

## PLANNING

Date: Monday 25 June 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, Branston, Denham, Edwards, Foale, Harvey, Mrs Henson, Morse, Prowse, Thompson 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 approve and sign the minutes of the meeting held on 21 May 2018.

(Pages 5 -  
24)

#### **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. 18/0534/FUL - Land West of Ringswell Avenue**

To consider the report of the City Development Manager. (Pages 25  
- 40)

#### 6 **Planning Application No. 17/1980/FUL - City Arcade, Fore Street**

To consider the report of the City Development Manager. (Pages 41  
- 56)

#### 7 **Planning Application No 18/1830/FUL : Land at Sandrock, Gipsy Hill**

To consider the report of the City Development Manager. (Pages 57  
- 72)

#### 8 **Planning Application No. 18/02221/FUL - Land West of Cumberland Way, Hollow Lane**

To consider the report of the City Development Manager. (Pages 73  
- 90)

#### 9 **Planning Application No. 18/0729/RES - Exeter Bus and Coach Station, Paris Street**

To consider the report of the City Development Manager. (Pages 91  
- 98)

#### 10 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 99  
- 118)

#### 11 **Appeals Report**

To consider the report of the City Development Manager. (Pages  
119 - 122)

## 12 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 10 July 2018 at 9.30 a.m. The Councillors attending will be Councillors Bialyk, Denham and Lyons.

### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 23 July 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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## PLANNING COMMITTEE

Monday 21 May 2018

### Present:-

Councillor Rachel Sutton (Chair)  
Councillors Lyons, Branston, Bialyk, Denham, Harvey, Mrs Henson, Morse, Prowse,  
Thompson and Vizard M

### Also Present

City Development Manager, Assistant City Development Manager, Principal Project  
Manager (Development), Project Manager (Planning) and Democratic Services Officer  
(Committees) (HB)

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### MINUTES

The minutes of the meeting held on 23 April 2018 were approved and signed by the  
Chair as correct.

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### DECLARATION OF INTEREST

Councillor Denham declared a personal interest in respect of Min. No. 135 and left the  
meeting during consideration of this matter.

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### PLANNING APPLICATION NO. 17/1198/FUL - GLENTHORNE ROAD, EXETER

The Project Manager (Planning) (GM) presented the application for the construction  
of student accommodation including the creation of access and associated  
infrastructure.

Members were circulated with an update sheet.

Councillor Owen, having given notice under Standing Order No. 44, spoke on the  
item. He raised the following points:-

- not many Members attended the site inspection on 21 November;
- will focus on highway issues, Councillor Mitchell to address other matters of  
concern;
- unlike other applications for purpose built student accommodation, road  
safety for both the general public and students is a major feature and a  
highway officer should ideally be in attendance;
- Glenthorne Road is the only, rather than the major, access point to the site;
- because of the potential for clashes between vehicles and vehicles and  
pedestrians, the applicant in the early stages of the application proposed the  
provision of an adjustable bollard at the entrance to the road but this was  
rejected by residents;
- no confidence in the figures provided in the report as many of the statistics  
provided are contradictory. The validity of the transport data is therefore  
questioned;

- it is a narrow road with a bend at the narrowest point with great risks of collision between vehicles and between pedestrians and vehicles;
- Glenthorne Road is a pedestrian route and its use by students will increase by some 500 on the completion of both this development and that of the Moberley block;
- students may not bring cars but their lifestyle through ordering takeaways, use of supermarket deliveries and hiring taxis to and from the city centre will greatly increase traffic flow. Taxi use in particular will be significant in light of the reduction of the H bus service. All these elements will increase traffic congestion in the city and increase air pollution;
- students will also use Glenthorne Road to access the supermarket and go to bus stop on Cowley Bridge Road;
- Glenthorne Road is a private road and not the responsibility of the County Council as Highway Authority;
- vehicles often meet on Glenthorne Road leading to the lower vehicle reversing back onto Lower Argyll Road which is a dangerous manoeuvre;
- the report makes no reference to previous planning applications which were refused. In 1989, the County Highways officer commented that an application for a ten dwelling development was unsuitable because of the increased use of the turning point and the Cowley Bridge Road and Glenthorne Road junction. In 2004, in respect of a single dwelling, the highways officer commented that the carriageway was too narrow with no pedestrian footway and that any additional vehicular use was a cause for concern;
- the Duryard Trust letter refers to the absence of any reference to road ownership in the report nor to the problems of vehicles reversing back down the road;
- on 7 March an ambulance was hindered from reaching a critically ill resident of the Dennyshill Care Home because its path was blocked by an oncoming car and was unable to reach the individual in time;
- this is the first time that the University has objected in 17 years to an application which reflects the degree of concern over this application, the University referring to health and safety issues and transport movement which endangers its students for whom it has a duty of care;
- the proposed passing bay will impinge on Glenthorne Road and disrupt traffic flow to the residences and the turning head should be restricted to within the development;
- the narrowness of the road will cause problems for larger construction vehicles, cars dropping off and collecting students at the beginning and end of terms and delivery vehicles;
- problems during construction will be exacerbated with works to the Moberley block which will overlap;
- parking in the area is limited; and
- urge rejection or deferral on highway and traffic safety grounds.

He responded as follows to Members' queries:-

- the application lacks consistent highway data and the lack of clarity on road ownership is also a concern with the management committee of the Duryard Trust possibly be able to assist in respect of this issue;
- the over intensification of the site is a legitimate reason for refusal particularly in respect of the height of the upper block as evidenced by photos from a neighbouring garden;
- further information is needed from the highways officer in relation to the Glenthorne Road/Lower Argyll Road junction; and

- the Duryard Trust should be able to advise on the impact of extra vehicles and construction vehicles on Glenthorne Road

Councillor Mitchell, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- support views of Councillor Owen and add additional reasons for refusal or deferral which are scale of development, difficulty of access for fire and emergency vehicles and lack of information on level and need for student accommodation in the City;
- although the report recommends approval it refers to concerns regarding the impact on the character of the area and the setting of the Dennyshill Care Home, potential for future conversion of properties into houses in multiple occupation (HMO's), poor access for emergency vehicles and conflict between pedestrian and vehicular use of Glenthorne Road;
- report also states that excessive noise will not be a new phenomena for the area, therefore suggesting that it should be acceptable;
- the University objects on grounds of additional traffic movements and creation of additional noise and movement along Glenthorne Road;
- negative impact on neighbouring properties including 3 Cowley View which is only seven metres from part of the development which is well below Supplementary Planning Guidance;
- incident on 7 March emphasises the difficulty of access for fire and emergency vehicles. The Fire Service have advised that access is not ideal and that whilst access to Block C is acceptable, access to Blocks A, B and D will be compromised. Further clarification, including direct advise. if possible, from the Fire Service is required;
- further information is required on student accommodation numbers in Exeter without which the need for this development cannot be properly assessed. Detailed figures are required on the number of HMO's occupied by students, the number of purpose built student accommodation (PBSA) units both constructed and in the pipeline, the percentage occupation by students of those existing PBSA's and the level of student HMO's in different areas of the City;
- the 2007 Supplementary Planning Guidance for the University is out of date and over a decade old but is still being used to judge planning applications for student accommodation on the grounds that such provision frees up HMO's for use by the wider population. The City Council 2016/17 update on student numbers etc. is also out of date. The University report on student numbers being prepared by the University of Loughborough is still awaited;
- a large quantum of PBSA had recently been granted permission including 1,200 bed spaces at East Park, 108 at the King Billy and 107 at the Honition Inn bringing the total of such future provision to some 4,000;
- the Habitats Regulation Assessment on PBSA concluded that there was no evidence of HMO's reverting back to family accommodation;
- the number of HMO's remains constant which suggests that there is no evidence that purpose built student accommodation has resulted in the release of conventional housing back to non-student use. The current policies are therefore not working and the application should be refused or deferred until accurate information on student accommodation needs are provided; and
- the application should be refused on grounds of severe transport and access difficulties, unacceptable over development, poor access for fire and emergency vehicles and insufficient information on future demand for student accommodation in the City.

He responded as follows to Members' queries:-

- the Duryard Trust can advise on any agreements to be negotiated with the developer on the use of the road and contributions towards its future maintenance;
- the view that the current level of PBSA provision in the City has in fact reduced the pressure on HMO's thus explaining the static level of student occupation of the latter, cannot be substantiated because of the need for up to date data on student numbers etc.

Mr Knapp spoke in support of the application. He raised the following points:-

- Hines submitted an initial offer to acquire this site three years ago. Unlike many applicants for student housing in Exeter, Hines manages its own accommodation meaning that the application is informed by real world operating experience. Currently have eight operating sites and a pipeline of more than a dozen developments, with a particular focus on top tier institutions;
- for this site, a methodical and diligent process has been adopted. It has included six pre-application meetings with officers prior to submission, a meeting with the Planning Member Working Group, public and private consultations with residents and with the university and two sessions with the South West Design Review panel. Further revisions and improvements to the scheme followed submission. There has been extensive email correspondence with local residents throughout. The proposal is reaching committee some 10 months after the original submission;
- the site is located in a highly sustainable location with the only pedestrian entrance fronting directly on the campus. Looking across Exeter as a whole, the proximity of this site to campus must make it one of the most appropriate for student use in the city;
- vehicular traffic flows and road safety have been closely examined with two specialist engineers, including one chosen by the Duryard Trust. In spite of some residents' concerns, the conclusion of both firms, along with that of the County Council, was of a limited overall impact;
- have met the South West Design Review Panel twice. They concluded that the proposals represented - "very well considered, high quality architecture". In addition to the building exteriors, the proposal contains innovative thinking in terms of unit design and layout to facilitate community building among the students. The secure perimeter of the site will ensure a respectful interface with the local residents;
- unlike the university residences in the immediate area, the site will be fully staffed which will facilitate student experience while, in parallel, enabling control over student behaviour; and
- noting the special provisions of the Exeter University Supplementary Planning Guidance, it is believed that the proposal will help Exeter address the university's rapid growth and reduce the burden on the local housing stock;

He responded to Members' queries:-

- will work with the Duryard Trust to agree on access rights and maintenance issues. Have obtained clear legal advice regarding right of access and to build on the site;



- the University objection is based largely on desire to satisfy local residents and possibly its own future plans for development including provision of student accommodation which will generate income;
- road strength will be assessed as part of the construction brief. The risk of excessive use by heavier lorries will be addressed through the provision of an off-site delivery area for collection of materials by smaller vehicles to deliver to the site;
- an operational management plan will be put in place to help control, as far as possible, the level of deliveries by supermarkets and takeaway establishments;
- there will be regular dialogue with residents to address any areas of concern;
- vehicle access via the lower part of the site will be controlled by staff at the main access at the higher part of the site and monitored via CCTV – two staff will be on site at all times;
- the turning circle will be large enough to accommodate the larger vehicles but not articulated lorries and these vehicles will be able to turn around within the site. Staff will be on hand night and day during the construction period to oversee these operations;
- prepared to sign up to a Traffic Management Plan and to liaise with the City Council to monitor;
- Exeter has the characteristics of undersupply of student housing. These are evidenced in the private accommodation, high rents, rents increasing year on year, long lease terms, and early sell-out of blocks. Exeter also has a higher percentage of students living in HMO's - 42% - compared to the national average of 32%;
- in Exeter, supply reflects the market and occupation of purpose built student occupation is some 97%, well above the national average; and
- at Russell Group universities across the UK, changes in supply of student housing is resulting in falling rents rather than vacancies in PBSA's and there is no clear saturation point. This is particularly true for a university that has managed to grow and maintain a high ranking over many years. With the financial incentives so clear and with the number of UK 18 years olds set to start growing from 2020, the University is likely to continue on this path over the medium term.

Members were advised that, in respect of earlier planning applications, the National Planning Policy Framework, which had been published subsequently, set out that planning applications should not be refused unless there was a severe impact on the neighbourhood and it was noted that the site had been vacant for 20 years. The City Development Manager advised that, in respect of student housing, student HMO levels in Exeter were currently 2,082 and that the figure had fluctuated around 2,000 over the past seven years and that the existing provision of PBSA was 7,677 with 1,216 under construction and another 2,430 consented, although not all of these would be built.

The Assistant City Development Manager advised that, in respect of 3 Cowley Bridge Road, the closest part of the building was 8.4 metres from part of the proposed development rather than 7 metres and that it faced a blank wall. In respect of access for appliances etc., the Devon and Somerset Fire and Rescue Service, whilst stating that access was not ideal, sought appropriate use of materials and were suggesting mitigation measures such as sprinklers. He reiterated that the highway authority was comfortable with traffic management in the area.

Members felt that the design was of a good standard noting that it had been considered by the Design Review Panel and that a number of Members had attended the site inspection. One Member referred to the evident and continued

demand for student accommodation of this nature in the city, another remarking that a location next to the University campus was a logical solution and was consistent with Core Strategy policy seeking such proximity.

In respect of transport matters, residential accommodation as opposed to provision for students would lead to additional car usage in the area. In light of recent scrutiny Task and Finish Groups on Green Travel including a group assessing Ikea's Green Travel Plan it was suggested that the Traffic Management Plan for this development should be signed off at the Council's Delegation Briefing.

The recommendation was for approval, subject to the conditions as set out in the report.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a Student Management Plan, a Traffic Management Plan and a financial contribution towards pedestrian/cycling improvements along Cowley Bridge Road, details of the Traffic Management Plan to be delegated to the City Development Manager after prior consultation at a City Council Delegation Briefing, planning permission for the construction of student accommodation including the creation of access and associated infrastructure be **APPROVED**, subject also to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 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 28 July 2017 (including dwg. nos 01001 Rev PL04, 01004 Rev PL04, 01005 Rev PL04, 01006 Rev PL04, 01050 Rev PL04, 01051 Rev PL04, 01052 Rev PL04, 01053 Rev PL04, 01056 Rev PL04, 01057 Rev PL04, 01058 Rev PL04, 01059 Rev PL04, 02004 Rev PL04, 02006 Rev PL04, 02007 Rev PL04, 02008 Rev PL04, 02009 Rev PL04, 02011 Rev PL04, 02012 Rev PL04, 03001 Rev PL04, 03002 Rev PL04, 03003 Rev PL04), on 25 October 2017 (including dwg. nos 02001 Rev PL05, 02002 Rev PL05, 02003 Rev PL05, 02005 Rev PL05, 02013 Rev PL05, 01002 Rev PL05, 01003 Rev PL05, 01070 Rev PL05, 01054 Rev PL05, 01055 Rev PL05, RF17-392-D01 Rev B, RF17-392-D02), on 30 November 2017 (including dwg. nos 0403-PHL-1101, 00004 Rev PL07, 02010 Rev PL05, RF17-392-L02 Rev F, RF17-392-L03 Rev F), on 5 December 2017 (including dwg. nos 00005 Rev PL07 02013 Rev PL06, RF17-392-L01 Rev G, RF16-892-DB3 Rev B) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** If not otherwise agreed with Local Planning Authority in writing samples of the materials that are intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason for pre-commencement condition:** To ensure that the materials conform with the visual amenity requirements of the area.

- (4) **Pre-commencement condition:** 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.

The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The 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.

- (5) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Waste Audit Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall cover construction and operational stages.

**Reason for pre-commencement condition:** To ensure that the proposal complies with DCC Policy W4, W10 and W21 of Devon Waste Plan and Waste Management and Infrastructure SPD, in the interests of delivering sustainable development.

- (6) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until part (a) has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part (b) has been complied with in relation to that contamination.

(a) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two

weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(b) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved updated remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part (a). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (7) **Pre-commencement condition:** Before the commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning Authority, to establish the absence of reptiles, badgers and other protected species.

**Reason for pre-commencement condition:** In the interest of conservation of habitats and species.

- (8) **Pre-commencement condition:** Unless otherwise agreed in writing by the Local Planning Authority the specify building hereby approved shall achieve a BREEAM excellent standard as a minimum. 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 for pre commencement condition:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage

assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

- (9) **Pre-commencement condition:** A detailed scheme for landscaping in accordance with dwg. no RF17-392-L02 Rev F, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted prior to commencement of the development to the Local Planning Authority and no building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason for pre-commencement condition:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- (10) **Pre-commencement condition:** The development shall not commence until an Arboricultural Method Statements have been submitted to, and approved by, the Local Planning Authority. The Arboricultural Method Statements shall comply with the Tree Protection Plan (dwg. no 04498 TPP RevC), the Arboricultural Impact Assessment Report - received 24 July 2017 and with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The development shall thereafter be carried out in accordance with the Tree Protection Plan and the approved Arboricultural Method Statements.  
**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.
- (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 the Tree Protection Plan (dwg. no 04498 TPP RevC). 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) **Pre-commencement condition:** No part of the development hereby approved shall be occupied until provision for nesting swifts and roosting bats in accordance with details that shall have been submitted prior to commencement of the development to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
**Reason for pre-commencement condition:** In the interests of preservation and enhancement of biodiversity in the locality.

- (13) **Pre-commencement condition:** No building hereby permitted shall be occupied until sustainable surface water drainage works (SuDS) have been implemented in accordance with details that have been submitted prior to commencement of the development to, and approved in writing by, the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details for the sustainable drainage scheme shall:

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

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

- (14) **Pre-commencement condition:** Prior to commencement of the development hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to preserve and enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

**Reason for pre-commencement condition:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- (15) **Pre-commencement condition:** No part of the development hereby approved shall be occupied until pedestrian access to the main entrance, including works on Grafton Road and Clydesdale Road, have been provided and maintained in accordance with details, in compliance with dwg. nos RF17-392-L02 Rev F and RF16-392-D03 Rev A, that shall have been submitted prior to commencement of the development to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

**Reason for pre-commencement condition:** To ensure that adequate facilities are available for the traffic attracted to the site

- (16) **Pre-commencement condition:** No part of the development hereby approved shall be occupied until vehicle access to the development, including turning head and passing place on Glenthorne Road and improvements on Grafton Road and Clydesdale Road, have been provided and maintained in accordance with details, in compliance with dwg. nos RF17-392-L02 Rev F, that shall have been submitted prior to commencement of the development to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
**Reason for pre-commencement condition:** To ensure that adequate facilities are available for the traffic attracted to the site
- (17) 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.
- (18) 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 lighting scheme until the Local Planning Authority have approved the lighting 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.
- (19) No part of the development hereby approved shall be occupied until the on-site cycle and vehicular parking facilities (as indicated in the proposed site block plan) have been provided surfaced and marked out in accordance with details that shall be approved in writing by the Local Planning Authority and retained for that purpose at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- (20) Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.  
**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options
- (21) Each unit of the development hereby permitted shall be occupied only by a person engaging in a university.  
**Reason:** The scheme is designed for a specific age group and is not suitable for unrestricted occupation.
- (22) Prior to the occupation of each unit hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the

inside of each dwelling for the purposes electronic communications. If not otherwise agreed in writing by the Local Planning Authority.

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

- (23) No part of the development hereby approved shall be occupied until parking spaces have been provided and maintained in accordance with dwg. RF17-392-L02 Rev F and 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

- (24) 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.

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**PLANNING APPLICATION NO. 17/1914/FUL - ELIZABETH HOUSE, EMPEROR WAY, EXETER**

The Principal Project Manager (Development) (MD) presented the application for the change of use of premises from office (Use Class B1) to NHS Depression and Anxiety Service (DAS) (Use Class D1).

The Chair read out the comments of Mr Ridgers, an objector who had to leave the meeting before this item was considered.

- note that seven parking spaces have been allocated for patients to service seven treatment surgeries. At any one time there would be two patients for every one parking spot. A patient who is in treatment and another one arriving for their appointment looking to park. This would result in an additional seven drivers looking to park. Finding a parking space on this Office Park is highly stressful, as there is no free parking spaces within a ½ - 1 mile radius. This would place un-necessary stress on individuals with mental health and anxiety issues;
- adjacent to the site is the Clare Milne Centre for children with learning difficulties who use the roadways for exercising, as the children and their carers go on their regular daily walks around the centre. There are no footpaths and the children walk in the middle of the roads. Due to the severe nature of the mental and physical disabilities of the children drivers have to regularly stop to a halt for the children to be moved to the side of the road. Regular users can be prepared but there is a likely accident potential with drivers who are un-aware of the children and their issues; and



- the original plan for the site was an office park – the infrastructure was not designed for continual daily traffic looking to access and park for short periods. Urge Members to conduct a site tour and assess the issues.

Mr Wilkins spoke in support of the application. He raised the following points:-

- the Depression and Anxiety Service in Devon was established in 2009. Thousands of clinicians were trained as part of a national programme. In Devon, it is delivered within the local communities and it contributes to the overall wellbeing of the population;
- offers a completely free NHS service, staffed by highly trained and accredited clinicians. It will be one of the few self-referral mental health services around that will be easy to access, negating the need for people to see a GP;
- have received over 130,000 referrals since inception in 2009 and currently receive well over 20,000 referrals a year. It is believed that only between 15% and 19% of the population struggling with these conditions are being helped and over 80% of people do not get help;
- the NHS has a five year plan to significantly increase the number of people able to access such services, with Devon aiming to treat a further 10,000 people a year by 2021;
- a move to Elizabeth House for the East and Mid Devon team is a critical to enable expansion. A clinical base at Elizabeth House will be highly accessible for people in East Exeter and East and Mid Devon. It will treat not only the resident population, but people who commute in and out of Exeter for work as well as students;
- Tiverton does not adequately serve patients' needs and Exeter, as a growing city and regional capital, needs this service;
- if unable to relocate to suitable premises in the East of Exeter, it will be very difficult to offer treatment to more people, and will likely result in longer waiting times, more people going without help and poorer community wellbeing; and
- a move to Elizabeth House will enable expansion of the free NHS therapy service, reduce distress and improve community wellbeing.

He responded as follows to Members' queries:-

- there will be no weekend working, weekday hours of operation to be 8:00am to 8:00pm for appointments to be offered before and after the 9:00am to 5:00pm hours of working;
- information to patients will include reference to the adjacent Clare Milne Centre and use of the roads by the children using the centre;
- the unit offers both improved accessibility and an improved operational centre. The Service employs 200 staff and clinicians who serve the whole of Devon visiting hospitals and some 100 GP surgeries which is more central and easier to access than the Tiverton base. A City presence will also make it more accessible to patients than a rural base as many live and work in Exeter. The goal is to treat 10,000 individuals by 2021;
- will encourage and promote sustainable transport. Many staff currently travel by car to Tiverton and, as many live in Exeter will, in future, have the option to use public transport or cycle to work. The Centre's Magdalen Road base has limited parking and staff there are used to a parking rota; and
- with seven staff parking spaces and seven patient spaces, staggered appointment times will ensure that overflowing will not occur.

