

PLANNING

Date: Monday 23 July 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 25 June 2018.

(Pages 5 -
22)

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 23 - 40)

6 **Planning Application No. 17/1788/OUT - Former Exwick Middle School**

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

7 **Planning Application No. 18/0545/FUL - Land at Summerland Street**

To consider the report of the City Development Manager. (Pages 57 - 76)

8 **Planning Application No. 18/0872/FUL - 3 Dunvegan Close**

To consider the report of the City Development Manager. (Pages 77 - 80)

9 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 81 - 96)

10 **Appeals Report**

To consider the report of the City Development Manager. (Pages 97 - 100)

11 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 21 August 2018 at 9.30 a.m. The Councillors attending will be Councillors Foale, Thompson and Branston.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 3 September 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 25 June 2018

Present:-

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

Also Present

City Development Manager, Principal Project Manager (Development), Principal Project Manager (Development) (MH), Principal Project Manager (Development) (HS), Assistant Highways Development Management Officer (Exeter) and Democratic Services Officer (Committees) (HB)

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MINUTES

The minutes of the meeting held on 21 May 2018 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Councillor Thompson declared a disclosable pecuniary interest and left the meeting during consideration of Min. No. 145.

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PLANNING APPLICATION NO. 18/0534/FUL - LAND WEST OF RINGSWELL AVENUE

The Principal Project Manager (Development) (MH) presented the application for the construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure.

The Project Manager reported that environmental health had no objections to the proposal and added that an additional condition would be required to provide charging points for electric vehicles.

Members were circulated with an update sheet - attached to minutes.

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

- speaking on behalf of the residents of St Loyes who do not object in principle to this development but note that the proposal is one of many developments in the locality adding significant further traffic to already congested roads;
- endorse use of brownfield site for development;
- developer seemed to be selective in the delivery of consultation letters;
- another development is to come forward for a care home and both applications should be considered simultaneously;
- Ringswell Avenue is a narrow, poorly surfaced cul-de-sac and experiences difficulties of access for emergency vehicles. Moreover, it suffers from traffic

problems during school drop off and pick up periods and these will be exacerbated as the number of properties increases three-fold;

- traffic counts during school hours confirm the problems which leads to road parking violations, dangerous driving on the pavements by buses and cars, parking across drives and gridlock;
- proposal includes disruption to an existing wildlife corridor and loss of wildlife habitat which could instead be improved by developing a copse;
- junction with Honiton Road already congested, compounded at school drop-off/ pick-up times and Hill Barton Road can also be affected;
- alternative access should be identified; and
- impact of construction traffic associated with the development is a concern and enforcement of construction traffic necessary.

Mr Fulford spoke against the application. He raised the following points:-

- speaking on behalf of the Residents' Association of Ringswell Avenue whose principal objection is not the development of 48 new houses, but the proposed vehicle access through Ringswell Avenue, a 16-foot wide cul de sac road on which there are 20 houses, and since 2007 is the only vehicle access to St Nicholas Primary School. An addition of 48 new houses triples the number of properties accessed by Ringswell Avenue;
- many new properties may have more than one vehicle and there is already severe daily congestion. In previous applications, it was determined that vehicle access would be through Bramley Avenue, not through Ringswell Avenue. The developer had only proposed the one access route via Ringswell Avenue and the County Council Highways consultation response only addressed the developer's single access proposal without evaluating any alternative options;
- the Headmistress of the school had objected;
- emergency vehicles will not be able to enter Ringswell Avenue when congested; and
- serious flaws in the vehicle access for the site and alternative access arrangements should be investigated.

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

- acting for Liverty, a Registered Provider of affordable homes operating across the South West providing a range of homes including for market sale and re-investing profits to build more affordable homes;
- brownfield site will deliver 48 homes, 17 of which are affordable to help address the significant need in Exeter. A range of one to five bed homes are provided, including a wheelchair accessible home. One bed houses are provided instead of flats with the benefit of individual front doors and private gardens for residents;
- have considered neighbours and the Council's Design Guide as well as National Space standards;
- the separation distances to existing neighbours are generally more than required by the Design Supplementary Planning Document and landscaping and ecology have been incorporated with high-quality public open space provided and existing trees retained where possible; and
- design ethos reflects the high-quality architecture of existing homes on Ringswell Avenue. The new homes mirror this style, using quality materials and key design features.

He responded as follows to Members' queries:-

- the proposal includes 17 affordable dwellings which equates to 35% of the total number of dwellings to be provided on site, 12 (70%) for social rent and 5 for shared ownership. The mix of house types includes one wheelchair accessible bungalow; and
- an access to the site had been negotiated for construction purposes but an alternative access off Ribston Avenue was not possible as the developer did not control the land and it was understood that there were at least two other parties.

Members noted that previous proposals for development involved accesses via Bramley Avenue/Ribston Avenue as Ringswell Avenue had not been considered appropriate. Notwithstanding the absence of an objection from the Highway Authority, because of the anticipated additional traffic on Ringswell Avenue, Members queried whether an alternative vehicular access via Ribston Avenue might alleviate the issues raised. They therefore felt that clarification of land ownership issues were required. Members also discussed the merits of facilitating a pedestrian/cycle link to Warwick Road in relation to the vegetation referred to by Councillor Holland.

The City Development Manager advised Members of the position in respect of land ownership and the requirement to determine the proposal before them as submitted and the Assistant Highways Development Management Officer (Exeter) advised that pockets of congestion were common in the vicinity of most of Exeter's schools.

The recommendation was for approval, subject to the conditions as set out in the report and amended in the update sheet, plus the additional condition relating to electric car charging provision.

RESOLVED that the planning application for the construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure be **DEFERRED**, for further discussions with the applicant on access and land ownership issues.

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PLANNING APPLICATION NO. 17/1980/FUL - CITY ARCADE, FORE STREET

The City Development Manager presented the application for the demolition of existing single storey arcade and construction of a four storey building for 64 student bedspaces incorporating ground retail unit with associated bike and bin stores.

Members were circulated with an update sheet - attached to minutes.

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

- the shell unit at the Fore Street frontage could be configured to accommodate two units and would incorporate a glazed "wrap around" corner to enliven the entrance to John Street which would improve permeability and be more welcoming;
- the accommodation provided for students was typical of the area and mirrored those nearby in size and configuration;
- the adjacent Smythen Street car park was ideal for dropping off and picking up students at the beginning and end of term;
- there was no direct line of sight into student windows from the pub opposite; and
- Historic England were now supportive of the application.

Responding to a Member, the City Development Manager referred to the consultation undertaken and confirmed that appropriate management measures would be put in place for the occupation of students. Members noted that the principle of student use in this city centre location was appropriate and welcomed the proposal which would retain the retail frontage to Fore Street and therefore maintain a commercial presence and it was hoped that it would be more attractive to smaller independent operators, which are characteristic of this street. Whilst one Member referred to the ethos and heritage of the West Quarter, Members recognised that the scheme would retain the retail element and ensure that the vitality and viability of the area was maintained.

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 to secure a student management plan and a financial contribution of £3,000 towards a traffic regulation order planning permission for the demolition of existing single storey arcade and the construction of a four storey building for 64 student bedspaces incorporating ground retail unit with associated bike and bin stores 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 91-92 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/PL105 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

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PLANNING APPLICATION NO 17/1320/FUL : LAND AT SANDROCK, GIPSY HILL LANE

Councillor Thompson declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (MD) presented the application for the construction of 62 dwellings with associated public open space, infrastructure and landscaping. He explained that a pedestrian/cycle path would be provided through the site in order to segregate pedestrians and cyclists from vehicles accessing on to Pinn Lane This would be a significant improvement compared to the existing situation where pedestrians and cyclists have to share Gipsy Hill Lane with vehicles accessing the Gipsy Hill Hotel and adjacent residential properties. He detailed the improved layout to the Pinn Lane and Gipsy Hill Lane junction and Gipsy Hill Lane would be widened to 4.8m allowing two vehicles to pass, thereby improving access to the Hotel and existing dwellings. Beyond the access point, traffic up to the Hotel would remain single-lane but there would be a passing point.

He reported additional comments/objections from the staff and owner of the Gipsy Hill Hotel. These referred to concerns of accessing the hotel during the construction works. The owner had also objected to the proposed access believing it to be flawed and stating that independent consideration should be given to all possible alternatives. She also stated that if approval was granted, a condition should be added to maintain access to the existing properties at all times.

He reported that, following further discussions with the applicant, an improved offer of 14 affordable units had been made, being the same number as that proposed as part of the lapsed consent, although it represented a slight shortfall in percentage terms to that secured on the earlier consent because the number of units had increased slightly. It was accompanied by an agreement to commence work on site within two years.

Members were circulated with an update sheet - attached to minutes.

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

- Pinhoe residents are not generally resistant to development in principle, however, the development will exacerbate already serious traffic problems along Pinn Lane, Gipsy Hill Lane and the wider area. Pinn Lane is already dangerous with no lighting or footway and overgrown vegetation and the increased traffic on Pinn Lane poses a danger to pedestrians and cyclists;
- offer of affordable housing is too low;
- a simple solution would be to remove a restrictive covenant which prevents access onto Tithebarn Lane and the applicant should therefore negotiate with the owner of the covenant to facilitate access onto the Tithebarn Link Road;

- the failure to provide sustainable transport measures is a major concern and the increased vehicle flow will lead to direct conflict with increased pedestrian/cycle flow on Gipsy Hill Lane to the east of site and with residents of the Lane;
- there will be an adverse impact on the E3 and E4 cycle lanes which are part of the strategic cycle network;
- proposals do not include any improvements to Pinn Lane or any improvements to the frontage to Gipsy Hill Lane which is east of the site access;
- the absence of street lighting is a significant hazard to road safety during the dark and poor weather;
- limited access for emergency services and the Devon and Somerset Fire and Rescue Authority expressed concerns regarding access to the area in respect of two previous planning applications and access by blue light services will therefore be difficult especially during busy periods;
- the Grenadier Road roundabout and the Business Park area are notably busy during rush hour and many employees from the Park return home to Pinhoe etc via this area;
- the access scheme supported by the Local Highway Authority is not acceptable and the overall design is fudged; and
- application should be deferred

Mrs Carleton spoke against the application. She raised the following points:-

- the circulated technical assessment from a transportation planning consultant sets out flaws in the mitigating measures and highway conditions proposed and the proposals with the current development do not provide any improvements to the previous applications;
- highway conditions are inadequate to accommodate this development;
- 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. Similarly Gipsy Hill lane is unsafe;
- Inaccurate traffic flow statistics on provided by the Highway Authority;
- inappropriate use of both the developer contribution of £100,000 to provide a segregated pedestrian/cycle path to Pinn Lane and CIL monies for a new 3.5m wide cycle path through the site;
- opportunities for sustainable transport have not been taken up with an absence of facilities on both sides of the site, Gipsy Hill Lane to the east of the site access and Pinn lane south of its junction with Gipsy Hill Lane; and
- a safe access route for all road users is not provided as part of this development and the existing deficiencies along Pinn Lane will be exacerbated.

In response to the comments that there would be no improvements to Pinn Lane, the Principal Project Manager confirmed that the developer would pay a contribution of £100,000 to fund a segregated pedestrian/cycle path to Pinn Lane, in addition to CIL.

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

- principle of developing this site was previously established through outline permission for 62 dwellings with subsequent reserved matters, both of which were approved by this Committee. Unfortunately, these permissions lapsed due to viability problems;

- the 62-dwelling proposal comprises a site re-plan which seeks to overcome significant issues. This is a difficult site and the applicant has worked closely with officers for 10 months;
- Exeter currently has a serious shortfall in housing supply which this proposal can help address. Other benefits will be 14 affordable dwellings, 5,000 square metres of public open space, 42 new trees and hedge planting, a new 3.5 metre wide shared pedestrian/cycle path parallel to Gipsy Hill Lane, the widening of Gipsy Hill Lane to 4.8 metres between the access and Pinn Lane;
- a £100,000 contribution for a pedestrian/cycle path to Pinn Lane and CIL revenue of over £900,000 with New Homes Bonus paid in addition;
- Pinn Lane will be closed to vehicles north of Gipsy Hill Lane to prevent vehicle conflict with pedestrians and cyclists;
- worked closely with County to ensure that flood risk will not increase; and
- aspirations of the Council's Design Guide are met. Built forms are simple and unpretentious, with an appropriate scale and use of materials.

