areas of the carpark and courtyards are covered by CCTV along with extensive CCTV within the building to keep our students safe as well as offering protection to the neighbouring properties, CCTV is monitored via large screens within the Reception Management Suite.

The building is secured by a smart door access system whereby students use their phones as well as keyfobs to access the building, this system allows the tracking of each student within the building and out of the building. In the rare event of any nuisances we would be able to track student's movements and capture them on CCTV.

The applicant have produced a Wellbeing Brochure and state 'We pride ourselves at being one of the front runners in the industry in the wellbeing of our students and as such have given lectures and speeches to the others in our industry, most notably at last year's National Student Conference'.

The overall common spaces has been increased from 194.7m² (0.6m² per student) to 255.7m² (0.8m² per student) within the proposed scheme

The Architects have confirmed there are 192 cycle spaces located on the lower ground floor, using a double stacked system.

The applicant has confirmed that a sprinkler system will be installed throughout the building.

CONSULTATIONS

County Head of Planning Transportation and Environment comments that this application is only for an additional 24 bed spaces and circumstances have not significantly changed at this

location since the previous submission. Therefore, it is recommended that the observations/conditions that were recommended for the previous application still hold.

However, the proposed GA site plan shows that a covered cycle store is to accommodate 160 spaces - this falls short of the standard set out in the Sustainable Transport SPD. Therefore, an increase in capacity of the secure, covered cycle store is requested.

The agent has been provided this further information within a revised plan.

The parking bays have been realigned and the quanta provided remain the same - 5 spaces (three of which are marked out as disabled). Although acceptable in principle, the applicant is reminded of the comments made in the previous highway response i.e. –

“Considering that pick up and drop off occurs over a number of weeks, that occupants come by various modes and that specific time slots allocated to each occupant and the 9 spaces could be sufficient. This does however appear to be dependent on the spread of arrivals over different weekends and therefore it is recommended that provision is secured through the management agreements in the S106 to provide funds for up to 5 years after opening for any parking restrictions that maybe required in the vicinity.”

As such, the applicant is advised to update the student management/travel plan to take into account the increase in rooms proposed.

Finally, it is noted that the substation access is to be relocated. A management plan should be in place detailing how vehicles service the substation – in particular, the parking arrangements should be outlined, ensuring that parking is not compromised during student pick up/drop off periods. If the applicant wishes to undertake works on the highway, it is advised that before any works are undertaken, the applicant must obtain the appropriate highway licences. Subject the conditions recommend as part of the original application (15/1238/03) no objection.

Police Architectural Liaison Officer views awaited.

Devon and Somerset Fire Service comment that observations have already been made in relation to the building regulation application received via the applicant's approved inspectors. For information the building will have a sprinkler system installed.

Exeter University Student Guild comment that they would like developers to make due consideration for the need of adequate communal space (internal) and consider it an essential rather than a desirable part of building student accommodation.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

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

Exeter Local Development Framework Core Strategy

CP5 - Student Accommodation

Relevant text states that:-

-purpose built student accommodation should be provided to meet the housing need.

CP10 - Meeting Community Needs

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

St James Neighbourhood Plan March 2013

D1 - Good Quality Design

C1 - Houses in Multiple Occupation

C2 - Large Scale Purpose Built Student Accommodation

Large scale purpose built student accommodation will be permitted in areas where it can be properly integrated into the urban area. This means locations;

- a) that are not predominantly characterised by intact streets of traditional terraced, semi-detached and detached forms of 2-3 storey residential development;*
- b) where the servicing and parking requirements could be achieved with no unacceptable impact on the amenity of the adjacent area for residents;*
- c) where the scale and massing of any purpose built accommodation proposed would be broadly similar to that of surrounding buildings.*

SD1 – Football Club/Yeo and Davey Site

Proposals that secure the continued vitality and viability of the Football Club and encourage comprehensive well-designed mixed use development will be supported provided they would;

- a) result in positive, attractive and well-designed frontages of an appropriate scale to Well Street, St James Road, Old Tiverton Road and the railway corridor;*
- b) be of a scale, form, and character appropriate to the residential nature of St James;*
- c) adopt high standards of sustainable design;*
- d) take account of the need to improve the balance of the community;*
- e) adopt layout and arrangement of access and egress that minimise the impact of additional traffic on surrounding residential streets such as Oxford Road;*
- f) encourage a flexible and 'joined up plan' for both the Football Club and the Yeo & Davey site.*

H1 - Heritage

SD4 - Adapting to Climate Change

T1 - Sustainable Transport

E1 - Employment and Enterprise

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

Relevant text- Student housing will be permitted provided that:

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

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

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

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C1 - Conservation Areas

C2 - Listed Buildings

C3 - Buildings of Local Importance

C5 - Archaeology

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version) 2015

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

DD1 - Sustainable Development

DD7 - Allocated Housing Sites

DD11 - Residential Conversions and HMOs

DD12 - Purpose Built Student Accommodation

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

Purpose built student accommodation will be permitted provided the proposal:

a) respects, and contributes positively towards, the character and appearance of the area;

b) does not result in unacceptable harm to the amenity of neighbouring residents;

c) provides sufficient internal and external space for future occupiers;

d) makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;

e) reduces the need to travel and would not cause unacceptable transport impacts; and,

f) is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

DD26 - Designing Out Crime

DD28 - Heritage Assets

DD34 - Pollution

Exeter City Council Supplementary Planning Documents:-

Sustainable Transport March 2013

Development Related to the University June 2007

Houses in Multiple Occupation (including Class C4 Uses) SPD

OBSERVATIONS

The original planning application attracted significant levels of public support and objection, which was understandable given the issues being considered. Whilst the improvements to the football stadium were wholly supported there was concern that the accompanying student accommodation scheme, necessary to fund the works to the club, would have a detrimental effect on the 'community balance' of the area as identified in the St James Neighbourhood Plan. The application acknowledged that the introduction of 312 additional students in the area would have an impact on the character of the area but this was weighed up against other objectives of the development plan which included continued support for the football club as a community facility and the need to increase the provision of purpose built student accommodation in the city. The previous planning approval has therefore accepted the principle of student accommodation on this site. As outlined in the description of the development the footprint and height of the building will remain unchanged from the approved scheme. The physical appearance of the building will therefore remain largely unaltered from that approved and the relationship with neighbouring residential properties unchanged. The internal changes, introduction of cycle storage and amendments to hard and soft landscaping will have minimal impact beyond the site. Consequently the key issue in considering this application is the impact of 24 additional students will have on the overall character and appearance of the area over and above the number that has previously been approved.

Objectors have highlighted the key factor in approving the previous application was that the development would fund the football club refurbishment programme and ensure its future on this site. The works to the football club, as approved, are currently being implemented and it should be noted that the additional student numbers proposed will provide no further funding to the club. However although the direct correlation of the student scheme to the football club was highlighted as a positive benefit within the assessment of the application, this was not the sole reason for supporting the development of this site for student accommodation. The financial benefit of the scheme was one factor in the assessment of the various material planning issues. Whilst the concerns of local residents and the St James Neighbourhood Forum clearly stated the detrimental impact increased student numbers could have in the area, this was weighed up against the benefits (aside from those to the funding of the football club redevelopment) of providing purpose built student accommodation in appropriate location. The approved application concluded that the site met the criteria in terms of providing student accommodation in a sustainable location to the University and contributed to provide significant numbers of bedspaces to help address the need to increase supply. It is therefore considered that the original assessment, which accepted this site as an appropriate location for student accommodation, is still valid.

Members have requested further information in respect for the supply and demand for student accommodation within the city. Whilst a fuller report will be presented to members and made publicly available some key information can be provided now which should help members contextualise the proposal.

- The total number of students at the University for the 2015/16 academic year (the latest year for which figures are available) is 21,691.
- This figure represents an increase of 5971 since the Council adopted its University SPG in 2007.

- During the same period the number of bed spaces in student accommodation has increased from around 4000 to 8500.
- The number of council tax exempt homes (a proxy for student HMOs) remains fairly constant over the past few years. In May 2011 (the first year this data was collected) the figure stood at 2,120 whilst the figure for February of this year was 2080 an increase of 50 since the data was last collected in June 2016.

One may draw a number of conclusions from this data but the figures suggest that PBSA has largely accommodated the growth in student numbers over the last decade or so. One assumes they would have been housed in HMOs had the PBSA not been delivered.

