

PLANNING

Date: Monday 1 October 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 3 September 2018.

(Pages 5 -
14)

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. 18/1007/OUT - Devon and Cornwall Constabulary Police Training College, Alderson Drive, Exeter**

To consider the report of the City Development Manager. (Pages 15 - 50)

6 **Planning Application No. 18/0886/18 - 78-84 Bovemoors Lane, Exeter**

To consider the report of the City Development Manager. (Pages 51 - 62)

7 **Planning Application No. 18/0890/18 - Thornpark Rise and Birchy Barton Hill**

To consider the report of the City Development Manager. (Pages 63 - 72)

8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 73 - 86)

9 **Appeals Report**

To consider the report of the City Development Manager. (Pages 87 - 90)

10 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 16 October 2018 at 9.30 a.m. The Councillors attending will be Harvey, Sutton and Bialyk.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 29 October 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 3 September 2018

Present:-

Councillor Sutton (Chair)

Councillors Bialyk, Branston, Denham, Edwards, Harvey, Mrs Henson, Morse, Prowse, Thompson and Vizard M

Apologies

Councillors Lyons and Foale

Also Present

Chief Executive & Growth Director, City Development Manager, Project Manager (Planning) and Democratic Services Officer

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WEBCAST OF MEETING

A Member referred to the webcasting and use of Facebook Live of the meeting and the fact that, because of the position of the cameras, she did not feel that all Committee Members would be visible at all times.

The Chair explained that webcasting of Planning Committee meetings had only been recently introduced and was experimental and a work in progress at this stage. She asked that the difficulty referred to be addressed for the next meeting.

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MINUTES

The minutes of the meetings held on 23 July and 13 August 2018 were approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Councillor Morse declared interests and left the meeting during consideration of Min. Nos. 167 and 168 below.

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PLANNING APPLICATION NO. 18/0998/RES - SANDY PARK ROAD, OLD RYDON LANE

The City Development Manager presented the application for a 250 bed hotel with reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26 June 2018, reference 17/0665/OUT).

Both the Chair and City Development Manager advised that all access issues relating to this development had been previously determined by this Committee in October 2017 as part of outline planning permission.

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

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

- local residents are not anti-hotel and many are very pleased for the success of the Club. They are concerned about accessibility issues and need reassurance that the necessary measures will be put in place to ensure safety and reduce traffic flow along the roads leading to the stadium and hotel both during and after construction;
- other developments in the area including 20 houses at Bricknells and a further 380 homes anticipated for a neighbouring area of land will also exacerbate concerns regarding access and traffic issues generally for the residents of Old Rydon Lane and the Rydons; and
- a major issue is the need for better consultation from the Club and the example of both the Ikea and Aldi developments should be followed - both have been proactive in consulting local residents with Ikea circulating a newsletter.

John Campbell spoke against the application. He raised the following points:-

- local residents do not oppose the hotel development but have not been adequately consulted;
- support the 'no entry' Traffic Regulation Order of westbound traffic beyond the hotel but such restrictions may be ignored;
- residents support the inclusion of a traffic island to stop eastbound traffic turning right into the hotel;
- staff car parking should be within stadium parking facility;
- signs showing 'no access to hotel' should be erected at west end of Old Rydon Lane on Newcourt Way, and 'access to hotel only' at Clyst Road end of Old Rydon Lane;
- access for staff and commercial vehicles from Newcourt Way, along Old Rydon Lane is unacceptable as it is unsafe;
- major fire issues have not been addressed;
- an alternative, as circulated, would have minimal impact on current residents and which would offer better access, bringing staff and commercial traffic to the hotel from the roundabout within the Sandy Park Complex;
- a further alternative would be to ensure that commercial and staff access could be from Clyst Road, not bringing traffic through a residential area; and
- approval for, and work on the hotel, should not commence until these traffic flow, fire and safety issues have been fully addressed and a formal consultation with local residents has been held.

Tony Rowe, Chair of Exeter Chiefs RFC, spoke in support of the application. He raised the following points:-

- believe the Club have addressed all concerns regarding access. Service vehicles will access the hotel from the west along Old Rydon Lane and construction vehicles will access the site via Clyst Road;
- Exeter Chiefs is a member owned club and promotes Exeter throughout the British Isles and Europe, notably through its recent success as English Champions in 2017 and Runners Up in 2017. The most recent match against Leicester Tigers, the first of the season, was screened on live television and potentially viewed by 70 million households worldwide;
- the stadium holds 12,000 with many visiting the City, either as Chiefs fans or those of the opposition contributing to the local economy; and
- the club's survival depends on commercial viability and future plans also include a conference and exhibition centre. The four star Marriot Hotel is

therefore crucial to the overall development and to support the business.

He responded as follows to Members' queries:-

- the club have liaised with Devon County Council on the Traffic Regulation Order to ensure safe road conditions;
- the club is happy to meet with residents and the hotel architect has already met the Chairman of the Newcourt Residents' Association to discuss the proposal and allay fears;
- the club will own the hotel with Marriot managing under a 30 year lease; and
- note that the Traffic Regulation Order will be subject to confirmation by the Exeter Highways and Traffic Orders Committee when the public can again comment.

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

Responding to a Member, the City Development Manager further advised that the Traffic Regulation Order was required via a condition agreed as part of the outline permission granted by the Committee and that the funding would be met through a Section 106 Agreement. Issues raised by the Devon and Somerset Fire and Rescue Service would be addressed as part of the building control application. Members welcomed the proposal, commending in particular the hotel's design which was considered of appropriate scale and massing next to the Sandy Park Stadium, overlooking the M5 and providing a visible and attractive landmark and a gateway into the City from the east.

RESOLVED that planning permission for a 250 bed hotel with reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26 June 2018, reference 17/0665/OUT) 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 28th June, 14th, 24th, 29th, and 30th August 2018 (including dwg. nos. 1632 L01.04 Rev A, SP-KT-XX-XX-DR-A-IE-1632-SK100-P3, SP-KT-XX-XX-DR-A-IE-1632-SK102-P5, SP-KT-XX-B3-DR-A-IE-1632- SK200-P1, SP-KT-XX-B2-DR-A-IE-1632- SK201-P1, SP-KT-XX-B1-DR-A-IE-1632- SK202-P1, SP-KT-XX-00-DR-A-IE-1632- SK203-P1, SP-KT-XX-01-DR-A-IE-1632- SK204-P1, SP-KT-XX-02-DR-A-IE-1632-SK205-P1, SP-KT-XX-03-DR-A-IE-1632- SK206-P1, SP-KT-XX-04-DR-A-IE-1632- SK207-P1, SP-KT-XX-05-DR-A-IE-1632- SK208-P1, SP-KT-XX-06-DR-A-IE-1632- SK209-P1, SP-KT-XX-XX-DR-A-IE-1632- SK500-P1, SP-KT-XX-XX-DR-A-IE-1632- SK300-P2, SP-KT-XX-XX-DR-A-IE-1632-SK301-P2, SP-KT-XX-XX-DR-A-IE-1632- SK302-P2, SP-KT-XX-XX-DR-A-IE-1632- SK303-P2, SP-KT-XX-XX-DR-A-IE-1632- SK400-P1, SP-KT-XX-XX-DR-A-IE-1632- SK401-P1, 528/01 Rev A, 528/02 Rev B, and 528/03 Rev B) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

- (2) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled,

including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. (*The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'*)

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

- (3) No part of the development hereby approved shall be brought into its intended use until the emergency access/staff car park accesses crossing of the proposed footway/cycleway that runs adjacent to Old Rydon Lane as indicated on *Drawing Number SP-KT-XX-XX-DR-A-IE-1632 SK102-P5*, have been provided in accordance with detailed construction plans that shall previously have been submitted to, 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 108 of the NPPF.

- (4) No part of the development hereby approved shall be brought into its intended use until the traffic island on Old Rydon Lane, visibility splays, secure covered cycle parking (for both staff and visitors), staff parking facilities and associated turning area for all vehicles as indicated on *Drawing Number SP-KT-XX-XX-DR-A-IE-1632 SK102-P5*, have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.