A Member stated that many residents of Pinhoe were opposed to the over development of Monkerton and in the Station Road area with some 2,000 more properties set to be delivered and reiterated the concerns relating to the exacerbation of existing highway problems. He believed that the wrong highway solution was being proposed.

Other Members recognised that the highway issues and associated access to the site were not ideal but that, given the site history and previous approvals, it would be appropriate to support the application. Of concern also was the limited offer of affordable housing with Members also referring to the frustration they felt that an agreement could not be reached with a landowner over a small area of land the release of which would offer a better solution to access and highway issues generally in this area.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 requiring the provision of 14 affordable units and the other planning obligations in the report as well as appropriate conditions, the details to be delegated to the City Development Manager, following prior consultation with Chair of this Committee, including a condition requiring commencement of the development within two years, planning permission for the construction of 62 dwellings with associated public open space, infrastructure and landscaping be approved, subject also to the following conditions:-

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PLANNING APPLICATION NO. 18/0221/FUL - LAND WEST OF CUMBERLAND WAY, HOLLOW LANE

The Principal Project Manager (Development) (MD) presented the application for construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure. He stated that the access to Cumberland Way would cross a shared pedestrian/cycle path and necessitate the relocation of a bus shelter.

Since the drafting of the report, comments on the conditions had been received from the applicant. The requests to amend conditions 3, 5 and 6 slightly were supported by officers, but the requests to amend conditions 8, 10, 13 and 14 including changing BREEAM excellent to very good were not supported.

The recommendation was for approval, subject to the conditions as set out in the report with the amendments to conditions 3, 5 and 6 requested by the developer.

RESOLVED that planning permission for construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure 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:
 - 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, other than preliminary groundworks and drainage works, 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, other than preliminary groundworks, 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, other than preliminary groundworks and drainage works, 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.

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PLANNING APPLICATION NO. 18/0729/RES - EXETER BUS AND COACH STATION, PARIS STREET

The Principal Project Manager (Development) (HS) presented the application for pedestrian access ramp linking Bampfylde Street to 'Street C', temporary gates and bin store for use by the bus station (Parcel B). The ramp would provide access to the leisure centre without going through the bus station concourse and was necessary during the period when the Leisure Centre and Bus Station had been

completed but the remainder of the site was not. Responding to a Member, he described the precise location of the gates that would be locked when both bus station and leisure centre were both closed to prevent antisocial behaviour.

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

RESOLVED that planning permission for pedestrian access ramp linking Bampfyld Street to 'Street C', temporary gates and bin store for use by the bus station (Parcel B) be **APPROVED**, subject to the following 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.

148 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

149 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

150 **SITE INSPECTION PARTY**

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

(The meeting commenced at 5.30 pm and closed at 8.10 pm)

Chair

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Agenda Item 5

COMMITTEE DATE: 23/07/2018

APPLICATION NO: 18/0534/FUL

APPLICANT: West Co Properties Ltd and ERADE

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:

UPDATE (the original Committee report, amended to incorporate matters raised in the Additional Information sheet circulated ahead of the Planning Committee on 25th June 2018, follows this update section)

This application was deferred from Planning Committee on the 25th June for further clarification of the land ownership position in relation to land between the application site boundary and Ribston/Bramley Avenue, and associated further discussions with the applicant regarding potential alternative access arrangements.

Since the original report was prepared an Air Quality report has been received from the applicant. This report concludes that the impact of the development would not be significant and suggested mitigation measures that have subsequently been incorporated into the submitted CEMP, along with provision within the development for electric car charging. The Environmental Health Officer is satisfied in this respect and condition 18 added to the original report will secure the provision of electric car charging facilities as part of the development.

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/Appropriate Assessment/ecology/drainage

A recent Court judgement has clarified the position with regard to Appropriate Assessment in respect of this type of development and potential impact of designated Special Protection Areas (SPA) such as the Exe Estuary. Hence –

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of

East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

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/m². 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.(£20,624)
- 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 (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 conditions listed below:-

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

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason - To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 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 until all the recommendations from the submitted Ground Investigation Report (Geo Consulting, August 2017) have been undertaken, and the results and any remedial works necessary have been agreed with 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 C dated 25th June 2018. Explicitly there shall be no 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 up to and including the application site boundary, 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 up to and including the northern application 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. Thereafter this shall be 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. The works shall be carried out in accordance with the approved details prior to the occupation of any individual dwelling.

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.

18) Prior to continuation of construction work above DPC level of any dwelling comprised in the development hereby approved a scheme of provision of electric car charging points within 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 promote and facilitate the use of sustainable modes of transport and thereby minimise potential air pollution associated with the use of private motor vehicles by future occupants of the development.

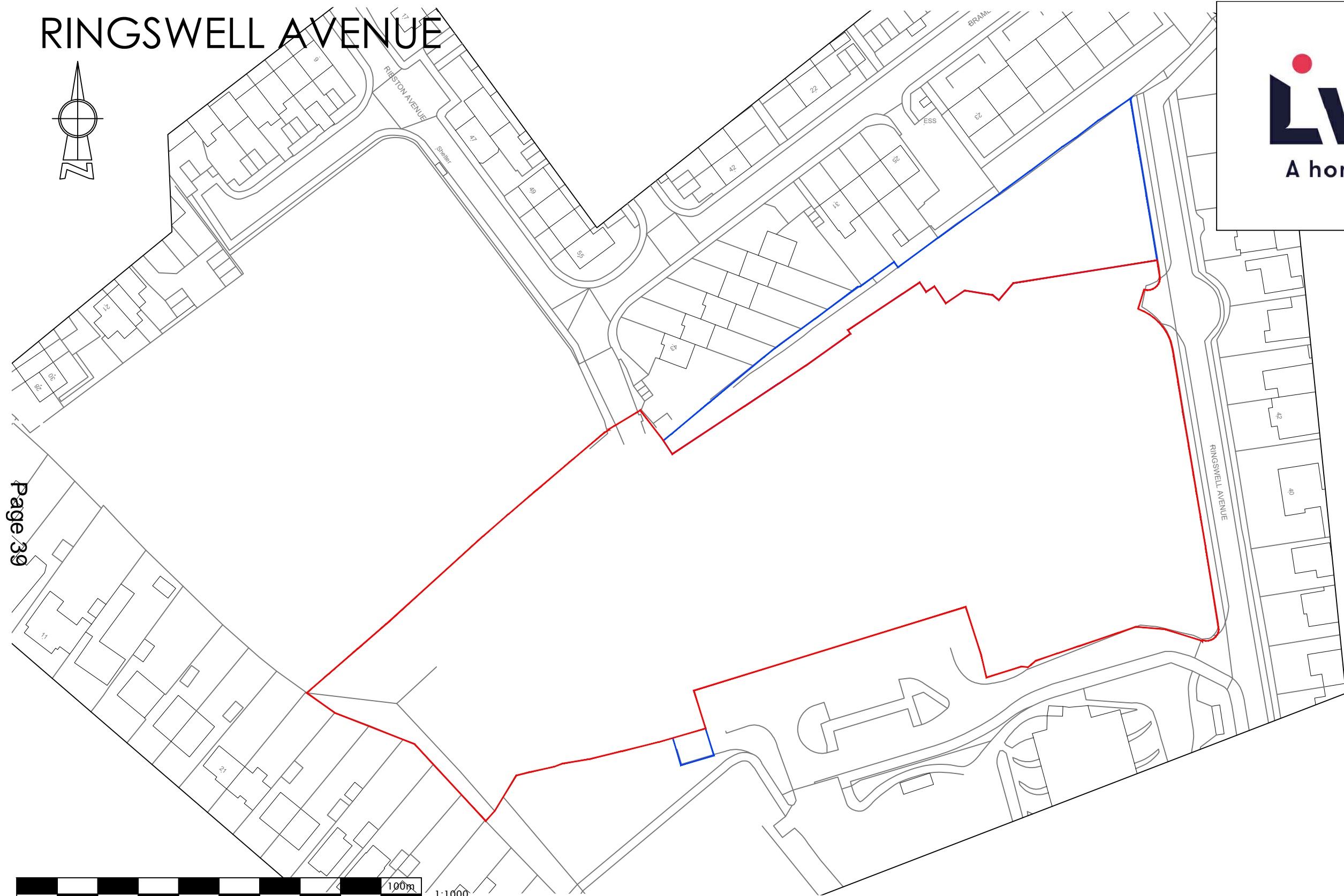
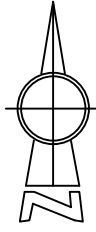
Local Government (Access to Information) 1985 (as amended),

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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RINGSWELL AVENUE



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CLIENT LIVERTY	DRAWING OF LOCATION PLAN	drawing no P1610:01	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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Agenda Item 6

COMMITTEE DATE: 23/07/2018

APPLICATION NO: 17/1788/OUT

APPLICANT:

PROPOSAL:

Outline application for Residential development with vehicular access from Gloucester Road via Higher Exwick Hill (All detailed matters relating to access, appearance, landscaping, layout and scale of development reserved for future consideration).

LOCATION:

Former Exwick Middle School, Higher Exwick Hill
EXETER, EX4 2EF

REGISTRATION DATE: 16/11/2017

EXPIRY DATE:

HISTORY OF SITE

There is no planning history relating to this site which is considered directly relevant to the current application.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a parcel of land extending to approx. 1.2 hectares. The site is bounded to the north by Higher Exwick Hill and to the east, south and west by residential properties on Palmerston Drive, Knowle Drive and Gloucester Road respectively. Historically the site has had a combined vehicular/pedestrian access from Higher Exwick Hill, a further separate pedestrian only access from Higher Exwick Hill and a pedestrian only access to the south onto a stretch of road leading off Gloucester Road to a block of garages. The site has been cleared of buildings and has been vacant since 2008. Previously it was occupied by Exwick Middle School last planning use of the site was for educational purposes.

There is a significant change in levels from the highest part of the site to the north down to its southern boundary. There are numerous trees distributed across the site.

Outline planning permission is sought for the principle of residential development of the site with vehicular access from Gloucester road via the upper part of Higher Exwick Hill, effectively re-use of the existing vehicular access point to serve the proposed residential development. The scale, layout, appearance and landscaping of the site are all reserved for subsequent approval as 'reserved matters'.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information -

- Planning and Design & Access Statement
- Transport Statement
- Ecological Appraisal, and Updated Ecological Walkover Survey
- Tree Survey
- Flood Risk Assessment & Drainage Strategy
- Phase 1 Preliminary Risk Assessment (Desk Study)
- Phase 2 Ground Assessment

REPRESENTATIONS

10 letters of representation have been received raising the following issues –

- Access arrangements via Higher Exwick Hill –
 - Narrow single lane unsuitable generally and specifically for utility and emergency vehicles, and hence inadequate to serve development
 - Highway safety given proximity to school and high volume of pedestrian traffic from Higher Exwick Hill to the nearby school
 - Should consider other alternatives for access e.g. opposite Haytor Drive to reduce traffic on Gloucester Road
- Where is information on layout/number of houses
- Highway safety, especially at school drop-off/pick-up times,
- Construction access difficulties
- Exacerbate parking problems in locality, particularly if parking provision within the development is low
- Drainage problems – surface water
- Building heights
- Loss of trees – too many proposed to go, some of which are in other people's gardens
- Pressure on facilities such as school/health centre from more housing
- Play area for children
- Adequacy of ecological report
- Pedestrian/cycle access other than off Higher Exwick Hill will encourage use of surrounding roads for parking with associated problems
- Impact on stability of hedgerow/bank to 71 Burrator Drive

CONSULTATIONS

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. For these reasons, the development is felt to be acceptable on highway grounds. Therefore, subject to appropriate contributions (S106) and conditions being attached in the granting of any consent, no objection.”