Members supported the proposal that planning permission be granted, subject to the completion of a Green Travel Plan for monitoring by the City Council.

The recommendation was for approval, subject to the conditions as set out in the report.

**RESOLVED** that, subject to the completion of a Green Travel Plan for consideration and approval at a City Council Delegation Briefing, planning permission for the change of use of premises from office (Use Class B1) to NHS Depression and Anxiety Service (DAS) (Use Class D1) be **APPROVED**, subject to the following conditions:-

(1) Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

(2) Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- Site Location Plan (Dwg No: 17062.01.01)
- Proposed Floor Plans (Dwg No: 17079.P02.11 Rev A)

**Reason:** In order to ensure compliance with the approved plans and for the avoidance of doubt.

(3) Travel Plan

No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means in accordance with Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

(4) Staff Cycle Parking

Prior to the occupation of the development hereby permitted, cycle parking for staff and access thereto shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking and access thereto shall be maintained for the lifetime of the development.

**Reason:** To provide suitable cycle parking for staff in accordance with the Sustainable Transport SPD (Table 2 and Paragraph 5.3.1).

(5) Visitor Cycle Parking

Prior to the occupation of the development hereby permitted, cycle parking for visitors and access thereto shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking and access thereto shall be maintained for the lifetime of the development.

**Reason:** To provide suitable cycle parking for visitors in accordance with the Sustainable Transport SPD (Table 2 and Paragraph 5.4.1).

(6) Disabled Parking Space

Prior to the occupation of the development hereby permitted, one disabled parking space shall be provided in the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The disabled parking space shall be maintained for the lifetime of the development.

**Reason:** To provide suitable car parking for disabled users in accordance with the minimum standards set out in Table 4 of the Sustainable Transport SPD.

(7) Restrict Use Classes Order

The premises shall be used for mental health consultation rooms and offices (to provide an NHS Depression and Anxiety Service) only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** To control the use in the interests of the amenity of the area and development plan policies.

(8) Restrict GPDO

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:  
Part 4, Class D – shops, financial, cafes, takeaways etc to temporary flexible use

**Reason:** To control the use in the interests of the amenity of the area and development plan policies.

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**PLANNING APPLICATION NO. 18/0519/FUL - LAND AT HEAVITREE  
PLEASURE GROUNDS, WHIPTON LANE**

Councillor Denham declared a personal interest and left the meeting during consideration of this item.

The City Development Manager presented the application for the construction of single-storey cafe and community hub building; replacement of BMX track in alternative location in park.

Mr Hunt spoke in support of the application. He raised the following points:-

- speaking as the Chair of Trustees for Park Life Heavitree, a grass roots, community led charity working in and around Heavitree Pleasure Grounds since 2011 with over 40 active volunteers helping to reduce social isolation, improve community cohesion, provide opportunities for people to get active and to create a more socially, economically and environmentally sustainable community;
- long term aim is to expand the services and activities through a facility in the park. This will be a café with indoor and outdoor seating and a community hall space for hire;
- the building will help to reduce loneliness in the area. A recent report states that in Heavitree there is a high risk of being lonely. Having a place to gather, meet and take part in social events will bring people out of their homes and into a warm, dry, friendly place in a green space. It will improve health and wellbeing and provide a well-designed space that can be hired to encourage people to get active all year round. At the moment activities like Heavitree Fit Club are seasonal as classes move indoors in winter but out of Heavitree;
- it will create a community led not for profit business offering employment, training, volunteer and work experience opportunities;
- a fully costed business plan shows that the facility will work and put money back into the park and the community;
- it will be a focus and a 'shop-front' for Park Life's activities/engagement and act as a community hub for other groups;
- people will be encouraged to use sustainable transport, particularly walking and cycling;
- the current BMX mud humps will be relocated to a site near the skate park;
- the operational management plan, to be submitted as a pre commencement condition, will ensure that there is no detriment to immediate neighbours in terms of opening times, noise and lighting.

He responded as follows to Members' queries:-

- the provision of solar panels and rainwater harvesting are not included in the plans at this stage but their potential will be investigated;
- support for sustainable transport is acknowledged and secure cycle parking will be provided;
- as an alcohol licence is not being sought at this stage for the cafe, anyone consuming alcohol either within or immediately outside the premises, will be asked to leave; and
- it was considered that concerns expressed regarding the loss of open space were addressed through enhancing the overall provision, the BMX facility being very basic and no more than mud overlaying a former play area which had a concrete base.

Members noted that, whilst the hall would be open from 8:00am to 10:00pm, the opening times for the café also extended on some evenings to 10:00pm which some felt was too late for a café and it was suggested that the suitability of these hours should be monitored. Members welcomed the initiative which was community led and for the benefit of the community.

The recommendation was for approval, subject to the conditions as set out in the report.

**RESOLVED** that, subject to the opening hours of the café with the 10:00pm closing time being supported for the time being, being monitored over the first 12 months of operation and reviewed after this period at a City Council Delegation Briefing, planning permission for the construction of single-storey cafe and community hub building; replacement of BMX track in alternative location in park be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 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 27 March 2018 (including dwg. nos 000.010 Rev A; 000.011; 000.020; 100.001 Rev A; 100.002 Rev A; 200.001; 300.001 Rev A; 300.002 Rev A) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) No development should take place until a report has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the development is resilient to climate change and optimises energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and by using technologies that reduce carbon emissions. The report will be expected to demonstrate BREEAM 'Excellent' standards wherever possible and where it is not possible, to explain the reasons why the standards cannot be met. The development should take place in accordance with the agreed details.  
**Reason:** In the interests of promoting sustainable design and construction methods. It is necessary for this information to be submitted prior to the commencement of the development to ensure that sustainable construction methods are incorporated into the design.
- (4) Prior to the commencement of the use, the applicant shall submit for approval an operational management plan for the development. This should describe the steps that will be taken to ensure that the use and operation of the development does not have an adverse effect on local amenity. It should include, but not be limited to, the hours of use of the development, maintenance of kitchen extraction, control of noise and audible music, types of activities and external lighting. The approved plan shall be implemented whenever the development is in use and shall be reviewed as required on request of the LPA.
- (5) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.
- (6) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the

development and shall be demonstrated by measurement prior to occupation of the development.

- (7) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a) There shall be no burning on site during demolition, construction or site preparation works;
  - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
  - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
  - d) Site hoarding shall be kept clear of graffiti and fly-posting.
- The approved CEMP shall be adhered to throughout the construction period.
- (8) If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.
- (9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development 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.
- (10) No part of the development hereby approved shall be brought into its intended use until the pedestrian access to the site from Whipton Lane as indicated on *Drawing number 000,010 Rev A* has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that a safe and suitable access is achieved in accordance with paragraphs 32 and 41 of the National Planning Policy Framework.
- (11) The use of the cafe hereby approved shall not be carried out other than between the hours of throughout March to October 0700 to 1900 Monday to Wednesday, 0700 to 2200 Thursday to Saturday and 0800 to 1700 on Sundays and Bank Holidays. November to February hours of use are 0800 to 1600 Monday to Wednesday, 0800 to 2200 Thursday to Saturday and 0800 to 1600 Sundays and Bank Holidays. The use of the community hall hereby approved shall not be carried out other than between the hours of 0800 to 2200.  
**Reason:** So as not to detract from the amenities of the nearby residential property.

- (12) Prior to the commencement of the construction of the community hub building, the construction of the BMX track must be completed and available for use.

**Reason:** To ensure the continued use of the BMX track.

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**PLANNING APPLICATION NO. 16/0313/FUL - 2 OAK ROAD, EXETER**

The Project Manager (Planning) (GM) presented the application for the reconstruction of a dwelling along with a two storey rear extension and front porch.

Members were circulated with an update sheet.

The recommendation was for approval, subject to the conditions as set out in the report.

**RESOLVED** that planning permission for the reconstruction of a dwelling along with a two storey rear extension and front porch be **APPROVED**, subject to the following conditions:-

- (1) C05 - Time Limit – Commencement
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25 April 2016 (dwg. no(s). AP(0)51 Rev.A) and on 1 July 2016 (dwg. no. AP(0)49 Rev.A), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) C75 - Construction/demolition hours
- (4) Pre-commencement condition: A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMP 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.

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**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the City Development Manager was submitted.

**RESOLVED** that the report be noted.

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**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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**SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Corporate Manager Democratic & Civic Support was submitted.

**RESOLVED** that the circulated rota of site inspection be approved, subject to any changes during the course of the year.

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**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 12 June at 9.30 a.m. The Councillors attending are Edwards, Mrs Henson and Prowse.

(The meeting commenced at 5.30 pm and closed at 8.28 pm)

Chair



# Agenda Item 5

**COMMITTEE DATE:** 25/06/2018

**APPLICATION NO:** 18/0534/FUL  
**APPLICANT:**  
**PROPOSAL:** Construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure.  
**LOCATION:** Land West Of Ringswell Avenue, Comprising Part Of The Grounds Of The Former St Luke's School Exeter

**REGISTRATION DATE:** 04/04/2018

**EXPIRY DATE:**

## **HISTORY OF SITE**

The site forms part of the former St Lukes High School and as such the following planning history relating to the whole former school site is considered relevant in terms of the context to the current application.

05/0177/03 - Single storey buildings to provide primary school, car parking, vehicular and pedestrian accesses and associated works. (St Nicholas Catholic Primary School). Approved 12/05/2006. This application related to the southernmost part of the former St Lukes school site.

07/1898/26 - Change of use of part of former school to use as offices, external alterations including provision of new lift, associated access alterations and car parking. This was a Devon County Council application to which the City Council raised no objection on 16/10/2007.

12/0584/01 - Demolition of former school buildings, erection of Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping (All matters reserved for future consideration apart from access). Approved 10/07/2012. This application related to the same portion of the former school site as the current application.

13/0105/02 - Erection of Academy for Deaf Education with associated residential accommodation, open space, car parking and landscaping (approval of reserved matters on Ref. No. 12/0584/01 granted 10-07-12) for appearance, landscaping, layout and scale. Approved 29/04/2013. This application related to the same portion of the former school site as the current application.

15/0475/37 - Alterations to approved layout and elevations (Non Material Amendment to Reserved Matters Approval 13/0105/02). Approved 23/06/2015.

## **DESCRIPTION OF SITE/PROPOSAL**

The application site forms part of the remaining former St Lukes High School site that was left following the construction of the St Nicholas Catholic Primary school. The site has an area of 1.52 hectares and has been cleared ready for development with the demolition of all the former school buildings that occupied the site. To the north the site is bounded by another part of the former school site which is currently still owned by Devon County Council and a small wooded area that lies between the site and the rear of properties on Bramley Avenue. To the east it is bounded by Ringswell Avenue and to the south by the St Nicholas Catholic Primary School. The site has a short western boundary that abuts the rear of existing properties on Warwick Road

Full planning permission is now sought for redevelopment of the site to provide 48 dwellings with vehicular access from Ringswell Avenue, associated parking provision (including 9 visitor parking spaces), landscaping and public open space in the south-east corner of the site. The proposals also include a foot/cycle path connection to Ribston Avenue to the north and a foot/cycle path up to the application site boundary in the south-west corner of the site to facilitate connection to the existing footpath leading from Warwick Road into the school. The 48 dwellings comprise the following mix of house types, 5 x 1bed, 13 x 2bed, 16 x 3bed, 12 x 4bed and 2 x 5bed.

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

The application is accompanied by the following supporting documents –

- Planning Statement
- Design & Access Statement
- Affordable Housing Statement
- Transport Assessment
- Ecological Appraisal
- Tree Survey and Arboricultural Impact Assessment Report
- Statement of Archaeological Survival, Impact and Mitigation
- Flood Risk Assessment
- Ground Investigation Report
- Spoil Validation Sampling Report
- Construction Environmental Management Plan (CEMP)
- Statement of Community Involvement
- Draft Section 106 Agreement

## **REPRESENTATIONS**

25 letters of representation/objection, including letters from the Ringswell Avenue Resident's Association, Governing Body and Headteacher of the Roman Catholic primary school, have been received raising the following issues –

- Concerns relating to proposed public footpath connection to Warwick Road in terms of –
  - Impact on residential amenity of existing properties – noise, anti-social behaviour, loss of privacy, hours of use and potential light pollution if lit path.

- Loss of wildlife habitat
  - Potential to increase current parking issues and traffic congestion on Warwick Road
  - Question need for/benefits of provision of such a link.
- Overdevelopment of site
- Exeter not need more development comprising housing
- Impact on existing property values
- Ecological impact
- Loss of trees
- Desire for children's play area
- Lost opportunity for a community based development project on the site
- Lack of adequate parking provision to serve development
- Lack of sustainable transport provision i.e. cycle parking and car club provision.
- Ringswell Avenue inappropriate for vehicular access to serve the development because –
  - Junction with Honiton Road already congested, compounded at school drop-off/pick-up times, and will be exacerbated by additional traffic associated with the development
  - Traffic jams arising from vehicles to turn right out of Ringswell Avenue, and increased disturbance to free-flow of traffic on Honiton Road with vehicles queuing trying to enter Ringswell Avenue
  - Ringswell Avenue is a narrow poorly surfaced cul-de-sac
  - Difficulties of access for emergency vehicles
- Road safety concerns, conflict with school traffic/pedestrians including children accessing school. Vehicles frequently already have to mount pavement to negotiate junction and parked vehicles
- Increased traffic adding to congestion problems, associated air quality impacts including health implications
- Increase pressure on existing street parking in Ringswell Avenue which some properties rely on
- Removal of existing turning circle would exacerbate all current problems
- Damage to resident's vehicles and property
- Link to Ribston Avenue should be suitable for cyclists and pedestrians
- Applicant's traffic measurements/predictions not accurate representation of reality
- School used/hired outside of school hours so problems not confined to school drop-off/pick-up times
- Impact of construction traffic associated with development on Ringswell Avenue
- Problems likely to be exacerbated by future development on other part of former school site
- Proposal is one of many developments in general locality adding significant further traffic to already congested roads e.g. Moor Exchange and Middlemoor
- Previous proposals for development of land were to be accessed via Bramley Avenue/Ribston Avenue as Ringswell was not considered appropriate
- Vehicular access via Bramley Avenue/Ribston Avenue would have less adverse consequences and facilitate easier dissipation of traffic onto wider road network.

## **CONSULTATIONS**

**ECC Housing Services** – Confirm that level of affordable housing provision (including wheelchair accessible unit), tenure, clustering and house types/mix are all acceptable and compliant with relevant adopted policy requirements.

**County Head of Planning, Transportation and Environment (Highways)** – A comprehensive consultation response has been provided which will be referred to later in this report in respect of the assessment of transportation impacts. The consultation response concludes with the following summary –

“The site is located within an existing urban area and the applicant has made an effort to improve pedestrian/cycling linkages promoting modal change. Overall these proposals represent sustainable development with safe and suitable access for all users achieved. Therefore, subject to appropriate contributions (S106 to enable DCC to make the connection to Warwick Road) and conditions being attached in the granting of any consent, no objection.”

Recommended conditions relate to foot/cycle path connections, travel pack provision, highway construction details, CEMP and cycle parking provision.

**DCC (Lead Local Flood Authority)** – Response as follows “Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage. Following my previous consultation response FRM/EC/0534/2018, dated 15th May 2018, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Email dated 17th May 2018 Application 18/0534/FUL - Ringswell

The information submitted answers my concerns raised in my previous response and we are happy to remove the objection.”

**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 the development to facilitate the additional capacity/provision generated by the proposed housing.

**Environmental Health** – Recommends conditions relating to contaminated land, Construction Environmental Management Plan (CEMP) and Air Quality Impact Assessment.

**Natural England** – highlight need for mitigation of potential impacts on Natura 2000 sites to be secured. Refer to standing advice in respect of protected species considerations, and highlight benefits of biodiversity and landscape enhancements.

**RSPB** – Comment of level of bird box provision proposed and suggest additional boxes should be provided to reflect advice in the Council’s Residential Design SPD.

**Devon and Somerset Fire & Rescue Service** – Highlight that they are a statutory consultee at Building Regulation stage and would make detailed comments at that point. However on basis

of submitted drawings state that scheme appears to satisfy criteria for access under building regulations and therefore have no objection to this development at this time.

## **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.*

### **Exeter Local Development Framework Core Strategy 2012**

Objectives 1-10

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

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

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H3 – Housing sites
- 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  
T5 – Cycle Route Network  
T10 – Car parking standards  
C5 – Archaeology  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN4 – Flood risk  
EN5 – Noise  
DG1 – Objectives of urban design  
DG2 – Energy conservation  
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  
DD30 - Green Infrastructure  
DD31 - Biodiversity  
DD34 - Pollution

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

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

### **OBSERVATIONS**

#### **Introduction**

There are a number of detailed material planning considerations that need to be assessed in connection with this application. However, before examining each of those issues individually it is important to set the context in respect of the position in relation to the Council's 5 year housing land supply. The Council is still unable to demonstrate a five year housing land supply, with the current position being a supply equating to just under 2 years and 2 months.

## ***Development Plan and NPPF Policy Context***

Notwithstanding the Council's inability to demonstrate a five year housing land supply this application should be determined in accordance with the Development Plan unless material considerations indicate otherwise (NPPF paragraph 11). 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 and the absence of a 5 year land supply means that Development Plan policies for the supply of housing should not be considered up-to-date.

The main considerations in respect of this application relate to the acceptability in principle of the development, highway/transportation matters, affordable housing provision, design/layout/amenity standards, relationship to surrounding land/properties, landscaping/ecology/sustainability/drainage,

### Context/background

Following St Lukes High School relocating to brand new premises at Hill Barton part of the site was redeveloped to provide St Nicholas Catholic Primary school while the remainder was used for a variety of education related uses until the part of the former school comprising the current application site was sold to the Exeter Royal Academy for Deaf Education (eRADE) for the demolition of existing buildings and redevelopment to relocate the deaf school on Topsham Road on this site. However, following demolition of the existing buildings the relocation plans of eRADE switched to a location outside the city boundaries. Thereby the application site became surplus to requirements and available for alternative redevelopment proposal resulting in the current proposal.

### Principle of development

The site comprises previously developed land within the urban area, and is a sustainable location in terms of access to facilities, and sustainable transport (bus and train). The site is not allocated for any specific use in the adopted development plan, nor is it subject to any landscape designations. In this respect the principle of residential development of the site is considered acceptable and consistent with relevant development plan policies relating to the provision of additional housing.

### Highway/Transportation matters

There have been a significant number of representations in respect of this application with principle concerns raised relating to highway matters, especially in regard to the suitability of Ringswell Avenue as the means of vehicular access to serve the development and the impacts of highway safety. The existing problems on Ringswell Avenue being particularly difficult around school drop-off and pick-up times.

Representations submitted have made reference to previous permissions for development of the site for educational use using Ribston Avenue as the main point of access and suggesting that should also be the case for this residential development. The applicant's submitted Transport Statement has compared likely traffic generated by the development with previous education use of the site to argue a net decrease in trips by comparison. Notwithstanding acknowledgement of both these positions the Highway Authority have rightly pointed out that

the application, with the proposed access from Ringswell Avenue, needs to be looked at on its own merits and state –

“the site is located within an existing urban area where foot and cycle are a realistic choice for a wide range of journeys. The site has access to public transport services on Honiton Road/Ribston Avenue and therefore, from a transport perspective, is a sustainable site.”

The Highway Authority acknowledge in their consultation response that Ringswell Avenue experiences a level of congestion during school pick up/drop off periods but state the following –

“However, although busy during these periods, this situation is not dissimilar to roads serving schools around Exeter during the AM peak. Note there will be very little interaction of traffic generated by the development during school pick up/drop off in the afternoon peak and no interaction at all in the PM peak.”

The Highway Authority also state the following –

“The Highway Authority have raised concerns over the right turn out from Ringswell Avenue onto Honiton Road (as at times it can become constrained), but the increase in trips during peak hours is not significant enough to form a reason for refusal given the lack of clarity to the original consent and the proposed mitigation put forward by the applicant (as highlighted later in the text). Furthermore, operation of the junction with Ringswell Avenue/Honiton Road is not classed to be unsafe. Review of our accident records shows no Personal Injury Accidents, for the years between 2012-2016.”

More generally in their response the Highway Authority have highlighted the importance of the pedestrian/cycle links to Ribston Avenue and Warwick Road in terms of permeability and promoting/facilitating use of sustainable transport modes by both residents of the proposed development and existing surrounding houses. Particularly it is suggested that the Ribston link could act as a shortcut through the new development for those wishing to access the school on Ringswell Avenue.

The level of parking provision is considered acceptable and the potential benefits of the proposed visitor spaces adjacent the public open space in terms of facilitating a car club parking space and easing congestion/parking problems during pick up/drop off times is acknowledged.

Whilst it is acknowledged that other alternatives to the means of vehicular access proposed exist (i.e. via Ribston Avenue rather than Ringswell Avenue) the proposal has to be considered on its merits as submitted.

The applicant's submitted Transport Assessment states the following as part of its summary –

“The general impacts of the development are modest and are unlikely to generate any material concern with the operation of the road network or local junctions. While it is recognised that there are localised issues around the school drop-off and collection period, these are largely due to illegal parking by parents and poor enforcement of parking restrictions.”



The Transport Assessment also concludes as follows –

“In conclusion, the development site is considered to be well located with regard to accessibility to local facilities and sustainable modes of transport. As development traffic impact is negligible and there are no obvious highway safety issues, it is concluded that the development should be considered acceptable on transport terms.”

The Highway Authority conclude as follows in their consultation response –

“The site is located within an existing urban area and the applicant has made an effort to improve pedestrian/cycling linkages promoting modal change. Overall these proposals represent sustainable development with safe and suitable access for all users achieved. Therefore, subject to appropriate contributions (S106 to enable DCC to make the connection to Warwick Road) and conditions being attached in the granting of any consent, no objection.”