Going forward it is expected that the growth in student numbers will reduce to around 350 annually and that the supply of PBSA will outstrip this. (There are 1114 bed spaces under construction and another 2279 consented). The market believes that these new developments will provide an alternative to the “traditional” HMOs and the change in emphasis in new schemes away from single studios to cluster flats is clearly aimed at encouraging such a trend. Such a shift could deliver the policy objective of releasing former family homes back into the open market.

As previously stated the proposed physical changes proposed to the building are minimal in terms of the visual impact the scheme will have to neighbouring properties and the surrounding character of the area. There would be no additional impact on neighbour heritage assets in terms of listed buildings or Belmont Park Conservation Area. However it is accepted that the creation of two additional storeys and the change to the re-profiling of the site could lead to a more prolonged construction period on the site and the potential for noise and disturbance to occupant of nearby residential properties. However it is considered that the imposition of a Construction and Environmental Management Plan would address this issue. In addition, it may be that the greater number of students entering and leaving the site could create further noise and disturbance issues for nearby residents. However the requirement for a student management plan within the Section 106 Agreement will seek to address these onsite management issues and therefore it is not considered that the increase in 24 additional students would result in such harm that permission should be refused.

Whilst the concerns of local residents and the St James Forum are understood it is considered that this site represents an appropriate location for purpose built student accommodation. The principle of this use has already been established by the previous approval and therefore it is important in planning terms to make the most efficient use of the site. As previously stated there remains future demand for student accommodation in the city and this scheme will help to address the existing shortfall. Accordingly it is considered that the application should be approved with a repeat of the previous planning conditions, the need for a Section 106 agreement for a student management plan and a revised CIL liability notice to take account of the additional floor area created by the 24 additional bedspaces.

DELEGATION BRIEFING

21 November 2017 - The planning case officer informed Members that the application was a variation on the original application to increase the number of student bedrooms to 24, an increase of 8% of the total, but the build scale and height would remain the same. There had been objections concerned with further degradation in the balance of the community. He highlighted that the amended application related only to accommodation, where the original application also included the football club.

Members discussed accommodation amenities and the case officer informed that there was no extra money being generated from the increase in student numbers. He would write to the Exeter University student guild representative to discuss student accommodation and future development plans to bring to Planning Committee. Members agreed the application would go to Planning Committee.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement including the securing of a Student Management Plan APPROVE the application subject to the following conditions:

1) The development to which this permission relates must be begun not later than 13 May 2019.
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 Dated 16 November 2015 (dwg nos. PL01.02 rev A; PL02.01 rev A; PL02.02 rev A; PL02.04 rev A; PL02.05 rev A; PL03.01 rev A; PL03.02 rev A; PL04.01 rev A; PL04.02 rev A; PL04.03 rev A; PL04.04 rev A; PL04.05 rev A & PL04.06 rev A); 25 November 2015 (dwg nos. 1213 PL01.01 rev A & PL02.03 rev A) and 2017***** (dwg nos *****) as modified by other conditions of this consent.

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

3) Samples of the materials it is intended to use externally in the construction of the football stadium development and the student accommodation development shall be submitted to the Local Planning Authority and the relevant development shall not be started before their approval is obtained in writing and the materials used in the construction of the relevant 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.

4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences for the football stadium development and the student accommodation development shall be submitted to the Local Planning Authority and no relevant development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping for the relevant development shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

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

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

6) No football stadium development or student accommodation development related works shall take place within the site until a written scheme of archaeological work for the relevant development 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 for the relevant development shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

7) No football stadium development or student accommodation development shall take place on site until a full investigation of the relevant 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 relevant building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

8) No football stadium development or student accommodation development shall take place, including any works of demolition and any earthworks, until a Construction and Environment Management Plan (CEMP) for the relevant development 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) include details of access arrangements and timings and management of arrivals and departures of vehicles
b) There shall be no burning on site during demolition, construction or site preparation works;
c) 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;
d) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The relevant approved CEMP shall be adhered to throughout the construction period for the relevant development.
Reason: In the interests of highway safety and public amenity.

9) No part of the student block hereby approved shall be brought into its intended use until the vehicular parking facilities as indicated on Drawing Hardworks Plan Rev P2 have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority and retained for that purpose at all times:
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

10) No part of the student block shall be brought into its intended use until the pedestrian routes to the development at 31-35 Old Tiverton Road to the north east and to Stadium Way on the Hardworks Plan Rev P2 have been provided and maintained for these purposes at all times.
Reason: To provide safe and suitable access for the pedestrians attracted ensure that adequate facilities are available for the traffic attracted to the site.

11) No part of the student block shall be brought into its intended use until the secure cycle parking facilities have been provided in accordance with the submitted details and maintained for these purposes at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site

12) Notwithstanding the description of development hereby approved, there shall be no change of use of 20 Old Tiverton Road to six student rooms with shared facilities, and 20 Old Tiverton Road shall remain in Class C3 residential use and there shall be no pedestrian access between 20/21 Old Tiverton Road. Prior to commencement of the student accommodation development a plan showing which parts of 20 Old Tiverton Road are to remain in residential use shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the dwelling remains in C3 use albeit parts of the external area of 20 Old Tiverton Road will be incorporated within the student development.

13) Travel Plan measures for the football stadium development and student accommodation development including the provision of sustainable transport welcome packs, shall be provided for the relevant development in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the relevant development.

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

14) Unless otherwise agreed in writing, no student accommodation development shall take place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

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

15) The development shall proceed in accordance with the Flood Risk Assessment produced by AWP dated 12 November 2015.

Reason: In the interests of flood mitigation and protection.

16) The football stadium development and student accommodation development hereby approved shall not commence until relevant details of the proposed finished floor levels and overall ridge heights of specified buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority for the relevant development. Thereafter the relevant development shall be implemented in accordance with the approved details

Reason: In the interests of the visual amenities of the area and the residential amenities of existing neighbouring occupants.

17) No development shall commence until details of the restoration and rebuilding of the existing boundary wall (including where necessary structural repairs) and additional boundary treatments/means of enclosure fronting onto St James Road and Well Street have been submitted to and approved in writing by the Local Planning Authority and thereafter be completed and maintained in accordance with the agreed plans.

Reason: In the interest of visual amenity and highway safety.

18) The specification for maximum mechanical plant noise included in the Noise Assessment prepared by Peter Ashford dated 6 November 2015 shall not be exceeded.

Reason: In the interests of residential amenity.

19) The new stand in the football stadium development shall not be used until a scheme for the installation of equipment to control the emission of smoke, fumes and smell from cooking at that part of the development has been submitted to, and approved in writing, the Local Planning Authority and the approved scheme has been implemented. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions thereafter.

Reason: In the interests of residential amenity.

20) The development shall proceed in accordance with mitigation and enhancement issues identified within the Ecological Impact Assessment prepared by EAD Ecology dated November 2015.

Reason: In the interests of environmental issues identified within the site.

21) The student accommodation hereby approved shall not be occupied until the practical completion of the identified stadium works (comprising the demolition and replacement of the Stagecoach Stand and associated facilities, improved facilities for the players managers and referees under the main stand, new toilet facilities for the Big Bank stand and the maintenance and rebuilding of the retaining wall along St James Road/Well Street) has been achieved.

Reason: To ensure that the necessary identified improvement works in connection with the football club are carried out

22) The football stadium works hereby approved shall not be used until details of any new public announcement system have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented at all times in accordance with the approved details.

Reason: In the interest of residential amenity.

23) The football stadium works hereby approved shall not be used until details of the floodlights to be installed on the replacement stand have been submitted to and approved in writing by the Local Planning Authority and thereafter installed and retained in accordance with the approved details at all times.

Reason: To avoid the potential for light spillage and in the interest of residential amenity.

24) Before commencement of the student accommodation development the applicant or the developer shall submit a SAP calculation which demonstrates that a 14% 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 the student accommodation the developer of the student accommodation will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

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

25) No part of the student block hereby approved shall be brought into its intended use until details of the access strategy regarding the relocated substation have been provided and maintained in accordance with details approved in writing by the Local Planning Authority at all times unless otherwise agreed in writing.

Reason: To ensure that adequate facilities are available for the traffic attracted to 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) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to the decision notice.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie 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.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) This application includes all conditions relating to application nos. 15/1283/03 as amended by application 17/018/37 for completeness. It is acknowledged that applications for the full or partial discharge of some of the conditions will have already been submitted and approved.