ECC Housing Services – Highlight policy requirement for 35% affordable housing, tenure split, wheelchair accessible provision, cluster sizes, and housing mix.

Environmental Health – Draw attention to need for an Air Quality Impact Assessment. Recommend conditions regarding land contamination and Construction Environmental Management Plan (CEMP).

Police ALO – no comments received.

RSPB – No comments received.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):-

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

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

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

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

Exeter Local Development Framework Core Strategy 2012

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

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
H1 – Housing land search sequence
H2 – Housing location priorities
H3 – Housing sites
H7 – Housing for disabled people
L3 - Open Space
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
DD7 – Allocated Housing Sites

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

Exeter City Council Supplementary Planning Documents

Affordable Housing 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

Housing Supply situation

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.

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.

Principle

This is a brownfield site within the built up area of the city. It has become surplus to requirements in respect of the previous educational use. The site is surrounded by existing

residential development. In this context the principle of the development of the site for residential use is considered acceptable provided it is acceptable in respect of the following matters addressed in this report.

Highway/Transportation matters

A number of the representations have raised concerns about highway matters, particularly with regard to the proposed access and safety implications given the high level of pedestrian/cycle traffic on Exwick Hill associated with the nearby school.

The Highway Authority have acknowledged that the applicant's submitted Transport Statement suggests that based on TRICS, the proposed development will generate 26 two-way trips in the AM Peak and 24 two-way trips in the PM Peak. The Highway Authority consultation response states –

“The site is located within an existing residential area and has access to public transport services on Gloucester Road/Knowle Drive, providing residents with an option to use a bus to get to the City Centre. Given the previous use, the location of the proposed site in relation to the existing area, it is thought that the net impact of the new development is not significant or severe to recommend refusal.”

The Highway Authority acknowledge that Gloucester Road experiences a level of congestion during school pick up/drop off periods but comment as follows –

“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 operation of the junction with site access/Gloucester Road is not classed to be unsafe. Review of our accident records shows no Personal Injury Accidents, for the years between 2012-2016”

The submitted access details propose that the site is served by a remodelling of the former school access onto Higher Exwick Hill which in turn leads onto Gloucester Road. The works depicted on the access drawing are described in the Transport Statement as follows –

“The western section of Higher Exwick Hill carriageway will be widened using available highway land to allow two-way movement for distance of approximately 19 metres and a continuous footway from Gloucester Road into the site will be provided. As there is insufficient width available to make the full length of access two-way, a formal give way will be implemented to control the narrow single-way portion of the access. The give-way will give priority to traffic entering the site, in order to avoid any queuing back onto Gloucester Road.”

Commenting on the access proposals as the submitted the Highway Authority state –

“Vehicular access to the site is proposed using the existing access onto Gloucester Road, which is subject to a 20mph speed limit; the junction meets the visibility required (2.4m x 25m) and is therefore acceptable in principle. The access forms a priority system whereby westbound road user gives way to vehicles travelling eastbound; the

submitted drawing indicates that sufficient forward visibility can be achieved so that one vehicle can see another approach, stop and wait to pass. The applicant has also provided tracking diagrams to show that a refuse/fire vehicle are can also pass (3.07m carriageway width is the narrowest section). Given that the development is likely only to carry 26 two-way movements in the peak hour the vehicular access is acceptable in principle.

As mentioned in the earlier section, upon site visit there was a lot of traffic/parents parking in the surrounding areas (relating to the existing primary school), but there was also a lot of pedestrian footfall from the school utilising Higher Exwick Hill. To accommodate for this, the preliminary access layout (Drawing No. 23939-GA-001 Rev E) shows a raised table at the Access Rd/Gloucester Rd junction and at the Access Rd/Higher Exwick Hill, giving pedestrians/cyclists priority over motor vehicles as per good practise set out in Manual for Streets. This is an improvement to existing arrangements.”

Although the Highway Authority have identified the need for some alterations to the proposed access details shown on submitted access drawing no. 23939-GA-001 Rev E they are satisfied that with changes the proposed means of access to serve the site could be acceptable. Consequently it has been suggested to the applicant that access also becomes a 'reserved matter' in terms of the details and condition 3 has been drafted to cover this matter. The applicant's response to this is awaited and will be reported at Committee. A condition is also proposed to secure various pedestrian/cycle connections to serve the development.

Reserved matters – scale, layout, appearance and landscaping.

Although the site is surrounded by existing residential properties there is no reason why an acceptable relationship between them and development on the site could not be achieved. These relationships would be addressed at reserved matters stage. The detailed design, layout, appearance and landscaping of the development are all reserved for subsequent approval so can be considered then but at this stage there is nothing to suggest residential development in principle would be unacceptable in these respects.

Ecology/Appropriate Assessment

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

The submitted documents do not identify any ecological impediment to the development of the site. A condition will be imposed to secure implementation in accordance with the recommendations contained in the submitted Ecological Appraisal, and a further condition requiring agreement of a wildlife plan demonstrating how the ecological interest of the site will be enhanced through the development will also be imposed.

Affordable housing

The proposal would be likely to exceed the threshold requiring the provision of affordable housing equating to 35% of the number of units to be provided on the site. This is acknowledged in the submission documents and would be secured through an appropriate S106 agreement attached to any approval. This would also secure a 70/30% split in the tenure of the affordable units between social rent and intermediate dwellings.

Financial Considerations

The proposal is CIL liable in respect of any dwellings constructed on the site apart from those provided as social Housing for which Social Housing Relief would be applicable on application in accordance with the CIL Regulations. The application seeks outline consent only, and in the absence of any detailed information in respect of the size/design of the dwellings (which would follow at 'reserved matters' stage) it is not possible to quantify the amount of CIL that will be payable in association with the development.

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

Section 106

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

- In the event that the number of dwellings exceeds 10, or the combined floor space exceeds 1000m² affordable comprising 35% of the total number of units will be provided with a tenure split 70/30% social rented/intermediate, and 5% of affordable units as wheelchair accessible housing built in accordance with the Council's Wheelchair Accessible Housing Design Standards.
- Traffic Regulation Order contribution (£5000)
- Travel Plan contribution £500/dwelling
- Open space – provision, public access and on-going management/maintenance arrangements

Conclusions

Based on the above appraisal of the proposal, including the advice of the Highway Authority in respect of transportation matters, the principle of residential development of this brownfield site within the built up area is considered acceptable and compliant with relevant development plan policies. Consequently the officer recommendation is one of approval.

RECOMMENDATION

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

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

1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason - To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

2) **Pre-commencement condition:** Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

3) No construction activities associated with the development hereby approved (other than the formation of the access itself) shall take place on the application site until a safe and suitable vehicular and pedestrian access to the site from Gloucester Road via Higher Exwick Hill has been provided and made available for use in accordance with detailed drawings which shall previously have been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Local Highway Authority. No dwellings comprised in the development shall be occupied until the access has been fully completed 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.

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

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

5) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings

with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

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

6) **Pre-commencement condition:** Prior to the commencement of the development hereby approved an Air Quality Impact Assessment incorporating proposed mitigation measures to minimise the air quality impacts of the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the proposed and agreed mitigation measures shall be fully implemented prior to the occupation of any dwellings comprised in the development.

Reason for pre-commencement condition: - To ensure that the potential impacts of the development on air quality are fully considered and appropriately mitigated.

7) **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.

8) **Pre-commencement condition:** No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.

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

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

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

10) 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.

11) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

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

12) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the submitted Ecological Appraisal by Sunflower International dated July 2016 as updated by the additional report dated 13th March 2018 prepared by Richard Green Ecology Ltd. The additional survey work identified in the aforementioned documents should be carried out prior to the commencement of the development. Any licences required from Natural England in respect of the mitigation measures identified 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.

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

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

14) If during development contamination not previously identified is found to be present at the site then no further development unless otherwise agreed in writing with the Local Planning Authority shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

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

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

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason - To ensure the satisfactory drainage of the development.

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

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

17) No part of the development hereby approved shall be brought into its intended use until further details of pedestrian/cycle linkages/facilities from the site boundary to the existing highway network as indicated on the "site access points" drawing (Drawing No 23939-GA-004 Rev P01) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the three pedestrian/cycle connections shall be completed in accordance with the approved details prior to the occupation of any dwellings comprised in the development.

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

18) Prior to the construction of any retaining wall within 5m of public highway, a detailed Approval In Principle for that section of retaining wall shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).

Reason - To ensure the integrity of adjacent structures and land, and to formalise any necessary easements.

19) The development shall be implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy prepared by Clarkebond (report ref WE04300/Exwick/FRAand DS).

Reason - To ensure the satisfactory drainage of the development.

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

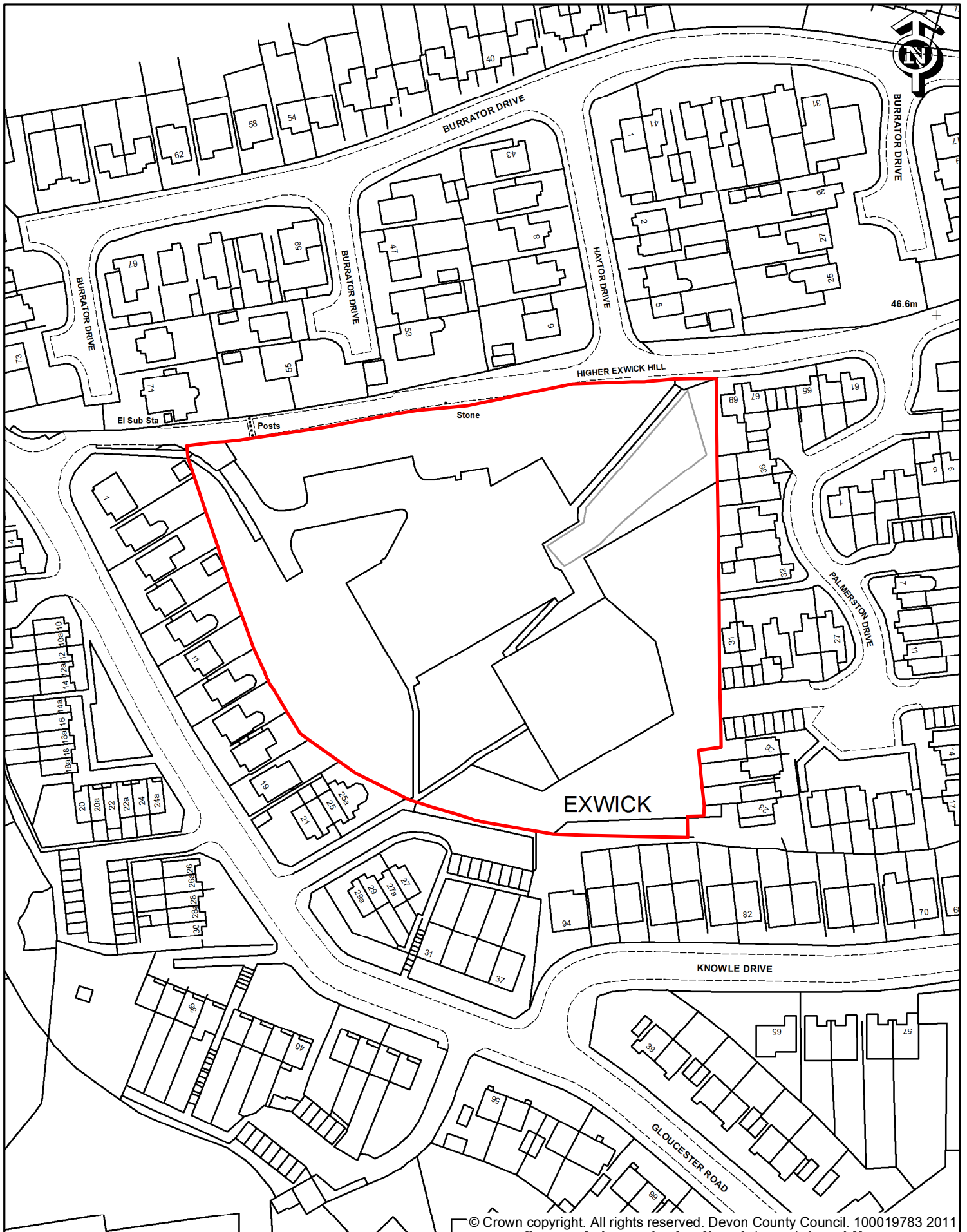
3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the


ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

*Local Government (Access to Information) 1985 (as amended),
Background papers used in compiling the report:
Files of planning applications available for inspection from the Customer Service Centre, Civic
Centre, Paris Street, Exeter. Telephone 01392 265223*

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Title: Land at Former Exwick Middle School		Project: Disposal plan	
 <p>NPS South West Ltd</p> <ul style="list-style-type: none"> • Head office: Venture House, 1 Capital Court, Bittern Road, Sowton Ind Est, Exeter, EX2 7FW • South office: The Acorn Centre, Lee Mill Ind. Est. Ivybridge, PL21 9GP 	Scale: 1:1,250	Date: Feb 17	Contact:
	File/ Deed:	OS Sheet:	Telephone:
	Prep: CP	Checked:	Office: EXETER
	BIS No: Page 55	Project No: 16001	Drwg No: Exwick disp 1

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Agenda Item 7

COMMITTEE DATE: 23/07/2018

APPLICATION NO: 18/0545/FUL
APPLICANT:
PROPOSAL: Demolition of existing buildings (Transport Club and Exeter Auto Centre) and redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1, A2, A3, A4, B1, D1 and D2, cycle parking provision and public realm improvements.

LOCATION: Land At Summerland Street, EX1 2LB

REGISTRATION DATE: 05/04/2018

EXPIRY DATE:

HISTORY OF SITE

15/1360/31 -

Demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis) totalling around 640 bedspaces with ancillary facilities, also ground floor retail/leisure uses of around 3200sqm, with cycle parking provision and landscaping.

NOT EIA DEV'T

18/01/2016

16/0405/03

Demolition of existing buildings. Redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.

PER

27/01/2017

18/0636/NMA

Non-material amendment of planning permission reference 16/0405/FUL (phase 1) to link with to development proposed as application 18/0545/FUL (phase 2) with corridor access linkage and arrangements for sharing bin stores, cycle stores, internal and external amenity space, locating accessible standard rooms within the second phase and two additional student rooms.

PCO

18/0682/DEM

Prior notification of demolition of buildings (Transport Club, car parking area and Exeter Auto Centre).

Prior Approval Required and Approved

24/05/2018

DESCRIPTION OF SITE AND PROPOSAL

The application site is 0.07 hectare and fronts Summerland Street between Belgrave Road and Bampfylde Street junctions. The site is currently occupied by the former Transport Club and a car repair garage buildings with a separate small hardstanding in between, all of which are currently vacant. No planning permission is required for the demolition of the buildings which are not listed, not dwellings and not in a conservation area or subject of other relevant designation. The Local Planning Authority has received notification of the intention to demolish these buildings and has approved details of the method of demolition.

The proposed development is for 111 student bedrooms, these are arranged as 102 bedrooms in cluster flats and 9 in studios. The Building is 6 storeys but is split to accommodate the change in levels between Bampfylde Street and Belgrave Road. The proposals include 295 square metres of ground floor retail/business/leisure uses arranged as two units, with landscaping and public realm.

The proposals have been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and it was concluded that the proposed development is not EIA development.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- CIL Form;
- Application Drawings;
- Design and Access Statement
- Landscape and Visual Photomontages;
- Statement of Community Involvement;
- Heritage Statement and Archaeological Desk Based Assessment;
- Transport Statement and Travel Plan;
- Flood Risk Assessment and Drainage Strategy;
- Foul Sewage Assessment;
- Utilities Statement;
- Biodiversity Assessment;
- Air Quality Assessment;
- Noise Impact Assessment;
- Sustainability Statement;
- Energy Strategy;
- Land Contamination Assessment;
- Student Management Plan.

REPRESENTATIONS

The application has been advertised by site notices, press notice and neighbour letters.

Five public responses were received raising the following issues:

- Visitor Cycle parking and an e-bike hire dock should be provided.
- Too much student housing.
- Too big, too tall, not in keeping and too much in one area. Will turn streets into dark canyons.
- Design is industrial rather than residential
- Need for social housing
- Question need form more student housing

- Good that it is car free.
- Will staff share welfare facilities in phase 1?
- Students housing only occupied half the year and is harming local economy.

UNIT 1 (Nightclub): Deltic Group has operated the late-night leisure venue on 1 Summerland Street site since June 2007. It is an existing, long-standing and authorised use. The immediate local area has always principally comprised a mix of commercial businesses which traded during the daytime and were closed at night. Local residential properties existed beyond the immediate locality of our client's venue and so were not directly affected by the nature and hours of use of our client's leisure business. This situation was recently changed with the Council's approval of a large student accommodation complex on the immediately adjoining sites at Townsend Printers in Western Way, Exeter and the Stagecoach Devon, Belgrave Road development site. This is an inappropriate location for noise-sensitive residential uses to be introduced, unless they are constructed to the very highest standards of noise attenuation. The absence of appropriate detailed evidence to accompany the planning application in relation to the existing, long-established, noise-generating, authorised use on the adjacent site and how proposed residential uses will be protected against potential noise and disturbance, shows that the applicant has not considered the means to address the significant issue of noise disturbance. Past experience with the Council's assessment and decision on the Townsend Printers should not be repeated with this current planning application.

Exeter Civic Society: The form of the student accommodation currently under construction on this parcel of land (Phase 1), at least has some mitigation of its massive form in the gabled effect of its roof treatment. This Phase 2 proposal is effectively an extension of phase 1, but is presented as an odd rectangular block, pressed against, but unrelated to Phase 1. Relationship if not unity are absent and the Planning Sub-committee of the Exeter Civic Society consider that this is an inadequate finish to Phase 1 and on these grounds would wish it to be refused and a much more considered design made.

RSPB: the Ecological Report recommends installing fourteen integral Swift Boxes, we agree that this would be an excellent opportunity as this part of Exeter is a hot spot for this species and there are a number of locations that would be particularly suitable. Condition the Ecologist's recommendations in this application.

CONSULTATIONS

Environment Agency: Standing advice applies.

Devon County Council Highways Network Management: Devon County Council Highways Network Management: From a highways perspective, the key areas of consideration related to appropriate pedestrian and cycle access routes to the site, student pick up and drop off and the landscaping proposals directly adjacent to the site.

The student accommodation element is expected to generate approximately 258 two-way pedestrian movements. The bulk demand for this movement is expected to be heading west across Bampfylde Street towards the City Centre and/or the University. Hence improved pedestrian/cycling facilities/crossing points in the immediate area and on Bampfylde Street are required, providing suitable access for all users. This can be resolved through detailed design and secured by condition (the applicant has agreed to confirm details as part of the S278 works in conjunction with Phase 1 of the student accommodation works). In addition to this, the

applicant needs to reinstate the redundant dropped kerbs on Summerland Street/Bampfylde Street.

Given that the site is being promoted as car free (with the exception of some deliveries and at student pick up/drop off) there will be a net benefit to the vehicular network.

Secure cycle parking for students and the retail uses should be provided. The level of parking should be in accordance with the Exeter City Council Sustainable Transport Supplementary Planning Document. The exact arrangements for this should be provided for approval in advance of commencement and in place prior to occupation - it is noticed that some stands (visitor) are located on the highway.

With the proposed building being set back from the current boundary, a larger area of public realm is created in the space between the carriageway and the proposed building. This new area of urban realm includes tree planting and street furniture is achieved on land combining both public highway and private land. In principle, the proposed arrangements are broadly acceptable, however, a number of further refinements will be required on the exact locations of any planting to ensure suitable widths of public footway are retained and maximised to provide a suitable route for all users. The method of delineation of public and private highways, street lighting, drainage etc and the exact location and angle of cycle stands also need to be confirmed. The applicant is advised that they would need to be responsible for maintenance of any trees. The applicant will need to enter into a S278 to provide further detail regarding the larger area of public realm and to agree pedestrian/cycling facilities/crossing points as discussed above.

Management

To accommodate for student pick up/drop off and deliveries, the applicant is reliant upon the laybys created in Belgrave Road and Bampfylde Street which will need to be managed appropriately. This can be done by the means of updating the existing management plan and/or providing a new plan for phase 2 of the development. The 'Student Management Plan' should provide further details regarding the arrangements of tenants moving in and out during term times - satisfying that the development will be managed properly (in conjunction with Phase 1), the second phase is unlikely to have a detrimental impact upon the highway. The Transport Statement also indicates that nearby car parks could be utilised - details (timescales and procedures) will need to be agreed prior to occupation or secured through the Management Plan/Travel Plan.

The site is located in a prominent city centre location adjacent to a number of traffic sensitive streets - particularly Cheek Street for bus services and Belgrave Road and Summerland Street for cross city traffic. The applicant should be aware of the interim Bus Station arrangements which have now been approved. Demolition and subsequent construction will therefore need to be carefully managed to ensure the impact of these is minimised and the potential for large plant, including cranes, on the highway is likely to be limited. It is therefore recommended that a condition for a Construction Traffic Management Plan (CTMP) is attached in the granting of any permission.

In summary, the development will result in a significant number of new pedestrian and cycle trips. To cater for this additional demand, the development should improve pedestrian crossing points, provide appropriate levels of secure cycle storage and create a larger area for pedestrians on the Summerland Street/Bampfylde Street/Belgrave Road frontage.

These changes are welcomed, but the specific details including planting, furniture, surfacing, pedestrian crossing points and maintenance etc. will need to be agreed through the S278 process. Therefore, subject to appropriate conditions being attached in the granting of any permission, no objection.

ECC Environmental Health Officer:

An initial Contaminated Land risk assessment has been submitted but the full report is still to be received. I have therefore recommended a condition below which requires this to be conducted prior to commencement of the development.

Mach Residential propose to upgrade the building facades to achieve a level of sound insulation which they recommend as suitable, and I welcome the commitment to full mechanical ventilation, designed to achieve adequate levels of ventilation under both background and overheating conditions.

Despite this commitment, Environmental Health would wish to comment that future occupants of the site may still be disturbed by noise. This could occur because the building facade does not achieve in practice the predicted level of insulation, or if noise levels which were recommended as reasonable by the applicant's consultants are still causing disturbance, or because of factors outside the control of the applicant. If the new occupants complain about noise it may be difficult for the Council to sustain a case of nuisance if either of the first two of these situations occurs.

I have included a condition below which requires a noise survey to be conducted, and sound insulation measures to be agreed by the Local Planning Authority and implemented on site. I have also included a condition relating to noise from mechanical building services plant.

The Mach report makes no reference to noise from the commercial uses proposed at ground floor level. Given the range of uses proposed, there is potential for these to generate noise and disturbance. I have included a condition which requires a noise assessment to be conducted prior to occupation of these units.

Recommend approval with Construction Environmental Management Plan, contaminated land, unexploded ordnance, air quality, and noise conditions.

Devon & Somerset Fire and Rescue Services: The Fire Strategy produced by WSP lacks detail for an in-depth analysis at this stage but in principle it would appear that the plans would satisfy Building Regulations should planning consent allow this development to proceed. The Fire and Rescue Authority is encouraged by the acknowledgement that Approved Document B of the Building Regulations does not specifically deal with Cluster Flat layout and that reference to BS9991: 2015 will be made in the design. If this proposal is to proceed, any application under the Building Regulations will need to allow consideration of Phase 1 and Phase 2 due to the possibility of secondary escape routes linking to create a single building. Based on the information made available at this time, it would appear that Fire Service Vehicle access is satisfactory. Further information, including locations of dry riser inlets / outlets etc. is necessary to confirm the suitability of firefighter access.