Based on the proposal as submitted, notwithstanding the representations, having regard to the consultation response of the Highway Authority and the following advice in paragraph 32 of the NPPF which states –

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.”

it is not considered that the highway impacts would be so severe as to justify refusal and therefore the proposal is considered acceptable on transportation impact grounds.

#### Design/layout/amenity standards

The proposed development has an overall density of 32 dwellings/ha which is considered appropriate given the context of the site and its surroundings. A central spine road running through the site with dwellings either side, and a small group of dwellings around a private courtyard accessed via the spine road, comprises the most logical approach to the layout of the development. This facilitates a majority of dwellings fronting the road provided natural surveillance and maximum opportunity for interaction between potential residents.

In terms of internal space standards the house types proposed in this application are broadly in accordance with the National Space standards published by the DCLG in March 2015. Consequently the proposal is considered acceptable in this respect.

All of the dwellings are provided with private gardens, the majority of which comply with the space standards advocated in the Council's adopted Residential Design SPD. In the context of achieving an overall layout that is acceptable in design terms the level of private amenity space provision across the scheme is considered acceptable.

The central road running through the site providing access to the proposed houses and their parking incorporates two turning heads, the middle one of which incorporates a change in surface material and links to an area of private parking effectively forming an open square fronted by houses.

The most significant tree on the site, as identified in the submitted Tree Survey, has been retained within the main area of proposed public open space which equates to marginally under 10% of overall site area. In the context the site this level of open space provision is considered appropriate.

The foot/cycle path links to Ribston Avenue to the north and Warwick Road to the west (the later to be delivered by the DCC) will create permeability and facilitate the use of sustainable modes of transport both by residents of the new development and of existing properties in the locality.

Overall the proposed layout is considered a suitable response to the shape and constraints of site that delivers an appropriate number of houses in a visually acceptable manner with good levels of amenity for prospective residents.

#### Relationship to surrounding land/properties

The proposed layout has taken into consideration the location of existing properties surrounding the site and achieves appropriate separation distances that are generally in excess of those recommended in the Council's adopted Residential Design SPD. Existing properties on Bramley Avenue to the north of the site are separated from the proposed dwellings by an existing area of vegetation that is outside the application site and provides a visual barrier between the existing and proposed housing.

#### Affordable housing

The proposal includes 17 affordable dwellings which equates to 35% of the total number of dwellings to be provided on site, 12 for social rent and 5 for shared ownership. The affordable housing is distributed throughout the site in clusters of less than 10. The mix of house types includes one wheelchair accessible bungalow. This provision is compliant with Core Strategy policy CP7 and has been agreed with officers. The provision of the affordable housing will be secured through relevant obligations within a Section 106 Agreement.

#### Landscaping/ecology/drainage

The ecological appraisal submitted concludes based on appropriate surveys undertaken that there is no ecological barrier to the development of the site subject to appropriate mitigation measures relating to protected species, which will include translocation of reptiles and timings of construction work to avoid the nesting season, along with appropriate licences being obtained from Natural England relating to badger mitigation.

The proposal also incorporates a full landscaping scheme and provision of integral bat/bird nesting, the number of which have been increased in response to comments from the RSPB. The mitigation and enhancement measures as set out in ecological appraisal will be secured via an appropriate condition. Although there is some necessary removal of existing trees on the site, to facilitate the development and achieve an appropriate density, the mitigation measures and landscaping scheme proposed will ensure an overall positive contribution to the ecological value of the site.

Drainage will be dealt with by way of connection to the public sewer systems for both foul and surface water. The adopted approach to surface water drainage will incorporate underground attenuation with controlled discharge rates to the public surface water sewer system. This approach has been accepted by DCC as the Lead Local Flood Authority.

## Financial Considerations

The proposal will be CIL liable at a rate of £111.79/m<sup>2</sup>. Based on an initial calculation of the floor area proposed this would equate to £563,115.29p before the application of any relief associated with affordable housing. The developer would however be entitled to claim relief from CIL in respect of the affordable housing units in which case the final sum payable in such circumstances would be £404,201.34p.

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.
- Open space – provision/maintenance.
- Contribution to footpath connection to Warwick Road.
- TRO contribution relating to extension of existing 20mph zone into development site.

## Conclusions

Based on the above appraisal of the proposal the application is considered to be compliant with relevant development plan policies. Specifically in relation to transportation impact, having regard to the advice in paragraph 32 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe, and the absence of an objection from Highway Authority, the application is considered acceptable in transportation terms. Consequently overall the proposal is considered acceptable.

## Member Site Inspection Panel (12/06/18)

Members noted the position of the proposed access to serve the development and the existing highway issues associated primarily with drop-off/pick-up times of the school. Members noted the potential for additional traffic on Ringswell Avenue associated with the development to exacerbate the problems and queried whether an alternative vehicular access via Ribston Avenue might alleviate any such issues. Members also discussed the merits of facilitating a pedestrian/cycle link to Warwick Road and the potential for formation of further on road parking spaces at the top end of Ringswell Avenue by replacing the existing footpath and grass verge that leads to a dead end.

## **RECOMMENDATION**

Subject to completion of a S106 covering the matters referred to above **APPROVE** the application subject to the condition 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 4th April and 31st May 2018, the specific drawings referred to on the Bean Designed drawing register dated 30th May 2018, and the following additional drawings by redbay design landscape consultants - 475/01 Rev B, 475/02 Rev B and 475/03 Rev B as modified by other conditions of this consent.

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

3) The materials to be used in the construction of the development hereby approved shall be in strict accordance with the details specified in the submitted plot finishes schedule received by the Local Planning Authority on the 31st May 2018.

**Reason** - In the interests of the character and appearance of the development and the wider locality.

4) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the Ecological Appraisal by Tor Ecology dated 5th February 2018 document ref TEO122/EA/B except as modified by drawing no. P1610:08 Rev A and agent email dated 31st May 2018 in respect of the location, number and type of swift bricks to be incorporated within the development. Any licences required from Natural England in respect of the mitigation measures set out in the Ecological Appraisal shall be obtained prior to the commencement of the development.

**Reason** - To ensure that the development is implemented in a manner that minimises the direct ecological impact of the construction of the development and incorporates features that contribute to ecological enhancement of the site post development.

5) The landscaping scheme comprised in red bay design landscape consultants drawing nos. 475/01 Rev B, 475/02 Rev B and 475/03 Rev B shall be fully implemented in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of the development.

**Reason** - To ensure that the landscaping of the development is carried out in an appropriate manner in the interests of the character and appearance of area and the ecological enhancement of the site.

6) 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.

7) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the recommendations contained in the Arboricultural Impact Assessment Report by Aspect Tree Consultancy document ref 04921 AIA 29.3.18.Docx and Aspect Tree Consultancy drawing no 04921 TPP. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the

subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

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

8) **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.

9) The development hereby approved shall be implemented strictly in accordance with the provisions and details set out in the submitted Construction Environmental Management Plan (CEMP) Revision B dated 30th May 2018. Explicitly there shall be use of Ringswell Avenue by any vehicular traffic associated with the construction of the development, including that related to construction workers employed on the site.

**Reason** - In the interests of the occupants of nearby buildings and to minimise impact of the construction of the development on highway safety in Ringswell Avenue.

10) 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.

11) **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 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. 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.

12) The development hereby approved shall be implemented in accordance with drainage strategy contained within the Flood Risk Assessment dated 28 March 2018 submitted by Hydrock (document ref RIN-HYD-PH1-XX-RP-D-5001 S2 P1).

**Reason** - To ensure that the approach to surface water drainage of the site is acceptable.

13) Prior to occupation of any individual dwelling comprised in the development hereby permitted, a travel pack shall be provided to the prospective occupants informing them of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**Reason** - To ensure that all occupants of the development are aware of the available sustainable travel options

14) No part of the development hereby approved shall be brought into its intended use until the pedestrian/cycleway adjacent to plot A38/A37 to the western site boundary as indicated on the adoptable highways plan (Drawing No. P1610:09) has 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 ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF and CP9 of the ECC Core Strategy

15) No part of the development hereby approved shall be brought into its intended use until details of pedestrian and cycle linkages/facilities from the northern site boundary to Ribston Avenue have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the links/facilities have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

**Reason** - To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF

16) No part of the development hereby approved shall be brought into its intended use until details of the extension of the shared use path on Ringswell Avenue fronting the development site have been approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

**Reason** – To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF

17) Prior to commencement of the development details of secure cycle parking provision to serve each dwelling comprised in the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

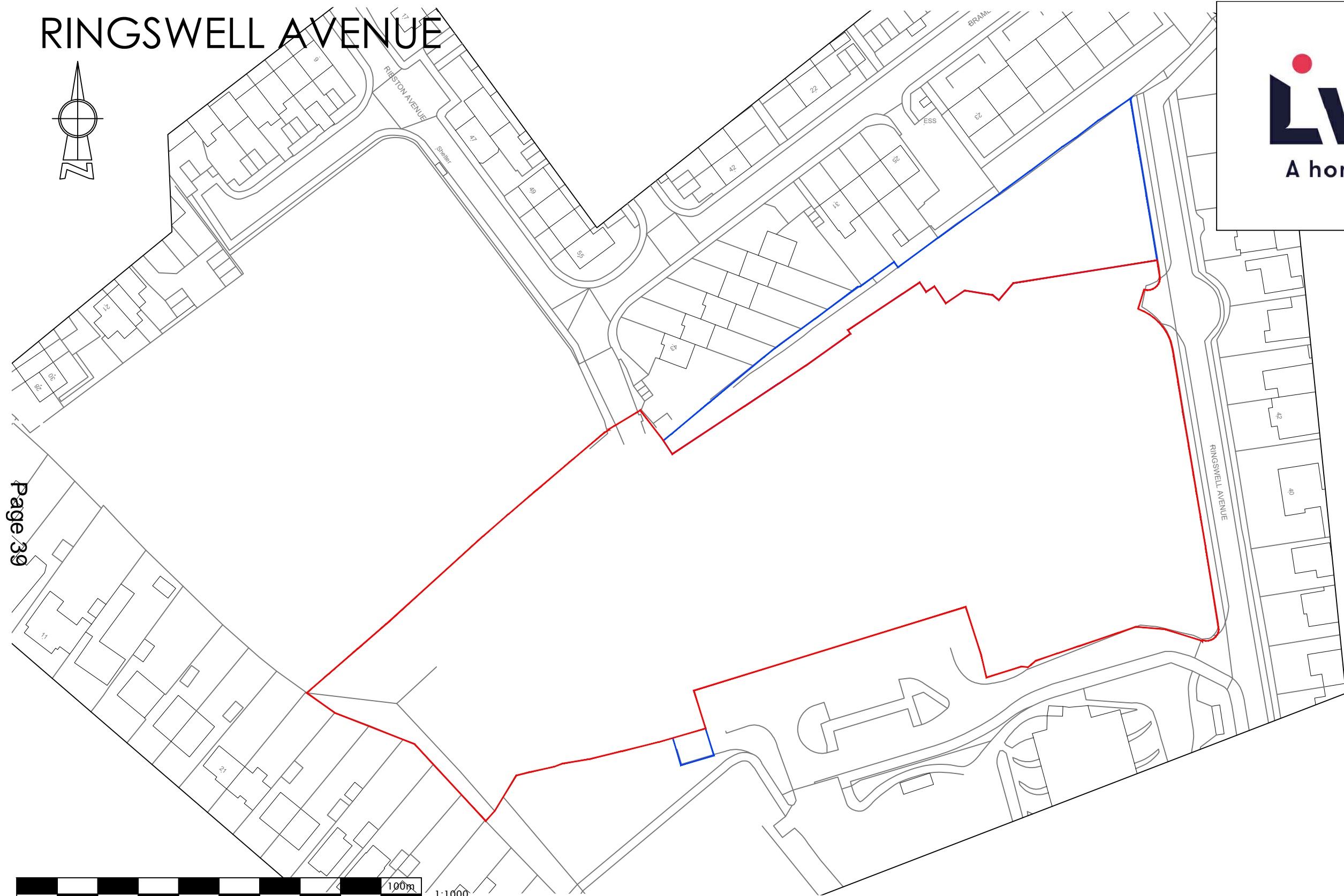
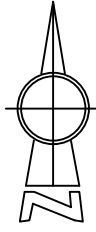
**Reason** - To provide adequate facilities for sustainable transport.

*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*

# RINGSWELL AVENUE



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CLIENT <b>LIVERTY</b>	DRAWING OF LOCATION PLAN	drawing no <b>P1610:01</b>	rev -	date 28.03.18	Bean Designed Ltd 5 High Bank, West Hill Ottery St.Mary, EX11 1XX info@beandesigned.co.uk	
PROJECT LAND AT RINGSWELL AVENEUE EXETER		scale at A3 1:1000	drawn ALP	check CLP		

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**COMMITTEE DATE:** 25/06/2018

**APPLICATION NO:** 17/1980/FUL  
**APPLICANT:** Miracca  
**PROPOSAL:** Demolition of existing single storey arcade. Construction of 4 storey building for 64 student bedspaces incorporating ground retail unit with associated bike and bin stores.  
**LOCATION:** City Arcade, Fore Street, St Davids, Exeter, EX4 3JE  
**REGISTRATION DATE:** 21/12/2017  
**EXPIRY DATE:**

## **DESCRIPTION OF SITE/PROPOSAL**

The application site (0.06 ha) fronts onto Fore Street, but due to the deep nature of the site, extends to Smythen Street and fronts the complete north eastern length of John Street. The building is currently a single storey, flat roof, shopping arcade, known as City Arcade and currently contains a number of small retail units. A pedestrian access runs through the centre of the building linking Fore Street and Smythen Street. The building was constructed after the Second World War to replace the originally bombed building, with white render finish and bay windows to the front elevation. The site is located between Gentry hairdressers and Taunton Leisure on Fore Street and adjacent to The Fat Pig on Smythen Street.

The originally submitted application sought to demolish the existing building and replace with a five storey building occupying the whole of the site. This scheme proposed a retail unit of 434 sq metres fronting Fore Street on ground floor with ancillary retail servicing; an entrance fronting Smythen Street serving the student accommodation above and associated bin and cycle storage for student use. The four floors above proposed a total of 55 self-contained studio student flats. This original application attracted 67 objections from local residents/traders and significantly an objection was received from Historic England. A summary of these objections are outlined in this report. The objection from Historic England was primarily regarding the inclusion of a fifth storey and criticism of the scheme's lack of a contextual approach to produce a design which reflected the characteristic of the conservation area.

Following the objections received the new applicant/agent has submitted a revised scheme which reduces the overall height of the building to four storey and proposes a fundamentally different design approach. Significantly the number of objection received to this application is now 2, although many of the concerns regarding non-design issues are still valid. Historic England has revised their comments raising no objection, subject to the need to ensure high quality materials, if the application is approved.

The scheme proposes the creation of a retail/cafe unit on the ground, albeit at a reduced floor area of 80 sq metres, fronting onto Fore Street with a display window which continues round onto John Street. The associated retail storage area and bin store are located behind with a side access onto John Street. To the rear of the retail/café use on ground floor level is a secondary student access onto John Street; a student accommodation office; student storage areas; cycle and bin storage and the main student entrance fronting onto Smythen Street. The

remainder of the ground floor comprises an 8 room cluster flat with an associated communal area located on the corner of John Street and Smythen Street. Although most of the student units at this ground floor level have windows fronting onto John Street the floor level of the proposed building is higher than that of John Street, which would mean that the student occupants would not be at eye level with pedestrians using this street.

The upper three floors would contain an additional 54 bedspaces within three cluster flats on each of the floor of either six or seven rooms. The flats would be served by communal spaces located either fronting Fore Street, Smythen Street or centrally located facing the courtyard to the north. The windows on the northern side are angled to face towards Smythen Street. The number of bedspaces is reduced on the top floor to enable it to be stepped back from its Fore Street frontage by approximately 2.5 metres. The total number of bedspaces proposed is 64, within a total of 10 cluster flats.

The external changes to the appearance of the building represents a significant change from the original application submitted. In addition to the omission of the fifth floor, the new building is proposed to be stepped back at the upper floor to align with the parapet and eaves lines reflected in the existing buildings in Fore Street situated to the north. The fourth floor is presented as a gabled mansard roof structure with a standing seam metal. The elevational treatment fronting Fore Street includes a full height glazed link above the retail entrance which separates the existing terraced block from the main solid body of the new building. The main material to be used is brick to reflect other buildings within Fore Street. The Smythen Street frontage is deliberately broken up visually into two building plots using different types of brick and corten steel and separated by a full height glazed section. The John Street elevation facing towards the two storey Fat Pig Public house and Taunton Leisure contain a number of windows for the student flats and the predominant material is proposed to be two different brick types with timber infill panels.

The application proposes no parking spaces although a drop off/layby area is indicated to the rear off Smythen Street. The scheme also proposes to raise the existing John Street to kerb level with prohibition of motor vehicles signage to be replaced with walking cycling signage at both ends.

The site lies within Central Conservation Area and is adjacent to a locally listed building, 105-106 Fore Street.

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

The agent has submitted following reports with the application: Statement of Community Involvement; Travel Plan; updated Daylight, Sunlight and Overshadowing Report; updated BREEAM; updated Noise Impact Assessment; updated Air Quality Assessment; Asbestos Survey; Transport Statement; Construction and Design Management Plan; updated Utilities Appraisal; updated Design, Access and Heritage Statement and Heritage Statement.

### **REPRESENTATIONS**

Originally 67 letters of objection, including one from the Civic Society. Principal concerns raised:

- i) Size, height, bulk and design of the proposed building is incongruous with existing buildings;
- ii) Ruin the uniqueness of Fore Street;
- iii) Significant impact on 108 Fore Street;
- iv) Intrusive and overbearing

- v) Contrary to the Local Plan Policies, Core Strategy and Conservation Area;
- vi) Overlooking and loss of privacy;
- vii) Impact on local business during construction;
- viii) Loss of light and views and overshadowing;
- ix) Unsuitable area for student accommodation;
- x) Retail space will be unaffordable for small businesses and would skew the commercial profile of the area;
- xi) Too much student accommodation already, build housing instead;
- xii) Need a balanced community, instead of the number of student flats creating a lopsided market;
- xiii) Loss to lose the City Arcade. Existing building is a landmark;
- xiv) Inadequate car parking provision;
- xv) Noise from student flats and retail units;
- xvi) Loss of local businesses;
- xvii) Poor location of cycle parking.

Following re-consultation 2 additional emails of objection/observation have been received commenting that:-

- i) Further reduction in the overall height would be an improvement especially when seen from Smythen Street;
- ii) Overdevelopment of the site;
- iii) Out of keeping in an historic and architectural important area;
- iv) Loss of retail vitality and viability in the area;
- v) Loss of valuable mix of retail facility;
- vi) Need to include parking in the scheme as many students have cars.

## **CONSULTATIONS**

**The County Head of Planning, Transportation and Environment** comments that the proposed development is being promoted as car free, which for a sustainably located city centre development is acceptable. Being situated in the city centre, the site is well located to access a variety of amenities by sustainable modes.

Pedestrian access for customers for the ground floor units is primarily taken from Fore Street. As a prominent retail area, Fore Street is a busy pedestrian thoroughfare with an active frontage and is similar to other properties in the vicinity (i.e. cafés, bars and local businesses); and is therefore acceptable. Pedestrian and Cycle access to the student accommodation unit is located to the rear and west of the proposal, which is also acceptable.

In its existing form, the City Arcade provided a cut through for pedestrians (and cyclists) wishing to access Smythen Street from Fore Street and an access for shops located within the Arcade itself – the proposal prevents this movement from happening as it is replaced by the retail unit and student accommodation. To mitigate this, the applicant proposes to upgrade John Street by means of raising to footway to kerb height, resurfacing (including tying into the footway on both Smythen street and Fore Street) and to replace the existing signage. The improvements can be seen on the proposed site plan (drawing number 1338/PL105 A) and in principle are acceptable. These facilities are thought to provide safe and suitable access for all users and is reasonable for the level of development proposed.

Access for cyclists is taken from an entrance located to the rear of the building, where a dedicated cycle store is provided. This gives a convenient access for users who wish to cycle to

and from the student accommodation block. Parking for 32 cycles should be provided in accordance with the Exeter City Council Sustainable Transport Supplementary Planning Document. In addition, secure cycle parking should be provided for staff for the retail and could be achieved by either expanding the proposed cycle store and/or providing Sheffield stands (which could be used for visitors too). As such, these details should be provided for approval in advance of commencement and in place prior to occupation.

To provide for deliveries and servicing, the applicant intends to redesign the existing informal loading facility to the rear accessed off Smythen Street. The applicant has formalised the loading bay by the means of creating a new hardstanding to the rear (creation of a 1.5m footway to the rear immediately behind the proposal, a width that is typically seen on the existing street), create a build out opposite John Street and to formally mark a loading bay. This can also be seen on the proposed site plan (drawing number 1338/PL105 A).

These changes proposed leave a carriageway width on Smythen Street of 3.2m when the loading bay is occupied and 4.6m at the buildout location. Given that Smythen Street is lightly trafficked and the proposed arrangements are similar to current arrangements, the loading bay is acceptable in principle. This bay could also be used to serve student pick up/drop off at the end of term. Combined with the off-street parking in the vicinity (car park opposite) to the site, this is felt to provide adequate provision. The applicant is advised that the peak periods of student drop off and collection should be carefully managed to make best use of the designated spaces. These arrangements can be agreed through either a Travel Plan or a management plan as part of any legal agreements attached to the site.

The applicant needs to deliver the works through a S278 - the applicant will have to contact the highway authority to finalise which include dimensions/signing/lining of the loading bay/build out and to discuss kerb heights/material used on both Smythen Street and John Street (and the details of the tying in to existing highway). A TRO contribution (of at least £3000) is required to advertise the loading bay and/or alter the prohibition order on John Street.

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this and the applicant is advised to meet to agree suitable working arrangements prior to commencement.

In summary, the impact of the development is acceptable in highway terms and suitable pedestrian/loading facilities are proposed for the traffic attracted to the site. Conditions as part of any planning approval are therefore recommended to ensure adequate on secure cycle parking facilities, suitable pedestrian facilities on John Street, loading bay on Smythen Street, Travel/Management Plan and to agree construction management arrangements.