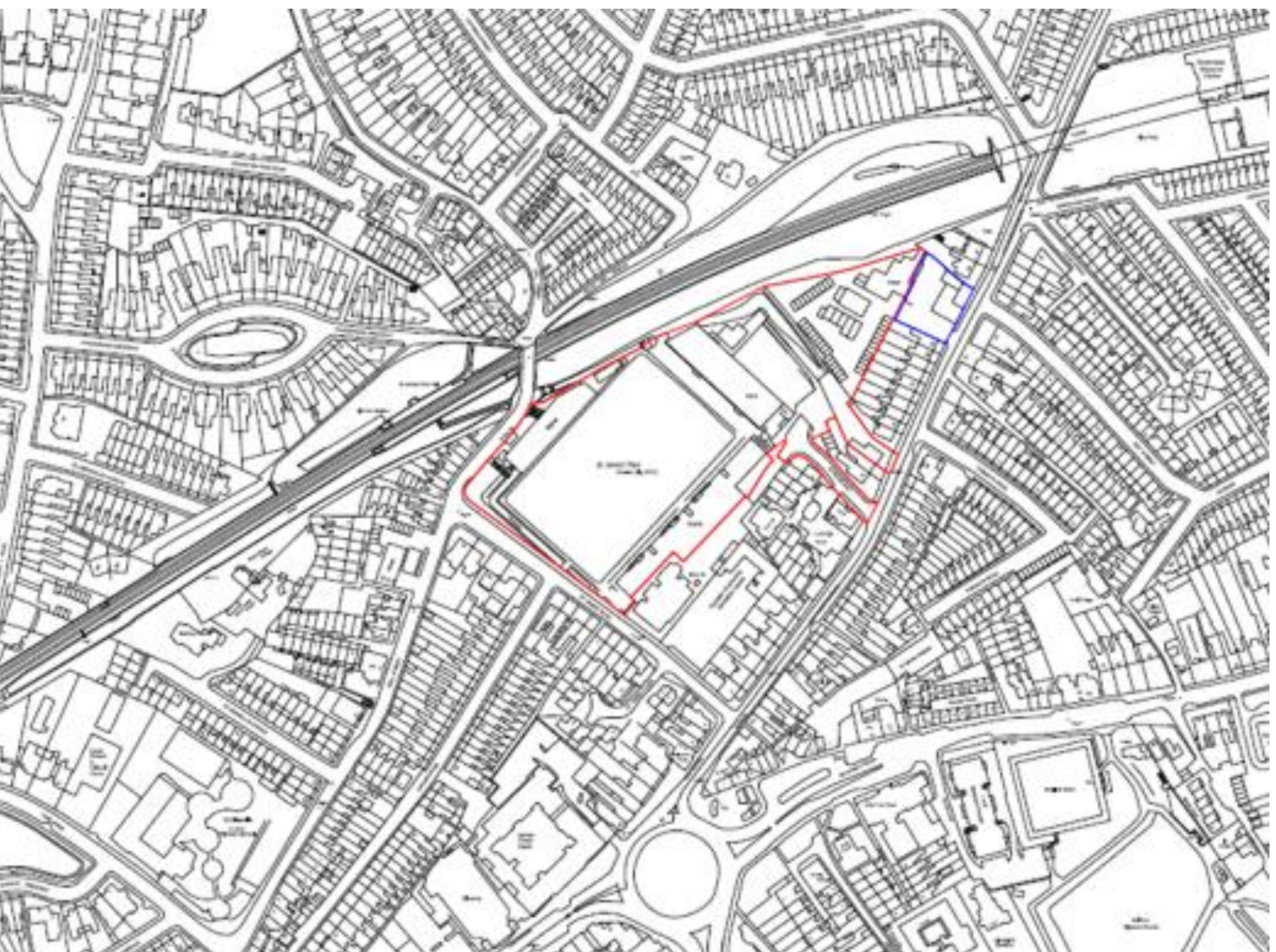
Accordingly the resubmission of an application for the discharge of conditions relating to this application will not be required where previously agreed.

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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COMMITTEE DATE: 19/03/2018

APPLICATION NO: 17/1824/FUL
APPLICANT: Mr Adrian Smith
PROPOSAL: Two storey extension and detached garage
LOCATION: Pinhoe Lodge
Gipsy Hill Lane
Exeter
Devon
EX1 3RJ

REGISTRATION DATE: 22/11/2017
EXPIRY DATE:

OFFICER'S REPORT AND RECOMMENDATION (17/1824/FUL)

Pinhoe Lodge
Gipsy Hill Lane
Exeter
Devon
EX1 3RJ

DESCRIPTION OF SITE/PROPOSAL

Proposal is to construct a two storey extension to provide a new kitchen/dining/living space on the ground floor, and a 4th bedroom with en-suite on the first floor.

The scheme also includes replacing the detached double garage.

Pinhoe House and Pinhoe Lodge are attached but were converted to separate dwellings under permission 91/0601/FUL.

CONSULTATIONS

ECC Environmental Health recommend condition regarding demolition/construction hours be imposed.

REPRESENTATIONS

None received

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance: National Planning Policy Framework

Exeter Local Development Framework Core Strategy (2012)

Objective 9 – Achieve excellence in design

Exeter Local Plan First Review 1995-2011

Design Guidance

DG1 – Objectives in Urban Design

DG4 – Residential Layout and Amenity

Exeter City Council Supplementary Planning Documents
Householder's Guide To Extension Design (2008)

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.

The original scheme submitted under this application was for the external finish of the extension and part of the existing dwelling to be Siberian Larch or Red Cedar cladding. While this material was considered as an acceptable finish for the garage, the applicant was advised against cladding the red brick property. The cladding was considered to be contrary to local and national policy, including Objective 9 of the Core Strategy; Policy DG1 of the Local Plan and Principle 8 of the SPD requiring external materials to match the original house.

The scheme was revised to include a brick external finish. The proposed brick has already been used on site and presents a good match that will present the extension as a natural evolution of the elevation which has previously undergone a number of changes including alteration of openings. The applicant expressed that the dwelling has a covenant preventing any rear elevation openings to be introduced and concern about the extension generating an unattractive blank elevation. The officer discussed that cladding would not overcome this blank elevation and moreover, the choice of brick could create variance in the elevation through brick colour, or brick detailing could be included in the design to overcome this.

The extension itself presents minimal impact to neighbours and is a somewhat natural infill of the corner of the building, yet further justification for the external materials to be matching. The extension is not visible from any public viewpoint, and the design is considered to be in proportion and in keeping with the original dwelling.

The detached garage is a replacement of the previous structure. Construction of the garage had begun prior to the case officer undertaking a site visit, and this is a retrospective application. The garage is considered acceptable in terms of design and position, including for this to be externally wood clad, as the outbuilding is detached and stands away from the main red brick body of the house. The Highways Authority and planning officer did not believe the proposal would generate an increase in traffic on Gipsy Hill Lane owing to the proposal involving the replacement of an existing garage, and an extension of a pre-existing dwelling. No highways concerns were raised.

The case was referred to Planning Committee as both applicants are Exeter City Council employees.

RECOMMENDATION

Approve with conditions

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 and 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 22 November 2017 (including dwg. nos 002; 003; 004; 005; 006; 007; 008; 009; 010; 011A; 012A; 013; 014; and email received 2 February 2018 from applicant detailing proposed brick) as modified by other conditions of this consent.

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

3) The walls and roof of the extension hereby approved shall have an external finish to match the existing building unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building and the wider street scene.

INFORMATIVES

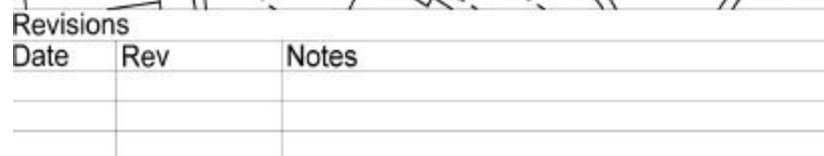
1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

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

Background papers used in compiling the report:

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REPORT TO: PLANNING COMMITTEE**Date of Meeting: 19 MARCH 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 01/02/2018 and 08/03/2018

Alphington

Application Number: 17/1256/FUL Delegation Briefing: 26/10/2017

Decision Type: Permitted Decision Date: 15/02/2018 Delegated Decision

Location: Alphington Park Alphington Road Marsh Barton Road Exeter EX2 8LH

Proposal: Change of use from B1/B2 employment use to two restaurant units (use class A3) with associated parking

Application Number: 17/1693/FUL Delegation Briefing: 14/12/2017

Decision Type: Permitted Decision Date: 14/02/2018 Delegated Decision

Location: 21 Chapel Road Exeter Devon EX2 8TB

Proposal: Loft conversion, two storey rear extension, single storey side extension and porch canopy.