Thereafter the said facilities shall be retained for their intended purpose at all times.**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

- (5) No part of the development hereby approved shall be brought into its intended use until suitable changing facilities/lockers for staff members have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the said facilities shall be retained for use by staff members at all times.

Reason: To provide adequate facilities for sustainable transport.

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PLANNING APPLICATION NO. 18/0884/ECC - GARAGES BETWEEN 28 AND 36 ANTHONY ROAD, EXETER

The City Development Manager presented the application for the demolition of 13 no. garages and construction of three, three bed terraced houses and associated parking and access.

The garages were City Council owned and he confirmed that notice to quit had been given to those who were renting, although it was believed that most garages were being used for storage purposes. The car parking provision was consistent with Council policy. He also advised that a condition prevented construction on Sundays and Bank Holidays. Some Members expressed their concern that the properties would not be available to rent but would be sold on the open market. It was however noted that the threshold for requiring affordable housing was ten and other Members also remarked that Government policy restricted the ability of Council's to build homes for rent. It was noted that residents' parking permits would not be available.

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

RESOLVED that planning permission for the demolition of 13 no. garages and construction of three, three bed terraced houses and associated parking and access be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 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 7th June and 9th August 2018 (*dwg. nos. AL (0) 10/501 Rev C2, AL(0)101 AR Rev P3, LL(0) 400-AR Rev PT2, E1206-GSA-TR-DR-A-2206 Rev C1, 170501/AR/110, 170501/AR/100 and 170501/AR/101*, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) 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.
- (4) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- (5) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. AL(0)10/501 Rev C2, and the cycle parking shall be maintained at all times thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- (6) Construction Environment Management Plan (CEMP) condition.
- (7) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851a, July 2017) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation 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. 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 updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- (8) Construction/demolition 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 local amenity.

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**PLANNING APPLICATION NO. 18/1031/ECC - FORMER RESTAURANT,
MAGDALEN STREET, EXETER**

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and left the meeting during consideration of this item.

The Project Manager (Planning) (GM) presented the application for the change of use to winter night shelter and community facility for homeless people (Sui Generis). He responded to the comments of an objector suggesting issues to be covered by a proposed management plan for the shelter/day centre. The proposal involved renovation, provision of a bathroom and a change of use.

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

The City Development Manager explained that, as a sui generis use, the application was unique and did not fall within any use class. Planning permission was therefore required for all future change of use.

Fiona Darde, the General Manager of Hotel du Vin, spoke against the application. She raised the following points:-

- support need for a winter shelter for the homeless but believe that the location is unsuitable as there will be an adverse impact on the hotel, its visitors and neighbouring residential properties. The facility will overlook the hotel and have an adverse impact on business with problems of noise, disturbance and anti-social behaviour likely;
- the lack of outdoor amenities would result in clients congregating outside the centre causing problems as well as attracting individuals seeking to target vulnerable people;
- as the perimeter is fenced off, hotel guests using the Acorn car park will have to walk past the facility and will also feel intimidated when leaving the hotel to visit the city centre;
- request a deferral for further information on the number of the City's homeless; and
- if approved, a detailed management plan is necessary covering queuing at

the entrance, congestion outside the building, security of the car park and storage of belongings and the facility should be closed if the management plan is not adhered to.

In response to a Member, she confirmed that she had met with the housing team at the City Council

Peter Denning, Chief Executive of Julian House, spoke in support of the application. He raised the following points:-

- Julian House wish to support Exeter which had a significant problem with rough sleepers with between 20-30 sleeping rough most nights;
- similar concerns had been raised from the traders in Market Street two winters ago to the night shelter in that street but had not been realised, The facility had been well managed with experienced staff and CCTV with staff meeting regularly with the traders;
- the Acorn site was the best of 18 alternatives examined as it was a relatively anonymous site and close to the city centre. The manager had 15 years of experience having worked at six similar facilities and would meet with those who had expressed concerns including the Hotel management.

He responded as follows to Members' queries:-

- the night shelter would operate between 1 October and 31 March, to be used during the rest of the year as a day centre;
- the Market Street shelter had witnessed a maximum of 29 sleepers in one night with typical figures being in the 20's. Not all rough sleepers had sought to use the facility but many of those who had done so had been successfully moved to permanent accommodation;
- there would be no risk of queuing as there would be a three to four hour window to receive clients; and
- Julian House was responsible for the homeless team at CoLab and there would therefore be a joined up approach with this facility as well as St Petrocks.

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

Members welcomed the proposal as a suitable solution to the significant problem of homelessness and rough sleeping in the City.

RESOLVED that planning permission for the change of use to winter night shelter and community facility for homeless people (Sui Generis) be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 July as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

- (3) The use hereby permitted shall not commence until the Local Planning Authority has agreed in writing a Management Scheme submitted by the applicant and the agreed measures have been put in place. The Management Scheme shall include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time. Occupation shall be managed in accordance with the approved scheme.
Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

168 **PLANNING APPLICATION NO.18/1032/ECC - HOWELL ROAD CAR PARK, EXETER**

Councillor Morse declared an interest because of her involvement as a Portfolio Holder and left the meeting during consideration of this item.

The Project Manager (Planning) (GM) presented the application for the temporary installation of modular building and separate toilet block used as a Winter Night Shelter for Homeless People between 1 October 2018 and 31 March 2019.

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

RESOLVED that planning permission for the temporary installation of modular building and separate toilet block used as a Winter Night Shelter for Homeless People between 1 October 2018 and 31 March 2019 be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 July as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) The use hereby permitted shall not commence until the Local Planning Authority has agreed in writing a Management Scheme submitted by the applicant and the agreed measures have been put in place. The Management Scheme shall include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time. Occupation shall be managed in accordance with the approved scheme.
Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

- (4) If not otherwise agreed with the LPA development hereby approved shall be designed and built to meet the needs for ambulant disabled people in accordance with M1/M3 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

- (5) The development shall allow South West Water free access to their control apparatus at the north boundary. Before the works with fencing off the site a plan of these works shall be submitted and approved by the LPA.

Reason: In the interest of South West Water and the control in these respects.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 September at 9.30 a.m. The Councillors attending will be Morse, Prowse and Vizard.

(The meeting commenced at 5.30 pm and closed at 7.25 pm)

Chair

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Agenda Item 5

COMMITTEE DATE: 01/10/2018

APPLICATION NO: 18/1007/OUT
APPLICANT: Hammerson (Exeter II) Limited and The Devon & Cornwall Police and Crime Commissioner
PROPOSAL: Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping.
LOCATION: Police Headquarters, Devon And Cornwall Constabulary Police Training College, Alderson Drive, Exeter, Devon EX2 7HQ

REGISTRATION DATE: 02/07/2018

EXPIRY DATE:

HISTORY OF SITE

13/4067/OUT	Outline planning application (with all matters reserved except for access) for two residential areas (referred to as 'Area A' and 'Area B') to provide a combined provision for up to 92 residential units. Area A is located in the north-western part of the Middlemoor site whereas Area B is located in the central part (to the south of the proposed supermarket).	PER	14.01.2015
13/4073/FUL	Full planning application for a Criminal Justice Centre and Police Hub in the south of the site and a Class A1 Supermarket (extending to 6,789 sqm with associated petrol filling station and customer car parking for 418 cars) in the north-east of the site.	PER	23.12.2014
16/0088/N-MA	Non-material amendment to replace condition 16 with alternative conditions providing clarity on the minimum BREEAM standards to be achieved in respect of this development, with particular reference to a revised standard in respect of the supermarket buildings in line with the obligations contained in the Deed of Variation of the Section 106 Agreement made between the Council and the Police and Crime Commissioner for Devon and Cornwall (dated 5th November 2015). (Non-material amendment to Planning Permission Reference No. 13/4073/03 granted on 23rd December 2014).	PER	04.02.2016
18/0648/SO	Screening opinion	Pending	
18/0651/NMA	Amendment to approved consent in respect of the Criminal Justice Centre and Police Hub comprising	PER	10.05.2018

minor changes relating to the following: -
alignment of internal access road, external ground levels/landscaping, internal vehicular access arrangements and parking layout (Both vehicular and cycle), building footprint, finished floor levels and overall building height, secure compound to custody building, plant buildings/arrangements, materials/external appearance/design of building, and design of external areas. (Non-Material Minor Amendment to planning permission 13/4073/03 granted 23rd December 2014).