Planning Member Working Group

The proposed development was presented to planning member working group on 20 March 2018 and the following points were raised: Uninspiring design, car use and ownership concern

about future use of ground floor for student accommodation, desire to see community uses on ground floor or reduced rent retail units, and need to integrate into the community.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach

CP2 - Employment

CP3 - Housing Distribution

CP5 - Meeting Housing Needs

CP8 - Retail

CP10 - Meeting Community Needs

CP11 - Pollution and Air Quality

CP13 - Decentralised Energy Networks

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

E3 - Retention of Employment Land or Premises

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

H6 - Affordable Housing

H7 - Housing for Disabled People

S1 - Retail Proposals /Sequential Approach

S3 - Shopping Frontages

S5 - Food and Drink

CS6 – Community Spaces

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T5 - Cycle Route Network

T6 - Bus Priority Measures

T9 - Access to Buildings by People with Disabilities

T10 - Car Parking Standards

T11 - City Centre Car Parking Spaces

C1 - Conservation Areas

C5 - Archaeology

EN2 - Contaminated Land

EN3 - Air and Water Quality

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG3 - Commercial Development

DG4 - Residential Design
KP1 - Pedestrian Priority Zone
KP3 - Bus and Coach Station

Exeter Development Delivery Document - Publication Version 2015

DD1 - Sustainable Development
DD7 - Allocated Housing Sites
DD9 - Accessible, Adoptable and Wheelchair User Dwellings
DD12 - Purpose Built Student Accommodation
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing out Crime
DD31 - Biodiversity
DD33 - Flood Risk
DD34 - Pollution

Exeter City Council Supplementary Planning Documents:

Trees in relation to Development September 2009
Residential Design Guide September 2010
University SPG 2007
Sustainable Transport SPD 2013

Other Relevant Documents:

Grecian Quarter Height Constraints Analysis 2008.
City Centre Vision 2011
Bus & Coach Station Development Principles 2012

OBSERVATIONS

At the time of writing the site is occupied by the former Transport Club and a car repair garage buildings, which are vacant, with a small separate hardstanding in between. No planning permission is required for the demolition of the buildings which are not listed, not dwellings and not in a conservation area or subject of other relevant designation. The Local Planning Authority received notification of the intention to demolish these buildings and has approved details of the method of demolition within the 28 day period allowed. Following demolition of the buildings it is considered that the site would comprise one planning unit with nil use.

The Core Strategy was adopted in February 2012, and sets out the strategic vision for development in the City. The site falls within the Grecian Regeneration area as defined by the Core Strategy. The Core Strategy Policy CP17 guides that 'All proposals for development will exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.' Development in the City Centre and Grecian Regeneration Area will: 'enhance the city's unique historic townscape quality; protect the integrity of the city wall and contribute positively to the historic character of the Central and Southernhay and Friars Conservation Areas; create places that encourage social interaction, utilising public art as an intrinsic component of a high quality public realm; enhance and expand the city's retail function to improve Exeter's draw as a regional shopping centre; include residential development in a mix of uses that encourage vitality and establish a safe and secure environment; create a City Centre that is vital and viable and

presents a positive experience to the visitor; enhance the biodiversity of the City Centre and improve the links to the green infrastructure network; contribute to the establishment of a decentralised energy network.'

The site, within the city centre boundary and outside the areas of restriction of student housing, is considered to be well located for student housing development in accordance with the hierarchy set out by policy H5 of the Exeter Local Plan First Review. It has good links to public transport facilities and amenities, and good links to the two University Campuses. Given the pressure on the city to accommodate the rising number of students, the capacity of the site to meet this specific housing need should be maximised. The site is much less well suited to other housing types for amenity reasons. The Council also supports the development of purpose-built student housing to meet housing need and to help ease pressure on family housing. It is not current policy to seek affordable housing from purpose-built student accommodation developments. As such the proposals are considered to comply with policy H5 of the Exeter Local Plan First Review.

The potential for the intense residential occupation of the site, including the arrival and departure of occupiers in a short time period to cause nuisance can be controlled through appropriate measures within a 'Student Management Plan' secured by section 106 agreement. Arrivals and departures by car would be accommodated in laybys on Belgrave Road and Bampfylde Street and would be by allocated timeslot to avoid congestion. It is noted that there are also public car parks on Belgrave Road and Bampfylde Street which occupiers may choose to use for this purpose. The development provides no parking on site for residents and such agreement needs to include a prohibition on residents keeping cars at or near the site and a restriction to student occupation. A total of 356 cycle parking spaces are proposed in two tier stands in an enclosed cycle store serving both phases. No objection has been raised by the County Council in highways terms, subject to suggested conditions and legal agreement. The conditions are attached to the recommendation as condition 17 to 21.

Part of the site was formerly occupied by a car repair garage, a B2 use which in planning terms is considered an employment use. The inclusion of two ground floor commercial units which may be occupied in A1-4, B1, D1-2 uses is considered to make adequate alternative employment opportunities and as such is considered to comply with the aims of policy E3 of the Exeter Local Plan First Review. Part of the site was formerly occupied by the transport workers club. The building remains but is vacant at the time of writing. Policy CS6 protects Community Spaces where there is a shortfall of provision in the area, however text supporting this policy refers specifically to community halls. Core Strategy policy CP10 guide that facilities which meet Exeter's community, social, health, welfare, education spiritual cultural, leisure and recreation needs will be protected. Demolition of the buildings on site would however constitute permitted development as they are not listed, are not within a conservation area, and are not dwellings or public houses. Following demolition of the buildings the three current planning units would become one and the existing uses would be extinguished, leaving the site with nil use in accordance with the principle established by the Iddenden case. Whilst the buildings remain at the time of writing the lawfulness of demolition without further consent remains a consideration in determining this application.

In principle the redevelopment of this site for student accommodation on the upper floors, with town centre active ground floor uses at street level below, is supported. The key issues in determining this application are considered to be: the height, massing and design of the proposed building, potential for contamination and the impact of noise on living conditions of future occupiers.

Height Massing and Design

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

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

The site of this building is not identified in previous urban analysis or the Bus and Coach Station Area Development Principles as appropriate or requiring a landmark building, not being a prominent corner site or the focus of significant views. The design reinforces Summerland Street as the primary frontage and travel route and activates the grounds floor on Belgrave Road, Summerland Street and Bampfylde Street.

The proposed development acts as a second phase of the approved redevelopment of the former Bus Depot site matching the height of the eastern end of the building approved, completing the enclosure of the private amenity space central to that scheme and the perimeter development of this city block.

The site is currently hard landscaped and the redevelopment provided the opportunity to incorporate some green landscape into the street. Tree planting on the Summerland Street frontage will be above existing levels due to service congestion under the pavement. Measures that enhance biodiversity, including bird nesting opportunities, can be secured by condition.

The volume and massing of the building is considered to maximise density whilst still relating well to highways spaces which are enlarged by the buildings stepping back from the back of pavement to create more public realm and forecourts to the commercial units. The building is considered to respond well to changing site levels stepping the building down the gradient towards Western Way.

The use of brick on upper floors as proposed is supported as it is considered to respond to the context and the residential use and to use a brick colour that responds to the palette of materials in the locality and which reinforces local distinctiveness.

The 'Grecian Quarter' was identified in the Core Strategy and the City Centre Vision as a n area of regeneration that can accommodate higher densities and larger floorplates that would be less

likely to be acceptable within the historic core. As such the proposals are considered to protect the integrity of the city wall and contribute positively to the historic character of the city centre whilst improving the quality of the public realm. The development includes a mix of uses that will help create a City Centre that is vital and viable and presents a positive experience to the visitor.

As such the proposals are considered to accord with the aims of policies DG1 and DG4 of the Exeter Local Plan, Policy CP17 of the Exeter Core Strategy and the Bus and Coach Station Area Development Principles

The development will introduce further residential uses into the 'Grecian Quarter' regeneration area supporting the ground floor units which could be occupied by Class A uses (including retail and restaurants), business (B1) and leisure uses. These are designed to have active and transparent frontages. The hours of use of these areas can be controlled by condition. The landscape scheme includes tree planting, though given the extensive underground services these will necessarily be in raised planters. Conditions are proposed to secure details of landscaping and external materials.

Noise

A Construction Environment Management Plan can be secured by recommended condition 9 in the interests of protecting residential amenity and the environment during construction.

The development is proposed in an area where there are existing noise generating uses, most notably the night club (Unit 1) and car part fitting centre on Summerland Street and the bus station, all of which have the potential to impact on residential occupiers of the site. The proposed ground floor uses have the potential to impact both on residential occupiers of the site and neighbouring occupiers. Noise assessments of the current noise environment submitted with the application have demonstrated that measures to adequately provide for the living conditions of future occupiers can be achieved within the construction of the building. The applicant has also confirmed that adequate standards of internal comfort will be achieved with individually controlled mechanical ventilation avoiding the need to open windows, though windows will still be openable. A condition is suggested below as condition 11 to be attached to any consent and require the developer to submit a further ambient noise assessment to better understand the noise environment and inform the detailed design of the building facade, and to submit those construction details for approval, to ensure that the design will achieve the required standard of mitigation.

Approval of details of all plant, including smoke and odour control, serving the ground floor units will be required by suggested condition 12. Overall plant noise is proposed to be restricted by suggested condition 14.

A condition requiring further assessment of potential for noise before either of the commercial units are brought in to use as Q3, A4, D1 or D2 type uses proposed condition 13 as the type of activities proposed on the ground floor raises potential noise/other impacts on residential occupiers in particular.

Sustainability

Whilst experience shows that BREEAM 'Excellent' standard can be achieved in purpose built student housing it has also shown the difficulty of achieving BREEAM 'Excellent' in speculative

retail units where the tenant . The residential elements of the scheme will be required to be designed to connect to District Heating in future and internal systems and plant room to allow for this connection and to accord with the CIBSE UK Code of Practice for District Heating Networks. The scheme also makes a contribution towards the delivery of a District Heating Network to the site. These measures plus landscaping and biodiversity enhancements (including provision for nesting birds) which can be secured by the recommended conditions and Section 106 agreement. As such the proposals are considered to accord with the aims of policies DG1 of the Exeter Local Plan 1st Review and CP13 and CP15 of the Exeter Core Strategy.

Habitats Regulations and Environmental Impact Assessment Regulations.

This development has been screened as required by the Environmental Impact Assessment Regulations in respect of the need for an Environmental Statement given the nature/scale of the development and its potential impacts and the character of the receiving environment it has been concluded that the development is unlikely to give rise to significant environmental impacts and as such the development is not EIA development requiring an Environmental Statement.

This development has been screened as required by the Habitats Regulations in respect of the need for an Appropriate Assessment (AA) and given the nature/scale of the development it has been concluded that an AA is required. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPA's, and that no further mitigation is required.

Link to 'Phase 1' Bus Depot Development

The proposed development will be occupied as an extension or second phase of the development on the former bus depot site originally permitted as permission 16/0405/FUL. The first phase was self-contained as consented. If this application is approved the two phases will be constructed as one building with the phases being mutually dependent, bin storage will be provided in phase 2 for the whole development, with cycle storage and internal and external amenity spaces provided in phase 1. The two phases will be connected internally and have a single management arrangement. A Section 106 legal agreement will therefore be required to ensure that the phases are not constructed or occupied independently.

Financial Considerations

Exeter City Council will receive New Homes Bonus for the 18 units of accommodation (10 studios and 9 clusters) that would be created by this development.

The development will also be liable for Community Infrastructure Levy PAYABLE which at 2018 rate has been a calculated as £174,991.59

RECOMMENDATION

Delegate authority to officers **APPROVE** the application subject to the completion of a Section 106 Agreement securing a restriction to student occupation, Student Management Plan, a financial contribution towards District Heating delivery to this site (£19,968.72), that occupation is only in conjunction with phase 1 development, and off site highway works and the following conditions (which may be varied):-

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 as listed below and as modified by other conditions of this consent.