**Historic England** originally objected to the original 5 storey building application on the following grounds:-

21 February 2018 - Historic England has significant concerns regarding the scale, mass and design of the building due to its impact on the character and appearance of the Central Conservation Area and in our view the proposal will result in harm. The additional height and subsequent massing will appear incongruous within the strong consistency of scale seen within the existing streetscape, which is further exacerbated by the banal design approach. It should be noted that we consider the site holds significant potential for redevelopment and our response offers constructive advice by which we consider that harm can be reduced and our

concerns addressed. However, at this time, we object to the proposals, as we do not consider that they pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

15 May 2018:- Following receipt of amended plans Historic England responded in a positive manner due to the revised plans removing the fifth storey and a more contextual approach being taken to the overall design of the building. They comment that high quality detailing and finishing will be of paramount importance to ensure the sizable structure responds positively to the quality of the surrounding built environment. One area to highlight will be the choice of materials. The choice of brick should reflect the predominant colour and tone seen in areas of exposed historic brick work along Fore Street and Smythen Street. While clarity over the material for the infill panel within the aluminium framed windows along the south west elevation should be provided.

**Natural England:** No objection subject to securing mitigation Habitats Regulations Assessment. *This will be achieved through CIL contributions.*

**RSPB** raised no objection subject to the inclusion of swift box bricks within the building.

**Wales and West Utilities** comments that they have pipes in the area which may be affected/at risk during construction works. If approved the applicant should contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these be fully chargeable.

**Environmental Health Officer** have requested additional information regarding noise and odour and require conditions in respect of contaminated land, unexploded ordinance, CEMP, plant noise and sound Insulation.

**The Council's Heritage officer** comments on the revised scheme stating that the archaeological assessment provided does now represent sufficient information on which to form a view as to the likely impact of the development on significant buried remains, and therefore the application can now be determined in line with government planning policy and local plan policy.

It identifies the likely presence of remains relating to the Roman legionary fortress, the civilian town that succeeded it, and to the medieval and later periods – specifically part of the medieval St John's Church, and remains related to the former butchers' shops along Smythen St for example. All have a high degree of significance, but, as with many urban sites, their extent and quality of survival will have been compromised by the digging of foundations for the present 1960s buildings, and of earlier cellar(s), particularly on the frontages of Fore St and Smythen St (formerly called Butcher's Row). Consequently, it is very likely that substantial remains will still survive in particular areas of the site, other than in any cellared areas. These will require proper identification and archaeological excavation and recording, and the analysis and reporting of the results, in lieu of their destruction by the development. This should be ensured by attaching the standard archaeological condition to any planning permission.

The heritage officer generally concur with the conclusions of the assessment (section 7), though would emphasise that it is very unlikely that the whole site will have been cellared, and therefore it is virtually certain that a substantial amount of archaeological open area excavation will be required on this site, and that this work will need to be completed after demolition (which should avoid any grubbing up of modern footings at this stage) but before any construction ground

works begin. As this work is part of the development process and a development cost, the developer will need to plan for this now, both in terms of timescale and resources.

The heritage officer concurs with Historic England's view that the revised proposals have addressed the previous concerns about height and massing, and overdevelopment, but that the quality and type of materials and finishes will be crucial, as will the quality of the build as well as of the final detailed design. It is in a very prominent position in the street scene and within the conservation area, so it is important not to stint on quality. As now designed it should, if implemented to the right quality, serve to enhance the character of this part of the conservation area rather than harm it.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework 2012

- 2. Ensuring the vitality of town centres
- 4. Promoting Sustainable Transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 12. Conserving and enhancing the historic environment

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

- CP5 – Meeting housing needs
- CP8 – Retail development
- 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
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H5 – Diversity of housing

*Relevant text – Student housing will be permitted provided that:*

- a) *The scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;*
- b) *The proposal will not create an overconcentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community;*
- d) *Student accommodation is located so as to limit the need to travel to the campus by car.*

- S3 – Shopping frontages
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes of transport
- T9 – Access to building by people with disabilities
- C1 – Conservation areas
- 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

### **Exeter City Council Development Delivery DPD**

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  
DD15 – Change of use within retail centres  
DD18 – Transport Infrastructure  
DD20 – Sustainable Movement  
DD25 – Design Principles  
DD26 – Designing out Crime  
DD27 – Shop Fronts  
DD28 – Heritage Assets  
DD34 – Pollution

### **Exeter City Council Supplementary Planning Document**

Sustainable Transport SPD March 2013  
Development Related to the University June 2007  
Archaeology & Development SPG 2004

### **OBSERVATIONS**

The City Arcade is located within the Central conservation area and identified as a building which makes a negative contribution to the area. Consequently whilst the demolition of the existing building and the redevelopment of the site is to be welcomed there are a number of significant issues which need to be assessed. The scheme will result in the reduction in the current level of retail floor space on the site; introduce a significant number of student bedspaces into the area and result in an increase in the storey height from a single to a four storey building with a more contemporary elevational design within the conservation area.

#### **Retail use**

The application site is located within a secondary shopping area, as designated in the Exeter Local Plan First Review. Although some of the units within the City Arcade are currently vacant, the existing use does contribute to the vitality and viability of this shopping area. In particular the arcade comprises a number of independent retail outlets typical of other retail/café/restaurant premises found within the Fore Street area. The availability of these smaller retail units has ultimately been beneficial to independent operators and specialist traders. The redevelopment of this site will result in a significant reduction in the retail floor space being available from the existing 568 sq metres to 80 sq metres. Local Plan Policy S3 states that the change of use from retail to alternative uses will not be permitted where it harms the vitality and viability of the area. However in this instance the scheme still retains the retail frontage to Fore Street and therefore will maintain a commercial presence within Fore Street. Given the size of the unit it is anticipated that it will be more attractive to smaller independent operators, which are

characteristic of the Fore Street. In addition, the new owner of the site has a clear appreciation of the current type of traders in the area and has expressed a willingness to maintain its current independent character within the proposed unit. Whilst the loss of retail floorspace is regrettable, the continued presence of the retail shop front along Fore Street is considered acceptable and will ensure that the vitality and viability of the Fore Street shopping parade is maintained.

### **Student Use**

The principle of student accommodation in a city centre location is supported by the Core Strategy and the publication version of the Development Delivery Development Plan Document subject to certain criteria as set out in Policy DD12. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that *'75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'*. Whilst a number of objections have raised concern regarding the need for additional purpose built student accommodation in the city, the University's plans for growth means that significantly more additional bedrooms will still be needed and therefore opportunities for new purpose built accommodation should be welcomed on appropriate sites. The site is well served by public transport and its city centre location would comply with the objectives of the development plan. Indeed it could be argued that accommodating more students throughout the city would relieve the pressure for purpose built student accommodation within the residential areas closer to the University, such as St James. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

### **Heritage issues**

The application site is located within the Central conservation area. Under the Planning (Listed Building and Conservation Area) Act 1990 S72 where any application affects a conservation area, there is a statutory requirement to pay special attention to the desirability of preserving or enhancing its character and appearance. In addition, under paragraph 131 of the NPPF it states that *'...in determining planning application, local planning authorities should take account of ...the desirability of new development making a positive contribution to local character and distinctiveness'*. As previously highlighted the initial scheme raised significant concerns that its scale, massing and overall design approach did not take sufficient account of the existing townscape and its conservation area location. The reduction in the height of building has enabled the building to appear more integrated into streetscene fronting both Fore Street and Smythen Street by stepping the building down the road towards Exe Bridges. This stepped arrangement in the overall height of the building in conjunction with the upper floor being set back from the front of building together with the use of a different materials creates a visually appropriate height of building for this site. Historic England have also confirmed that they consider that the height of the building is appropriate in this location.

Historic England previously highlighted the need for a more contextual approach to the development and in particular emphasised the creation of distinct elements within the building's form to reflect the historical street pattern of existing plots in the area. It is considered that the use of full height vertical glazing to the Fore Street frontage and the combination of different materials to the rear elevation fronting Smythen Street represents an appropriate design solution to show historically that the site would have comprised of two building plots. The approach not only addresses the historical context of the site but also helps to visually break up the overall scale and massing of the building, particularly when seen from Smythen Street and



Stepcote Hill. Overall it is considered that the predominant use of brick to reflect the local area coupled with the sympathetic use of metal cladding, timber and corten steel has created a scheme, which although contemporary in appearance, does reflect the existing design elements in the area. In particular, it is acknowledged that the use of ground floor windows along John Street will not only improve the current blank alleyway with a degree of natural surveillance but visually enhance the street by making reference to the existing historic narrow streets already found in the area. The resultant building will clearly have a significant impact on the streetscene and conservation area given the current single storey flat roofed structure. However it is considered that the proposed design will create a building, which makes a positive contribution to local character and distinctiveness and complies with the Exeter Local Plan Policy DG1 and C1 by enhancing the character and appearance of the conservation area.

### **Student Amenity**

The student accommodation is arranged around 10 cluster flats with common rooms facing towards the Fore Street, Smythen Street or the courtyard to the north. It is considered that the common rooms provide good quality of communal space and enables the larger areas of glazing associated with these rooms to visually enhance the external appearance of the building. Whilst student windows are positioned to the sides of the site facing towards Taunton Leisure and the courtyard to the rear of Gentry hairdressers given the angled arrangement of some of the windows these are considered accepted and provide a suitable degree of outlook for future occupants. In particular the windows at lower level fronting John Street are set at a higher level than the street and therefore will not only improve the appearance of the street but ensure that pedestrians are not able to look directly into the proposed ground floor student accommodation. The building provides an adequate areas for refuse storage and cycle provision over and above the requirement as stated by the Sustainable Transport SPD. Following comments made by the County highway officer details have been provide to improve the surfacing of John Street and the provision of a rear layby onto Smythen Street to serve retail deliveries and a drop off/pick up area for the student element of the scheme. These issues can be addressed through the imposition of conditions. In addition, to address the concerns of local residents and traders regarding noise and disturbance during construction a condition requiring a construction and environmental management plan is proposed to be covered by condition.

### **Summary**

It is accepted that the loss of retail floorspace in this secondary shopping centre is regrettable. However the continued commercial presence fronting Fore Street will ensure the vitality and viability of the area is retained. The principle of student use in this city centre location is appropriate and will comply with development plan policies. Following the submission of amended plans the overall height, scale, massing and design approach is now considered to be acceptable and this is confirmed by the positive comments received from Historic England. It is considered that the existing flat roof single storey building appears incongruous within the existing streetscene and the new building will be seen as a positive contribution to the conservation area. Consequently the application is therefore recommended for approval. The application will generate CIL payments of approximately £81,264 given the overall increase in floor area from the existing by 1454 sq metres. In addition, a Section 106 agreement will be required for a student management plan to address issues regarding parking, student drop off and collection and potential issues regarding noise and disturbance from students in the area and for a financial contribution towards a traffic regulation order in the area.

## DELEGATION BRIEFING

22 May 2018 - Members were advised that the originally submitted scheme had resulted in 67 objections being received from local traders and residents opposed to issues such as the scale and massing of the proposed building; loss of existing retail uses and the introduction of student accommodation into this area and the City as a whole. Following concerns by the case officer, heritage officer and Historic England the scheme has been fundamentally changed with the top storey removed and the elevational treatment improved to better reflect the character and appearance of the area. The scheme proposes to retain a retail use fronting onto Fore Street but this will be significantly reduced from existing City Arcade and the scheme as originally submitted. Members were advised that the highway treatment of the John Street would be improved and windows from the student accommodation would face onto this street which would help with natural surveillance of the area. Revised comments had been revised from Historic England who have stated that subject to the careful choice of materials no objection is raised to the scheme as amended

At a meeting with traders the view had been expressed that it would be preferable for the retail unit to be occupied by an independent trader. Members suggested that the impact of business rates on the size and design of the retail unit should be investigated, which may support the case for an independent trader. The application would be considered at Planning Committee.

## RECOMMENDATION

**APPROVE** subject to the completion of a Section 106 agreement for a student management plan, a financial contribution of £3,000 towards a traffic regulation order 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 27 April 2019 (dwg no. 13388/PL105A; PL110A; PL111A; PL112A; PL113A; PL114; PL115D; PL116A & PL117A) 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 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:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

5 No part of the development hereby approved shall be brought into its intended use until the improvements on John Street and the provision loading bay arrangements on Smythen Street as indicated on the proposed site plan (*drawing number 1338/PL 105 A*) 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 .

6 No part of the development hereby approved shall be brought into its intended use until details have been submitted to the Local Planning Authority of secure cycle parking provision for the development and provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for sustainable transport.

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

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

8 Pre-commencement condition. 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 .

9 Pre-commencement condition. 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 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.

11 Prior to occupation of the development hereby approved details of provision for nesting birds and 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.

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

13 Pre-commencement condition: No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.

**Reason:** In the interests of public safety.

14 Pre-commencement condition. 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.

15. No café use shall be operational until details of any kitchen extract equipment, to include design, siting, noise levels odour levels and a programme for future maintenance has been submitted and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the agreed details at all times.

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

#### **Notes to Applicant:**

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 permission.

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](http://www.exeter.gov.uk/cil).

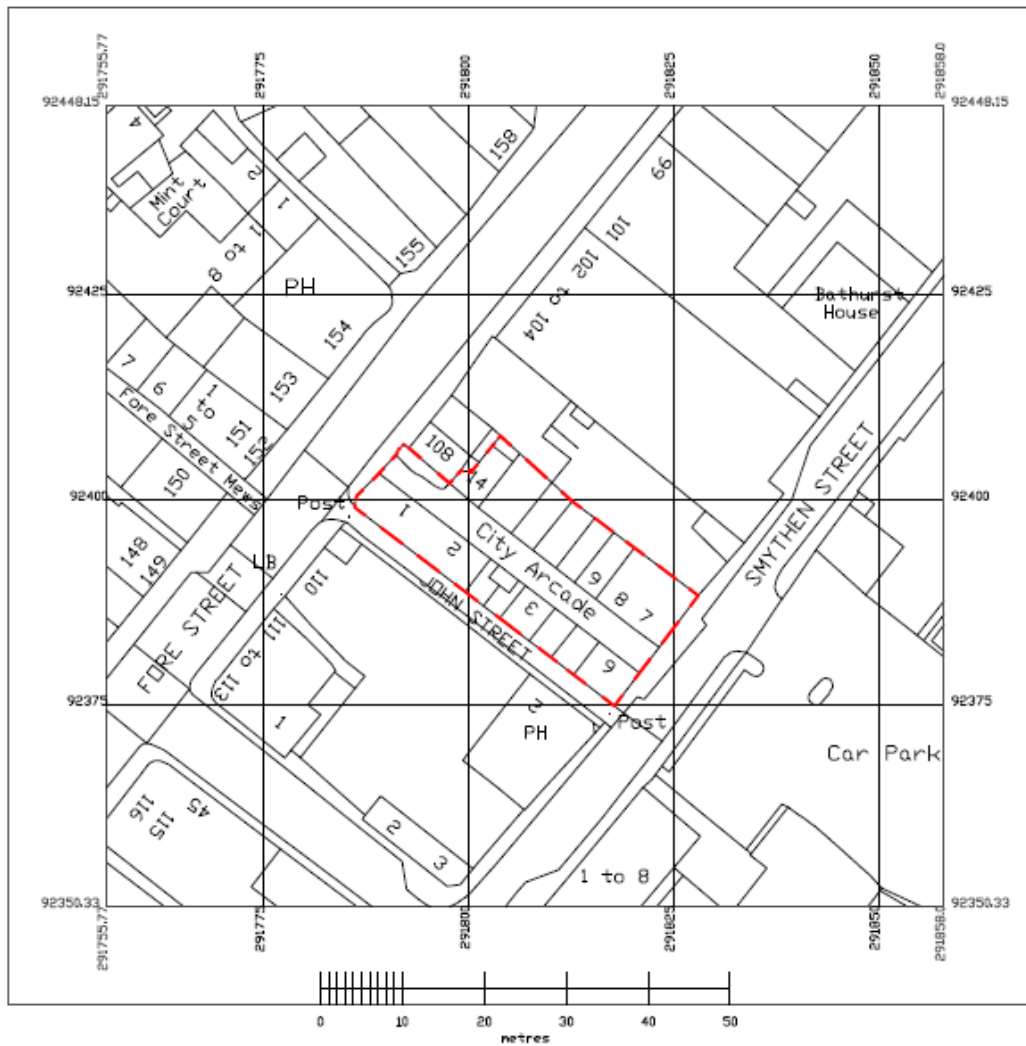
3. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

*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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## City Arcade Location Plan

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# Agenda Item 7

**COMMITTEE DATE:** 25/06/2018

**APPLICATION NO:** 17/1320/FUL  
**APPLICANT:** Linden Homes SW Ltd  
**PROPOSAL:** Construction of 62 dwellings with associated public open space, infrastructure and landscaping. (Revised)  
**LOCATION:** Land At Sandrock  
Gipsy Hill Lane  
Exeter  
EX1 3RP

**REGISTRATION DATE:** 16/08/2017  
**EXPIRY DATE:**

## **HISTORY OF SITE**

12/0854/OUT	Erection of up to 62 dwellings with associated public open space, infrastructure and landscaping (all matters reserved for future consideration).	PER	25.11.2013
14/1714/RES	The erection of 57 dwellings, vehicular access from Pinn Lane, associated roads, parking and provision of public open space.	PER	04.12.2014

## **DESCRIPTION OF SITE/PROPOSAL**

The site comprises 2.19ha of land in Monkerton. The site is in Pinhoe ward. The site is bounded by Tithebarn Way (Tithebarn Link Road) to the north, Gipsy Lane to the east, Gipsy Hill Lane to the south and Pinn Lane to the west. The site is vacant, but was formerly a garden centre nursery. The site was granted planning permission for residential development in 2013, but this consent expired in 2016. The site is overgrown with vegetation and is bordered by hedgerows/hedgebanks. It has a vehicular access onto Gipsy Hill Lane to the south. There are the remains of a track and few outbuildings on the site that have fallen into a state of disrepair. Protected species have been identified on the site, including dormice. There is a restrictive covenant adjacent to the north and east boundaries of the site preventing access for any purpose, unless an agreement is reached between the owners of the covenant and the developer.

The site is within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy. This supersedes the Landscape Setting designation in the Local Plan First Review. The northern half of the site is within the 'Monkerton' character area in the Monkerton & Hill Barton Masterplan Study (November 2010) and the southern half is within 'The Picturesque Ridge' character area. The Masterplan identifies the site for residential use. The site is in Flood Zone 1. There are no above ground heritage assets in the vicinity. The site is within Local Energy Network Area A.

Gipsy Hill Lane is a Green Infrastructure Route in the Core Strategy. It forms part of the E3 and E4 cycle routes connecting to the Redhayes Bridge across the motorway. E4 is a primary cycle route and E3 is a secondary cycle route, both part of the Exeter Cycle Network. Gipsy Hill Lane was shown as part of the Proposed Primary (Cycle) Network in the Local Transport Plan (April 2011) and a Greenway in the Green Infrastructure Strategy – Phase II (Dec 2009). Pinn Lane,

Gipsy Hill Lane and Gipsy Lane are adopted 'green streets' in the Sustainable Transport SPD/Monkerton Masterplan.

The revised proposal is to develop 62 dwellings on the site comprising: 2 no. 1-bed flats, 6 no. 2-bed flats, 1 no. 2-bed house, 11 no. 3-bed houses, 31 no. 4-bed houses and 11 no. 5-bed houses. The dwelling heights will be 2 storeys, 2 and a half storeys and 3 storeys. Access will be from the existing access on Gipsy Hill Lane to the south. A new 3.5m wide shared pedestrian/cycle path will be provided parallel to Gipsy Hill Lane in order to separate vehicles from pedestrians/cyclists. A raised crossing will give priority to pedestrians/cyclists at the site access, which has been designed to Sustrans standards. Gipsy Hill Lane will be widened to 4.8m between the access and Pinn Lane, allowing a car and lorry to pass each other (at present it is wide enough for one vehicle only). Pinn Lane will be closed to vehicles north of Gipsy Hill Lane to prevent any conflicts between vehicles and pedestrians/cyclists using the new path or this stretch of Pinn Lane to Tithebarn Way. A secondary pedestrian/cycle path will connect the site to Pinn Lane to the west.

A total area of 0.48ha public open space will be provided on the site, including a large area to the south (0.37ha discounting cycle path) that will form part of the network of parkland areas connected along the ridgeline. Engineering works will be carried out to the south west of the site to regrade the land to provide the new shared pedestrian/cycle path and widen Gipsy Hill Lane. A landscape scheme has been submitted, which includes 42 new trees, hedges and various shrub plantings and wildflowers.

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

- Planning Statement (PCL Planning, August 2017)
- Design and Access Statement (Dunn Marino, June 2017)
- Archaeological Evaluation and Mitigation (WYG, November 2014)
- Transport Assessment (PCL Transport, May 2012)
- Travel Plan (PCL Transport, May 2012)
- Addendum Flood Risk Assessment Rev B (JRC Consulting Engineers, 04.08.17)
- Tree Survey and Tree Protection Plan (Devon Tree Services, 8<sup>th</sup> May 2012)
- Preliminary Ecological Appraisal (Blackdown Environmental, April 2017)
- Reptile Mitigation Strategy (Blackdown Environmental, June 2017)
- Devon Wildlife Checklist (16/03/2017)
- Phase 1 Desk Study and Phase 2 Preliminary Intrusive Investigation Report, (Geoconsulting Engineering Ltd, May 2013)
- Sitecheck Report (Argyll Environmental, 4 April 2013)
- Discharge of Condition 15 – Noise Assessment (WYG, August 2014)

### **Additional Information Submitted During Application**

- Ground Contamination Verification Report (WYG, May 2015)
- Independent Viability Assessment (Belvedere Vantage, December 2017)
- Design and Access Statement Revision A (Dunn Marino, 09.03.18)
- Addendum Flood Risk Assessment Rev P2 (JRC Consulting Engineers, 09.03.18)
- Transport Assessment (Hydrock 21 March 2018)
- Air Quality Assessment (Hydrock, 13 March 2018)
- Addendum Report To Independent Viability Assessment (Belvedere Vantage, April 2018)

## **REPRESENTATIONS**

### **Original Proposal for 61 Dwellings and Access from Pinn Lane to the West**

24 representations were received, including 17 objections. The issues raised were:

- Information needs updating.
- Restrictive covenant prevents access for any purpose onto Tithebarn Way.
- Increased traffic on Pinn Lane poses a danger to pedestrians and cyclists.
- Pinn Lane is already dangerous.
- Pinn Lane has no footways or lighting.
- Pinn Lane used by employees of the business park.
- Impact of additional traffic on Grenadier Road.
- Limited access for emergency services.
- Tithebarn Link Road is a more suitable access.
- Impact on E3/E4 cycle routes.
- Minimal visibility at the crossroad.
- Already there have been near misses between cyclists and cars on this road (accessing the Gypsy Hill Hotel and the houses nearby) – more traffic will lead to higher likelihood of collisions.
- Pinn Lane is only traffic free route out of city. It is also very narrow and unlit, so it would be very dangerous to allow access to cars without proper pavements, cycle lanes and lighting.
- Will encourage driving over cycling.
- Impact of flora and fauna of walls of Pinn Lane.
- Over development of Monkerton.