Application Number: 17/1718/LPD Delegation Briefing:

Decision Type: Withdrawn by Applicant Decision Date: 12/02/2018 Delegated Decision

Location: 39 Broadway Exeter Devon EX2 9LU

Proposal: Rear Extension

Application Number: 17/1796/FUL Delegation Briefing: 25/01/2018

Decision Type: Permitted Decision Date: 19/02/2018 Delegated Decision

Location: Underwood Cottage Balls Farm Road Cowick Exeter Devon EX2 9RA

Proposal: Single storey extension on east elevation

Application Number: 17/1797/LBC Delegation Briefing: 25/01/2018

Decision Type: Permitted Decision Date: 19/02/2018 Delegated Decision

Location: Underwood Cottage Balls Farm Road Cowick Exeter Devon EX2 9RA

Proposal: Single storey extension on east elevation

Alphington

Application Number:	17/1813/FUL	Delegation Briefing:		
Decision Type:	Withdrawn by Applicant	Decision Date:	02/02/2018	Delegated Decision
Location:	Cotfield HouseDawlish RoadExeterDevonEX2 8XR			
Proposal:	Erection of new 4m high natural stone boundary wall			

Application Number:	17/1814/LBC	Delegation Briefing:		
Decision Type:	Withdrawn by Applicant	Decision Date:	02/02/2018	Delegated Decision
Location:	Cotfield HouseDawlish RoadExeterDevonEX2 8XR			
Proposal:	Erection of new 3m high natural stone boundary wall			

Application Number:	18/0105/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	02/02/2018	Delegated Decision
Location:	Bindle LodgePerridge CloseExeterDevonEX2 9PX			
Proposal:	Himalayan Birch T1 reduced by circa 2metres to keep tree size suitable for space availableOak tree T2 reduced away from wires and over entire crown by circa 2metres Group of Ash G1 trees reduced back away from boundary of Bindle Lodge by 2metres			

Duryard And St James

Application Number:	17/0724/FUL	Delegation Briefing:	25/05/2017	
Decision Type:	Permitted	Decision Date:	02/02/2018	Committee Decision
Location:	Moberly HouseLower Argyll RoadExeterDevonEX4 4PQ			
Proposal:	Demolition of existing halls of residence building (139 bedrooms) and a replacement building providing 251 student bedrooms arranged in 26 cluster flats including reception and common rooms, bike and refuse storage, reposition of existing access with Lowe			

Application Number:	17/1713/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	05/02/2018	Delegated Decision
Location:	31 Howell RoadExeterDevonEX4 4LT			
Proposal:	Existing sui generis house in multiple occupation with seven residents			

Duryard And St James

Application Number: 17/1793/FUL Delegation Briefing:

Decision Type: Withdrawn by Applicant Decision Date: 01/02/2018 Delegated Decision

Location: Elm Grove Cottage Elm Grove Road St James Exeter Devon EX4 4LL

Proposal: Replace front door and 7 no windows on ground and first floor, in keeping with original design of dwelling.

Application Number: 17/1916/FUL Delegation Briefing: 01/02/2018

Decision Type: Permitted Decision Date: 22/02/2018 Delegated Decision

Location: 14A Hillcrest Park Exeter Devon EX4 4SH

Proposal: Garage extension, widening of driveway, garden steps and retaining wall

Application Number: 17/1920/FUL Delegation Briefing: 11/01/2018

Decision Type: Permitted Decision Date: 06/02/2018 Delegated Decision

Location: Pennsylvania Residential Home 7-9 Powderham Crescent Exeter Devon EX4 6DA

Proposal: Change of Use from Residential Care Home (Use Class C2) into three separate Dwellings (Use Class C3) with demolition and replacement of rear extensions - revised design from 17/1092/FUL

Application Number: 17/1957/FUL Delegation Briefing: 04/01/2018

Decision Type: Permitted Decision Date: 14/02/2018 Delegated Decision

Location: 19-20 Howell Road Exeter Devon EX4 4LG

Proposal: Change of use to allow parking of up to two vehicles only on the garden.

Application Number: 17/1983/FUL Delegation Briefing: 11/01/2018

Decision Type: Permitted Decision Date: 12/02/2018 Delegated Decision

Location: 1 Addington Court Horseguards Exeter Devon EX4 4UY

Proposal: Enlarge existing window opening at rear elevation to form new doorway

Duryard And St James

Application Number:	18/0045/FUL	Delegation Briefing:	25/01/2018	
Decision Type:	Withdrawn by Applicant	Decision Date:	14/02/2018	Delegated Decision
Location:	42 Longbrook StreetExeterDevonEX4 6AE			
Proposal:	Change of use from Language School to a Micro Pub (use class A4) at ground floor level with HMO (use class C4) accommodation above.			

Application Number:	18/0055/LBC	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	16/02/2018	Delegated Decision
Location:	12 New North RoadExeterDevonEX4 4HF			
Proposal:	Knock through wall between sitting and dining rooms [Internal works]			

Application Number:	18/0101/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	02/02/2018	Delegated Decision
Location:	33 Edgerton Park RoadExeterDevonEX4 6DD			
Proposal:	Work to 2 no x Holm Oaks (possible TPO)			

Application Number:	18/0112/FUL	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	16/02/2018	Delegated Decision
Location:	1 Elm Grove RoadSt JamesExeterDevonEX4 4LL			
Proposal:	Alterations to front boundary.			

Exwick

Application Number:	17/1662/FUL	Delegation Briefing:	02/11/2017	
Decision Type:	Permitted	Decision Date:	12/02/2018	Delegated Decision
Location:	Emmanuel ChurchOkehampton RoadExeterDevonEX4 1EH			
Proposal:	Restoration and conversion of church into 9 residential units			

Exwick

Application Number:	17/1665/FUL	Delegation Briefing:	21/12/2017	
Decision Type:	Permitted	Decision Date:	13/02/2018	Delegated Decision
Location:	15 Moorland WayExeterDevonEX4 2ET			
Proposal:	Single storey side extension			

Application Number:	17/1672/FUL	Delegation Briefing:	14/12/2017	
Decision Type:	Permitted	Decision Date:	08/02/2018	Delegated Decision
Location:	45 Exwick HillExeterDevonEX4 2AW			
Proposal:	Single storey front, rear and side extensions and loft conversion.			

Application Number:	17/1846/FUL	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	05/03/2018	Delegated Decision
Location:	3A Chester CloseExeterDevonEX4 2EJ			
Proposal:	Demolition of existing garage and side extension to house.			

Application Number:	18/0146/PD	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	27/02/2018	Delegated Decision
Location:	16 Cypress DriveExeterDevonEX4 2DP			
Proposal:	Proposed conservatory extending a maximum 4m from rear elevation, height to eaves 2.1m and max. overall height 3.24m.			

Application Number:	18/0201/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	21/02/2018	Delegated Decision
Location:	14 Coventry RoadExeterDevonEX4 2DW			
Proposal:	Loft conversion including, rear dormer window extension and two roof lights on the northeast elevation.			

Heavitree

Heavitree

Application Number:	17/1809/FUL	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	01/02/2018	Delegated Decision
Location:	44 East AvenueExeterDevonEX1 2DX			
Proposal:	First floor side and rear extension			

Application Number:	18/0029/FUL	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	06/03/2018	Delegated Decision
Location:	Second Exeter Scout GroupSouth Lawn TerraceExeterDevon			
Proposal:	Installation of replacement storage shed.			

Application Number:	18/0084/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	07/02/2018	Delegated Decision
Location:	85 Fore StreetHeavitreeExeterDevonEX1 2RN			
Proposal:	To crown lift 3x sycamore to 3m from ground level.			

Application Number:	18/0240/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	09/02/2018	Delegated Decision
Location:	120 Sweetbrier LaneExeterDevonEX1 3AR			
Proposal:	Single storey rear extension, extending 2.7metres.			

Mincinglake And Whipton

Application Number:	17/1744/FUL	Delegation Briefing:	16/11/2017	
Decision Type:	Permitted	Decision Date:	12/02/2018	Delegated Decision
Location:	Westwood132 Beacon LaneExeterDevonEX4 8LX			
Proposal:	Construction of 4 no. semi-detached 2-storey houses within the grounds of 132 Beacon Lane and retention of the existing house.			