Floor and roof plans 001224-AHR-AP-010 rev P01, AP-011 rev P01, AP-012 rev P01, AP-013 rev P01, AP-014 rev P01, AP-015 rev P01, AP-016 rev P01, and AP-017 rev P01 received 5 April 2018.

Elevations 001224-AHR-AP-111 rev P01, AP-112 rev P01, and AP-113 rev P01 AP-200 rev P01 received 5 April 2018.

Sections drawings 001224-AHR-AP-200 rev P01, AP-201 rev P01, and AP-202 rev P01, and AP-203 rev P01 received 5 April 2018.

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

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

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

4. A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

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

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

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

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

7. 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 parts 1 to 4 have 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 condition 4 has been complied with in relation to that contamination.

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. 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.

d. 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 in accordance with the requirements of part a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved 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 c.

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.

8. Intentionally Blank

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

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

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

Reason: In the interest of the reasonable amenity of surrounding occupiers.

10. Details of the storage and management of waste for each commercial unit and the residential accommodation shall be agreed in writing by the Local Planning Authority before that part of the development is first occupied.

Reason: In the interest of public health and amenity and to ensure footways are not obstructed.

11. The applicant shall undertake an ambient noise survey and make recommendations for sound insulation based on the observed noise. These shall be submitted to the LPA for approval in writing prior to commencement of the development, and implemented in full prior to occupation of the development. The approved insulation shall be maintained as agreed thereafter.

The applicant should aim to achieve at least the standards set out in the submitted report by Mach Residential (Land at Summerland Street Exeter, Environmental Noise Report 008052-MAA-XX—XX-RP-N-ENA Issue S2 15/06/2018). The scheme should aim to prevent nearby noise sources from having an unacceptable impact on the amenity of future occupants of the development. Measures to protect against noise should not conflict with the needs of future occupants to prevent and address over-heating.

Reason: In the interests of the living conditions of future occupiers.

12. Prior to the commencement of any commercial kitchen, the kitchen ventilation system for kitchen 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, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. The applicant is advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

Reason: In the interests of the amenity of the area, especially nearby residential uses.

13. Before any unit is brought into an A3, A4, D1 or D2 use, a noise assessment shall be undertaken and submitted for approval to the LPA. This shall assess the impact of noise from the use on nearby receptors, and make recommendations for management, mitigation or control measures where necessary. The report shall be approved in writing by the LPA, and any agreed mitigation and control measures implemented in full prior to the commencement of the use.

Reason: In the interests of residential amenity.

14. 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 cumulative noise from all 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.

15. The Energy Plant installed and operated at the development shall meet all the criteria and specifications described in section A4 of the submitted report 'Air Quality Assessment: Land Off Summerland Street Exeter' (ref J322), from Air Quality Consultants dated 18 April 2018. Any changes to the criteria and specifications (either at the time of installation or at any point thereafter) should be agreed in writing in advance with the Local Planning Authority.

Reason: In the interests of protecting air quality.

16. Unless otherwise agreed, notwithstanding condition no. 3 no work shall commence under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority in so far as they relate to that phase and the following shall thereafter be provided in accordance with such details:

a) Detailed layout(s) of plant rooms associated with the space heating and provision of hot water to the building.

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

17. No part of the development hereby approved shall be brought into its intended use until further details of pedestrian/cycle facilities/crossing points in the immediate area (including from the site to Belgrave Road/Bampfylde Street) have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times. The applicant will need to enter into a S278 agreement.

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

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

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

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

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

20. No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site, or other areas as agreed in writing by the local planning authority, to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

21. Details of secure cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure cycle parking facilities have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

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

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

23. Unless otherwise agreed, notwithstanding condition no. 3, no work shall commence on the fit-out of tenant and associated landlord areas of the A, B and D class units on the ground and lower ground floors until 'Sustainable Fit-out Guidance' for these areas has been submitted to and approved by the Local Planning Authority. The fit-out of these areas shall only thereafter be carried out in accordance with the approved guidance.

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

24. Unless otherwise agreed in writing by the Local Planning Authority the A, B and D class units on the ground and lower ground floors hereby approved shall achieve an overall BREEAM scoring of 60 percent or greater for shell and core only. Unless otherwise agreed in writing by the Local Planning Authority the residential units hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

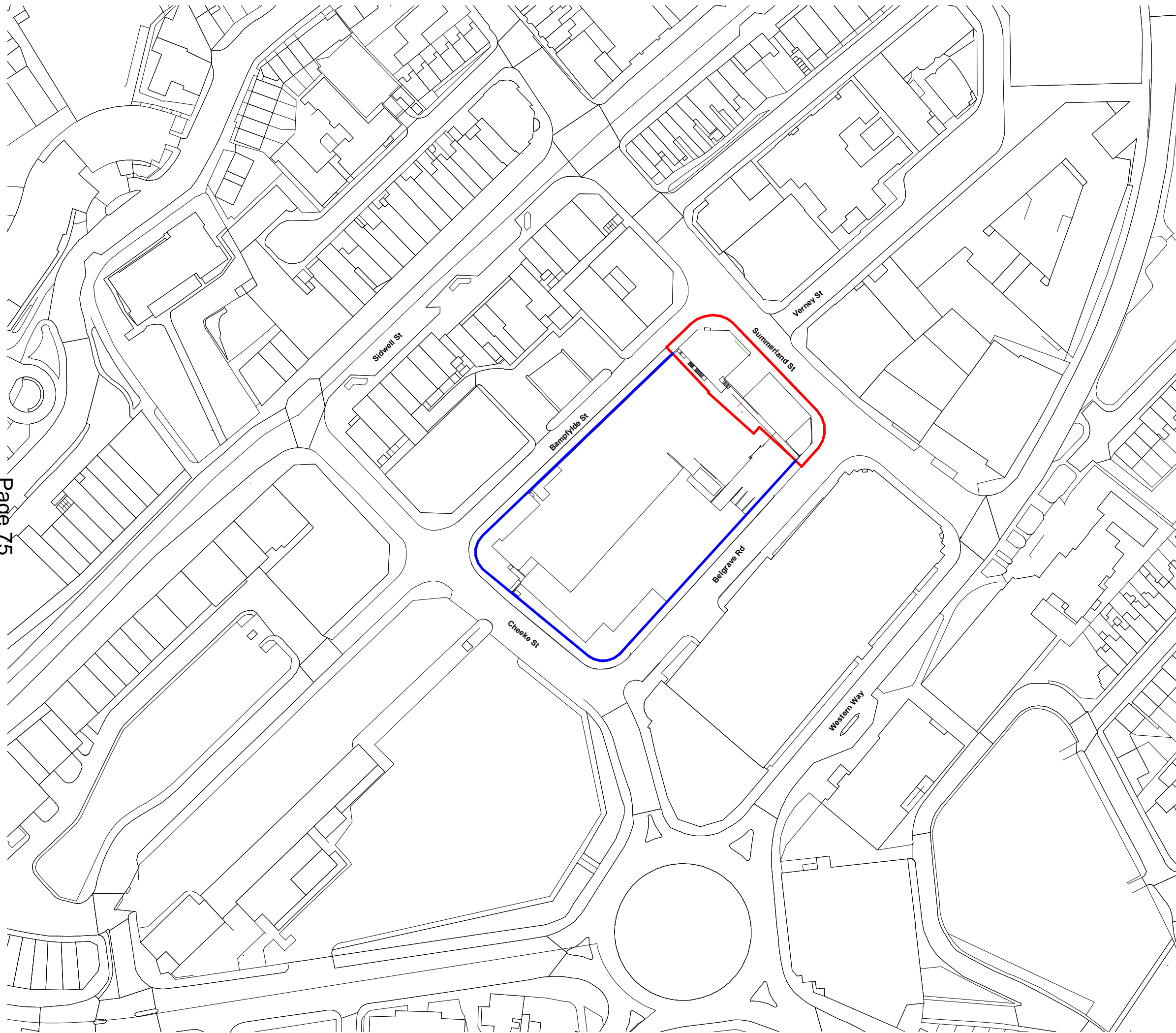
25. The recommendations in section 8 of the Explosive Ordnance Desk Top Study for Stagecoach Bus Depot, Belgrave Road, Exeter (project 15200) dated 11/05/2015 shall be complied with in full, throughout the works to implement this consent.

Reason: In the interests of public safety.

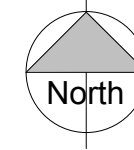
Local Government (Access to Information) 1985 (as amended),

Background papers used in compiling the report:

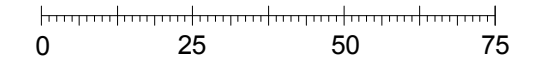
Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223



- Application Site Boundary
- Ownership Boundary



SCALE 1 : 1250



P01	Planning Issue	12.03.18	PKL	KJB
Rev	Description	Date	Dr by	App by
	original by	date created	approved by	
	PKL	08.03.2018	KJB	

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client name		
MACE		
project		
LAND ADJACENT TO SUMMERLAND STREET		
drawing		
SITE LOCATION PLAN		
computer file	plot date	
C:\Users\Philip.Leighton\Documents\SOF-P2-AHR-ZZ-ZZ-M3-A-SITEM-S1-COMBINED OPTION_Philip.Leighton.rvt		
project number	scale	
2016.01224.000	1 : 1250	@A3
drawing number	issue	rev
001224-AHR-AP-001	Planning	P01

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COMMITTEE DATE: 23/07/2018

APPLICATION NO: 18/0872/FUL

APPLICANT: Neil Bennett

PROPOSAL: Single storey rear and side extension.
LOCATION: 3 Dunvegan Close, Exeter, EX4 4AF

REGISTRATION DATE: 01/06/2018

EXPIRY DATE:

HISTORY OF SITE

13/3570/FUL - Ground floor rear and side extension including garage – permitted 17.06.2013 (permission now expired).

DESCRIPTION OF SITE/PROPOSAL

The application relates to a semi-detached dwelling in a row of similar dwellings. The proposal is to erect a single storey side and rear extension to form a store, study and wc/shower area to the side and a family room area to the rear. Materials are to match the existing.

The proposal is similar to the 2013 consent.

The application is being reported to the Planning Committee because the applicant is related to a staff member who is an occupant of the dwelling.

REPRESENTATIONS

None.

CONSULTATIONS

None.

PLANNING POLICIES/GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012

Exeter Local Development Framework Core Strategy 2012

CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011 Saved Policies

DG1 – Objectives of urban design

Exeter City Council Supplementary Planning Documents

Householder's Guide to Extension Design SPD 2008

OBSERVATIONS

The proposal does not strictly comply with the Householder's Guide to Extension Design, but in the context of this particular dwelling and the surrounding development it causes no harm to the amenity of neighbours or the character of the area.

RECOMMENDATION

APPROVE the application subject to the conditions listed below:

- 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 1 June 2018 (including dwg. no. Bennett/PL 04A) as modified by other conditions of this consent.

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

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

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

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: 23 JULY 2018

Report of: City Development Manager

Title: Delegated Decisions

1 WHAT IS THE REPORT ABOUT

1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by Ward.

2 RECOMMENDATION

2.1 Members are requested to advise the Asst City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to Planning Committee meeting.

2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

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

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

3.2 The decision type uses the following codes:

DREF	Deemed Refusal
DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
REF	Refuse Planning Permission
RNO	Raise No Objection
ROB	Raise Objections
SPL	Split Decision
WDN	Withdrawn by Applicant
WLU	Was Lawful Use
WTD	Withdrawn - Appeal against non-determination

**ANDY ROBBINS
CITY DEVELOPMENT MANAGER**

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All Planning Decisions Made and Withdrawn Applications between 14/06/2018 and 12/07/2018

Alphington

Application Number: 18/0389/FUL Delegation Briefing: 12/04/2018
 Decision Type: Permitted Decision Date: 21/06/2018 Delegated Decision
 Location: Orchard House Ide Lane Alphington Exeter Devon EX2 8UT
 Proposal: Conversion and alterations to existing garage to provide ancillary residential accommodation to Orchard House.