### **Revised Proposal for 62 Dwellings and Access from Gypsy Hill Lane to the South**

9 representations were received, including 5 objections. One of the objections was from Exeter Green Party objecting to the lack of affordable housing. Another objection was from The Gypsy Hill Lane Residents Association representing the people living in the houses on Gypsy Hill Lane, objecting on the grounds of: the proposals only being concerned with the safety of cyclists and pedestrians (not motorists) and the danger of increased traffic on Gypsy Hill Lane; overgrown hedgerows preventing two cars to pass and forcing pedestrians to walk in the middle of the road; cyclists not checking if any cars are coming at the junction; increased congestion on Grenadier Road; concerns over access by emergency vehicles; impacts during the construction phase; and loss of hedgerows. They also suggested some alternative access proposals all involving the reopening of Pinn Lane to some extent, as the residents never agreed that closing Pinn Lane was necessary. Other issues raised included:

- No access allowed for any purpose (including cycle ways, footpaths, district heating pipes etc.) over the restrictive covenant.
- Continued impacts to pedestrians/cyclists using Pinn Lane from additional traffic, as there is no pavement or street lighting.
- Concerns over increased vehicle movements along Gypsy Hill Lane.
- Access should be from Tithebarn Way.
- Proper consideration needed to fully accommodate cycling infrastructure and eliminate conflicts between active travel and other vehicles.

- Alternative cycle provision should be in place prior to construction.
- Revised plans look much better. Are there plans to introduce a pavement for Pinn Lane south of the junction?

Following revisions to the plans to include a pedestrian/cycle connection to Pinn Lane, 7 more representations were received, although 4 of these were from people/groups who had submitted representations previously. One of the new objections was from Gipsy Hill Hotel stating they fully support the application apart from access and the removal of hedgerows. The Gipsy Hill Lane Residents Association maintained their objections and also highlighted the issue of congestion on Grenadier Road during the PM peak time and raised doubts that residents of the development will choose to walk or cycle to their destinations, such as schools with children, instead of driving. They consider the Transport Assessment to be flawed and biased. The following issues were raised in the other representations:

- Plans do not go far enough, although are a welcome improvement.
- Positive that cycle storage is provided for properties, but should be provided for all.
- Suggest 6-8 co-bike stands are provided for residents and visitors.
- Revised plans only address access for pedestrians/cyclists from the site to Pinn Lane, not Pinn Lane to Grenadier Road.
- Doubt predicted trip generation is accurate.
- Only access for the development is through a congested business park.
- Impact on existing residents of construction traffic.
- Recent increase in traffic, including large coaches, to Gipsy Hill Hotel is causing a serious impact on Pinn Lane and Gipsy Hill Lane prior to the development. Recent example of a large coach coming to a standstill trying to turn left into Pinn Lane from Gipsy Hill Lane when more than five cars were trying to navigate into Gipsy Hill Lane from Pinn Lane.

## **CONSULTATIONS**

**Local Highway Authority (DCC):** The development can be expected to generate around 25-30 two-way peak hour vehicular movements. This is small and not of significant concern. The additional traffic will be focused on the site access, Ambassador Drive/Grenadier Road and Moor Lane roundabout. The site access will work well within capacity and the traffic on Pinn Lane is not a direct concern, as it carried significantly more vehicles than proposed before it was stopped up. Ambassador Drive/Grenadier Road already experiences a level of congestion, especially during the PM peak, however it is similar to many roads in the city during the evening rush hour and the junction is not classed as unsafe. The increase of 30 two-way trips in the peak hour at Moor Lane roundabout is not significant and given the proposed mitigation by the developer and forthcoming improvements on Moor Lane roundabout in combination with the opening of Tithebarn Link Road, the increased vehicular impact from the development does not form a reason for refusal. There will be alternatives to the private car close to the site, which will be encouraged through a travel plan.

Access for the previous consent was off Pinn Lane on a temporary basis until a vehicular connection had been made from the site to the west. However, this link could not be made due to the complexities of the site levels. Access cannot be achieved to Tithebarn Link Road or the east, due to the restrictive covenant. Access is proposed off Gipsy Hill Lane/Pinn Lane. To be acceptable, Gipsy Hill Lane needed to be widened and pedestrians/cyclists needed to be segregated from vehicles. The proposed widening of Gipsy Hill Lane to 4.8m will allow two

vehicles to pass each other and will be a significant improvement to existing conditions. The diversion of the cycle route through the site will mean no vehicle/cycle conflict at the junction, meeting the aspirations of the Exeter Cycling Strategy. The only conflict is at the site access, however a raised junction is proposed in accordance with Sustrans design criteria giving priority to pedestrians/cyclists. A condition is recommended to ensure this is provided prior to the occupation of the site. The footway to Pinn Lane is welcomed. A Road Safety Audit Stage 1 has been completed indicating the principle of the proposed access is acceptable. Pinn Lane is also a 'green lane', therefore a contribution of £100,000 is required from the developer to provide a segregated pedestrian/cycle route parallel to the carriageway, as mitigation for the increased traffic. This is hoped to connect through to Grenadier Road in future.

The internal road layout is broadly acceptable. Cycle parking standards should be exceeded, reflecting the proximity to cycle routes. Cycle parking should be secure and easy to access. A contribution of £500 per dwelling is required towards Travel Planning. A condition is recommended to ensure appropriate facilities for construction traffic are provided. A contribution of £5,000 is recommended towards relevant Traffic Regulation Orders.

In summary, a safe and suitable access can be achieved for all users with the mitigation. Subject to the recommended conditions/contributions, no objection.

**Natural England:** No objection. Considers the proposed development will not have likely significant effects on the Exe Estuary SPA and Ramsar site, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. Suggested a suitable justification for the Council to come to this decision. This includes a condition preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided. Provided appropriate mitigation is secured to avoid impacts on the European sites, there should be no additional impacts on the SSSI interest features of the Exe Estuary and the East Devon Pebblebed Heaths. Further general advice provided on protected species and natural environment issues.

**Lead Local Flood Authority (DCC):** No in-principle objection to original proposals, although asked for additional details of the exceedance pathways and overland flow routes. Awaiting comments on revised proposals.

**Exeter Cycling Campaign:** Withdrew its objection to the proposals, subject to conditions for the following:

- No part of the development hereby approved shall be occupied until the shared footway/cycleway running through the public open space, have been provided.
- No part of the development hereby approved shall be occupied until Gipsy Hill Lane/Pinn Lane is widened to an appropriate width.
- No part of the development hereby approved shall be occupied until a pedestrian/cycle link from the North-West corner of the site to Pinn Lane.
- No part of the development hereby approved shall be occupied until the shared footway/cycleway running through ECC land adjacent to Pinn Lane has been provided.
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority.

**Sustrans:** Recommended rejection of the original proposals unless an alternative access for traffic can be made which does not impact the cycle network. Highlighted the poor visibility at the Pinn Lane/Gipsy Hill Lane junction and impact on the E4 cycle route. Did not comment on revised proposals.

**South West Water:** No comments on revised plan.

**RSPB:** Pleased to see that bat tubes and bird boxes are recommended in the Preliminary Ecological Appraisal. These should be secured by condition. Fences between gardens should have hedgehog holes to allow them to move between gardens to find food and shelter.

**Devon & Somerset Fire & Rescue Service:** No response. (NB. Provided the following response to major planning application ref. 17/0848/FUL at Gipsy Hill Hotel:

*“Considering the access lane to the site, although I have not measured the width of the lane, I am aware that it is narrow. Nevertheless, I believe the Fire and Rescue Service would be able to achieve vehicular access with our pump appliances.”*)

**Arboricultural Officer (ECC):** No arboricultural objections, as the revised layout does not have a significant additional adverse impact upon existing trees. The Landscape Plan should be revised to ensure all new trees above 8-10 cm to be container grown. Trees planted adjacent to hard surfaces should utilise an underground crating system or the use of structural soil. Trees should not be planted until written approval of their condition and form is provided by the Arboricultural Officer.

**Place Making Officer (ECC):** Cycle path should be positioned as close as possible to Gipsy Hill Lane to avoid dead space. It should be aligned to accommodate curving line of road to the east to eliminate impractically shaped area of grass. The earthworks either side of the cycle route need to be designed to be sympathetic to the location, as they appear steep and engineered in appearance on the section drawings. The proposed trees should be container grown to avoid transplant failure.

**Green Infrastructure Officer, Exeter & East Devon Growth Point:** The proposals for bulking up the hedge with tree planting is a good idea. In general, there is a great opportunity to create biodiverse landscaping on the site. The soils are very sandy, free draining and nutrient poor – perfect for healthy grasslands and excellent for solitary bees and wasps. Unless there is a need for hardwearing grassland that is subject to frequent public use, the default should be to establish wildflower meadow mixtures. Species rich grass should be established across the whole public open space. A more frequent cutting regime can be adopted in the central lawn to enable people to lie down and picnic in summer. Emorsgate EM1 mixture is proposed for the species rich grass, but this is not appropriate for the site and mixture EM7 ‘meadow mixture for sandy soils’ is the correct one to use. This is essential on the cycleway cutting to achieve a net gain for biodiversity.

**Heritage Officer (ECC):** A trial trench investigation was undertaken in response to the archaeology condition on the previous outline permission and no significant remains were identified. Therefore no further archaeological work is necessary and no condition is required for the current application.

**Housing (ECC):** Awaiting comments on affordable housing offer by developer on 7 June 2018.

**Environmental Health (ECC):** Requested additional information on air quality and contaminated land. Following the submission of further information, stated the proposals will lead to a very small increase in traffic on roads that already have high levels of pollution and the Local Highway Authority should be contacted regarding what mitigation of highways impacts and green travel would be appropriate. Recommended conditions for Construction Method Statement, Acoustic Design Statement and unsuspected contamination.

**Children's Services (DCC):** Requested education contribution to mitigate impact on schools from CIL.

**Wales & West Utilities:** Advised has underground pipes in the area and the promoter should contact them to discuss their requirements before works commence. Plant/apparatus must not be built over/enclosed.

**Devon Wildlife Trust:** No response.

**Police Architectural Liaison Officer:** No response.

**Living Options Devon:** No response.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Government Guidance**

National Planning Policy Framework (NPPF) (March 2012)

National Planning Policy Framework – Draft text for consultation (March 2018)

Planning Practice Guidance (PPG)

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP19 – Strategic Allocations

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H7 – Housing for Disabled People  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
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  
DG7 – Crime Prevention and Safety

**Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

**Development Delivery Development Plan Document (Publication Version, July 2015)**

DD1 – Sustainable Development  
DD9 – Accessible, Adaptable and Wheelchair User Dwellings  
DD13 – Residential Amenity  
DD20 – Accessibility and Sustainable Movement  
DD21 – Parking  
DD22 – Open Space, Allotments, and Sport and Recreation Provision  
DD25 – Design Principles  
DD26 – Designing out Crime  
DD29 – Protection of Landscape Setting Areas  
DD30 – Green Infrastructure  
DD31 – Biodiversity  
DD32 – Local Energy Networks  
DD34 – Pollution and Contaminated Land

**Exeter City Council Supplementary Planning Documents**

Affordable Housing SPD (April 2014)  
Sustainable Transport SPD (March 2013)  
Planning Obligations SPD (April 2014)  
Public Open Space SPD (Sept 2005)  
Residential Design Guide SPD (Sept 2010)  
Trees and Development SPD (Sept 2009)

**Devon County Council Supplementary Planning Documents**

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)



## **OBSERVATIONS**

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access and Impact on Local Highways
4. Parking
5. Design and Landscape
6. Impact on Heritage Assets
7. Residential Amenity
8. Impact on Amenity of Surroundings
9. Impact on Trees and Biodiversity
10. Flood Risk and Surface Water Management
11. Sustainable Construction and Energy Conservation

### **1. The Principle of the Proposed Development**

The principle of residential development on the site has already been established. The proposal accords with Policies CP1, CP3 and CP19 in this regard.

### **2. Affordable Housing**

The developers have appointed a viability expert to prepare an Independent Viability Assessment, which claims that no affordable housing provision is viable on the site. The Council's independent viability expert disagrees and, on the basis of the information submitted to date, considers that 25% affordable housing (i.e. 15.5 dwellings) is viable on the site. Notwithstanding the developer's expert's advice, they have offered to provide 10 affordable dwellings (16%) – 70% social rent, as a 'goodwill gesture' and to avoid time delays going to appeal. The offer is only made on the basis that the application is reported favourably by officers to the 25 June Planning Committee.

A further meeting with the applicant and their advisors is scheduled for next week and the outcome will be reported on the Additional Information Sheet.

### **3. Access and Impact on Local Highways**

The original proposal and previous consent provided vehicular access off Pinn Lane. Given the policy status of the lanes and their increased use by pedestrians and cyclists, as confirmed by the representations/objections received, this was no longer acceptable. It would mean vehicular traffic crossing the E3 and E4 cycle routes at an already unsafe junction with limited visibility on the brow of a hill. The revised access proposal as agreed with the developer and Local Highway Authority is to provide access off Gypsy Hill Lane and providing a pedestrian/cycle path through the site in order to segregate pedestrians and cyclists from vehicles. This will be a significant improvement compared to the existing situation where pedestrians and cyclists have to share Gypsy Hill Lane with vehicles accessing the Gypsy Hill Hotel and adjacent residential properties. The long term thinking in the previous consent was that access along Pinn Lane would be temporary until access could be provided from the land to the west through to Tithebarn Way. However, following discussions with the land owner (DCC) and potential developers it became apparent that the significant level difference between this site and Pinn Lane was a significant constraint. In addition, the heavily treed hedgebanks on either side of Pinn Lane would need to

be cut back in order to provide the adequate visibility splays required and dormice (a protected species) were present in this area. It would also not help solve the existing problem of traffic utilising Gipsy Hill Lane and Pinn Lane presenting a danger to other users and would reintroduce traffic onto a green street. The proposed access will restrict vehicles to where they already go (and must continue to go) at present, allowing the rest of Pinn Lane north of the junction to be closed to traffic enhancing pedestrian/cycling infrastructure in the locality. This will remove the potential conflict at the junction between pedestrians/cyclists and vehicles and will be a significant benefit of the scheme. At the same time, Gipsy Hill Lane will be widened to 4.8m allowing two vehicles to pass, thereby improving access to the Hotel and existing dwellings. The developer will fund this widening and also pay a contribution of £100,000 to provide a segregated pedestrian/cycle path to Pinn Lane. The new 3.5m wide cycle path through the site will be funded by CIL, as it will form part of the E3/E4 cycle routes which are on the CIL 123 list. The access scheme is acceptable to the Local Highway Authority and Exeter Cycling Campaign, subject to conditions to secure the mitigation works prior to occupation of the development. Whilst a direct vehicular access to Tithebarn Way to the north would make sense in macro urban design terms, the developer's preference is to provide access from Gipsy Hill Lane/Pinn Lane to the south, and subject to the mitigation that has been designed in being secured there is no highways reason to refuse the application in terms of access.

In terms of the impact of the traffic generated by the proposed development on the capacity of local highways, notwithstanding the concerns raised by local residents of Gipsy Hill Lane regarding congestion on Grenadier Road, particularly during the PM peak, the Local Highway Authority has no objections. Apart from the mitigation/contribution discussed above, the Local Highway Authority also requires £500 per dwelling towards Travel Planning to promote sustainable modes of travel and £5,000 towards the relevant Traffic Regulation Orders. These must be secured in a s106 legal agreement.

#### 4. Parking

All the dwellings will have 2 parking spaces, some inclusive of garages, except the flats which will have 1 car parking space each. This is considered acceptable with reference to the Residential Design SPD, as it is likely that some residents will use their garages for storage instead of car parking. A condition should be added withdrawing the permitted development rights allowing front gardens to be paved for additional car parking in order to protect the proposed landscaping, including tree planting, to the front of the properties in the interests of the design and amenity of the area.

Cycle parking is proposed for each of the dwellings and shall be secured by condition in accordance with the Sustainable Transport SPD prior to the occupation of any individual dwelling.

#### 5. Design and Landscape

The layout and design of the dwellings is considered to be acceptable. This follows pre-application engagement with officers to try to distinguish and enhance the quality of the appearance of the development compared to the developer's adjoining development scheme currently being constructed. In terms of materials, the Design and Access Statement states that, 'A wealth of materials and detailing can be found within the Monkerton area; a simple palette of materials is proposed to create an area with an identifiable character, whilst staying in keeping with Pinhoe and the Monkerton area'. Suitable conditions should be added to secure

samples/details of the final build materials and detailed elements prior to construction of the dwellings.

A Landscape Plan with plant schedules has been submitted with the application. A condition should be added to secure a final detailed landscaping scheme prior to occupation of the development, taking into account the advice of the Arboricultural Officer, Place Making Officer and Green Infrastructure Officer. A Landscape and Ecological Management Plan (LEMP) should also be secured by condition to ensure that the landscape will be well managed in the interests of amenity and biodiversity. A condition should also be added to secure and implement Tree Pit details.

## 6. Impact on Heritage Assets

The proposal will not affect any above ground heritage assets and the Heritage Officer has confirmed that an archaeological condition is not required following previous investigations undertaken.

## 7. Residential Amenity

The proposed dwellings have good standards of residential amenity and comply with the national space standards, except for two of the house types that are undersized for the maximum person occupancy. These are 'Foulston' and 'Goodridge'. These are 4 bedroom dwellings where the maximum person occupancy has been set at 8 persons and 7 persons respectively. They comply with the standards for 7 persons and 5 persons respectively, and in reality are likely to be occupied by couples with 2-3 children. They are therefore considered to be acceptable and a condition restricting their levels of occupancy is not considered necessary.

A total of 0.48ha of public open space will be provided on the site. This includes a main area to the south (0.42ha with cycle path, 0.37ha without). This exceeds the area of public open space required by Policy DG5. In addition, there are other areas of public open space in the area and children's play areas are proposed on the developer's adjoining Tithebarn Green development scheme to the north and other housing schemes to the west. The public open space will be adopted by the Council and form part of the 'ridgeline park'. The developer will need to pay a commuted maintenance sum to the Council accordingly, which must be secured in the s106 legal agreement.

Environmental Health have recommended a pre-commencement condition for an Acoustic Design Statement in accordance with Professional Practice Guidance regarding Planning and Noise for New Residential Development (May 2017). This will ensure that the development accords with Policy EN5.

## 8. Impact on Amenity of Surroundings

The proposed development will not have an adverse impact on the amenity of any surrounding properties in terms of privacy, overshadowing, etc.

Environmental Health stated that the proposals will lead to a very small increase in traffic on roads that already have high levels of pollution and the Local Highway Authority should be contacted regarding what mitigation of highways impacts and green travel would be appropriate. The mitigation proposed under '3' above is considered to satisfy this.

## 9. Impact on Trees and Biodiversity

Some of the existing trees on the site will need to be removed, however these will be mitigated by new tree planting. A condition should be added to protect the trees/hedgerows to be retained during the construction phase.

Natural England considers that the proposed development will not have likely significant effects on the Exe Estuary SPA and Ramsar site, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. The development will pay CIL that will be used, in part, to fund mitigation of the recreational impact of residential development on the European sites. In addition, whilst the 'ridgeline park' is not a SANG which has been identified to meet the SANG requirements set out in the South East Devon European Site Mitigation Strategy, it will nonetheless perform a SANG function, e.g. dog walking. Therefore, officers agree with Natural England that the proposal will not have likely significant effects on either the Exe Estuary SPA and Ramsar Site, the East Devon Pebblebed Heaths SAC, or the East Devon Heaths SPA.

Protected species have been identified on the site and further protected species surveys/mitigation as set out in the Preliminary Ecological Appraisal and Reptile Mitigation Strategy must be secured by conditions. A sensitive lighting scheme should also be conditioned. NB. A dormouse development license was previously obtained, which lasts until November 2019. However, the work schedule within it should be updated to ensure that further vegetation clearance is covered.

## 10. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The proposed drainage scheme comprises attenuation tanks to the northwest of the site that will outfall at a slower discharge rate into the drainage system for the Tithebarn Green development site, which includes a large attenuation basin. It's understood that this was agreed with the previous drainage officer, but confirmation is awaited from the current drainage officer. Notwithstanding, conditions should be added to secure an appropriate construction phase surface water drainage system and appropriate permanent surface water drainage system prior to the commencement of the development.

## 11. Sustainable Construction and Energy Conservation

Policy CP13 requires new development comprising 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development is located in one of the network areas. Therefore a condition is required to ensure the dwellings are connected to the network or constructed to be connected in the future.

Policy CP15 requires residential development to be zero carbon from 2016. However, in light of Government announcements on the subject, the following condition is currently being applied and should be added:

“Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

**Reason** - In the interests of sustainable development.”

### **CIL/S106**

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2018 is £111.79 per sq m. This is charged on new floorspace. The floorspace of the proposed development is 8,055.27 sq m, therefore the total liability is £900,498.63. As the CIL liability is more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences
4. £500,498.63 within 2 years after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

A s106 legal agreement is considered necessary and must secure the following:

- 25% affordable housing (70% social rent, 30% intermediate) (unless an alternative level of provision and/or tenure mix is agreed with Housing before planning committee)
- Review viability/affordable housing provision if alternative vehicle access achieved over restrictive covenant on open book basis
- Public open space/commuted maintenance sum to ECC (this is required before occupation of dwellings, so that DCC can deliver the strategic cycle path prior to occupation of dwellings)
- £100k contribution to DCC for segregated pedestrian/cycle path to Pinn Lane
- £500 per dwelling to DCC towards implementing a residential travel plan
- Up to £5k contribution to DCC towards relevant traffic regulation orders
- S278 and/or S38 works agreement prior to commencement

### **RECOMMENDATION**

**REFUSE** for the following reason(s):

The developer has not demonstrated to the satisfaction of the Local Planning Authority that 25% affordable housing is not viable on the site and a s106 legal agreement has not been entered into with the Local Planning Authority to secure the necessary amount of affordable housing and other planning obligations set out in the planning officer’s report. The proposed development

therefore does not accord with Policies CP7 and CP18 of the Core Strategy, and the relevant provisions of the Affordable Housing SPD and Planning Obligations SPD.