DESCRIPTION OF SITE/PROPOSAL

The site comprises part of a playing field and adjoining buildings/hardstanding at Devon and Cornwall Police Headquarters, Middlemoor. The site is in St Loyes ward. It includes highway land to the north and west, including the Wilton Way roundabout on Honiton Road to the north. The site is bounded by housing to the north, the Exeter to Exmouth railway line ('Avocet Line') to the east, the Police Headquarters including new Criminal Justice Centre under construction to the south, and the Police Training College to the west. The site area is 4.54ha. The area of playing field land is approximately 2.3ha.

The site is undesignated in the development plan, with the exception that Honiton Road, Hill Barton Road and the A3015 link between them are proposed cycle routes. There are no above ground heritage assets either on the site or in the vicinity of the site. The site is in Flood Zone 1. The Air Quality Management Area covering Honiton Road and the Middlemoor roundabout is a short distance away to the west/southwest.

The proposal is to demolish the buildings on the site and develop a retail park, with new vehicular access off Wilton Way roundabout to the north. The access is in the same position as the extant planning consent for a supermarket. The access will lead to a car park with 417 parking spaces (33 for disabled users and 6 electric vehicle charging points). 76 cycle parking spaces are proposed (40 staff and 36 customer). A large warehouse building split into 8 retail units will be built adjoining the car park to the east, which will have a service yard behind adjacent to the railway line. Three smaller units will be built to the north, which will be used as restaurants with drive-through facilities. A gym will be provided above one of the retail units at first floor level. The application includes the ability to install up to 50% mezzanine cover across the other retail units. A small Management Suite building will be built in the car park, which will include customer toilets. The total floorspace of the application is 14,103 sq m (GIA) (8,883 sq m (GIA) ground / 5,220 sq m (GIA) first floor/mezzanine). The entrance to the site either side of the access will be landscaped with a variety of plants and shrubs. A fence will be constructed along the south and west boundaries with a beech hedge planted adjacent to it. A few planting areas will be provided in the car park.

While the application has been running, the applicants have proposed the following conditions to control the use of the retail floorspace:

Use of Units RT1 – RT8

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or of any replacement Order, Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall be used for Class A1 purposes only.

Units RT1 – RT8 Sales Area

The total net sales area of Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall not exceed 9,594 square metres,

Class A1 Food use in RT1 – RT8

Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall not be used for the sale of food except that the sale of food is permitted as follows:

- the sale of food in up to 15% of the floorspace in one unit, and, in addition
- 1 unit, not exceeding 1,951sqm gross internal area, may be used predominantly for the sale of food within Class A1; and
- the sale of pet food; and
- the sale of confectionery where sold as ancillary goods;

Class A1 Non Food use in RT1 – RT8 and P3

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or of any replacement Order, Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall not be used for the sale of any Non Food goods other than those in the following categories:

- i. Do-It-Yourself goods and garden centre goods, including related building materials, tools and equipment;
- ii. Kitchens and bathrooms;
- iii. Carpets, wall and floor coverings;
- iv. Lighting products;
- v. Household furniture, furnishings and textiles;
- vi. Office furniture and supplies;
- vii. Household goods and kitchenware;
- viii. Electrical goods;
- ix. Motor vehicle related goods and bicycles and related goods;
- x. Marine accessories and chandlery;
- xi. Camping and associated leisure goods;
- xii. Pets and pet related products;
- xiii. Hobbies, crafts and toys (in no more than one unit; or where sold as ancillary goods)
- xiv. Sports and outdoor leisure pursuits clothing, footwear and equipment (in no more than one unit; or where sold as ancillary goods) and
- xv. Toiletries (only where sold as ancillary goods and not exceeding a maximum of 50sqm in total).

Unit Size/Subdivision

Unless otherwise agreed in writing by the Local Planning Authority, units RT1 – RT8 and P1, P2, P3 identified on Plan URB SA 08 00 03 D02 shall not be subdivided.

Use of Units P1, P2 and P3

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or of any replacement Order, Units P1, P2 and P3 as identified on Plan URB SA 08 00 03 D02 shall be used for Class A3 purposes only.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement (Burnett Planning, June 2018)
- Retail & Leisure Assessment (Burnett Planning, June 2018)
- Design and Access Statement (Urban Edge, June 2018)
- Statement of Community Involvement (SCI) (Camargue, June 2018)
- Transport Assessment (WSP, June 2018)
- Framework Travel Plan (WSP, June 2018)
- Arboricultural Constraints Report (ACR) / Arboricultural Impact Assessment (AIA) / Arboricultural Method Statement (AMS) (Greenman Environmental Management, June 2018)
- Preliminary Ecological Appraisal (WSP, June 2018)
- Air Quality Assessment Revision 6 (Hoare Lea, 29 June 2018)
- Lighting Strategy Report (WSP, June 2018)
- Noise Assessment Report (WSP, June 2018)
- NPPF Flood Risk Assessment (WSP, June 2018)
- Sustainability Energy Strategy Revision 03 (Hoare Lea, 22 June 2018)
- Sustainability BREEAM 2014 New Construction Pre-Assessment Report Revision 05 (Hoare Lea, 22.06.2018)
- Utility and Energy Infrastructure Utility Infrastructure Strategy Revision 03 (Hoare Lea, 29 June 2018)
- Waste Audit Statement (WSP, June 2018)

Additional Information Submitted During Application

- Preliminary Geo-Environmental Risk Assessment (WSP, June 2018)
- Letter re Sport England consultation (Burnett Planning, 24.07.2018)
- Waste Audit Statement Revision 3 (WSP, July 2018)
- Middlemoor Retail Park, Exeter – Retail Use – Proposed Planning Conditions (18/1007/FUL) (Burnett Planning, 16.08.2018)
- Addendum to Air Quality Assessment (Hoare Lea)
- Letter re Sport England objection (Burnett Planning, 11.09.2018)
- Middlemoor Retail Park, Exeter – Retail Use – Proposed Planning Conditions (18/1007/FUL) – Revised V2 (Burnett Planning, 11.09.2018)
- NPPF Flood Risk Assessment Rev 3 (WSP, August 2018)

REPRESENTATIONS

13 objections have been received. The following issues have been raised:

- “Clone” development / lacks individuality.
- Traffic plan does not go far enough; current roundabout is already dangerous / numerous accidents; plan needs to go further to alleviate dangers and cope with additional traffic generated; planned roundabout provides no deflection of traffic along Honiton Road coming from City Centre.
- Current roundabout design is not fit for purpose in terms of reducing speed and does not meet current design standards – proposal does nothing to alleviate this, as doesn’t provide deflection of traffic for vehicles travelling along Honiton Road; there have already been a high number of accidents; it is extremely difficult to exit Wilton Way.
- Impact on City Centre of four out of town retail parks in close proximity.
- This part of Exeter does not need more large retail units.