Application Number: 18/0514/FUL Delegation Briefing: 03/05/2018
 Decision Type: Refuse Planning Permission Decision Date: 21/06/2018 Delegated Decision
 Location: Agricultural Building/land To The North/West Of Crabb Lane, Ide, Exeter, EX2 9RA
 Proposal: Construction of a stable block for the proposed full livery enterprise.

Application Number: 18/0515/FUL Delegation Briefing: 03/05/2018
 Decision Type: Refuse Planning Permission Decision Date: 21/06/2018 Delegated Decision
 Location: Agricultural Building/land To The North/West Of Crabb Lane, Ide, Exeter, EX2 9RA
 Proposal: Construction of dwellinghouse to service the proposed livery business.

Application Number: 18/0708/FUL Delegation Briefing: 17/05/2018
 Decision Type: Permitted Decision Date: 26/06/2018 Delegated Decision
 Location: 13 Trusham Road Exeter Devon EX2 8RL
 Proposal: Installation of 2no vehicular access doors

Application Number: 18/0774/FUL Delegation Briefing: 24/05/2018
 Decision Type: Refuse Planning Permission Decision Date: 11/07/2018 Delegated Decision
 Location: 68 Broadway Exeter Devon EX2 9LY
 Proposal: Demolish garage and replace with extended garage

Duryard And St James

Duryard And St James

Application Number:	18/0487/FUL	Delegation Briefing:	12/04/2018	
Decision Type:	Permitted	Decision Date:	15/06/2018	Delegated Decision
Location:	Existing Car Park B To Far North West Corner Of The University Of Exeter Streatham Campus L			
Proposal:	Extension of existing car park B including two storey decked section and photovoltaic panelled canopy.			

Exwick

Application Number:	18/0296/FUL	Delegation Briefing:	07/06/2018	
Decision Type:	Refuse Planning Permission	Decision Date:	04/07/2018	Delegated Decision
Location:	6 Palmerston DriveExeterDevonEX4 2JA			
Proposal:	Two storey front extension			

Application Number:	18/0849/PD	Delegation Briefing:		
Decision Type:	Prior Approval Not Required	Decision Date:	28/06/2018	Delegated Decision
Location:	201 Exwick RoadExeterDevonEX4 2AU			
Proposal:	Single storey rear extension extending a maximum 5.6m from rear elevation, height to eaves 2.75m and max. overall height 3.18m			

Application Number:	18/0850/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	14/06/2018	Delegated Decision
Location:	22 Lincoln RoadExeterEX4 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:	18/0043/FUL	Delegation Briefing:	22/03/2018	
Decision Type:	Permitted	Decision Date:	19/06/2018	Delegated Decision
Location:	16 Bodley CloseExeterDevonEX1 3LD			
Proposal:	Ground floor rear extension			

Heavitree

Application Number: 18/0277/FUL Delegation Briefing: 24/05/2018
Decision Type: Permitted Decision Date: 15/06/2018 Delegated Decision
Location: 35 Normandy RoadExeterDevonEX1 2SR
Proposal: Single storey rear extension

Application Number: 18/0329/FUL Delegation Briefing: 14/06/2018
Decision Type: Permitted Decision Date: 06/07/2018 Delegated Decision
Location: 17 South AvenueExeterDevonEX1 2DZ
Proposal: Single storey rear and side extension; new front basement door (Revised from 17/0184/FUL - enlarged side extension; altered rear roof slope)

Application Number: 18/0558/FUL Delegation Briefing: 14/06/2018
Decision Type: Permitted Decision Date: 09/07/2018 Delegated Decision
Location: Unit 1A Hamlin LaneExeterDevonEX1 2RY
Proposal: Change of use of ground floor for fitness training and gym (D2 use) in addition to the current B1 Use.

Application Number: 18/0565/FUL Delegation Briefing: 24/05/2018
Decision Type: Permitted Decision Date: 15/06/2018 Delegated Decision
Location: 65 Butts RoadExeterDevonEX2 5BG
Proposal: Rear and side extension

Application Number: 18/0737/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 28/06/2018 Delegated Decision
Location: 2 Broom CloseExeterDevonEX2 5JF
Proposal: Single storey rear extension and associated works, and 2 rooflights

Heavitree

Application Number: 18/0993/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 04/07/2018 Delegated Decision

Location: 14 South Avenue Exeter Devon EX1 2DZ

Proposal: Discharge of condition 3 (external materials) relating to planning application reference 17/1650/FUL granted under appeal ref APP/Y1110/W/17/3192386 on 15 June 2018

Newtown And St Leonards

Application Number: 18/0388/FUL Delegation Briefing: 14/06/2018

Decision Type: Permitted Decision Date: 11/07/2018 Delegated Decision

Location: Park House Victoria Park Road Exeter Devon EX2 4NU

Proposal: Front porch

Application Number: 18/0517/LBC Delegation Briefing: 14/06/2018

Decision Type: Permitted Decision Date: 11/07/2018 Delegated Decision

Location: 3 Mount Radford Crescent Exeter Devon EX2 4EN

Proposal: Two new windows in existing openings

Application Number: 18/0623/FUL Delegation Briefing: 24/05/2018

Decision Type: Permitted Decision Date: 04/07/2018 Delegated Decision

Location: 13A Lyndhurst Road Exeter Devon EX2 4PA

Proposal: Single storey rear and side extensions; Internal and window alterations; Insertion of side pillars and gates

Application Number: 18/0624/LBC Delegation Briefing: 24/05/2018

Decision Type: Permitted Decision Date: 04/07/2018 Delegated Decision

Location: 13A Lyndhurst Road Exeter Devon EX2 4PA

Proposal: Single storey rear and side extensions; Internal and window alterations; Insertion of side pillars and gates

Newtown And St Leonards

Application Number: 18/0729/RES Delegation Briefing: 17/05/2018
Decision Type: Permitted Decision Date: 25/06/2018 Committee Decision
Location: Exeter Bus And Coach Station Paris Street Exeter Devon EX1 2JP
Proposal: Pedestrian access ramp linking Bampfylde Street to 'Street C', temporary gates and bin store for use by the bus station (Parcel B).

Application Number: 18/0810/FUL Delegation Briefing: 07/06/2018
Decision Type: Permitted Decision Date: 29/06/2018 Delegated Decision
Location: Maynard School For Girls Denmark Road Exeter Devon EX1 1SJ
Proposal: Extension to existing gymnasium building, amended design of approved scheme 17/1485/FUL

Application Number: 18/0945/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 28/06/2018 Delegated Decision
Location: 1 Gordon Road Exeter Devon EX1 2DH
Proposal: Single storey rear extension and associated works

Pennsylvania

Application Number: 18/0357/FUL Delegation Briefing: 14/06/2018
Decision Type: Permitted Decision Date: 06/07/2018 Delegated Decision
Location: 7 Park Road Exeter Devon EX1 2HP
Proposal: Demolition of existing garage, construction of new extension with toilet and workshop

Application Number: 18/0605/DIS Delegation Briefing:
Decision Type: Permitted Decision Date: 18/06/2018 Delegated Decision
Location: 6 Pennsylvania Park Exeter Devon EX4 6HB
Proposal: Discharge of condition 3 (ref application number 17/1100/LBC) re: new internal stairs and new porch glazed roof lantern.

Pennsylvania

Application Number: 18/0686/LPD Delegation Briefing:

Decision Type: Was lawful use Decision Date: 19/06/2018 Delegated Decision

Location: 192 Monks RoadExeterDevonEX4 7BN

Proposal: Dormer to rear elevation of residential dwellinghouse.

Application Number: 18/0892/PD Delegation Briefing:

Decision Type: Prior Approval Not Required Decision Date: 03/07/2018 Delegated Decision

Location: 28 Rolleston CrescentExeterDevonEX4 5EB

Proposal: Single storey rear extension extending a maximum of 3.88m from rear elevation, height to eaves 2.98m and max. overall height 3.25m.

Pinhoe

Application Number: 18/0221/FUL Delegation Briefing: 08/03/2018

Decision Type: Permitted Decision Date: 26/06/2018 Committee Decision

Location: Land West Of Cumberland Way Hollow LaneExeterEX1 3RW

Proposal: Construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure.

Application Number: 18/0642/FUL Delegation Briefing: 14/06/2018

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

Location: 25 Orchard CloseExeterDevonEX1 3SN

Proposal: Single storey rear extension

Application Number: 18/0754/FUL Delegation Briefing: 24/05/2018

Decision Type: Permitted Decision Date: 15/06/2018 Delegated Decision

Location: 27 Orchard CloseExeterDevonEX1 3SN

Proposal: Construct detached garage to replace existing.

Pinhoe

Application Number:	18/0986/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	05/07/2018	Delegated Decision
Location:	Monkton HousePinn LaneExeterDevonEX1 3RG			
Proposal:	Non-material amendment sought to planning approval (ref. 15/0790/FUL) to replace 1.8m high timber fence with 1.8m high brick wall.			

Priory

Application Number:	18/0258/FUL	Delegation Briefing:	07/06/2018	
Decision Type:	Permitted	Decision Date:	29/06/2018	Delegated Decision
Location:	20 Salmonpool LaneExeterDevonEX2 4SN			
Proposal:	Single storey side extension with hipped roof			

Application Number:	18/0327/FUL	Delegation Briefing:	07/06/2018	
Decision Type:	Permitted	Decision Date:	03/07/2018	Delegated Decision
Location:	8 Kipling DriveExeterDevonEX2 5BU			
Proposal:	Single storey side and rear extension			

St Davids

Application Number:	17/1640/FUL	Delegation Briefing:	23/11/2017	
Decision Type:	Permitted	Decision Date:	28/06/2018	Committee Decision
Location:	Exeter Royal Academy For Deaf Education50 Topsham RoadExeterDevonEX2 4NF			
Proposal:	Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works.			

Application Number:	18/0468/FUL	Delegation Briefing:	31/05/2018	
Decision Type:	Permitted	Decision Date:	22/06/2018	Delegated Decision
Location:	1 Silver TerraceExeterDevonEX4 4JE			
Proposal:	Change of use of basement from chiropody clinic to residential			

St Davids

Application Number: 18/0524/ADV Delegation Briefing:

Decision Type: Permitted Decision Date: 11/07/2018 Delegated Decision

Location: 22 Cathedral YardExeterDevonEX1 1HB

Proposal: One illuminated hanging sign

Application Number: 18/0525/LBC Delegation Briefing: 31/05/2018

Decision Type: Permitted Decision Date: 11/07/2018 Delegated Decision

Location: 22 Cathedral YardExeterDevonEX1 1HB

Proposal: Replacement front doors, internal alterations and hanging sign

Application Number: 18/0548/FUL Delegation Briefing: 03/05/2018

Decision Type: Permitted Decision Date: 22/06/2018 Delegated Decision

Location: Sports HallExeter CollegeQueen StreetExeterDevonEX4 3SR

Proposal: Construction of a two storey building consisting of gym at ground floor with dance studio and associated teaching space at first floor.

Application Number: 18/0675/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 21/06/2018 Delegated Decision

Location: Honiton Inn74 Paris StreetExeterDevonEX1 2JY

Proposal: Discharge of condition 3 (materials), 4 (archaeology), 5 (contract), 9 (noise), 10 (CEMP), 12 (BREEAM), 14 (contamination), 15/16 (surface water drainage), 17 (cafe refuse) and 18 (air quality) of planning application 16/1210/03 granted 12 April 2017

Application Number: 18/0713/FUL Delegation Briefing: 17/05/2018

Decision Type: Permitted Decision Date: 27/06/2018 Delegated Decision

Location: Attwill's AlmshousesNew North RoadExeterDevonEX4 4JT

Proposal: Demolition and rebuilding of extensions. Detached communal building.