NB. If agreement reached with Housing re the level of affordable housing then:

**APPROVE** subject to the completion of a s106 legal agreement within three months of this Planning Committee and with the following conditions:

(Conditions to be delegated to the City Development Manager in consultation with the Chair of Planning Committee and Delegation Briefing Group)

*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:** 25/06/2018

**APPLICATION NO:** 18/0221/FUL  
**APPLICANT:** Barchester Healthcare Ltd  
**PROPOSAL:** Construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure.  
**LOCATION:** Land West Of Cumberland Way, Hollow Lane  
Exeter, EX1 3RW  
**REGISTRATION DATE:** 07/02/2018  
**EXPIRY DATE:**

## **HISTORY OF SITE**

There is no relevant planning history for the site.

## **DESCRIPTION OF SITE/PROPOSAL**

The site consists of a broadly triangular parcel of land to the west of Cumberland Way opposite Exeter College Technology Centre. The site is in Pinhoe ward. The site is 0.45ha. As existing it comprises part of an agricultural field of improved grassland and part of the garden of a large residential property ('Hessary'), including part of a tennis court. There are a few trees on and around the site. The site slopes down to the south east. The site is bounded by remaining areas of the field/garden to the north, west and south, and Cumberland Way to the east. There are shared pedestrian/cycle paths on both sides of Cumberland Way and bus stops served by 2B, 78 (Dartline Coaches), B and red (P&R).

The site is within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy. This supersedes the Landscape Setting designation in the Local Plan First Review. The site is within 'The Picturesque Ridge' character area in the Monkerton & Hill Barton Masterplan Study (November 2010) and recommended for residential use. The site is in Flood Zone 1. There are no above ground heritage assets in the vicinity. The Ecological Assessment submitted with the application states that the site has limited ecological value as existing. The site is within Local Energy Network Area A.

The proposal is to construct a 66-bed care facility (Use Class C2 – Residential Institutions) on the site with new vehicular access onto Cumberland Way. The intended operator is Barchester Healthcare. The care facility will be a single 3-storey building with a flat roof. The bedrooms will include en-suites. Communal, therapy and dining rooms will be provided, as well as offices for staff and a café on the ground floor. The facility will employ 40 full-time staff and 20 part-time staff. The building will also include kitchen, laundry and plant room on a smaller, lower ground floor level. A car park will be provided to the front of the building with 29 spaces (1 reserved for doctor and 1 reserved for manager). A Landscape Scheme has been included in the submission, which includes a new 'high diversity' native woodland to the north of the site.

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

- Planning Statement (Rocke Associates, February 2018)
- Design and Access Statement (February 2017)

- Heritage Desk-Based Assessment (Cotswold Archaeology, February 2017)
- Transport Statement (Vectos, January 2018)
- Flood Risk Assessment & Drainage Strategy (Clancy Consulting, 29<sup>th</sup> January 2018)
- Geo-Environmental Appraisal Report (Clancy Consulting, January 2018)
- Ecological Assessment (Sunflower Ecological Consultancy, November 2017)
- Tree Report/Letter (Doug Pratt Tree Consultancy, 9<sup>th</sup> March 2018)
- BREEAM Pre-Assessment Report (Darren Evans Building Energy Efficiency, November 2017)

## **REPRESENTATIONS**

No public representations have been received.

## **CONSULTATIONS**

**Local Highway Authority (Devon County Council):** The proposal is unlikely to have a significant effect on the highway network in terms of trip generation. The proposed access to Cumberland Way is acceptable in principle, however some features of the raised crossing will need to be amended at s278 stage. A contribution of £3,000 towards Traffic Regulation Orders is required. The principle of a new junction in this location is acceptable. The 2m footways on either side of the access road are acceptable, however one is recommended to be widened (preferably to 3m) following the shared footway/cycleway into the site. An existing bus stop will need to be relocated further north along Cumberland Way. The footway/cycleway should be widened around the back of the new bus shelter to provide sufficient space for cyclists; further details can be agreed at s278 stage. Cycle parking standards should, where practical, be exceeded; a condition is recommended accordingly. There is sufficient car parking for the proposed use. Tracking diagrams have been provided showing vehicles can turn on the site and exit in forward gear. Conditions recommended for a Travel Plan/Parking Management Plan and Construction Method Statement.

**Natural England:** Considers the proposal will not have likely significant effects on the Exe Estuary SPA and Ramsar Site, and has no objection subject to the LPA recording its decision that a likely significant effect can be ruled out and justifying this. Provided suggestions for suitable justification. In regard to SSSIs, stated that providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary or the East Devon Pebblebed Heaths. Provided general advice on protected species and other natural environment issues.

**Lead Local Flood Authority (Devon County Council): Objects** – requested further information and detail regarding the proposed surface water drainage system (consisting of an infiltration blanket beneath the car park). After the developer requested this matter be dealt with by pre-commencement condition, they confirmed that the condition drafted by the planning officer was acceptable.

**South West Water:** No objection.

**RSPB:** Strongly recommend a Landscape and Ecological Management Plan (LEMP). Support proposed nest/roost boxes. Green wall panels should also be considered to enhance biodiversity.

**Devon & Somerset Fire & Rescue Service:** No observations – comments will be made at Building Regulations stage.

**Arboricultural Officer:** No arboricultural objections, as no significant trees within or adjacent to the site will be affected.

**Place Making Officer:** Whilst the elevation drawings are generally acceptable, drawings showing the detailed design of the elevations are required, particularly the brickwork detailing related to window and door openings, parapet and other proposed elements of the elevations. The quality of brickwork, brick and other materials will be essential to achieving an appropriate quality of development. The proposed trees nearer the building should be container grown specimens. Part of the proposed grass area to the north of the building should be seeded with wildflowers. Full details of hard and softworks will be required together with contours of the proposed mounds. The existing hedge fronting Cumberland Way will require a robust level of protection, details of which should be submitted.

**Heritage Officer:** Originally recommended the standard C57 archaeology condition, but withdrew this following the submission of further information.

**Environmental Health:** Recommend approval with conditions (construction/demolition hours, unsuspected contamination, ambient noise levels from transport sources, submit sound levels).

**Building Control:** No response.

**Exeter International Airport:** The proposal does not appear to conflict with safeguarding criteria (safeguarding notes attached). No safeguarding objections provided that all safeguarding criteria are met.

**Living Options Devon:** No response.

**Exeter Cycling Campaign:** Withdrew original objection, subject to s278 condition to carry out improvements to the proposed access and relocated bus stop on Cumberland Way to take into account cyclists. The original objection raised concerns in this regard, as well as the level of cycle parking provision. It also encouraged a connection across the site to improve access to Ellen Tinkham School, in order to avoid Hollow Lane (which is stated as being congested and dangerous to walk or cycle along at school drop-off/pick-up times).

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Government Guidance**

National Planning Policy Framework (NPPF) (March 2012)  
National Planning Policy Framework – Draft text for consultation (March 2018)  
Planning Practice Guidance (PPG)

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives  
CP1 – Spatial Strategy  
CP4 – Density  
CP5 – Mixed Housing  
CP9 – Transport

CP12 – Flood Risk  
CP13 – Decentralised Energy Networks  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness  
CP18 – Infrastructure  
CP19 – Strategic Allocations

**Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
H5 – Diversity of Housing  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
C5 – Archaeology  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
EN4 – Flood Risk  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG4 – Residential Layout and Amenity  
DG6 – Vehicle Circulation and Car Parking in Residential Development  
DG7 – Crime Prevention and Safety

**Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

**Development Delivery Development Plan Document (Publication Version, July 2015)**

DD1 – Sustainable Development  
DD13 – Residential Amenity  
DD20 – Accessibility and Sustainable Movement  
DD21 – Parking  
DD25 – Design Principles  
DD26 – Designing out Crime  
DD30 – Green Infrastructure  
DD31 – Biodiversity  
DD32 – Local Energy Networks

**Exeter City Council Supplementary Planning Documents**

Archaeology and Development SPD (Nov 2004)  
Sustainable Transport SPD (March 2013)  
Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

## **Devon County Council Supplementary Planning Documents**

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

### **OBSERVATIONS**

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Parking
4. Design and Landscape
5. Impact on Heritage Assets
6. Residential Amenity
7. Impact on Amenity of Surroundings
8. Impact on Trees and Biodiversity
9. Flood Risk and Surface Water Management
10. Sustainable Construction and Energy Conservation

#### **1. The Principle of the Proposed Development**

The proposed development is considered to be acceptable in principle. It will provide specialist housing in accordance with Policy CP5. It will also provide employment (although is not considered to fall within the definitions of employment land in the Core Strategy or Local Plan First Review). It also accords with the Masterplan, as it is a form of residential development.

#### **2. Access and Impact on Local Highways**

The new access to Cumberland Way will cross a shared pedestrian/cycle path and necessitate the relocation of a bus shelter. Following issues raised by the Local Highway Authority and Exeter Cycling Campaign, a more detailed access proposal was submitted in order to incorporate the pedestrian/cycle path into the scheme. The Local Highway Authority has recommended conditions to refine this design and widen the path behind the relocated bus shelter. Exeter Cycling Campaign has withdrawn its original objection to the application on this basis. Therefore, the proposed access to the site is considered to be acceptable, subject to a s278 condition addressing these matters.

The proposed development is predicted to generate 6 trips during the AM peak period and 10 trips during the PM peak period. Therefore, the Local Highway Authority does not consider the proposal will have an adverse impact on the function of the local highway network.

The Local Highway Authority has recommended a condition to secure a Travel Plan. It also requires the developer to pay £3,000 towards the cost of relevant Traffic Regulation Orders. The developer has confirmed that they are happy to pay this.

### 3. Parking

The proposal includes a car park with 29 spaces (2 disabled). Indicative car parking standards are set out in Table 3 of the Sustainable Transport SPD, however there is no standard for C2 uses. The Local Highway Authority is satisfied with the level of car parking proposed, based on TRICs analysis and comparison with similar facilities.

4 cycle loops are proposed adjacent to the building entrance spaced 0.6m apart, allowing for a maximum of 6-8 cycles. Minimum cycle parking standards are set out in Table 2 of the Sustainable Transport SPD, split between parking for residents, parking for staff and parking for visitors/customers. There is no standard for C2 uses in terms of cycle parking for residents. The general rule for staff is 1 space per first 4 FTEs and 1 space per 7 subsequent FTEs (minimum 4 spaces). Based on the information provided, a minimum of 9 cycle parking spaces should be provided for the 40 full-time staff. A further 3 spaces should be provided for the 20 part-time staff if counted as FTEs. Therefore, around 10-12 spaces must be provided for staff as a minimum, which should be provided in a secure location (ST SPD Para 5.3.1). In addition, a minimum of 1 or 2 spaces should be provided for visitors, which should be located by the main entrance and be well over-looked (ST SPD Para 5.4.1).

It is considered that the proposed 4 cycle loops are appropriate for visitors, but separate provision must be provided for staff, which should ideally be incorporated into the building (RD SPD Para 6.59). A condition should be added to secure this accordingly in the interests of sustainable transport. In addition, showers, lockers and space to dry clothes for staff must be provided in accordance with paragraph 5.3.1 of the Sustainable Transport SPD. A condition should be added accordingly.

### 4. Design and Landscape

The Masterplan states that the 'Picturesque Ridge' character area will be defined by a composition of distinctive, exceptional 'set piece' buildings set within a strong landscape structure. The architect worked with officers at pre-app stage to design a building form that reflects the pattern of larger use types in the area. The Place Making Officer has asked for more detail in terms of elevation materials and detailing. These can be addressed using suitable conditions. The new building will be set within a strong landscape structure, including new native woodland to the north. A detailed landscaping scheme should be secured by condition, together with a Landscape and Ecological Management Plan (LEMP). This should include a wildflower meadow to the north.

### 5. Impact on Heritage Assets

The proposal will not affect any above ground heritage assets and the Heritage Officer has confirmed on the basis of the information provided that an archaeological condition is not required.

### 6. Residential Amenity

The national space standards do not apply to C2 uses that do not include dwellings. The floor plans appear to show that residents will have good standards of residential amenity, i.e. good levels of privacy, natural light and outlook. There will also be ample amenity space for residents to use.

## 7. Impact on Amenity of Surroundings

Some of the rooms will face towards the existing dwelling, 'Hessary'. However, the separation distance between the buildings will be over 22m and existing tree screening will help to mitigate any privacy issues.

Environmental Health have recommended pre-commencement conditions for an Acoustic Design Statement in accordance with Professional Practice Guidance regarding Planning and Noise for New Residential Development (May 2017), and details of the plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope. Officers do not consider the details of plant are justified, as the plant on the lower ground floor will not be located near to sensitive noise receptors beyond the site. The effects on residents of the development can be addressed as part of the Acoustic Design Statement, which should also take into account the proximity to the traffic on Cumberland Way. No plant is proposed on the roof of the building.

## 8. Impact on Trees and Biodiversity

Some of the existing trees on the site will need to be removed, however none are of exceptional quality and they will be adequately mitigated by the proposed tree planting on the site. A condition should be added protecting the trees/hedgerows to be retained during the construction phase.

Natural England does not consider that the proposal will have likely significant effects on the Exe Estuary Special Protection Area (SPA) and Ramsar Site. They state that the following may provide a suitable justification for the Council to conclude the same:

“The application site is within 4.2km of the Exe Estuary Special Protection Area (SPA) and Ramsar Site and 8.6km from the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths SPA. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

We understand that the proposed care home would 'provide for varying levels of care, from those who require little more than assisted living to full nursing care' (para 4.2 of the Planning Statement).

You may need to seek clarification on a number of points, such as:

- (i) Can residents keep animals (e.g. dogs which then need walking)?
- (ii) The degree of independent living (e.g. going out walking/cycling)?
- (iii) Will residents have cars/still be driving?

Any or all of the above will have relevance as to whether the development will lead to recreational impacts. *Care home residents almost certainly would not have an impact but those living in 'retirement accommodation' might and so a contribution towards the mitigation of recreational impacts would be required.*”

The proposal is described as a care home on the plans. Residents will occupy en-suite bedrooms, as opposed to self-contained retirement accommodation. Therefore, officers agree with Natural England that the proposal will not have likely significant effects on either the Exe

Estuary SPA and Ramsar Site, the East Devon Pebblebed Heaths Special Area of Conservation (SAC), or the East Devon Heaths SPA. Therefore, a habitats contribution is not required.

In terms of local ecological impacts, the Ecological Assessment states that the site has limited ecological value as existing. In terms of the NPPF and Residential Design SPD requirements to enhance biodiversity, the Ecological Assessment recommends bird boxes be incorporated in the building – this can be secured by condition. Further enhancement can be addressed as part of the Detailed Landscaping Scheme and LEMP.

#### 9. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The developer has proposed a natural SUDS system, with infiltration into the ground, however further ground investigations and details have been requested by the Lead Local Flood Authority to ensure this is feasible. The developer requested that this be dealt with by pre-commencement condition. Notwithstanding the LLFA's objection, officers are content with this and a draft condition has been agreed with the LLFA.

#### 10. Sustainable Construction and Energy Conservation

Policy CP13 requires new development with a floorspace of at least 1,000 sq m to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development will have a gross internal floor area of 3,357 sq m and the site is located in one of the network areas. Therefore a condition is required to ensure the building is connected to the network or is constructed to be connected in the future.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013 and be zero carbon from 2019. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with. A pre-assessment report submitted with the application predicts the building as proposed will achieve BREEAM 'Very Good' (59.3%).

#### CIL/S106

The development is not CIL liable and a s106 legal agreement is not considered necessary.

#### RECOMMENDATION

**APPROVE** with the following conditions:

##### 1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).



## 2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- ☒ Location Plan 1:1250
- ☒ Draft Site Plan (05/08/2017 01)
- ☒ Proposed Plans (05/08/2017 02)
- ☒ Elevations Sheet 1 (05/08/2017 03)
- ☒ Elevations Sheet 1 (05/08/2017 04)
- ☒ Landscape Scheme (314.1 Rev 0)
- ☒ Preliminary Access Design Option 1 (162471\_PHL\_01 Rev F)

**Reason:** To ensure the development is constructed in accordance with the approved plans.

### ***Pre-Commencement Details***

## 3. Cycle Parking 1

Notwithstanding the approved plans in condition 2, prior to the commencement of the development hereby permitted, details of the location and design of cycle parking for staff as well as showers, lockers and space to dry clothes for staff shall be submitted to and approved in writing by the Local Planning Authority. These details shall be provided in the development as approved.

**Reason:** To accord with paragraph 5.3.1 of the Sustainable Transport SPD in the interests of sustainable transport. These details are required pre-commencement as specified to ensure that these facilities are provided in the building.

## 4. Surface Water Drainage Management System (Construction)

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

**Reason:** To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.) These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the construction stage.

## 5. Detailed Permanent Surface Water Drainage Scheme

Prior to the commencement of the development hereby permitted, a detailed permanent surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall accord with the proposed drainage strategy in the submitted Floor Risk Assessment & Drainage Strategy Rev A (Clancy Consulting, 29.01.2018) (Ref.

8/1683), subject to the submission of further details to address the matters raised in the Lead Local Flood Authority consultation response (14.03.2018), unless an alternative sustainable drainage system is agreed with the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall include a detailed plan showing the size and location of all parts of the surface water drainage system, and confirm the make and specification of any attenuation features (including the outfall and discharge rate). It shall also include the arrangements for ongoing maintenance and the management responsibilities for all parts of the site's surface water drainage system. The development shall not be occupied until the surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter in accordance with the approved details. (Any soakaways shall be designed in accordance Building Research Establishment Digest 365, and evidence that trial holes and infiltration tests have been carried out in the same location as the soakaways must be provided.)

**Reason:** To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the development and there will be no increased risk of flooding to surrounding buildings, roads and land.

#### 6. Ambient noise levels from transport sources

Prior to the commencement of the development hereby permitted, an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. (Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.)

**Reason:** In the interests of residential amenity. These details are required pre-commencement as specified to ensure that any mitigation measures are incorporated into the construction of the building.

#### 7. District Heating Network

Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the building comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that its internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development, the necessary on site infrastructure, including appropriate space for plant and machinery, shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposal complies with Policy CP13 of the Core Strategy and paragraph 96 of the NPPF, and in the interests of delivering sustainable development. If it is demonstrated that it is not viable or feasible to construct the building in accordance with the CIBSE Heat Networks Code of Practice, this information must be provided to the Council prior to commencement of the development because it will affect the construction of the building.

#### 8. BREEAM

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 the 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 the 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.

#### 9. Construction Method Statement

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 site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

#### 10. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document.

#### 11. Tree/Hedgerow Protection Measures

No development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.

**Reason:** To protect the trees and hedgerows to be retained around the site boundary, particularly fronting Cumberland Way, in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

#### ***During Construction***

#### 12. Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Thereafter and prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To minimise contamination risks to future users of the site and surrounding land, including controlled waters, and to ensure the development can be carried out safely.

#### ***Pre-Specific Works***

#### 13. Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

#### 14. Building Details

Prior to the construction of the external walls of the building hereby permitted, details of the following, including confirmation of colour, shall be submitted to and approved in writing by the Local Planning Authority:

- (1) External doors
- (2) Windows, including depth of reveals
- (4) Rain water goods
- (5) Fascia, soffit and barge boards

The building shall be constructed in accordance with the approved materials/details.

**Reason:** In the interests of design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

#### 15. Bird Boxes

Prior to the construction of the external walls of the building hereby permitted, details of the provision for nesting birds (e.g. swifts, sparrows and/or house martins) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity (taking into account the recommendations of the submitted Ecological Assessment).

#### 16. External Lighting

No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

#### ***Pre-occupation***

#### 17. Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of good design in accordance with Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

#### 18. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

**Reason:** In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

#### 19. Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means, in accordance with Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

#### 20. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway. The s278 works shall include, but not be limited to: further details of the proposed vehicle access/raised crossing on Cumberland Way and further details of the relocated bus stop/shelter on Cumberland Way. The works shall be implemented prior to the occupation/use of the development.

**Reason:** To ensure safe and suitable access is achieved for all users, and to protect the function of the cycle route along Cumberland Way.

#### 21. Car Parking Provision

No part of the development shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

**Reason:** To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

#### 22. Cycle Parking 2

The development shall not be occupied or brought into use until the four cycle loops shown adjacent to the disabled parking spaces on the approved Draft Site Plan have been provided.

**Reason:** To accord with the Sustainable Transport SPD in the interests of sustainable transport.

#### **INFORMATIVES:**

1. 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.
  - Adequate provision of WCs.
2. 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 imposed planning conditions to enable the grant of planning permission.