- Access should not be on roundabout.
- Difficult to egress Wilton Way.
- Cars from motorway approach roundabout too fast.
- Roundabout should be redesigned to give better and safer access to cars from Wilton Way.
- Will make dangerous roundabout more treacherous.
- Traffic lights may improve safety of roundabout.
- More rubbish, congestion and pollution.
- Existing shops struggling – don't need more shops / takeaways.
- Roundabout is unsafe for pedestrians and cyclists – roundabout needs to be made off set and bigger to slow traffic. Pedestrian crossings should be provided.
- Existing roundabout configuration is very dangerous with fast traffic from the M5 and city centre; times in morning rush hour the volume of traffic means can wait five minutes to leave Wilton Way; more needs to be done with the design to slow traffic, e.g. shift centre of roundabout to increase curvature and peak time traffic lights.
- Hatched area of roundabout does nothing to deter vehicles from using it; exit from Wilton Way entails crossing two lanes of traffic making it more dangerous; no longer have designated lane into Wilton Way from Honiton Road (from city centre) meaning wait to enter is even longer; application is an opportunity to improve roundabout.
- Similar retail parks nearby – proposal unnecessary; fast food outlets will increase litter, could cause anti-social behaviour and deepens obesity crisis in country.
- Two other retail park applications – if all granted planning permission traffic will become extremely congested and will impact city centre.
- Will exacerbate traffic congestion problem in peak times; three other retail park applications – this is the least appropriate location; residential development would be more appropriate.
- Numerous accidents/near misses on roundabout, although these are not reported; lane into Wilton Way omitted in proposals; provisions for cyclists to cross roundabout?
- Impact on air quality and insufficient mitigation – does not account for other major developments under consideration.
- TA does not account for increase in flows on local highways due to this application and the others, nor linked trips to competing developments such as IKEA; most frequent bus service (Green P&R) from stop that exceeds 400m maximum walk distance.
- Does not integrate sympathetically with existing residential development; lacks distinct identity.
- Removal of trees before submission disappointing and provides little or no visual buffer to residential areas opposite; lack of trees will increase light pollution directed towards residential properties – 24 hour operation of food and drink outlets would maintain amenity impacts throughout the night.
- 'Bulky goods' can be sold from vacant units in the city centre; flexibility beyond bulky goods could result in a different retail mix, which would threaten the city centre; cumulative retail impacts should be considered.

CONSULTATIONS

NB. Should the Planning Committee resolve to approve the application, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued.

Highways England: Initially recommended that planning permission is not granted for 3 months to allow the applicant time to provide further assessment of the traffic impact at Moor

Lane Roundabout and M5 J29. Subsequently recommended the following condition should planning permission be granted:

Condition: the A1 food retail floor space of the development hereby permitted shall not exceed 1,951sqm, as per the Schedule to Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes)) (Amendment)(England) Order 2005 or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: in the interest of the safe and efficient operation of the strategic road network.

Local Highway Authority (DCC): Objects – Recommends refusal for the following reasons:

1. The road giving access to the proposal (a 5-arm roundabout) by reason of its capacity and absence of any Road Safety Audit does not form a safe and suitable access to the site for all users, contrary to paragraphs 108 and 109 of the NPPF.
2. The access points to the proposal by reason of its inadequate pedestrian/cycling facilities and absence of any Road Safety Audit does not form a safe and suitable access to the site for all users, contrary to paragraphs 108 & 109 of the NPPF, Aim 4.1 of the Monkerton & Hill Barton Masterplan and Policy CP19 of the ECC Core Strategy.

Summary

The primary vehicular access point (the additional arm onto the Wilton Way Roundabout) is a fundamental concern. The highway authority has yet to see any conclusive evidence that the proposed roundabout can satisfactorily work in terms of its capacity (ARCADY assessments) nor its safety (No Safety Audit). The county has experience of difficulties with similar developments elsewhere in Exeter and consequently has re-examined the principle of a 5-arm roundabout in this location and the cumulative effects are classed as severe.

In addition to this, the applicant has yet to provide sufficient information regarding walking and cycling access points both leading to the proposed retail scheme and at the primary vehicular access point. With the current access arrangements in mind, a refusal is recommended.

Were the Local Planning Authority to approve the submitted application, against my recommendation, I would request to be re-consulted on suitable conditions (such as an alternative vehicular access points and walking/cycling infrastructure / crossing points etc.) and/or contributions to attach to any permission. Comments made informally (sent to the LPA) and discussions held with the applicant should be taken into account.

Natural England: No comments to make – refer to Standing Advice.

Sport England: Objects – The application site is playing field land with historical use for the sport of cricket and currently for youth football. The applicant refers to a replacement site for the playing pitches, but it is our assessment that this is land already being used as playing fields. Therefore there is no 'replacement' playing field land. Re paragraph 96 of the NPPF and Sport England policy, it has not been demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment and that the site is surplus

to requirements. The proposal does not meet one of the five exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

The Football Foundation on behalf of the FA object to this proposal owing to the following reasons:

- There is no assessment that demonstrates an excess of playing fields in the catchment area.
- The site has a special significance for football.
- The replacement playing field is not equivalent or better in terms of quantity, quality and accessibility – is this a playing field that already exists?

The England & Wales Cricket Board (ECB) advise that the site in the past was used for cricket by the Devon & Cornwall police team. The supply of grass pitches in the Exeter boundary is a challenge and without a robust assessment, sites for cricket are something that we would not wish to lose.

Lead Local Flood Authority (DCC): Initially objected, as the assessment did not comply with current guidance. Withdrew objection following submission of revised Flood Risk Assessment, subject to following conditions:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.
- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Mixed Use Development, Land At Devon and Cornwall Police Headquarters, Middlemoor, Honiton Road, Exeter, NPPF Flood Risk Assessment; dated August 2018 Rev 3
Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Exeter Airport: Initially objected due to bird attracting trees and shrubs, and the absence of this issue in the Waste Audit Statement. Withdrew objection following the submission of revised landscaping plans and Waste Audit Statement. Requested wildlife control plan to be implemented if there are issue with birds in the future.

Network Rail: No objection in principle. Asset protection comments provided re demolition, fencing, drainage, safety, site layout, piling, excavations/earthworks, signalling, noise, landscaping, plant, scaffolding and cranes, lighting, safety barrier and tree removal. These

requirements should be added as planning conditions if not addressed in the supporting documentation submitted with the application.

South West Water: No objection or comment.

RSPB: Recommend conditions to secure the following measures in the Preliminary Ecological Appraisal:

- Works take place outside bird breeding season, unless overseen by ecologist.
- Species-rich native planting in landscape plans.
- Incorporate invertebrate hotels.
- Internal bat/bird boxes.

Devon & Somerset Fire & Rescue Service: Will make detailed comments at building regulations stage. Without prejudice, drawings appear to satisfy the criteria required for access under the building regulations. No objection.

East Devon District Council: Objects – Request any consent is conditioned to prevent future impacts of bulky goods retail uses on town centre proposals at Cranbrook. The proposed food store is smaller than the consented supermarket, so arguments that it would be in excess of that which could be accommodated within Cranbrook town centre are no longer relevant. This store should be provided in Cranbrook town centre as a more sequentially preferable location. Do not accept that Cranbrook town centre is not a town centre as retail and leisure assessment suggests. This issue will be addressed through the Cranbrook Plan, which is due for publication later this year. Cranbrook town centre is a sequentially preferable location particularly for the food store element. The development is likely to have a significant detrimental impact on Cranbrook town centre contrary to national planning guidance.

Exeter Chamber of Commerce & Industry: No response.

Exeter Cycling Campaign: Objects – Negative impact on road safety – evidence of multiple collisions in vicinity between Jan 2013 and Dec 2017, with seven collisions close to the entrance of the site. Will increase traffic on roads that are already heavily congested. Lack of cycling infrastructure in locality. Negative impact on air quality. Non-compliance with Core Strategy Policies CP1, CP8 and NPPF – impact on city centre. Poor quality access and failure to consider pedestrian and cycle movements in wider area. Whilst there are some cycle links, the site is not well catered for in terms of cycle access. Links to/from the direction of the city centre are particularly poor, as is accessing Honiton Road in either direction with no direct routes to the east or west without significant detours. People are highly likely to drive to the retail park, even for short distances, given the lack of safe and attractive cycle routes and the offer of free car parking. Non-compliance with Core Strategy Policy CP9 and Policy T3 of the Exeter Local Plan – the proposed development is car-centric that will encourage car driving. It will degrade facilities for pedestrians and cyclists by contribution to the already hostile environment on and around Honiton Road.

Met Office: No comments or objections.

Designing Out Crime Officer (Devon & Cornwall Police): There has been extensive work ongoing for this scheme between the architects and Police departments. Owing to the nature of some of the advice it is not for the public domain. So, the police designing out crime team have no objection and believe if advice is followed it will create a sustainable development that has a reduced risk of crime or anti-social behaviour.