Mincinglake And Whipton

Application Number:	18/0150/FUL	Delegation Briefing:	01/02/2018	
Decision Type:	Permitted	Decision Date:	26/02/2018	Delegated Decision
Location:	17 Madison AvenueExeterDevonEX1 3AH			
Proposal:	Demolish single brick-built garage and replace with double brick-built garage.			

Newtown And St Leonards

Application Number:	17/0445/FUL	Delegation Briefing:	20/07/2017	
Decision Type:	Withdrawn by Applicant	Decision Date:	23/02/2018	Delegated Decision
Location:	91-93 Magdalen Road Exeter EX2 4TG			
Proposal:	Development of three storey block of flats (12 no. 1-bed and 3 no. 2-bed), following demolition of existing building. (Revised)			

Application Number:	17/1435/FUL	Delegation Briefing:	16/11/2017	
Decision Type:	Permitted	Decision Date:	07/02/2018	Delegated Decision
Location:	Alice Vlieland ClinicBull Meadow RoadExeterDevonEX2 4JF			
Proposal:	Demolition of former audiology building (to the rear of Bull Meadow Clinic)			

Application Number:	17/1556/FUL	Delegation Briefing:	30/11/2017	
Decision Type:	Permitted	Decision Date:	20/02/2018	Delegated Decision
Location:	115 Sidwell StreetExeterDevonEX4 6RY			
Proposal:	Change of use from Sui Generis to A3 and A5			

Application Number:	17/1603/FUL	Delegation Briefing:	26/10/2017	
Decision Type:	Withdrawn by Applicant	Decision Date:	05/03/2018	Delegated Decision
Location:	Land Situated Between Nos 2 And 4 Spicer RoadExeterEX1 1SX			
Proposal:	Construction of new apartment block comprising eight no. units with associated amenity space, bin store, cycle store and associated works.			

Newtown And St Leonards

Application Number:	17/1822/FUL	Delegation Briefing:	11/01/2018	
Decision Type:	Permitted	Decision Date:	05/02/2018	Delegated Decision
Location:	5 Mount Radford CrescentExeterDevonEX2 4EN			
Proposal:	Replacement of rear conservatory			

Application Number:	17/1823/LBC	Delegation Briefing:	11/01/2018	
Decision Type:	Permitted	Decision Date:	05/02/2018	Delegated Decision
Location:	5 Mount Radford CrescentExeterDevonEX2 4EN			
Proposal:	Replacement of rear conservatory			

Application Number:	17/1861/FUL	Delegation Briefing:	30/11/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	28/02/2018	Delegated Decision
Location:	124-125 Sidwell StreetExeterDevonEX4 6RY			
Proposal:	Retrospective change of use from A1 (Shop) to A3 (Restaurant) and A5 (Hot Food Takeaway).			

Application Number:	17/1862/ADV	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	28/02/2018	Delegated Decision
Location:	124-125 Sidwell StreetExeterDevonEX4 6RY			
Proposal:	Installation of non-illuminated fascia sign (retrospective).			

Application Number:	17/1960/FUL	Delegation Briefing:	21/12/2017	
Decision Type:	Permitted	Decision Date:	14/02/2018	Delegated Decision
Location:	68 Fleming WayExeterDevonEX2 4TP			
Proposal:	Ground floor garage conversion to provide additional living space.			

Application Number:	17/1982/LBC	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	05/03/2018	Delegated Decision
Location:	7 Mount Pleasant RoadExeterDevonEX4 7AB			
Proposal:	Alterations including: removal of external fire escape; lowering height of boundary wall; and new porch			

Newtown And St Leonards

Application Number:	18/0098/CAT	Delegation Briefing:	
Decision Type:	Permitted	Decision Date:	08/02/2018 Delegated Decision
Location:	72 Wonford RoadExeterDevonEX2 4LJ		
Proposal:	Works to various trees in front and rear gardensEast border 1. Crab apple - Remove dead tree 2. Elder - Reduce height of tree close to house and shading neighbour.Rear garden : Southern edge of lawn 1. Apple - Reduce crown of old tree that has had falling branches - some concern for safety. Mid lawn 1. and 2. Pears - reduce height of old pear trees.		

Application Number:	18/0131/CAT	Delegation Briefing:	
Decision Type:	Permitted	Decision Date:	12/02/2018 Delegated Decision
Location:	38 Spicer RoadExeterDevonEX1 1TA		
Proposal:	T1, bay - reduce height and reshape by 3 - 4m and prune away from neighbours' property.		

Application Number:	18/0248/DIS	Delegation Briefing:	
Decision Type:	Permitted	Decision Date:	14/02/2018 Delegated Decision
Location:	79 Heavitree RoadExeterDevon		
Proposal:	Discharge of Condition 11 (relating to compliance with BREEAM) of application 17/0459/VOC		

Application Number:	18/0286/LBC	Delegation Briefing:	
Decision Type:	Permission not required	Decision Date:	22/02/2018 Delegated Decision
Location:	16 Albion PlaceExeterDevonEX4 6LH		
Proposal:	Repair of 2 wooden sash-windows on front of property including new sashes, cords and glass. Repair includes draught-proofing and secondary glazing and a new sill on one window.		

Pennsylvania

Application Number:	17/1703/FUL	Delegation Briefing:	14/12/2017
Decision Type:	Permitted	Decision Date:	07/02/2018 Delegated Decision
Location:	44 Plassey CloseExeterDevonEX4 5HE		
Proposal:	Removal of existing conservatory and construction of a new single storey rear extension and associated works.		

Pennsylvania

Application Number:	17/1742/FUL	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	21/02/2018	Delegated Decision
Location:	61 Sylvan RoadExeterDevonEX4 6EY			
Proposal:	Construction of detached dwelling with detached double garage and site landscaping			

Application Number:	17/1778/FUL	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	22/02/2018	Delegated Decision
Location:	Morrisons Car Park PolsloePrince Charles RoadExeterDevonEX4 7BY			
Proposal:	Single storey steel frame unit for home delivery service.			

Application Number:	17/1936/FUL	Delegation Briefing:	21/12/2017	
Decision Type:	Refuse Planning Permission	Decision Date:	09/02/2018	Delegated Decision
Location:	1 Mayflower AvenueExeterDevonEX4 5DS			
Proposal:	Construction of a two-storey side extension to create "granny annexe", on site of existing attached garage (to be demolished)			

Application Number:	18/0073/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	16/02/2018	Delegated Decision
Location:	3 Jubilee RoadExeterDevonEX1 2HU			
Proposal:	Dormer extension to rear roof and side return under 40 cubic meters			

Application Number:	18/0230/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	07/02/2018	Delegated Decision
Location:	5 Collins RoadExeterDevonEX4 5DQ			
Proposal:	Non material amendment to change the hanging tiles to brick and enclose the porch (non-material amendment to ref. no. 17/0612/FUL granted 02/06/2017)			

Pinhoe

Pinhoe

Application Number:	17/0440/RES	Delegation Briefing:	30/03/2017	
Decision Type:	Permitted	Decision Date:	22/02/2018	Committee Decision
Location:	Phase Two Land To North West & South Of Met Office Off Hill Barton Road Exeter EX2			
Proposal:	Reserved matters application for construction of 116 dwellings and associated works (Phase 2 development area).			

Application Number:	17/0891/FUL	Delegation Briefing:	07/09/2017	
Decision Type:	Permitted	Decision Date:	05/03/2018	Delegated Decision
Location:	Exeter Harriers Pavilion Summer Lane Exeter EX4 8NT			
Proposal:	Construction of external pedestrian ramp and external alterations to the building comprising new door (west elevation) and new window (south elevation).			

Application Number:	17/1553/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	28/02/2018	Delegated Decision
Location:	Tithebarn Green Land At Monkerton Exeter And Redhayes/North Of Blackhorse East Devon CU			
Proposal:	Non-material amendment to 16/0934/03 - Amend plot and road levels in Phase 4, reposition dwellings on Plots 150 and 158, and reposition garage block to Plots 152 and 153.			