St Davids

Application Number:	18/0714/LBC	Delegation Briefing:	17/05/2018	
Decision Type:	Permitted	Decision Date:	27/06/2018	Delegated Decision
Location:	Attwill's Almshouses New North Road Exeter Devon EX4 4JT			
Proposal:	Internal remodelling, and demolition and rebuilding of extensions.			

Application Number:	18/0715/ADV	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	26/06/2018	Delegated Decision
Location:	The Welcome Cafe Canal Banks Exeter Devon EX2 8DU			
Proposal:	The sign saying "Cafe" will be painted on the external west elevation in white lettering as shown on dwgs 2 and 3. The sign is aimed at attracting passers by either walking or cycling along the side of the canal.			

St Leonards

Application Number:	18/0298/FUL	Delegation Briefing:	07/06/2018	
Decision Type:	Permitted	Decision Date:	02/07/2018	Delegated Decision
Location:	46 Wonford Road Exeter Devon EX2 4LD			
Proposal:	Dormer window on front elevation			

St Loyes

Application Number:	17/1935/FUL	Delegation Briefing:	31/05/2018	
Decision Type:	Permitted	Decision Date:	04/07/2018	Delegated Decision
Location:	77 Thornpark Rise Exeter Devon EX1 3HH			
Proposal:	Rear two storey and single storey extension			

Application Number:	18/0253/FUL	Delegation Briefing:	14/06/2018	
Decision Type:	Permitted	Decision Date:	06/07/2018	Delegated Decision
Location:	Tesco Stores Ltd Russell Way Exeter Devon EX2 7EZ			
Proposal:	Erection of Xpress Centre Unit (vehicle panel repairs unit) and associated bollards within car park			

St Loyes

Application Number: 18/0254/ADV Delegation Briefing:
Decision Type: Permitted Decision Date: 06/07/2018 Delegated Decision
Location: Tesco Stores Ltd Russell Way Exeter Devon EX2 7EZ
Proposal: 1 x internally illuminated fascia sign on front elevation; 4 x non-illuminated vinyl signs on all elevations of new Xpress Centre Unit (vehicle panel repair unit)

Application Number: 18/0777/FUL Delegation Briefing: 24/05/2018
Decision Type: Permitted Decision Date: 15/06/2018 Delegated Decision
Location: 8 Britten Drive Exeter Devon EX2 5RY
Proposal: Two storey side extension

St Thomas

Application Number: 15/0737/FUL Delegation Briefing: 10/05/2018
Decision Type: Permitted Decision Date: 20/06/2018 Delegated to Planning Officer
Location: 1A Buddle Lane Exeter EX4 1JG
Proposal: Change of use from retail (A1) to hot food takeaway (A5)

Application Number: 17/1446/FUL Delegation Briefing: 14/06/2018
Decision Type: Permitted Decision Date: 06/07/2018 Delegated Decision
Location: 5 St Thomas Court Cowick Street Exeter Devon EX4 1AJ
Proposal: Replacement of metal frame windows on front and rear elevation with UPVC double glazed.

Application Number: 18/0360/FUL Delegation Briefing: 07/06/2018
Decision Type: Permitted Decision Date: 03/07/2018 Delegated Decision
Location: 24 Dunsford Gardens Exeter Devon EX4 1LN
Proposal: Proposed single storey extension

St Thomas

Application Number: 18/0419/FUL Delegation Briefing: 24/05/2018
Decision Type: Permitted Decision Date: 15/06/2018 Delegated Decision
Location: 52 Queens RoadExeterDevonEX2 9EP
Proposal: Single storey rear extension

Application Number: 18/0542/FUL Delegation Briefing: 31/05/2018
Decision Type: Refuse Planning Permission Decision Date: 06/07/2018 Delegated Decision
Location: 42-44 Buller RoadExeterDevonEX4 1BJ
Proposal: Change of use and conversion of chapel (D1) to single dwellinghouse (C3), including various external alterations.

Application Number: 18/0685/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 19/06/2018 Delegated Decision
Location: 11 Somerset AvenueExeterDevonEX4 1LX
Proposal: Rear dormer, front roof lights and single-storey extension.

Application Number: 18/0718/LBC Delegation Briefing: 14/06/2018
Decision Type: Permitted Decision Date: 06/07/2018 Delegated Decision
Location: Exeter St Thomas Rail StationCowick StreetExeterDevon
Proposal: Replacement platform lighting

Application Number: 18/0956/NMA Delegation Briefing:
Decision Type: Permitted Decision Date: 26/06/2018 Delegated Decision
Location: 55 Barton RoadExeterDevonEX2 9BT
Proposal: Minor alterations to windows being retained/infilled and minor flat layout alterations

Topsham

Topsham

Application Number: 17/0665/OUT Delegation Briefing: 11/05/2017
Decision Type: Permitted Decision Date: 26/06/2018 Committee Decision
Location: Sandy Park Lodge (Formerly Primrose Orchard) Old Rydon Lane Exeter EX2 7JP
Proposal: Demolition of Existing Bungalow to allow construction of New Hotel with up to 250 Bedrooms and associated facilities including new pedestrian foot Bridge link as main entrance at high level via Sandy Park Stadium Car Park. (Outline application with all matters reserved)

Application Number: 18/0151/FUL Delegation Briefing: 31/05/2018
Decision Type: Refuse Planning Permission Decision Date: 06/07/2018 Delegated Decision
Location: 48 Wear Barton Road Exeter Devon EX2 7EQ
Proposal: Detached dwelling

Application Number: 18/0684/FUL Delegation Briefing: 17/05/2018
Decision Type: Permitted Decision Date: 22/06/2018 Delegated Decision
Location: 5 Newcourt Way Exeter Devon EX2 7SA
Proposal: Change to an existing grass area for two additional parking spaces. Construct a 7m x 5m x 2.4m Timber Pergola to align with existing dimensions of the house and Garden Wall. The pergola will be wrapped in a 1M high green PVC coated steel wire fence. A 4M long section of the private 150mm curb will be dropped to allow vehicular access to the proposed new driveway. All drainage will run into the existing borders.

Application Number: 18/0701/FUL Delegation Briefing: 31/05/2018
Decision Type: Refuse Planning Permission Decision Date: 26/06/2018 Delegated Decision
Location: 19/20 High Street Topsham Exeter Devon EX3 0EA
Proposal: Demolition of boundary wall to create two parking spaces

Application Number: 18/0790/FUL Delegation Briefing: 14/06/2018
Decision Type: Permitted Decision Date: 06/07/2018 Delegated Decision
Location: Reeds The Retreat Drive Topsham Exeter Devon EX3 0LS
Proposal: Extension to form new car port, garage, utility and dining room; Construction of boundary railings; Rebuilding of existing brick retaining wall.

Topsham

Application Number:	18/0791/LBC	Delegation Briefing:	14/06/2018	
Decision Type:	Permitted	Decision Date:	06/07/2018	Delegated Decision
Location:	ReedsThe Retreat DriveTopshamExeterDevonEX3 0LS			
Proposal:	Extension to form new car port, garage, utility and dining room; Construction of boundary railings; Rebuilding of existing brick retaining wall.			

Total Number of Decisions Made

61

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 23 JULY 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 14 South Avenue – Ref 17/1650/FUL. The application sought a single storey rear extension (with flat roof, as opposed to the extension previously granted consent)

This appeal has been allowed. The key considerations were:

- The living conditions of the occupiers of 16 South Avenue
- The character and appearance of Month Le Grand conservation area

Nos. 14 and 16 each have a projecting rear tenement away from the shared boundary creating a recessed side return that runs to the original rear elevation and windows/doors of main habitable rooms.

The proposal would infill No.14's side return running along No.16's boundary with a flat roof extension that would wrap around the two storey tenement. The proposal appealed non-determination but would have been refused because of the perceived tunnelling effect that would result for No.16, contributing to a loss of natural light in a main habitable downstairs room, and the overbearing nature of the boundary being flanked by a mass of wall. A previous scheme whereby the extension had a pitched and hipped roof was believed to alleviate these concerns by reducing the massing on the boundary, and be of a design that better reflects and respects the character and appearance of the dwelling and conservation area.

The Inspector allowed the appeal on the following grounds relating to living conditions:

- The Householder's Guide SPD has limited weight regarding the length of extensions as it does not distinguish between properties with flat rear elevations and those with a stepped rear elevation.
- The proposed extension would be visible from No.16, however outlook is already impaired by the two storey rear projection at No.14 and the boundary wall guides the main outlook towards its own garden.
- The increase in boundary height is not considered to be great enough to cause a harmful tunnelling effect.
- No substantive evidence has been presented to suggest that the proposal will reduce

the available light falling to the rear and side facing windows of No.16 any more than the existing two storey projection.

Conclusion:

The proposal would not harm the living conditions of No.16 and therefore complies with the principles of the Development Plan that seek to ensure living conditions are protected, and residents can feel at ease within their homes and gardens.

The Inspector allowed the appeal on the following grounds relating to the character and appearance of the conservation area:

- Positive contribution of the building to the conservation area is believed to derive from stature of buildings, the appearance of their front elevations, and relationship with the road
- Flat roofs are not a common design in the immediate area, however the proposal is single storey and is not believed to be visible from any public places.
- The rear parapet is believed to give it appropriate proportions when viewed against the existing elevations of the rear of the main property.

Conclusion:

The proposal complies with policies CP17 of the Exeter Core Strategy, Policies DG1 and C1 of the Local Plan seeking high quality design, and preserving or enhancing the character and appearance of the conservation area.

The Inspector concluded that whilst the Council negotiated amendments to a previous scheme to overcome concerns the appeal proposal was found to be equally acceptable on the main issues.

3.2 **Gipsy Hill Hotel, Monkerton – Ref 17/0848/FUL. Proposed demolition of existing single storey accommodation block and construction of new self catering apartment block together with the refurbishment and extension to and existing adjacent hotel accommodation block.**

The appeal was dismissed.

Access to the site was proposed via Pinn Lane/Gipsy Hill Lane. Both are 'green streets' in the ST SPD/Monkerton Masterplan and the latter is a primary cycle route. Gipsy Hill Lane is very narrow with no footways or lighting, hence pedestrians and cyclists currently have to share it with vehicles accessing the Hotel and adjacent residential properties. Whilst the appeal was against non-determination, it was refused for being contrary to a number of DP policies prioritising pedestrian/cycle movement over vehicles and paras 32 and 41 of the NPPF. The development would have increased vehicle movements along Gipsy Hill Lane increasing the likelihood of conflicts arising between vehicles and pedestrian/cyclists and no mitigation was proposed by the appellant. In addition, no habitats contribution was secured for the proposed 'serviced apartments'. The economic benefits of the proposal did not outweigh these issues therefore the proposal was not 'sustainable' in the context of the NPPF.

Applicants should aim to provide segregated paths for pedestrians/cyclists, particularly on routes that have been designated in this regard.

The appellant contested the wording in Para 32 of the NPPF stating that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' Because the appeal proposal generated a relatively low volume of traffic, the appellant argued that this sentence meant that Para 32 did not apply to the proposed development, pertinently the part stating that 'Plans and decisions should take account of whether... safe and suitable access to the site can be achieved for all people.' The Inspector agreed with the Council's position, as evidenced by another appeal decision, that 'severe' only refers to highway capacity and congestion issues, not safety issues – 'highway safety impacts do not need to be severe in order to render the appeal scheme unacceptable.'

At the same time as this appeal has been running an application for 62 dwellings on the neighbouring site (Sandrock) is being negotiated to try and overcome these issues. The Sandrock application received a resolution to approve subject to s106 at Planning Committee on 25 June and includes a new 3.5m wide segregated pedestrian/cycle path to Gipsy Hill Lane, widening of Gipsy Hill Lane to 4.8m and funding to deliver a segregated path to Pinn Lane. When this infrastructure is delivered it will overcome the majority of the access issues to the appeal site and make the existing situation safer for all users.

4. New Appeals

4.1 No new appeals have been received.

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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