Local Waste Authority (DCC): Initially commented that the Waste Audit Statement (WAS) is thorough in terms of identifying and quantifying the wastes that will be generated during the demolition, construction and operational phases and proposing measures for segregated storage and collection of those wastes. However, section 4.3 should require specific provision for the storage of food waste, given that three of the units are specifically for food and drink uses. A condition should be added requiring that the WAS be implemented in the proposed development. Subsequently confirmed that the point regarding section 4.3 has been addressed in revised WAS.

Environmental Health (ECC): Objects – Initially required further information on air quality. Following the submission of Addendum to Air Quality Assessment, stated that the updated modelling predicts slight impacts on air pollution in a few locations close to the development and a moderate impact at some receptors on East Wonford Hill. The modelling is based upon predicted traffic flows – 268 additional car movements per day at East Wonford Hill compared to baseline of 26,159 vehicles per day. No mitigation proposed other than 6 electric vehicle charging points. Mitigation should be proportionate to the harm caused. Object in accordance with Policy EN3 – the proposed mitigation is unquantified and insufficient. Upgrading buses on 4/4A/4B routes to latest Euro VI standard would be a good fit, as alternative mitigation. An upgrade of one bus operating on these routes from current Euro III to Euro VI standard would reduce nitrogen dioxide emissions by slightly less than the amount of emissions from an additional 268 cars. It is not possible to quantify what impact this would have on roadside concentrations of nitrogen dioxide, because a detailed dispersion model is needed to convert vehicle emissions to airborne concentrations, however it will clearly reduce concentrations in this area. This will have a health benefit for those living and spending time along this corridor. Recommend conditions (CEMP, Contaminated Land, UXO, Kitchen Extraction, Litter, Lighting, Noise).

Building Control (ECC): No comments.

Place Making Officer (ECC):

- Building parapet: confirmation should be provided about whether or not the proposed timber cladding will be left untreated: the way in which this weathers after completion might soon affect the appearance of the building.
- The initial site layout – option 5 in the Design and Access Statement indicated significant tree planting of the site fronting Honiton Road and Hill Barton Road but this has been virtually omitted from the final proposed layout.
- Instead the soft landscape proposals (drwg. Nos. 2063 URB SA [98] 00 01 D01 sheets 1-3) proposes groundcover planting fronting Honiton Road with areas of low growing ornamental shrubs at the corners of the proposed access road. The density of planting should be increased to ensure early cover and complemented with tree planting: sections through the cut slope on the northern boundary are required to illustrate shape and profile and indicate what the dashed lines represents.
- For the site as a whole tree planting should be included to provide a landscape structure for the site, to create a strong sense of place as well as a high quality landscape and public realm consistent with the Design and Access Statement rather than in a sparse and formless way as proposed.
- Six trees are proposed within the car park: additional trees would help to relieve the effect of the extent and form of the hard surfacing.
- All tree should be container grown to minimise transplant failure.

Living Options Devon: There is no Design and Access Statement with this application, therefore assume all public areas will be fully accessible and compliant with Part M of Building Regs and BS8300.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (July 2018)

Planning Practice Guidance (PPG)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

S1 – Retail Proposals/Sequential Approach

S2 – Retail Warehouse Conditions

S5 – Food and Drink

L3 – Protection of Open Space

L5 – Loss of Playing Fields

L8 – Indoor Sport Facilities

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

LS2 – Ramsar/Special Protection Area

LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG3 – Commercial Development

DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention

W21 – Making Provision for Waste Management (applies to major non-waste development)

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

DD1 – Sustainable Development

DD5 – Access to Jobs

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD22 – Open Space, Allotments, and Sport and Recreation Provision
DD25 – Design Principles
DD26 – Designing out Crime
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

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

1. The Principle of the Proposed Development

Retail Policy Issues

Planning permission has already been granted on this site to develop a supermarket (ref. 13/4073/FUL). This consent included a Criminal Justice Centre and other facilities for the police authority on land further to the south on the Police Headquarters site. It's understood that the police authority intended to sell the site to a supermarket operator in order to contribute funding to develop these facilities, but the operator pulled out of the deal which has led to the current application. The previous consent has been implemented and is a material consideration in the determination of the current application.

Advice has been obtained from GVA, a planning consultancy specialising in retail planning, on the retail policy aspects of the application. Their advice letter is attached to this report. This application is one of six current major applications for retail development on out-of-centre sites in Exeter. These are listed below:

- 17/1962/OUT – Outline application for development of a non-food retail unit (Use Class A1), with associated deliveries yard, car parking and landscaping on part of the

existing Tesco car park (all matters reserved except access). (At Tesco overspill car park, Russell Way)

- 18/0368/OUT – Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access). (At WPD Depot, Moor Lane)
- 18/0983/OUT – Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved). (At B&Q, Avocet Road, Sowton Industrial Estate)
- 18/1209/VOC – Redevelopment to provide detached building (3207sq. m.) for retail use (Class A1), parking, vehicular and pedestrian access to highway and associated works (Vary condition 3 of pp. 07/0397/FUL to allow the sale of all non-food products from up to 930.5 sq m (GIA) while retaining the restricted range of goods on the remaining floorspace). (At Toys R Us, Bishops Court Industrial Estate, Sidmouth Road)
- 18/1330/OUT – Mixed use development to provide town centre facilities comprising uses within Classes A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping (all matters reserved except access). (At Land North of Honiton Road and West of Fitzroy Road, Honiton Road) (“Moor Exchange”)

A previous application for retail development at Moor Exchange (ref. 18/0076/OUT) was recently withdrawn following the Planning Committee's decision to refuse this application for not being a 'local centre' in accordance with the development plan and concerns over the impacts on the City Centre and other designated centres in the city.

GVA previously advised that the Council should consider carefully whether these applications should be determined together in order to take account of cumulative impact issues should it wish to make a choice between them. The previous application for Moor Exchange was taken to committee individually, as this site is located within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy that allows for an element of retail development in accordance with Policy CP19. This is not the case with the current or other applications and they are not bound by Policy CP19 accordingly. Despite this, GVA have advised that this application is distinguishable from Moor Exchange, first because it is submitted in full rather than outline and second because it proposes to sell a much narrower range of goods including a high proportion of 'bulky' goods. With the exception of application ref. 18/1209/VOC submitted relatively recently, all the other applications have also been submitted in outline. Therefore, taking into account the site history and the enabling arguments of the case, officers consider that this application is distinguishable from the others and can also proceed to be determined on an individual basis.

Policy CP8 of the Core Strategy applies to the application and takes precedence over Policy S1 of the Local Plan First Review. It states that out-of-centre sites will only be considered if there are no suitable sites in, or on the edge of, the City Centre, district centres or local centres and the proposal would cause no significant overall impact on the existing centres and would bring net benefits. This is consistent with the NPPF, which sets two tests for retail development on out-of-centre sites: the sequential test and impact test (the latter only applies to developments comprising 2,500 sq m gross floorspace or more).

As with Moor Exchange, GVA consider that the only available sequentially preferable site is the Bus and Coach Station site. However, GVA do not consider this to be a suitable site for the proposal, due to the type of retail units and range of goods being sold, which are more likely to require on-site parking provision. Therefore, the sequential test is considered to be passed, subject to suitable and robust controls being placed on the retail floorspace via conditions. These controls have been agreed with GVA and officers, subject to some tightening over what are defined as ancillary goods and the amount of floorspace they can be sold from (see proposed conditions under 'Description of Site/Proposal' above).

In terms of impacts, GVA have undertaken an impact assessment of the scheme with two scenarios: 1) with foodstore in largest retail unit, and 2) without foodstore. This indicates that the proposal will have an impact on the City Centre comparison goods sector of around 2% (with or without a foodstore), rising to around 3% when taking into account other commitments. It also indicates that the proposal will have an impact of about 1%, rising to 2% taking into account commitments, on the City Centre convenience goods sector. The assessment also indicates that the proposal will have an impact on St Thomas District Centre of around 2% for convenience goods and 4.6% for comparison goods. These impacts are lower than the predicted impacts for the previous Moor Exchange proposal, which is due to the tighter controls placed on the range of goods that can be sold. GVA and officers agree that these impacts are not significant, therefore do not warrant refusal of the application in line with Policy CP8 and the NPPF. GVA have also pointed out that the extant consent for a supermarket allows for the sale of any comparison goods from up to 1,166 sq m of floorspace and the relinquishment of this provision in the current application weighs positively in the overall planning balance. GVA do not consider that there will be any significant adverse impacts on other centres in the city or on any investment projects in the city, including at the BCS site or Exe Bridges at St Thomas.