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

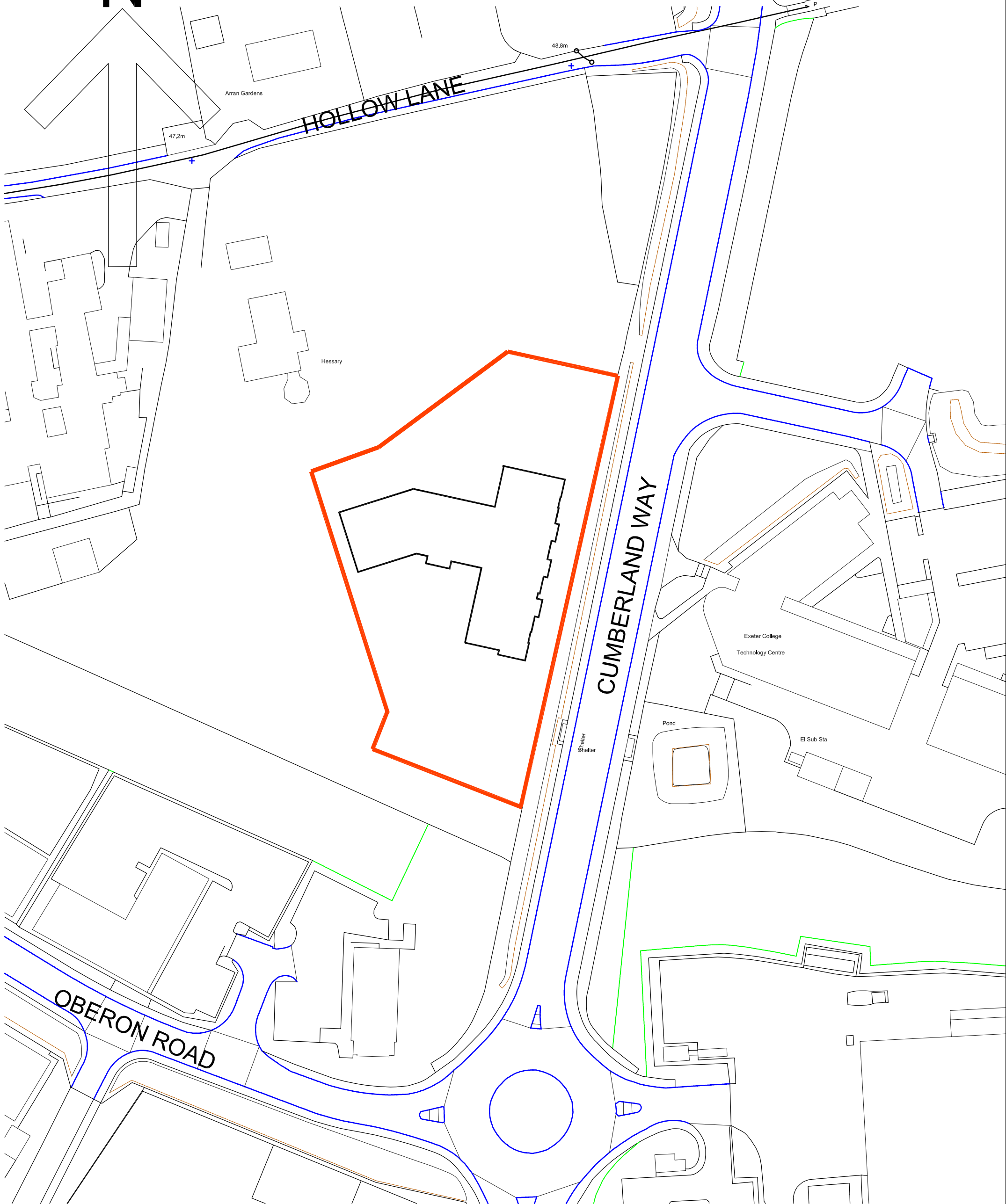
*Background papers used in compiling the report:*

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

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# LOCATION PLAN 1:1250

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# Agenda Item 9

**COMMITTEE DATE:** 25/06/2018

**APPLICATION NO:** 18/0729/RES  
**APPLICANT:** Ms Emma Osmunden  
**PROPOSAL:** Pedestrian access ramp linking Bampfylde Street to 'Street C', temporary gates and bin store for use by the bus station (Parcel B).  
**LOCATION:** Exeter Bus And Coach Station, Paris Street, Exeter Devon, EX1 2JP  
**REGISTRATION DATE:** 04/05/2018  
**EXPIRY DATE:**

## **SITE HISTORY**

Reference	Proposal	Decision	Decision Date
<b>15/0791/OUT</b>	Demolition of existing buildings at Exeter Bus & Coach Station, no. 188 Sidwell Street & nos 1-29 (odds) Paris Street for a comprehensive retail-leisure led mixed use development comprising Use Classes A1, A2, A3, A4, A5 [retail including food & drink use	PER	08.07.2016
<b>16/0890/RES</b>	Application for approval of the reserved matters of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping relating to the new Bus Station (Parcel B) and Street C: Pedestrian Access (Parcel Y).	PER	07.10.2016
<b>16/0891/RES</b>	Application for approval of the reserved matters details of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping relating to St Sidwell's Point Leisure Centre (Parcel L).	PER	07.10.2016
<b>17/1111/VOC</b>	Variation of condition 1 of Reserved Matters consent ref. 16/0891/02 to substitute drawings previously approved with changes to the roof design and brise soleil.	PER	04.09.2017

## **DESCRIPTION OF SITE/PROPOSAL**

This application is made for approval of 'Reserved Matters' pursuant to outline consent ref. 15/0791/01 for the redevelopment of the Bus and Coach Station site.

Reserved matters approval has been separately granted for the Bus Station, Leisure Centre and Street C (between those buildings). Reserved matters was granted on the remainder of the site for a commercial scheme by Crown Estate TIAA Henderson which is not progressing at this time.

The extent of the site that this reserved matters application relates to is shown as Appendix 1. The site is currently part of the bus parking hardstanding and part of the existing Bus Station concourse with a retaining wall between the two parts that accommodates the change in current site levels. This development is require on a temporary basis to facilitate access during the period between the Bus Station and Leisure Centre opening and the redevelopment of the remainder of the site completing. The bin store is required in the absence of the service yard intended to service the site as a whole.

The building proposed is a modern single storey building with integrated bus parking bays and associated access, turning apron and perimeter landscaping.

The reserved matters for consideration are: Access, Appearance, Landscaping, Layout and Scale.

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

The application is supported by a Planning Statement, Design and Access Statement, elevation, section and plan drawings

## **REPRESENTATIONS**

The application has been advertised by site notices and press notice. One public response has been received objecting for the following reasons:

- Gates at two locations on this pedestrian access ramp isolate the passenger access to/from the proposed bus station from Street C when locked forcing passengers to access the proposed bus station from the entrance near the Bampfylde St.
- Who will manage them?
- What hours will these gates be locked/unlocked?
- The proposed bus station is 'not fit for purpose' and will not be provide space for future expansion of bus use, as envisaged in ECCs own 'Air Quality Action Plan' Consultation document.

## **CONSULTATIONS**

Devon County Council Development Management: The proposed ramp will provide pedestrian access from the north of the city without going through the bus concourse. As advocated in the Bus Station Master plan, good connections between the City Centre and Bus Station are required to encourage greater use of public transport, in particular connecting to existing retail facilities. The applicant states that the ramp will be at least 4m in width which is welcomed as it provides permeability through the site. It is understood that the ramp will not be adopted by the Highway Authority, but for the bus operator to maintain, however, further details are required as

to how the private element connects into the existing pedestrian facilities on Bampfylde Street – this is conditioned appropriately. The applicant may need to enter into a section 171 or section 278 – licenses to work on the highway – for example, materials, drainage, signing and further detail will need to be discussed. The LPA/applicant is also reminded that the approved plans should be consistent to those proposed at the DCC Exeter HATOC, where interim measures were approved (mainly changes in TRO) – phase two element is of most interest. There is an element of unknown as to what the adjacent mix-use/commercial site will be or indeed when it will come forward – it is advised that the applicant should contact the Highway Authority as proposed changes may influence pedestrian/cycling facilities not only in the immediate area, but between the Bus Station and the rest of the city. This also includes the final arrangements for the National Coach facility. It is recommended that two conditions are incorporated into the grant of any planning permission.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance  
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy  
CP1 - The Spatial Approach  
CP10 - Meeting Community Needs  
CP11 - Pollution and Air Quality  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure  
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
T9 - Access to Buildings by People with Disabilities  
EN2 - Contaminated Land  
EN3 - Air and Water Quality  
DG1 - Objectives of Urban Design  
KP3 - Bus and Coach Station

Other planning documents:  
Sidwell Street and Environs Urban Analysis 2007  
City Centre Vision April 2011  
Bus and Coach Station Area Development Principles 2012  
Exeter City Council Sustainable Travel Supplementary Planning Document  
Exeter City Council Development Delivery DPD (publication draft)

## **OBSERVATIONS**

This application seeks approval for the reserved matters relating to the ramp access bin store and gates only.

The Reserved Matters being considered are: Access, Appearance, Landscaping, Layout and Scale.

## Access, Layout and Scale

The proposed ramp provides access to the leisure centre without going through the bus station concourse. It is considered necessary during the period when the Leisure Centre and Bus Station along with Street C (access between them to lower Cheeke Street) has been completed but the remainder of the site has not. During that period there would be no direct access to Paris Street, with access via Street C to Bampfylde Street or through the Bus Station Concourse to Bampfylde Street.

This is considered necessary until alternative direct access to Paris Street is provided but undesirable in the long term. However, the arrangement would meet the aspirations of the Local Plan, Core Strategy, Coach Station Area Development Principles in access, but not in terms of creating a network of attractive well overlooked and active spaces.

Following opening of the Leisure Centre and Bus Station and before completion of the development of the remaining site area there will be an area between at the entrance to the leisure centre that does not benefit from natural surveillance. The proposed gates are proposed to be closed during the periods when both bus station and leisure centre are both closed to avoid the opportunity for antisocial behaviour. Given the early starting of bus station operation and that both operate late into the evening the hours during which these gates would be closed. Both the existence of areas without natural surveillance and the gating of access routes is considered necessary in the circumstances but unacceptable as a permanent arrangement. As such it is recommended that any consent for gates is made temporary by condition attached to it.

## Appearance and Landscaping

The approval of external materials, including surfacing materials and landscaping is controlled to be approved by condition of the outline planning permission.

The ramp retaining structure will be exposed from the Paris Street direction in the context of the lower Bus and Coach Station apron. This would not be visually acceptable on a permanent basis as such it is recommended that any consent is made temporary by condition attached to it.

The planning conditions recommended by the Local Highway Authority are considered to be covered by those attached to the grant of planning permission at outline stage. An informative drawing the applicant's attention to the conditions attached to the planning consent to which this reserved matters application relates is proposed to be attached to any approval.

## **RECOMMENDATION**

It is recommended that this application is **APPROVED** subject to the conditions set out below.

## **CONDITIONS**

- 1) 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 4 May 2018 (dwg. nos. (08)021, (08)022, (08)023, and (08)024) as modified by other conditions of this consent.

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

- 2) The gates hereby approved shall only be secured closed if the Bus Station (parcel B) and leisure Centre (parcel L) are both closed to users.

## **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 conditions and legal agreement (Section 106) attached to outline consent ref. 15/0791/01 continue to apply.

*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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**REPORT TO: PLANNING COMMITTEE**

**Date of Meeting: 25 JUNE 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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## Alphington

Application Number:	18/0836/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	04/06/2018	Delegated Decision
Location:	1 Oak Ridge Exeter Devon EX2 8YS			
Proposal:	Non-material amendment sought (to approved scheme Ref.17/1340/FUL) to insert bay window			
Application Number:	18/0846/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	31/05/2018	Delegated Decision
Location:	16 Lichgate Road Exeter Devon EX2 8FJ			
Proposal:	Non-material amendment sought (to approved scheme 18/0208/FUL) to increase width from 1.7m to 2m			

## Duryard And St James

Application Number:	17/1740/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	23/05/2018	Delegated Decision
Location:	Bellenden Wrefords Lane Exeter Devon EX4 5BR			
Proposal:	Two side extensions on east elevations including a bay window			
Application Number:	18/0138/VOC	Delegation Briefing:	29/03/2018	
Decision Type:	Permitted	Decision Date:	14/05/2018	Delegated Decision
Location:	Land Adjacent To 157 Pennsylvania Road Exeter EX4 5DF			
Proposal:	Variation of condition 2 (pertaining to planning approval ref. 17/0302/02) for amendments to the front boundary and associated landscaping.			
Application Number:	18/0169/FUL	Delegation Briefing:	15/02/2018	
Decision Type:	Permission not required	Decision Date:	18/05/2018	Delegated Decision
Location:	Physics Building Stocker Road Exeter Devon EX4 4QL			
Proposal:	Full replacement of windows and roof finishes on tower block element.			

## Duryard And St James

Application Number: 18/0363/FUL Delegation Briefing: 22/03/2018  
Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision  
Location: Amory BuildingRennes DriveExeterDevonEX4 4RJ  
Proposal: Single storey extension on south elevation and associated landscaping works.

Application Number: 18/0475/FUL Delegation Briefing: 12/04/2018  
Decision Type: Permitted Decision Date: 08/06/2018 Delegated Decision  
Location: Highcorner2 Argyll RoadExeterDevonEX4 4RY  
Proposal: Sun terrace above existing car port

Application Number: 18/0543/LPD Delegation Briefing:  
Decision Type: Was lawful use Decision Date: 06/06/2018 Delegated Decision  
Location: 12 Round Hill CloseExeterDevonEX4 5AQ  
Proposal: Roof conversion and rear roof extension

Application Number: 18/0609/FUL Delegation Briefing:  
Decision Type: Withdrawn by Applicant Decision Date: 08/06/2018 Delegated Decision  
Location: 15 Thornton HillExeterDevonEX4 4NN  
Proposal: Insertion of single rooflight above stairs on the front elevation; Insertion of single rooflight above Bathroom on the rear tenement.

Application Number: 18/0625/TPO Delegation Briefing:  
Decision Type: Permitted Decision Date: 25/05/2018 Delegated Decision  
Location: Thomas HallCowley Bridge RoadExeterDevonEX4 5AD  
Proposal: Oak (Quercus Robur). Young but well established tree.

## Duryard And St James

Application Number: 18/0643/LPD Delegation Briefing:  
Decision Type: Permission not required Decision Date: 10/05/2018 Delegated Decision  
Location: John Lewis1 Sidwell StreetExeterDevonEX4 6NW  
Proposal: Removal of existing Rainscreen Cladding Panels (Carea Ardel Riven 'Neve' panels) and replacement with Sto-Render Rainscreen Cladding System in matching colour.

Application Number: 18/0742/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 06/06/2018 Delegated Decision  
Location: Moberly HouseLower Argyll RoadExeterDevonEX4 4PQ  
Proposal: Discharge of Conditions 6 (arboricultural), 8 & 9 (CEMP), 17 (contamination) and 18 (drainage) of planning permission 17/0724/FUL granted on 2 February 2018.

Application Number: 18/0763/TPO Delegation Briefing:  
Decision Type: Permitted Decision Date: 23/05/2018 Delegated Decision  
Location: Thomas HallCowley Bridge RoadExeterDevonEX4 5AD  
Proposal: T33 Corsican pine - fell because it is dead/dying

Application Number: 18/0764/TPO Delegation Briefing:  
Decision Type: Permitted Decision Date: 31/05/2018 Delegated Decision  
Location: LongacreHigher Hoopern LaneExeterDevonEX4 4SG  
Proposal: T1-T3 - Oak, sycamore & oak on the boundary

Application Number: 18/0844/NMA Delegation Briefing:  
Decision Type: Permitted Decision Date: 30/05/2018 Delegated Decision  
Location: 19 RidgewayExeterDevonEX4 5AR  
Proposal: Non-material amendment sought on approved scheme (ref. 17/1888/FUL) to replace finish on east rear elevation.

## Exwick



## Exwick

Application Number:	18/0850/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	14/06/2018	Delegated Decision
Location:	22 Lincoln Road Exeter EX4 2EA			
Proposal:	Three courses of brick above first floor windows, due to lintels for attic accommodation (non-material amendment to 16/0806/FUL)			

## Heavitree

Application Number:	17/1646/FUL	Delegation Briefing:	03/05/2018	
Decision Type:	Permitted	Decision Date:	25/05/2018	Delegated Decision
Location:	39B Polsloe Road Exeter Devon EX1 2DN			
Proposal:	Ground floor rear and side extension			

Application Number:	18/0417/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	05/06/2018	Delegated Decision
Location:	5 St Loyes Road Exeter Devon EX2 5HD			
Proposal:	Hip to gable roof extension and rear (SE) dormer; removal of side (NE) elevation windows and chimney			

Application Number:	18/0418/FUL	Delegation Briefing:	17/05/2018	
Decision Type:	Permitted	Decision Date:	08/06/2018	Delegated Decision
Location:	5 St Loyes Road Exeter Devon EX2 5HD			
Proposal:	Single storey rear extension and raised terrace			

Application Number:	18/0519/FUL	Delegation Briefing:	12/04/2018	
Decision Type:	Permitted	Decision Date:	05/06/2018	Delegated Decision
Location:	Land At Heavitree Pleasure Grounds, Whipton Lane, Exeter			
Proposal:	Construction of single-storey cafe and community hub building; replacement of BMX track in alternative location in park.			

## Heavitree

Application Number: 18/0522/VOC Delegation Briefing: 26/04/2018  
Decision Type: Permitted Decision Date: 06/06/2018 Delegated Decision  
Location: 47 East Avenue Exeter Devon EX1 2DX  
Proposal: Variation of Condition 4 (Compliance with drawings) of application 15/1405/FUL for revised roof, doors and windows and for additional entrance gate and chimney.

Application Number: 18/0584/PDJ Delegation Briefing:  
Decision Type: Prior Approval Not Required Decision Date: 05/06/2018 Delegated Decision  
Location: 1-5 Lower Avenue Exeter Devon EX1 2PR  
Proposal: Change of use from offices (Use Class B1a) to 5 flats (Use Class C3)

Application Number: 18/0589/FUL Delegation Briefing: 26/04/2018  
Decision Type: Permitted Decision Date: 21/05/2018 Delegated Decision  
Location: 55 - 57 Fore Street Heavitree Exeter Devon EX1 2RJ  
Proposal: Installation of 6 troughs & 2 planters on Fore Street, Heavitree for community project.

Application Number: 18/0607/FUL Delegation Briefing: 10/05/2018  
Decision Type: Permitted Decision Date: 05/06/2018 Delegated Decision  
Location: 154 Sweetbrier Lane Exeter Devon EX1 3DG  
Proposal: Roof extension to create first floor

Application Number: 18/0696/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 23/05/2018 Delegated Decision  
Location: 16 Sivell Place Exeter Devon EX2 5ET  
Proposal: Application to remove a 'self seeded' Sycamore growing on a boundary retaining wall.

Application Number: 18/0730/LPD Delegation Briefing:  
Decision Type: Permitted Decision Date: 04/06/2018 Delegated Decision  
Location: 21 Avondale Road Exeter Devon EX2 5HE  
Proposal: Small rear extension

## Heavitree

Application Number:	18/0809/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	23/05/2018	Delegated Decision
Location:	25 Carlyon Gardens Exeter Devon EX1 3AG			
Proposal:	Non-material ammendment sought (to approved scheme 18/0456/FUL) to increase width and remove window on front elevation.			

## Mincinglake And Whipton

Application Number:	17/1519/FUL	Delegation Briefing:		
Decision Type:	Withdrawn Returned (unlikely to be det.)	Decision Date:	24/05/2018	Delegated Decision
Location:	48 Chancellors Way Exeter Devon EX4 9DY			
Proposal:	Single storey rear extension			

Application Number:	18/0347/FUL	Delegation Briefing:	19/04/2018	
Decision Type:	Permitted	Decision Date:	24/05/2018	Delegated Decision
Location:	37 Fox Road Exeter Devon EX4 8NB			
Proposal:	Ground floor side and rear extensions			

## Newtown And St Leonards

Application Number:	17/1858/FUL	Delegation Briefing:	08/03/2018	
Decision Type:	Refuse Planning Permission	Decision Date:	01/06/2018	Delegated Decision
Location:	47 Blackboy Road Exeter Devon EX4 6SZ			
Proposal:	Construction of a rear extension and internal alterations to existing 3 flats.			

Application Number:	18/0355/FUL	Delegation Briefing:		
Decision Type:	Withdrawn by Applicant	Decision Date:	30/05/2018	Delegated Decision
Location:	27 Barnfield Road Exeter Devon EX1 1RX			
Proposal:	Replacement of existing windows, plus rear kitchen door, with period style uPVC double glazing.			

## Newtown And St Leonards

Application Number: 18/0480/FUL Delegation Briefing: 12/04/2018  
Decision Type: Permitted Decision Date: 24/05/2018 Delegated Decision  
Location: WTP House Summerland Street Exeter Devon EX1 2AT  
Proposal: Change of use from D1 (non-residential institution) to D1 and D2 (assembly and leisure)

Application Number: 18/0531/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 15/05/2018 Delegated Decision  
Location: Alice Vlieland Clinic Bull Meadow Road Exeter Devon EX2 4JF  
Proposal: Discharge of Condition 3 (Demolition Environmental Management Plan) and partial discharge of Condition 4 (scheme of archaeological work) of Planning Ref: 17/1435/FUL granted 7 February 2018

Application Number: 18/0682/DEM Delegation Briefing:  
Decision Type: Prior Approval Required and Granted Decision Date: 25/05/2018 Delegated Decision  
Location: Land At Summerland Street Summerland Street Exeter  
Proposal: Prior notification of demolition of buildings (Transport Club, car parking area and Exeter Auto Centre).

## Pennsylvania

Application Number: 18/0616/FUL Delegation Briefing: 26/04/2018  
Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision  
Location: Morrison Supermarket ex4ex4 7byex Prince Charles Road Exeter Devon EX4 7BY  
Proposal: Installation of new acoustic screen around existing refrigeration plant to rear store elevation

Application Number: 18/0662/LED Delegation Briefing:  
Decision Type: Was lawful use Decision Date: 07/06/2018 Delegated Decision  
Location: 68 Pinhoe Road Exeter Devon EX4 7HL  
Proposal: Existing HMO lawful us.

## Pennsylvania

Application Number: 18/0883/NMA Delegation Briefing:

Decision Type: Permitted Decision Date: 07/06/2018 Delegated Decision

Location: 64 Prince Charles Road Exeter Devon EX4 7EE

Proposal: Non-material amendment sought (to approved scheme ref. 18/0011/FUL) to change finish materials of roof terrace enclosure.

## Pinhoe

Application Number: 17/1914/FUL Delegation Briefing: 01/02/2018

Decision Type: Permitted Decision Date: 22/05/2018 Committee Decision

Location: Elizabeth House Emperor Way Exeter Devon EX1 3QS

Proposal: Change of use of premises from office (Use Class B1) to NHS Depression and Anxiety Service (DAS) (Use Class D1).