Application Number:	17/1770/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	28/02/2018	Delegated Decision
Location:	10 12 14 16 18 And 20 Poltimore Drive Exeter EX1 3DY			
Proposal:	Certificate of lawfulness for proposed development to reposition a 1.8 metre high close boarded timber fence along near boundary of 10, 12, 14, 16, 18 and 20 Poltimore Drive, Exeter			

Application Number:	17/1828/FUL	Delegation Briefing:	01/02/2018	
Decision Type:	Permitted	Decision Date:	26/02/2018	Delegated Decision
Location:	1 Fairmead Court Pinn Lane Exeter Devon EX1 3QG			
Proposal:	Single storey rear and side extension. Conversion of garage including removal of garage door and window installation.			

Pinhoe

Application Number:	18/0004/DIS	Delegation Briefing:	
Decision Type:	Split Decision	Decision Date:	05/02/2018 Delegated Decision
Location:	Land Known As Monkerton Farm Cumberland WayMonkertonExeter		
Proposal:	Discharge of Condition 17 from planning application ref: 13/4984/OUT		

Application Number:	18/0139/DIS	Delegation Briefing:	
Decision Type:	Permitted	Decision Date:	13/02/2018 Delegated Decision
Location:	Land Adj 58 Langaton LanePinhoeExeterDevonEX1 3SL		
Proposal:	Discharge of Conditions 3, 4, 8 and 11 relating to Planning Application reference 12/1295/FUL (14 Sep 2012)		

Polsloe

Application Number:	18/0164/LPD	Delegation Briefing:	
Decision Type:	Permitted	Decision Date:	08/03/2018 Delegated Decision
Location:	90 Park RoadExeterDevonEX1 2HT		
Proposal:	Rear dormer and roof lights to the front.		

Priory

Application Number:	17/1084/FUL	Delegation Briefing:	03/08/2017
Decision Type:	Permitted	Decision Date:	23/02/2018 Delegated Decision
Location:	West Of England CollegeTopsham RoadExeterDevonEX2 6HA		
Proposal:	Change of use of Principal's House from dwelling to Class D1 (non-residential institution) and provision of temporary double portable classroom block and 2 separate WC blocks for a maximum period of 5 years.		

Application Number:	17/1501/FUL	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Decision Date:	02/02/2018 Delegated Decision
Location:	7 Draycott CloseExeterDevonEX2 5DG		
Proposal:	Two storey extension		

Priory

Application Number:	17/1688/FUL	Delegation Briefing:	09/11/2017	
Decision Type:	Permitted	Decision Date:	05/03/2018	Delegated Decision
Location:	Arthur Roberts House121 Burnthouse LaneExeterEX2 6NB			
Proposal:	Revised description and revised design: Demolition of existing building, construction of 46 new apartments, together with car parking, cycle parking, access road and landscaping. Change of use of site from Class 2 residential care home to class 3 residential			

Application Number:	18/0067/FUL	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	07/03/2018	Delegated Decision
Location:	7 Mansell Copse WalkExeterDevonEX2 5GU			
Proposal:	Installation of two roof lights on southeast elevation and two on the southwest elevation. Awning to rear kitchen door and single storey rear extension.			

Application Number:	18/0068/FUL	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	07/03/2018	Delegated Decision
Location:	7 Mansell Copse WalkExeterDevonEX2 5GU			
Proposal:	Installation of rooflights and solar panels to south-east and south-west elevation, erection of single storey rear extension and installation of awning over rear kitchen door			

Application Number:	18/0069/FUL	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	07/03/2018	Delegated Decision
Location:	7 Mansell Copse WalkExeterDevonEX2 5GU			
Proposal:	Installation of solar panels on south east and north west facing roofs of garage, solar panels to project no more than 0.2m from face of roof.			

St Davids

Application Number:	17/1450/FUL	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	16/02/2018	Delegated Decision
Location:	36 St Davids HillExeterDevonEX4 4DT			
Proposal:	Single storey rear extension			

St Davids

Application Number:	17/1844/FUL	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	05/03/2018	Delegated Decision
Location:	14B Lower North StreetExeterDevonEX4 3ET			
Proposal:	Change of use from tattoo studio to office (Class B1)			
Application Number:	17/1981/FUL	Delegation Briefing:	11/01/2018	
Decision Type:	Permitted	Decision Date:	07/02/2018	Delegated Decision
Location:	Flat 1 Grd Flr13 Haldon RoadExeterDevonEX4 4DZ			
Proposal:	Partial demolition of boundary wall and single storey rear extension			
Application Number:	18/0023/DIS	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	28/02/2018	Delegated Decision
Location:	Royal Albert Memorial MuseumQueen StreetExeterDevonEX4 3RX			
Proposal:	Discharge of Condition 3 - Noise Impact Assessment Report Ref: 17/1199/FUL			
Application Number:	18/0051/FUL	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	19/02/2018	Delegated Decision
Location:	2 Bartholomew Street WestExeterDevonEX4 3AJ			
Proposal:	Change of use to form HMO with minor internal alterations			
Application Number:	18/0173/LBC	Delegation Briefing:	08/02/2018	
Decision Type:	Permitted	Decision Date:	05/03/2018	Delegated Decision
Location:	1-2 Catherine StreetExeterDevonEX1 1EU			
Proposal:	Alterations for shop fitting and new signage			

St Davids

Application Number:	18/0189/PDL	Delegation Briefing:		
Decision Type:	Prior Approval Required and Granted	Decision Date:	07/02/2018	Delegated Decision
Location:	Cowley Bridge JunctionCowley Bridge RoadExeterEX5 5DZ			
Proposal:	Prior approval of works to an existing culvert and construction of a new culvert under the Exeter to Paddington rail line north of Cowley Bridge and associated works for the purpose of flood alleviation.			

St James

Application Number:	17/1933/FUL	Delegation Briefing:	11/01/2018	
Decision Type:	Permitted	Decision Date:	12/02/2018	Delegated Decision
Location:	56 Longbrook StreetExeterDevonEX4 6AH			
Proposal:	Change of use from B1 and D1 to D1 including internal refurbishment and opening two doorways in party wall, installing 4 no. conservation roof lights, french doors to rear ground floor and timber frame mono pitch single storey link corridor.			

Application Number:	17/1934/LBC	Delegation Briefing:	11/01/2018	
Decision Type:	Permitted	Decision Date:	12/02/2018	Delegated Decision
Location:	56 Longbrook StreetExeterDevonEX4 6AH			
Proposal:	Change of use from B1 and D1 to D1 including internal refurbishment and opening two doorways in party wall, installing 4 no. conservation roof lights, french doors to rear ground floor and timber frame mono pitch single storey link corridor.			

Application Number:	18/0113/LBC	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	16/02/2018	Delegated Decision
Location:	1 Elm Grove RoadSt JamesExeterDevonEX4 4LL			
Proposal:	Alterations to front boundary.			

Application Number:	18/0210/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	07/03/2018	Delegated Decision
Location:	14 Velwell RoadExeterDevonEX4 4LE			
Proposal:	Ground Elder - fell and replant with new species			

St Loyes

St Loyes

Application Number:	17/1791/FUL	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	16/02/2018	Delegated Decision
Location:	20 Warwick AvenueExeterDevonEX1 3HA			
Proposal:	Single storey side and rear extension			

Application Number:	17/1808/FUL	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	01/02/2018	Delegated Decision
Location:	1 Birkett CloseExeterDevonEX2 5PG			
Proposal:	First floor extension above existing garage			

Application Number:	17/1947/OUT	Delegation Briefing:	18/01/2018	
Decision Type:	Permitted	Decision Date:	23/02/2018	Delegated Decision
Location:	25 Lower Hill Barton RoadExeterDevonEX1 3EJ			
Proposal:	Construction of 3 bed detached dwelling house to replace existing outbuildings.			

Application Number:	17/1948/FUL	Delegation Briefing:	18/01/2018	
Decision Type:	Permitted	Decision Date:	22/02/2018	Delegated Decision
Location:	25 Lower Hill Barton RoadExeterDevonEX1 3EJ			
Proposal:	Construction of replacement detached garage.			

Application Number:	17/1967/FUL	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	05/02/2018	Delegated Decision
Location:	Ludwell HouseLudwell LaneExeterDevonEX2 5AQ			
Proposal:	Single storey side extension and two storey flat roof rear extension			

St Thomas

St Thomas

Application Number:	17/0916/FUL	Delegation Briefing:		
Decision Type:	Refuse Planning Permission	Decision Date:	26/02/2018	Committee Decision
Location:	Land At Old Vicarage Road Exeter EX2			
Proposal:	Use of land for car wash and valeting service			

Application Number:	17/1384/FUL	Delegation Briefing:	14/09/2017	
Decision Type:	Permitted	Decision Date:	06/03/2018	Delegated Decision
Location:	84 Dorset AvenueExeterDevonEX4 1ND			
Proposal:	Construction of dwelling with associated works			

Application Number:	17/1975/FUL	Delegation Briefing:	11/01/2018	
Decision Type:	Permitted	Decision Date:	05/02/2018	Delegated Decision
Location:	6 Dunsford GardensExeterDevonEX4 1LL			
Proposal:	Two storey side extension and single storey rear extension.			