Therefore, the application is considered to accord with Policy CP8 and the relevant parts of the NPPF regarding the protection of town centres, subject to suitable conditions. The economic benefits of the proposal should also be taken into account, including 220 FTE jobs being created.

Loss of Playing Field Land

Sport England have objected to the application, due to the loss of playing field land (defined as the whole of a site which encompasses at least one playing pitch). This was also the case for the extant planning permission for a supermarket etc. Since the previous application, a football pitch has been marked out on the undeveloped land on the site and been used by a small number of junior football teams since the start of the playing season in 2017 as part of a voluntary community engagement programme entered into by the Devon and Cornwall Police and Crime Commissioner. The pitch is also used occasionally by the Force's football team. Before this the land was used for the Devon Air Ambulance and the Devon and Cornwall Police air support facility, which has relocated to Exeter Airport. The applicants state that the football pitch is a temporary relocation of the pitch on the south part of the Police Headquarters site, while the new Criminal Justice Centre and other facilities are constructed. A permanent replacement football pitch will be provided adjacent to the new Criminal Justice Centre in spring 2020 or possibly earlier, which in accordance with the legal agreement attached to the extant planning permission must be made available for community use. The applicants therefore consider that Sport England's objection is unreasonable given the planning history of the site and feel they are being unfairly penalised for having gone above and beyond the terms of the legal agreement.

In their response, Sport England refer to there being two football pitches on the south part of the Police Headquarters site previously and the provision of a single replacement pitch in this area as part of the previous application. They also claim that the site subject to this

application was used historically for cricket, although the applicants state that this is incorrect and cricket was historically played on the south part of the Police Headquarters site. Notwithstanding these matters, officers consider that the extant consent for a supermarket outweighs Sport England's objection. Therefore, in this case there is a material consideration to indicate not according with Policies L3 (Protection of Open Space) and L5 (Loss of Playing Fields), and paragraph 97 of the NPPF. However, as Sport England have objected, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued, should the Planning Committee resolve to approve the application.

2. Access and Impact on Local Highways

The Local Highway Authority has objected to the application because they do not consider that the proposed roundabout design can accommodate the proposed development in terms of capacity or safety. This is despite not raising an objection to the previous application for a supermarket in 2013/14 with similar access arrangements, i.e. provision of a fifth arm to the Wilton Way roundabout, although clearly this application must take into account circumstances as they are today. The Local Highway Authority state that the existing roundabout is close to capacity at peak times. Having ran their own modelling analysis, they state that provision of a fifth arm to the roundabout to access the site, in combination with the increased traffic of the proposal, will result in severe queuing on the approach roads to the roundabout, and vehicles struggling to exit the site. They say this raises the risk of rear end shunting. They say that there is a lack of information and errors in the applicants' Transport Assessment regarding the capacity of the roundabout, and no Road Safety Audit has been submitted.

The Local Highway Authority go on to say that if the previous design for the roundabout for the supermarket was submitted today, they would raise similar objections due to current traffic analysis and a lack of information on the safety implications. They also say that flaws were not identified in the previous submission. In terms of alternative access options, they state that it is not possible to signalise a five arm roundabout in this location. They suggest that Alderson Drive (the existing access to the Police Headquarters site) should be investigated as the access to the retail park, as it would not require adding a fifth arm to the roundabout, however the applicants have not engaged with them in this respect.

The Local Highway Authority has also raised the following issues:

1. Further details required in regard to the proposed works to the Hill Barton Road junction, including Road Safety Audit.
2. There are opportunities to improve pedestrian and cycle access to the site, which have not been taken up, including: narrowing the A3015/Alderson Drive junction to make it easier for pedestrians and cyclists to cross; providing a refuge island to make it easier to cross the A3015; and extending the shared use pedestrian/cycle path further to the east along Honiton Road in order to connect with the pedestrian/cycle highway improvement works proposed for Moor Exchange.
3. Pedestrian crossing points should be set back by one vehicle length on the arms of the roundabout to allow pedestrians/cyclists to cross behind vehicles in accordance with best practice.
4. There will be sufficient car parking for the proposed use; however, cycle parking standards should be exceeded, where practical, and changing facilities/lockers should be provided for staff in accordance with the Sustainable Transport SPD.
5. It appears there will be enough space for service vehicles to turn on the site.
6. A Travel Plan should be secured.

The applicants have discussed the possibility of constructing the permitted access to the supermarket and changing the application to only apply for the retail park, taking into account that the retail park is predicted to generate less traffic than the supermarket. This is a fallback position and a material consideration for the current application. However, the amount of weight that can be given to the fallback position depends on the likelihood of it being carried out. At this stage it is uncertain that the permitted access can be built because the extant consent is subject to a s106 agreement that requires the developer to enter into a Highway Works Agreement with the Local Highway Authority prior to commencement of the supermarket. Based on the current objection there is now doubt this can be agreed.

To shed further light on this matter, officers have requested a Stage 2 Road Safety Audit from the applicants for the permitted roundabout design in order to demonstrate that it is deliverable and can be given a high degree of weight as a fallback option. The Local Highway Authority has confirmed that this is necessary in order to enter into the Highway Works Agreement. However, if this is not possible at this stage, officers have requested a Stage 1 Road Safety Audit instead and confirmation from the Local Highway Authority that the permitted roundabout design is deliverable based on this. Officers have also requested Stage 1 Road Safety Audits for the roundabout design and other highway works proposed in the current application. The applicants are in the process of preparing these.

If it is demonstrated that the extant permitted access can be delivered, then this will weigh favourably in the determination of the current application. However, it should also be remembered that the impacts to the highway network will only occur when the retail park becomes operational and while it's predicted to generate less traffic than the supermarket, the reduction in capacity of the roundabout compared to four years ago is also a material consideration. This may be a result of additional development being built to the east of Exeter over the intervening years. Therefore, the weight that is given to the supermarket as a fallback will also be relevant in coming to a judgement over whether the proposed access to the site is acceptable.

The applicants have asked officers to take the application to the next committee to be determined. They have also made the suggestion of adding a condition prohibiting occupation of the development until the highway improvement works for the reconfiguration of the roundabout have been completed in accordance with details previously agreed by the Local Planning Authority. However, until the above Road Safety Audits are submitted and considered, officers' recommendation is that the application should be refused in accordance with the Local Highway Authority's objection. If officers consider that the proposed access is acceptable following the submission of this information and further consultation with the Local Highway Authority, then the pedestrian and cycle improvement works set out in 1-3 above should also be secured in the application.

3. Parking

The proposed car park will include 417 car parking spaces (33 for disabled users and 6 electric vehicle charging points), slightly more overall than the previous Moor Exchange application. The indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail, 1 space per 20 sq m for non-food retail and 1 space per 22 sq m for D2 including leisure. This means that if a food store occupies the largest retail unit and the maximum allowance for mezzanines is taken up, approximately 736 car parking space should be provided. The applicants however state that the standards don't make an allowance for linked trips or opportunities to access the site by sustainable modes, therefore rigidly applying the standards would result in an over provision of parking. Officers accept this and note that the Local Highway Authority has not objected to the application on the basis of a lack of car parking.

The minimum car parking standards for disabled users in Table 4 of the Sustainable Transport SPD require 4 + 4% of the total capacity of the car park for shopping developments. 4% of 417 rounds up to 17, therefore a minimum of 21 disabled spaces should be provided. The proposed provision of 33 disabled spaces is therefore acceptable. The SPD states that retail facilities should be future-proofed to provide charging points for electric vehicles. 6 charging points are proposed, which is 1.4% of the total. Officers have encouraged the applicants to increase this. As a comparison, the previous Moor Exchange proposal offered 10%. A condition should be added securing the electric charging points prior to occupation.