Application Number: 18/0010/RES Delegation Briefing: 18/01/2018

Decision Type: Permitted Decision Date: 05/06/2018 Delegated Decision

Location: Land Known As Monkerton Farm On Western Side Of Cumberland Way Exeter

Proposal: Approval of Reserved Matters in respect of the appearance, landscape, layout and scale, pursuant to Planning Permission Reference 13/4984/OUT for the construction of 250 dwellings, car parking including garages, internal access roads, footpaths and circulation areas, public open space and associated infrastructure and engineering works together with additional details as required by Conditions 9 and 10.

Application Number: 18/0079/FUL Delegation Briefing: 26/04/2018

Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision

Location: 21 Mayfield Road Pinhoe Exeter Devon EX4 8PR

Proposal: Demolish garage and replace with single storey ancillary habitable room

Application Number: 18/0486/PD Delegation Briefing:

Decision Type: Permitted Decision Date: 14/05/2018 Delegated Decision

Location: 60 Brookside Crescent Exeter Devon EX4 8NE

Proposal: Single storey rear extension and loft conversion

## Pinhoe

Application Number: 18/0655/LPD Delegation Briefing: 23/05/2018  
Decision Type: Was lawful use Decision Date: 23/05/2018 Delegated Decision  
Location: 9 Monkerton Court Pinn Lane Exeter Devon EX1 3RG  
Proposal: The construction of a timber framed veranda with a natural slate roof

## Priory

Application Number: 18/0307/FUL Delegation Briefing: 29/03/2018  
Decision Type: Permitted Decision Date: 15/05/2018 Delegated Decision  
Location: 51 Salters Road Exeter Devon EX2 5JQ  
Proposal: Demolition of existing detached dwelling and construction of 4 no semi-detached dwellings with associated landscaping, parking and access.

Application Number: 18/0549/FUL Delegation Briefing: 26/04/2018  
Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision  
Location: 8 Alice Templer Close Exeter Devon EX2 6AE  
Proposal: Replacement porch and construction of two storey side and rear extension.

## St Davids

Application Number: 17/0935/VOC Delegation Briefing: 17/08/2017  
Decision Type: Permitted Decision Date: 11/05/2018 Delegated Decision  
Location: Sports Hall Exeter College Queen Street Exeter Devon EX4 3SR  
Proposal: Variation of condition 13 of pp. 12/1619/03 (Sports Hall and teaching facility with associated parking) to allow use between the hours of 08:30-21:00 on Sundays and Bank/Public Holidays in addition to the previously permitted hours of 08:30-21:00 on Mondays to Saturdays.

Application Number: 17/1488/FUL Delegation Briefing: 22/02/2018  
Decision Type: Permitted Decision Date: 06/06/2018 Delegated Decision  
Location: Bradninch Place Gandy Street Exeter Devon EX4 3LS  
Proposal: Construction of new offices, roof terrace, external storage area and boundary railings, alongside installation of satellite dish and solar panels on auditorium roof.

## St Davids

Application Number: 17/1819/FUL Delegation Briefing: 17/05/2018  
Decision Type: Permitted Decision Date: 11/06/2018 Delegated Decision  
Location: 24 Haldon Road Exeter Devon EX4 4DZ  
Proposal: Single storey rear extension

Application Number: 17/1855/LPD Delegation Briefing:  
Decision Type: Was lawful use Decision Date: 23/05/2018 Delegated Decision  
Location: 5 Water Lane Exeter Devon EX2 8BY  
Proposal: Small ground floor rear extension within permitted development rights

Application Number: 17/1864/LBC Delegation Briefing: 21/12/2017  
Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision  
Location: 54 High Street Exeter Devon EX4 3DJ  
Proposal: Internal alterations to 2nd and 3rd floors including installation of new stud walls, removal of some existing stud walls and new doors

Application Number: 17/1880/FUL Delegation Briefing: 14/12/2017  
Decision Type: Permitted Decision Date: 17/05/2018 Delegated Decision  
Location: 54 High Street Exeter Devon EX4 3DJ  
Proposal: Change of use from office (B1) to mixed use office and non residential training (B1/D1) on second and third floors

Application Number: 17/1924/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 22/05/2018 Delegated Decision  
Location: Renslade House Bonhay Road Exeter Devon EX4 3AY  
Proposal: Signage in relation to use as Holiday Inn Express hotel. Consisting of: 1 no. pylon sign; 1 no. roof-mounted logo and letters; 1 no. wall projecting sign; 1 no. wall sign; 1 no. ground directional post sign; 2 no. reverse-applied vinyls to glazing; 1 no. wall-mounted disclaimer sign; 1 no. disabled badge holders post sign; internally illuminated "H" logo sign and individual lettering spelling "Holiday Inn Express".

## St Davids

Application Number: 17/1931/FUL Delegation Briefing: 22/02/2018  
Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision  
Location: 39C New Bridge StreetExeterDevonEX4 3AH  
Proposal: Conversion of retail and workshop premises and additional construction to provide 2no. dwelling units (revision of approved scheme Ref. 14/1417/03).

Application Number: 18/0137/FUL Delegation Briefing: 08/02/2018  
Decision Type: Permitted Decision Date: 21/05/2018 Committee Decision  
Location: Bendene Townhouse15 - 16 Richmond RoadExeterDevonEX4 4JA  
Proposal: Demolition of an existing garage building to be replaced with two residential units.

Application Number: 18/0175/FUL Delegation Briefing: 22/03/2018  
Decision Type: Permitted Decision Date: 16/05/2018 Delegated Decision  
Location: Colleton Crescent Gardens Colleton CrescentExeterEX2 4DG  
Proposal: Reinstate railings on road-side boundary

Application Number: 18/0176/LBC Delegation Briefing: 22/03/2018  
Decision Type: Permitted Decision Date: 16/05/2018 Delegated Decision  
Location: Colleton Crescent Gardens Colleton CrescentExeterEX2 4DG  
Proposal: Reinstate railings on road-side boundary

Application Number: 18/0559/FUL Delegation Briefing: 19/04/2018  
Decision Type: Permitted Decision Date: 14/05/2018 Delegated Decision  
Location: 1 Barnfield CrescentExeterDevon  
Proposal: Change of use of ground floor from D1 to B1 and minor internal alterations

Application Number: 18/0560/LBC Delegation Briefing: 19/04/2018  
Decision Type: Permitted Decision Date: 14/05/2018 Delegated Decision  
Location: 1 Barnfield CrescentExeterDevon  
Proposal: Change of use of ground floor from D1 to B1 and minor internal alterations



## St Davids

Application Number: 18/0594/LBC Delegation Briefing: 26/04/2018  
Decision Type: Permitted Decision Date: 21/05/2018 Delegated Decision  
Location: Bendene Townhouse15 - 16 Richmond RoadExeterDevonEX4 4JA  
Proposal: Demolition of existing garage building to be replaced with two residential units.

Application Number: 18/0606/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 18/05/2018 Delegated Decision  
Location: 23 Cathedral YardExeterDevonEX1 1HB  
Proposal: Discharge of condition 4 of planning application no. 15/1035/FUL

## St James

Application Number: 18/0586/FUL Delegation Briefing: 26/04/2018  
Decision Type: Permitted Decision Date: 23/05/2018 Delegated Decision  
Location: 1 Longbrook TerraceExeterDevonEX4 4EU  
Proposal: Single storey rear extension

Application Number: 18/0639/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 24/05/2018 Delegated Decision  
Location: 15 HorseguardsExeterDevonEX4 4UU  
Proposal: London Plane - Crown reduction 50% due to excessive shading.

Application Number: 18/0688/CAT Delegation Briefing:  
Decision Type: Permitted Decision Date: 23/05/2018 Delegated Decision  
Location: 6 Powderham CrescentExeterDevonEX4 6DA  
Proposal: Robinia T1 - fell because of possible danger. Replacement tree T2 already planted and well-grown; Robinia T2 - remove 2 lowest branches; Portugal Laurel T3 - remove branches overhanging road; Bay thicket + Cherry Laurel T4 - reduce to 1.5m and incorporate into boundary hedge; Bay clumps T5 & T6 - reduce to 1.5m and incorporate into boundary hedge; Chinese Privet T8 - remove large branch on NW side of tree; Bay clump T7 - reduce to 1.5m and incorporate into boundary hedge.

## St James

Application Number:	18/0753/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	25/05/2018	Delegated Decision
Location:	14 Velwell RoadExeterDevonEX4 4LE			
Proposal:	Fell Magnolia Soulangeana in middle of rear garden. Removal in order to plant Betula Jacquemontii and also Apple Tree.			

## St Leonards

Application Number:	18/0614/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	10/05/2018	Delegated Decision
Location:	45 Victoria Park RoadExeterDevonEX2 4NU			
Proposal:	T1 - Birch - Carefully sever approximately 3 metre portion of roots. Maximum diameter of cuts estimated to be 25mm.			

Application Number:	18/0672/FUL	Delegation Briefing:	03/05/2018	
Decision Type:	Permitted	Decision Date:	25/05/2018	Delegated Decision
Location:	1 Fairpark CloseExeterDevonEX2 4HJ			
Proposal:	Proposed rear extension			

Application Number:	18/0739/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	24/05/2018	Delegated Decision
Location:	56 Wonford RoadExeterDevonEX2 4LQ			
Proposal:	T1 - Bay - Fell			

Application Number:	18/0762/CAT	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	31/05/2018	Delegated Decision
Location:	4 Penleonard CloseExeterDevonEX2 4NY			
Proposal:	Minor crown reduction and thinning of one evergreen oak tree.			

## St Loyes

## St Loyes

Application Number: 17/1941/FUL Delegation Briefing: 11/01/2018  
Decision Type: Permitted Decision Date: 06/06/2018 Delegated Decision  
Location: 55 Lewis CrescentExeterDevonEX2 7TD  
Proposal: Two storey side extension

Application Number: 18/0058/FUL Delegation Briefing: 19/04/2018  
Decision Type: Permitted Decision Date: 14/05/2018 Delegated Decision  
Location: 82 Wilton WayExeterDevonEX1 3UR  
Proposal: First floor extension and car port

Application Number: 18/0103/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 22/05/2018 Delegated Decision  
Location: Exeter Motorway Services AreaSidmouth RoadSt LoyesExeterDevonEX2 7HF  
Proposal: Freestanding Digital Screen

Application Number: 18/0651/NMA Delegation Briefing:  
Decision Type: Permitted Decision Date: 10/05/2018 Delegated Decision  
Location: Police HeadquartersDevon And Cornwall Constabulary Police Training CollegeAlderson DriveEx  
Proposal: Amendment to approved consent in respect of the Criminal Justice Centre and Police Hub comprising minor changes relating to the following: - alignment of internal access road, external ground levels/landscaping, internal vehicular access arrangements and parking layout (Both vehicular and cycle), building footprint, finished floor levels and overall building height, secure compound to custody building, plant buildings/arrangements, materials/external appearance/design of building, and design of external areas. (Non-Material Minor Amendment to planning permission 13/4073/03 granted 23rd December 2014).

Application Number: 18/0824/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 25/05/2018 Delegated Decision  
Location: 6 Apple LaneExeterDevonEX2 5GL  
Proposal: Discharge of Condition 5 (parking layout) of planning reference 17/1972/FUL granted on 1 May 2018

## St Thomas

## St Thomas

Application Number: 18/0250/FUL Delegation Briefing: 12/04/2018  
Decision Type: Permitted Decision Date: 23/05/2018 Delegated Decision  
Location: 21 Eton WalkExeterDevonEX4 1FD  
Proposal: Single storey rear extension

Application Number: 18/0841/LPD Delegation Briefing:  
Decision Type: Permitted Decision Date: 07/06/2018 Delegated Decision  
Location: 25 Wiltshire CloseExeterDevonEX4 1LU  
Proposal: Rear dormer

Application Number: 18/0855/LPD Delegation Briefing:  
Decision Type: Was lawful use Decision Date: 04/06/2018 Delegated Decision  
Location: 10 Churchill RoadExeterDevonEX2 9BU  
Proposal: Change of use from C3 dwelling house to C4 HMO for 6 residents; single storey 3 metre rear extension; conversion of loft with dormer window on rear elevation; removal of chimney; installation of roof lights on front elevation.

## Topsham

Application Number: 18/0075/FUL Delegation Briefing: 08/03/2018  
Decision Type: Permitted Decision Date: 22/05/2018 Delegated Decision  
Location: Garden ReachThe Retreat DriveTopshamExeterDevonEX3 0LS  
Proposal: Two storey extension

Application Number: 18/0116/FUL Delegation Briefing:  
Decision Type: Withdrawn by Applicant Decision Date: 31/05/2018 Delegated Decision  
Location: 5 Fore StreetTopshamExeterDevonEX3 0HF  
Proposal: Convert a section of garden into two parking spaces

## Topsham

Application Number: 18/0188/LBC Delegation Briefing: 03/05/2018  
Decision Type: Permitted Decision Date: 30/05/2018 Delegated Decision  
Location: 4 Underhill TerraceTopshamExeterDevonEX3 0HG  
Proposal: Replacement of 3 windows on the rear elevation

Application Number: 18/0285/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 21/05/2018 Delegated Decision  
Location: 18 Fore StreetTopshamExeterDevonEX3 0HE  
Proposal: Removal of existing shop awnings to replace with traditional shopfront signage, and hanging pharmacy cross sign

Application Number: 18/0339/FUL Delegation Briefing: 12/04/2018  
Decision Type: Permitted Decision Date: 21/05/2018 Delegated Decision  
Location: Topsham Pharmacy18 Fore StreetTopshamExeterDevonEX3 0HE  
Proposal: New shopfront signage and removal of existing awning

Application Number: 18/0340/LBC Delegation Briefing: 22/03/2018  
Decision Type: Permitted Decision Date: 21/05/2018 Delegated Decision  
Location: Topsham Pharmacy18 Fore StreetTopshamExeterDevonEX3 0HE  
Proposal: New shopfront signage and removal of existing awning

Application Number: 18/0381/ADV Delegation Briefing:  
Decision Type: Permitted Decision Date: 08/06/2018 Delegated Decision  
Location: One Stop22 Glasshouse LaneExeterDevonEX2 7BR  
Proposal: Replacement and additional signage

Application Number: 18/0405/FUL Delegation Briefing: 17/05/2018  
Decision Type: Permitted Decision Date: 11/06/2018 Delegated Decision  
Location: 12 Monmouth AvenueTopshamExeterDevonEX3 0AF  
Proposal: Two storey side extension

## Topsham

Application Number: 18/0611/FUL Delegation Briefing: 19/04/2018  
Decision Type: Refuse Planning Permission Decision Date: 23/05/2018 Delegated Decision  
Location: 550 Topsham RoadExeterDevonEX2 7DP  
Proposal: Construction of a single detached two storey dwelling house (Re-submission of refused scheme Ref: 17/1324/FUL)

Application Number: 18/0776/NMA Delegation Briefing:  
Decision Type: Permitted Decision Date: 24/05/2018 Delegated Decision  
Location: 14 Majorfield RoadTopshamExeterDevonEX3 0ES  
Proposal: Non-material amendment sought (to approved scheme Ref.17/0793/FUL) to change section of external material and change roof material.

Application Number: 18/0778/DIS Delegation Briefing:  
Decision Type: Permitted Decision Date: 05/06/2018 Delegated Decision  
Location: Exeter Golf And Country Club Practice Ground Land To The South Newcourt Drive Exeter  
Proposal: Discharge of condition 18 (Materials) to application reference 17/0006/FUL.

Application Number: 18/0859/LPD Delegation Briefing:  
Decision Type: Permitted Decision Date: 12/06/2018 Delegated Decision  
Location: 24 Balmoral GardensTopshamExeterDevonEX3 0DJ  
Proposal: Rear single storey extension

Total Number of Decisions Made

92

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 25 June 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 **Former Digby Mortuary (East) Clyst Heath, Exeter – Refs 17/0504/03 & 17/0505/07**  
**Proposal:** Conversion of former mortuary building to provide 1 bed dwelling house

### **Key issues:**

1. Whether the proposed development would preserve the special architectural and historic interest of the listed building and would its significance as a heritage asset be harmed.
2. The effect of the proposal on the character and appearance of the surrounding area.
3. Whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space, private outdoor space and privacy.

The former mortuary building is Grade II listed by physical and historical association with the former Digby Hospital or Exeter City Asylum as it was also known. According to Exeter Memories the hospital was opened in 1886 and then redeveloped into residential apartments in the late 1990s. Greenfield land around all aspects of the former Digby Hospital site has largely been transformed by low-medium density housing development in recent decades.

The Inspector notes that heritage significance can be harmed or lost entirely through alteration to the heritage asset or by development within its setting. In this case he points to the clear relationship and coherency between the principal listed building and the former mortuary building element in question, stating that the latter makes an important contribution to the significance of the whole listed entity and to the character and appearance of the area, despite its relatively small size.

Given its modest footprint and volume various alterations were proposed in order to repurpose the building for residential use. This included removal of external access steps, enlarging front door and 2nd window openings, lowering the ground floor and introducing a first floor level. Such loss of historic fabric was deemed by the Inspector to

“appreciably erode the evidential and historic value of this part of the listed building” as well as adversely affecting the aesthetic value of the building. Furthermore, according to the Inspector these alterations “would appreciably harm the special interest and significance of the listed building” and although the harm caused was deemed to be “less than substantial” it would still be contrary to the relevant Act.

It was concluded by the Inspector that these external changes to the building and domestic re-use would have an adverse impact upon the character and appearance of the area but this would not be significant given other external alterations to the principal listed building and the minute provision of external amenity space associated with the proposed scheme. This external amenity space was deemed not to be harmful to the residential amenity of neighbouring properties either given its small size and sizeable separation from these units.

Interestingly, the Inspector points to a ministerial statement (a material consideration) which makes it clear that the nationally described space standards (NDSS) can only be applied if there is a relevant current local plan policy in place (which ECC does not currently have). However, the GIA figures calculated by the Council were apparently accepted over the appellant’s figures because the process of how it derived at that figure was clearly demonstrated whereas the appellant’s was not. Despite the NDSS not being applicable it was asserted that the proposal fell well short of the minimum floor space required for a 1bed 2 storey dwelling house (34.8 sqm as opposed to 58 sqm). Ultimately, the Inspector concluded that the proposed development “would result in a claustrophobic and cramped living space” and “would fail to provide acceptable living conditions for future occupiers”.

When considering the balance between public benefits and harm attributed to the proposal, the Inspector’s view was that re-using a long-term vacant listed building (or element thereof and providing one additional housing unit are public benefits of modest weight in this case. Importantly, the Inspector pointed out that whilst residential use would appear economically viable there was little evidence before him to indicate it is the only viable use – *at pre-application stage and throughout the planning process the applicant was strongly advised by the LPA to undertake a detailed viability analysis of alternative uses for the building; Suggestions included community uses, an office/ studio/ workshop use, or ancillary residential storage to support apartments in the principal block. Notably, the other former mortuary building (West) has planning consent for conversion into a therapeutic health centre (D1).* The decision to dismiss the appeal can be summed up by the following statement: “The modest public benefits attributable to the proposal would not outweigh the considerable importance and weight to be given to the harm of the heritage asset”.

### **Land to rear of 73-77 Wardrew Road – Ref: 17/1202/FUL**

3.2

The application sought demolition of garages and the construction of a three bedroom dwelling.

The main issues were whether or not the proposal would: have an appropriate effect on the character and appearance of the area, provide acceptable living conditions for its intended future occupants, and result in acceptable living conditions for those nearby.

Wardrew Road is characterised by pairs of semi-detached properties, regularly arranged within relatively generous plots of significantly greater length than width. Such features lend the area an orderly and consistent character. The appeal site is a modest parcel of hard surfaced land, set to the rear of Nos 73 to 77 Wardrew Road and contains a dilapidated block of six garages. Outbuildings of differing designs are commonplace near the rearmost garden boundaries of properties fronting Wardrew Road and Buddle Lane. However, with the notable exception of the artist’s studio opposite, they appeared to be generally modest ancillary domestic buildings such as garages and sheds.

The proposal was to erect a three bedroom dwelling. Its contemporary design and



materials would be noticeably inconsistent with the predominantly traditional appearance of nearby properties. Notwithstanding its shallow-pitched roof form, the dwelling would be readily apparent from the adjacent passageway. It would also be visible from a significant number of private vantage points nearby from within other properties and their gardens (which, collectively, become a legitimate matter of public interest). Seen from nearby vantage points the overall scale of the dwelling proposed would be significantly greater than that which is typical of nearby outbuildings, or the existing block of garages. Therefore in scale and visual prominence the proposal would depart from the prevailing character of its surroundings. Neither the location of the dwelling proposed, nor its relationship to nearby properties, would reflect the prevailing consistent pattern of development. As such, the Inspector concluded that the proposal would be detrimental to the harmonious character and appearance of the area and that it would fail to reinforce local distinctiveness.

With regard to living conditions and external amenity, the Inspector noted the appeal site is bounded on all sides by substantial boundary features. The proposed garden, despite meeting the minimum size, is likely to feel unduly enclosed, overshadowed and unwelcoming. Similarly, given the confines of the site in contrast to the prevailing character of the area, there would be no meaningful outlook or sense of openness from within the proposed dwelling at ground floor level. Combined with the modest level of internal and external space provided, the Inspector concluded the proposal would not provide a good standard of amenity for future occupiers.

With regard to the impact of the proposal on neighbours, the Inspector stated, whilst the dwelling proposed would be incongruous in scale and design, this would not be to such an extent that it would result in an unacceptable sense of enclosure to those nearby. Likely noise and disturbance resulting from the proposal would not be unacceptable, nor would associated vehicular use of the passageway. As such, the proposal would be appropriate with regard to the living conditions of the occupants of nearby properties with particular regard to outlook, privacy and disturbance.

In summary, the Inspector said clear harm would arise from the proposal in respect of local character and to the living conditions of future occupants which would significantly and demonstrably outweigh any modest benefits of the proposal. The appeal was dismissed.

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

##### **4.1 17/1148/OUT – Land west of Clyst Road, Topsham**

The application sought outline permission for up to 155 residential units and a 64 bedroom residential car home.

The Planning Inspectorate has decided that the appeal should follow the Inquiry procedure.

#### **CITY DEVELOPMENT MANAGER**

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

##### **Background papers used in compiling the report:**

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

Contact for enquiries: Democratic Services (Committees) - Room 2.3. Tel: 01392 265275

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