Application Number:	17/1988/FUL	Delegation Briefing:		
Decision Type:	Permission not required	Decision Date:	22/02/2018	Delegated Decision
Location:	24 Princes Street NorthExeterDevonEX2 9AL			
Proposal:	Create off-road parking by removing the wall and flowerbeds to the front of the property and putting down block pavers to create a low maintenance hard standing area to meet the pathway.			

Application Number:	18/0033/PD	Delegation Briefing:		
Decision Type:	Prior Approval Not Required	Decision Date:	13/02/2018	Delegated Decision
Location:	124 Wardrew RoadExeterDevonEX4 1EZ			
Proposal:	Single-storey rear extension extending a maximum 6m from rear elevation, height to eaves 2.3m and max. overall height 3.73m.			

St Thomas

Application Number:	18/0061/PD	Delegation Briefing:		
Decision Type:	Prior Approval Not Required	Decision Date:	13/02/2018	Delegated Decision
Location:	38 Locarno RoadExeterDevonEX4 1QE			
Proposal:	Proposed conservatory extending a maximum 4.7m from rear elevation, height to eaves 2.5m and max. overall height 3.3m.			

Application Number:	18/0125/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	08/02/2018	Delegated Decision
Location:	4 Princes Street SouthExeterDevonEX2 9AW			
Proposal:	Crown reduction by 2m of Leylandii			

Application Number:	18/0135/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	06/03/2018	Delegated Decision
Location:	9 Croft ChaseExeterDevonEX4 1TB			
Proposal:	Loft conversion			

Application Number:	18/0147/PD	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	27/02/2018	Delegated Decision
Location:	74 Wardrew RoadExeterDevonEX4 1HA			
Proposal:	Single storey rear extension extending a maximum of 3.5m from rear elevation, height to eaves 2.4m and max. overall height 3.8m.			

Application Number:	18/0148/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	14/02/2018	Delegated Decision
Location:	26 Queens RoadExeterDevonEX2 9ER			
Proposal:	T1 - Yew - FellT2 - Bay - Reduce in height by 30% + re-shape laterals by 25%			

Topsham

Topsham

Application Number: 17/0308/FUL Delegation Briefing: 13/04/2017

Decision Type: Permitted Decision Date: 16/02/2018 Committee Decision

Location: Exeter Golf & Country Club Topsham Road Exeter EX2 7AE

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

Application Number: 17/0461/FUL Delegation Briefing: 30/03/2017

Decision Type: Permitted Decision Date: 08/02/2018 Committee Decision

Location: Land Adjoining Omaha Drive And Blakeslee Drive Exeter

Proposal: Construction of ground floor Retail Unit (218m² gross internal floor area) and 20 residential apartments with associated amenity space, parking and associated works, and provision of an additional 18 parking spaces for use in conjunction with Newcourt Com

Application Number: 17/1126/FUL Delegation Briefing: 10/08/2017

Decision Type: Permitted Decision Date: 26/02/2018 Committee Decision

Location: 16A Monmouth StreetTopshamExeterDevonEX3 0AJ

Proposal: Ground floor rear extension and front porch

Application Number: 17/1148/OUT Delegation Briefing: 27/07/2017

Decision Type: Refuse Planning Permission Decision Date: 07/03/2018 Committee Decision

Location: Land At Clyst RoadTopsham

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.

Application Number: 17/1244/VOC Delegation Briefing: 07/09/2017

Decision Type: Refuse Planning Permission Decision Date: 02/02/2018 Delegated Decision

Location: 1 Tresillian GardensTopshamExeterDevonEX3 0BA

Proposal: Variation of Condition 2 of planning permission Ref. 16/1205/03, granted 09 January 2017, to alter the approved roof materials from tiles to natural slates

Topsham

Application Number:	17/1569/FUL	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	02/02/2018	Delegated Decision
Location:	26A Elm Grove RoadTopshamExeterDevonEX3 0EQ			
Proposal:	Demolition of existing bungalow and construction of replacement dwelling house (Revisions to approved scheme Ref. 16/0503/03).			

Application Number:	17/1581/FUL	Delegation Briefing:		
Decision Type:	Withdrawn by Applicant	Decision Date:	09/02/2018	Delegated Decision
Location:	5 Newcourt WayExeterDevonEX2 7SA			
Proposal:	<p>To build a new block paved driveway on the parcel of land I own as part of the property, which is adjacent to the house; in order to accommodate up to 3 additional cars. We currently only have a single parking space for a 5 bedroom house and we have to park on the private road leading to the property, or on the main road leading to other properties in the area. The driveway would be surrounded by a newly built 5ft high, one brick wide wall that matches the red brick used in the area - the height is in keeping with the wall across the road and the height of our own wall surrounding the back garden. The work will also maintain a sufficient border around the newly built area to be in keeping with the surrounding housing and similar build works. Border to be finished with shrubs and wood chippings. The work will require a small section of the existing curb on the private road leading to 5 Newcourt Way to be dropped to allow car access. Excavation of the area to be paved will be 150mm deep to allow for compacted hardcore, weed membrane, sand binding, and new brick pavers, to match as closely with the existing pavers used on the private road leading to No 5. Two brick piers will be constructed at the entrance of the new driveway to allow for gates to be installed in the future. Electric cabling will be run to the two brick piers and also to allow installation of a wall mounted light for the carpark area, which will be fitted onto the side of no 5. The pavers will be brushed over with sand and whacked down with a compressor plate to finish. All debris and excavated earth will be removed from site.</p>			

Application Number:	18/0005/PD	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	07/02/2018	Delegated Decision
Location:	12 Southbrook RoadExeterDevonEX2 6JA			
Proposal:	Rear ground floor extension			

Application Number:	18/0031/FUL	Delegation Briefing:	25/01/2018	
Decision Type:	Permitted	Decision Date:	28/02/2018	Delegated Decision
Location:	3 Fore StreetTopshamExeterDevonEX3 0HF			
Proposal:	Change of use from A1 to A4			

Topsham

Application Number:	18/0047/FUL	Delegation Briefing:		
Decision Type:	Permission not required	Decision Date:	05/03/2018	Delegated Decision
Location:	36 Gordon RoadTopshamExeterDevonEX3 0LJ			
Proposal:	Retrospective application for a Garden Room within rear garden of Exeter City Council House.			
Application Number:	18/0130/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	02/02/2018	Delegated Decision
Location:	St Margarets ChurchFore StreetTopshamExeterDevonEX3 0HL			
Proposal:	T1- Ash. Crown raise to approx. 3/4 meters above ground level.			
Application Number:	18/0358/PD	Delegation Briefing:		
Decision Type:	Withdrawn by Applicant	Decision Date:	06/03/2018	Delegated Decision
Location:	22 Seabrook AvenueExeterDevonEX2 7DW			
Proposal:	Single storey rear extension extending a maximum of 5m from rear elevation, height to eaves 2.1m and max. overall height 3m.			

Total Number of Decisions Made

103

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 19 March 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 **17/0121/OUT - Land to the north of WESC Topsham Road, Exeter – Appeal Dismissed.**

Members will be aware of the lengthy planning history on this site to develop for housing. This application was reported to Planning Committee on 20 March 2017 with an officer recommendation of approval. The application attracted significant objection resulting in just under 400 letter/emails being received. At the meeting whilst Members recognised the need for housing to meet the City's lack of a 5 year housing supply it was resolved to refuse the application on landscape grounds and the detrimental impact the development would have on the Ludwell Valley Park. The applicant originally sought to appeal this decision through an informal hearing. However the Inspector decided that given the clear nature of the issues to be assessed the appeal could be determined by written representations. Despite significant lobbying by local residents for the application to be determined at a public inquiry the Inspector was not persuaded and the appeal was determined under the written representation proceed and dismissed on 13 February 2018.

In summary, the Inspector concluded that the adverse impact of the proposed development in particular '*...the likely effects upon the Ludwell Valley Park and the landscape setting of Exeter significantly and demonstrably outweigh the benefits of the proposal...*' namely the provision of housing to meet the shortfall in the supply of land for housing. It is also notable that the appellant's application for costs was also refused.