The minimum cycle parking standards set out in Table 2 of the Sustainable Transport SPD require 1 staff cycle space per 350 sq m net retail floorspace. This means that a minimum of 27 staff cycle parking spaces should be provided for the A1 retail units (based on the applicants' proposed net sales area condition for Units RT1 – RT8). Staff cycle parking is also required for the A3 retail units and gym. 40 staff cycle parking spaces are proposed, which is considered to be an acceptable amount. Final details of the design and location of these should be secured by condition. Showers, lockers and space to dry clothes must also be provided (ST SPD Para 5.3.1) and a suitable condition added to secure this in the development.

Customer cycle parking is also required. The relevant standards are 1 space per 350 sq m net retail floorspace (minimum 10 spaces) for food retail, 1 per 500 sq m of net retail floorspace (minimum 4 spaces) for non-food retail and 1 space per 20 peak period visitors for sports facilities. This means that a minimum of about 20 customer cycle spaces are required for the A1 retail units. Provision should also be made for the proposed A3 retail units and gym. A total of 36 customer cycle parking spaces are proposed, which is considered to be an acceptable amount. Final details of the design and location of these should be secured by condition.

4. Impact on Air Quality

Environmental Health objected to the application, due to unquantified and insufficient air quality mitigation to address the predicted impacts of the traffic generated by the scheme on air quality within the Air Quality Management Area at East Wonford Hill. However, the applicants have subsequently agreed to pay the suggested air quality mitigation contribution of £42,000 towards upgrading one bus on route 4/4A/4B from Euro III standard to Euro VI standard. Euro VI standard buses produce significantly less nitrogen dioxide pollution than older Euro III standard buses. The contribution should be secured in a s106 legal agreement.

5. Design and Landscape

The designs of the proposed buildings are considered to be acceptable and of satisfactory appearance. The glazed elevation of the main retail terrace will have a vertical emphasis, providing a good degree of enclosure to the large space of the car park. The architectural quality of the development will depend to a large extent on the quality of the materials. Final confirmation of the materials to be used should be secured by condition.

The Place Making Officer has commented that the density of planting in the proposed landscape scheme should be increased, including more tree planting if possible. A detailed landscaping scheme should be secured and implemented through a planning condition. This will provide the opportunity to review the amount and quality of the proposed soft landscape works. Fruit bearing trees and shrubs should not be incorporated to protect Exeter Airport. A

Landscape and Ecological Management Plan (LEMP) should also be secured by condition to ensure that the soft landscape is well managed and maintained in the future.

6. Impact on Amenity of Surroundings

Environmental Health have raised no concerns over the impact of the proposals on the amenity of surrounding residential properties, subject to suitable conditions being added to any planning consent. These include conditions on: contaminated land, kitchen extraction, detailed lighting scheme and plant noise.

7. Impact on Trees and Biodiversity

28 individual trees are proposed to be removed. These are mainly considered to be low quality with the exception of two category B trees. Suitable replacement tree planting should be secured in the detailed landscaping scheme for the site (see '5. Design and Landscape' above). A condition should be added to protect the trees to be retained on and around the site during the construction phase. The biodiversity enhancement measures set out in the submitted Preliminary Ecological Appraisal should be secured in the LEMP to be conditioned (see '5. Design and Landscape' above).

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

8. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The applicants' proposed surface water drainage strategy incorporates permeable paving and bio-retention tree pits. The Lead Local Flood Authority (DCC) has confirmed that the proposed surface water drainage strategy is acceptable, subject to pre-commencement conditions to secure final design details of the systems for the construction and operational phases.

9. Sustainable Construction and Energy Conservation

Policy CP13 requires new development with a floorspace of at least 1,000 sq m to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development will exceed this floorspace and the site is located close to one of the network areas at Monkerton. However, the operator of the network has been contacted to explore the practicalities of connecting this scheme to the network and they have confirmed that in this case the demand does not justify the expense of crossing Honiton Road and the railway line at this time. Therefore, there is no requirement for the scheme to connect to the Monkerton DEN.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013 and are expected to be zero carbon from 2019. The proposals include a PV system on the roof of the development in order to achieve zero carbon for the shell development. A BREEAM Pre-Assessment has been undertaken indicating that the

development will achieve a BREEAM Excellent rating. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is fully complied with.

CIL/S106

The proposed development is CIL liable, as it is for retail development outside the city centre. The rate for permission granted in 2018 is £174.67 per sq m. This applies to the net chargeable floor area. The proposed development includes a total of 12,198.3 sq m (GIA) A1 and A3 retail floorspace (which includes 3,112 sq m mezzanine floorspace). A total of 2,393 sq m will be removed in existing buildings to be demolished. Therefore, the net chargeable floor area is 9,805.3 sq m and the total liability is £1,712,691.75.

The applicants have requested that the application is split into phases for the purposes of CIL to account for the mezzanine floorspace, which will be installed on a unit by unit base by incoming tenants. This is in case mezzanines are not installed or are smaller than the application allows for. Officers have agreed to this. Therefore, the CIL liability will be paid as follows:

Phase 1 (main development)

- Net chargeable floor area = 6,693.3 sq m
- Liability = £1,169,118.71
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. £50,000 within 60 days after the date on which development commences
 2. £150,000 within 1 year after the date on which development commences
 3. £200,000 within 18 months after the date on which development commences
 4. £769,118.71 within 2 years after the date on which development commences

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

Phase 2 (RT1 mezzanine)

- Chargeable floor area = Up to 557.4 sq m
- Liability = Up to £97,361.06
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £47,361.06 within 1 year after the date on which development commences

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

Phase 3 (RT2 mezzanine)

- Chargeable floor area = Up to 464.5 sq m
- Liability = Up to £81,134.22
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:

1. Up to £50,000 within 60 days after the date on which development commences
2. Up to £31,134.22 within 1 year after the date on which development commences

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

Phase 4 (RT3 mezzanine)

- Chargeable floor area = Up to 464.5 sq m
- Liability = Up to £81,134.22
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £31,134.22 within 1 year after the date on which development commences

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

Phase 5 (RT4 mezzanine)

- Chargeable floor area = Up to 464.5 sq m
- Liability = Up to £81,134.22
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £31,134.22 within 1 year after the date on which development commences

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

Phase 6 (RT5 mezzanine)

- Chargeable floor area = Up to 696.75 sq m
- Liability = Up to £121,701.32
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £71,701.32 within 1 year after the date on which development commences

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

Phase 7 (RT6 mezzanine)

- Chargeable floor area = Up to 185.8 sq m
- Liability = Up to £32,453.69
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £32,453.69 within 60 days after the date on which development commences

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

Phase 8 (RT7 mezzanine)

- Chargeable floor area = Up to 278.7 sq m
- Liability = Up to £48,680.53
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:

1. Up to £48,680.53 within 60 days after the date on which development commences

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

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

- Financial contribution of £42,000 towards upgrading buses to Euro VI standard on services 4/4A/4B as air quality mitigation.

RECOMMENDATION

REFUSE for the following reason(s):

1. The proposed access to the site comprising adding a fifth arm to the Honiton Road/A3015/Wilton Way roundabout will result in a severe impact on the local highway network in terms of its capacity and safety. Furthermore, evidence has not been submitted to demonstrate to the satisfaction of the Local Planning Authority that the reconfiguration of the roundabout as permitted under planning application ref. 13/4073/FUL can be delivered accounting for current traffic conditions and that it will be appropriate for the proposed use. Therefore, the application is contrary to paragraph 109 of the NPPF.
2. The access points to the proposal by reason of its inadequate pedestrian/cycling facilities and absence of any Road Safety Audit does not form a safe and suitable access to the site for all users, contrary to paragraphs 108 and 109 of the NPPF.
3. A s106 legal agreement has not been prepared in accordance with the Planning Obligations Supplementary Planning Document to secure a £42,000 contribution to upgrade a bus on service 4/4A/4B from Euro III to Euro VI standard in order to mitigate the air quality impacts of the additional traffic generated by the proposal on the Air Quality Management Area (AQMA). Without such mitigation being secured, the proposal will have an adverse impact on air quality within the AQMA and will be contrary to saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.