Summary of Inspector's main observations

In the determination of this appeal the Inspector considered that main issue to be whether any adverse impacts of the proposed development, having particular regard to the likely effects upon the Ludwell Valley Park (LVP) and the landscape setting of Exeter, would significantly and demonstrably outweigh the benefits of the proposal, namely the provision of housing.

In considering the **landscape issues** the Inspector noted that '*...notwithstanding its location on the fringe of Exeter, the Ludwell Valley Park (LVP) has a distinctly rural (countryside) character and appearance that provides an attractive contrast with the built-up areas alongside. The unspoilt open qualities of the appeal site, its undulating landform and agricultural use compliment the pleasing attributes of this area of landscape/LVP and adds to the sense of relief from the built environment. I concur with the Council that the site contributes to a visual appreciation of the park and adds to the feeling of openness for users of LVP. It forms an integral part of the LVP.*'

The Inspector considered whether or not the appeal site forms part of a 'valued landscape' as defined in paragraph 109 of the NPPF and whilst stating that valued landscape is not defined he concluded that all landscapes have some value. He goes on to state that the courts have held that a site must possess demonstrable physical attributes which would take it beyond mere

countryside. He concluded that

'... the distinctive landscape qualities of this park (such as its undulating fields, dry valleys and scenic qualities); the perceptual aspects of this landscape (as conveyed by many of those who have made representations at application and appeal stages), I have no doubt that the appeal site forms part of a valued landscape'

The Inspector accepted that *'...in all probability, some greenfield land would have to be released to meet Exeter's housing requirement. The loss of such land would inevitably have some adverse landscape and visual impacts. I recognise the attempts made by the appellant to limit the impact of the proposals. However, the appeal scheme would entail the permanent loss of a sizeable part of the field to housing, roads and other ancillary works... It would dramatically change the rural character and appearance of the site and replace it with an overtly urban form of development.'*

The proposed development would have a serious adverse effect upon the character and appearance of the LVP and also detract from the landscape setting of Exeter. There would be conflict with the provisions of CS policy CP16, LP policies L1 and LS1 and the objectives of the MP. The proposal would also be at odds with the provisions of the Framework that are aimed at protecting and enhancing valued landscapes. The totality of this harm carries very considerable weight within the planning balance.

The Inspector noted the considerable **local opposition** to the proposal which included representations from the local County Councillor and the Ludwell Life community group. However he stated that *'...whilst I recognise the Government's 'localism' agenda, public opposition or support for a proposal does not in itself justify refusing or granting planning permission.'*

In respect of **highway matters** the Inspector stated that *'having considered the appellant's detailed Transport Assessment (TA) and separate Travel Plan neither the Council nor officers acting on behalf of Devon County Council as Local Highway Authority have raised any highway objections. I note the City Council's concerns over the County Council's resolution that it was "not able to submit any view on this application". Whatever the reason behind this resolution the stance taken by members of the County Council's Development Management Committee does not assist the planning process. Whilst I note the concerns of some interested parties regarding highway issues, there is no cogent evidence to justify reaching a different conclusion to the TA that the proposed development would have safe, convenient and appropriate access arrangements with adequate car parking provision.*

In **balancing the planning issues** of housing supply against impact on the landscape the Inspector state that *'...whilst the appeal scheme accords with some aspects of the development plan I have found conflict with other policies. Providing sufficient homes to meet the needs of the community is an important element of the plan. However, it is not the intention of the plan for this to be achieved at the expense of important environmental assets such as the LVP. The proposal would conflict with the provisions of the development plan when considered as a whole.*

The proposal would satisfy the economic dimension to sustainable development as set out within the Framework. There would also be some social and environmental benefits. However, the harm that I have identified to the LVP leads me to conclude that the proposal would not satisfy the social and environmental dimensions to sustainable development. The shortfall in housing land supply does not override other considerations. The proposal would be contrary to the policies of the Framework taken as a whole.

Inspector's comment on the appellant's costs application

The Inspector concluded that *'...matters relating to landscape and visual impact assessment are largely subjective. The appellant's evidence and the planning officer's report to committee acknowledge that the proposed development would result in some adverse impacts.*

In considering the proposal Members of the Council would have been familiar with the site and surroundings and, amongst other things, would have noted the comments within the officer's report that "Previously assessments have concluded that development of the site would damage

the landscape character and appearance of the Valley Park and these views have been supported by an Appeal Inspector and the Secretary of State.” It is unsurprising that concerns were expressed by the Council over the impact on the LVP/setting of Exeter.

The Inspector stated that Members were also aware of the housing land supply situation within the city and the benefits that would be derived from the appeal scheme. In substantiating its concerns at appeal stage the Council commissioned a firm of landscape architects to undertake a landscape appraisal of the site/appeal scheme. Amongst other things, this identified the value of the site to the LVP and the setting of Exeter. It was not unreasonable for the Council to find that the adverse impacts significantly and demonstrably outweighed the benefits. This costs application should not therefore succeed.

3.2 17/0898/FUL – 34 Denmark Road – Roof terrace with balustrades.

The appeal at 34 Denmark Road, for a roof terrace and balustrades has been allowed.

The neighbouring building, Crossley House, is a block of sheltered flats for elderly residents. The application was refused for the impact on the occupiers of Crossley House, particularly regarding privacy, outlook and potential disturbance from the use of the roof terrace. A previous application was dismissed on appeal in 2010.

The Inspector concluded the levels of privacy for the neighbours would not be compromised, due to the proposed opaque glass privacy screen, and the distance between the site and neighbouring flats. The Inspector has conditioned a taller privacy screen than that originally submitted. While the glazed screen would be visible from Crossley House, the Inspector said it would not be an overbearing or unattractive feature.

While the Inspector acknowledged that there is the potential for noise from social gatherings on the terrace, he was not persuaded that this would be likely to cause significant disturbance for occupiers of Crossley House.

The Inspector concluded the proposal would not compromise the quality of amenity which allows residents to feel at ease within their homes and gardens and the appeal was allowed.

3.3 17/0324/FUL – 8 Lyndhurst Road – Roof Terrace with glass guarding at first floor level.

This appeal related to one matter in a wider scheme to re-order the layout of a Grade II listed building, located within the St. Leonards Conservation Area, to enable it to return to a single dwelling. In the recent past, it had been a museum and a doctor's surgery.

The Council had no objections to the majority of the proposed alterations but concluded that the replacement of a first floor sash window with French doors, to create a small balcony area on top of the porch at the front of the building, would introduce an alien feature that would harm the character, appearance and significance of designated heritage assets.

The Planning Inspector accepted the case put forward by the Council and dismissed the appeal. He stated:-

“The proposed French doors would introduce a different style of first floor opening in the building. The top of the doors would also be appreciably lower than the windows in the front bays. These works would disrupt the harmonious detailing/appearance of the building and erode its special architectural qualities. In the context of the National Planning Policy Framework (the Framework) this would amount to less than substantial harm to the significance of this heritage asset. This disruption would also, to a limited extent, detract from the special architectural qualities of the row of listed buildings and the contribution these make to the significance of the SCA.”

3.4 17/0899/FUL -13A & 13B St James Road. Change of use and conversion of domestic storage building into a dwelling with parking.

The Inspector considered the main impacts to be the poor living environment the dwelling would provide for future occupiers.

The buildings positioning, surrounded on three sides by existing structures and with only roof lights serving the bedrooms to the rear, would create a gloomy and oppressive living environment in these rooms. With all other windows on the front north-west elevation, outlook was poor and there would not receive direct sunlight.

The proposed amenity space was well below the Councils minimum required standard, with a poor outlook and enclosed nature it would also be heavily overlooked.

The proposal that this would form additional student accommodation, additional student housing in this area would be contrary to the neighbourhood plan.

The appeal was dismissed.

The most noteworthy part of the decision is that the Inspector acknowledges that “the level of harm would be at the lower end of the spectrum of less than substantial harm” but nonetheless he affirms that “great weight must be given to the conservation of designated heritage assets.”

4. New Appeals:

- 4.1 **17/1202/FUL – Land to rear of 73-77 Wardrew Road** – The application sought the demolition of existing garages and construction of a dwelling.
- 4.2 **17/1653/FUL - Rosary House, 27 Fore Street, Heavitree** – The application a two storey extension, infill courtyard to create kennels, single storey extension to replace existing store rooms.

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