Our Ref:
Your Ref:

13th September 2018

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Dear Matt

Middlemoor – Proposed Retail & Leisure Development
(ECC reference: 18/1007)

Introduction

Further to your instructions, I write, as requested, to provide written advice on the key retail planning policy issues associated with the above planning application.

The submitted application comprises the following description of development:

“Demolition of existing buildings and erection of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping”.

A more detailed review of the scale and nature of the proposed floorspace is contained in the next section of this advice letter.

The applicants are Hammerson (Exeter II) Limited and the Devon & Cornwall Police Crime Commissioner.

Our review of the relationship of the proposed development with salient retail and town centre planning policies in the development and material considerations (such as the new National Planning Policy Framework ('NPPF') published in July 2018) has focused upon the sequential and impact tests. This is due to the application site lying in an out of centre location in planning policy terms.

When making our assessment, we have undertaken a review of the contents of the applicants' Retail & Leisure Assessment ('RLA') which has been prepared by Burnett Planning and dated June 2018. In addition to the RLA, the applicants have submitted some suggested controls over the proposed retail floorspace. These controls have been revised during the course of discussions between Burnett Planning, ECC officers and GVA and are outlined in the next section of this advice.

GVA is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB

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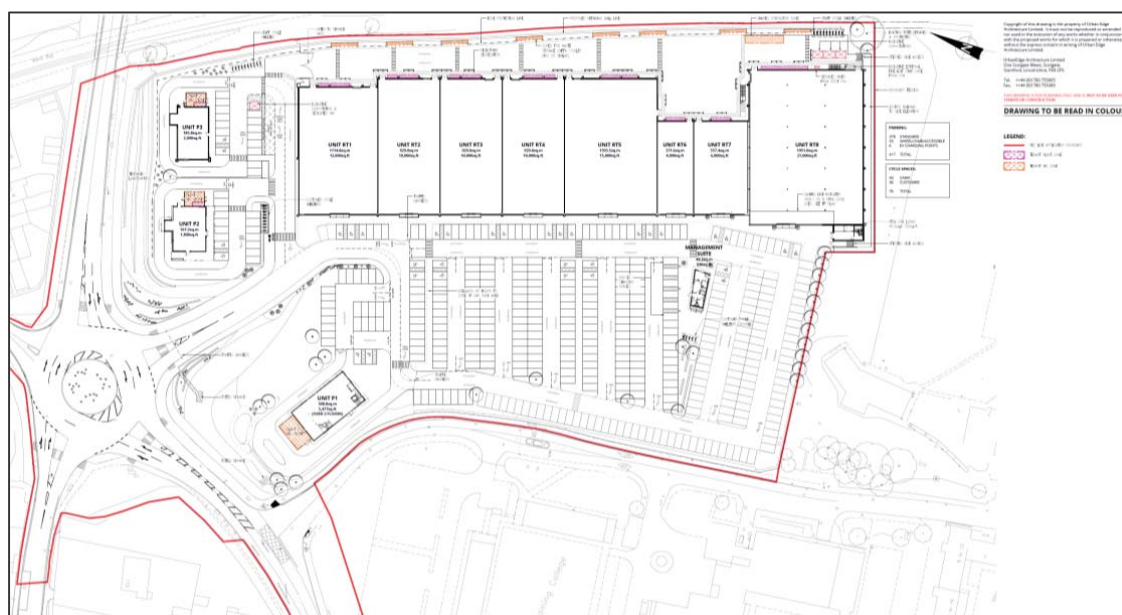
As you know, this application is one of a number of recent/current applications for retail development on the eastern side of the Exeter urban area. These are:

- Moor Exchange. ECC has recently resolved to refuse planning permission for a 12,634sq m retail development on land to the north of Honiton Road. The application was withdrawn by the applicant prior to ECC issuing its formal decision notice. This was the third application at the Moor Exchange site in recent years, following a refusal of planning permission by the Secretary of State for a similar scheme in 2016. We understand that another application at the Moor Exchange site has recently been submitted to ECC, although at the time of finalising this advice letter the application has yet to be registered.
- Western Power Distribution. An outline application for the redevelopment of the WPD depot to provide 7,962sq m of Class A retail floorspace.
- Tesco car park. An outline application for a 1,230sq m Class A1 retail unit on the car park of the existing Tesco supermarket at Russell Way.
- B&Q. Outline planning application for the redevelopment of the existing B&Q Warehouse at Avocet Road.

To date, we have provided written advice to ECC on the retail planning policy issues associated with the recent Moor Exchange application. An element of that advice contains relevant background and contextual information for this application at Middlemoor and therefore, in the interests of brevity, we will refer to the content of our May 2018 advice where necessary. Whilst the Middlemoor application needs to be determined on its own merits, it is nevertheless useful to refer back to the Moor Exchange proposals (and the Secretary of State's decision in 2016) as it can provide useful information.

The Proposed Development

This is a full planning application and an extract from the submitted site layout plan is shown in Figure 1 below:



Eight medium to large retail units are proposed (R1-R8) along with three smaller units (P1-P3). As originally proposed these three units were to have dual A1 and A3 use, although the draft controls offered by the applicants now propose these to be Class A3 use only.

In total, 14,103sq m of gross floorspace is proposed. Within this amount, the following can be provided:

- A maximum non-food floorspace of 11,473sq m
- A foodstore unit of 1,951sq m
- 1,905sq m of Class D2 health and fitness floorspace
- 862sq m for the originally proposed A1/A3 floorspace, now changed to A3 only.

The RLA indicates that the eight larger units in the scheme *“will be occupied mainly by national multiple bulky goods retailers in the furniture, furnishings and homewares sectors”* and *“other bulky goods retailer interest may come from the hobbies, sports, and toys sectors”*.

Section 1 of the RLA refers to the previous planning permission on this site for a large supermarket and notes that it *“includes 1,166sq m unrestricted non food sales floorspace as part of that approved store. In the proposed scheme it is proposed to retain an element of the flexibility that this 1,166sq m sales floorspace would provide but not to allow it to be used for the sale of all non food goods”*. Such an allowance was proposed in the applicants' initial set of draft controls but has subsequently been removed.

The current version of the draft proposed controls are as follows:

- A restriction on food retail sales, apart from:
 - Up to 15% of the sales area of one unit;
 - The use of one unit as a foodstore up to 1,951sq m gross; and
 - The sale of confectionery where sold as ancillary goods.
- The following categories of non-food goods can be sold:
 - DIY and gardening goods
 - Kitchens and bathrooms
 - Carpets and floor coverings
 - Lighting products
 - Household furniture, furnishings and textiles
 - Office furniture and supplies
 - Household goods and kitchenware
 - Electrical goods
 - Motor vehicle related goods
 - Marine accessories and chandlery
 - Camping and associated leisure goods
 - Pets and pet related goods
 - Hobbies, craft and toys (from one unit only)
 - Sports and outdoor leisure pursuits clothing, footwear and equipment (from one unit only)
 - Toiletries (but only where sold as ancillary goods and not exceeding a maximum of 50sq m in total)
- No sub-division of units R1-R8.
- The use of units P1/2/3 shall be Class A3 use only.
- Net sales area for R1-R8 of 9,594sq m.

Planning Policy Context

The development plan for Exeter comprises the Exeter Core Strategy and those remaining saved policies in the Exeter First Review Local Plan which have not been superseded by the contents of the Core Strategy. In addition to the development plan, the contents of the new NPPF and supporting National Planning Practice Guidance ('NPPG') will be material considerations.

The site subject to this application lies outside of any defined 'town centre' in the retail hierarchy in Exeter and the distance to the nearest defined centre indicates that the site should be classified as

an out of centre location. As a consequence, Policy CP8 of the Core Strategy is relevant to this application. As set out in paragraph 3.4 of our May 2018 advice report, CP8 allocates a significant amount of new food and non-food retail floorspace to the city centre and indicates that proposals in out of centre locations will be considered against the sequential and impact tests. CP8 also refers to the requirement for 'local retail facilities' in the Monkerton/Hill Barton and Newcourt urban extensions.

National planning policy on retail and town centres in the July 2018 version of the NPPF is contained within Section 7 of the new document and its development management policies closely follow the previous version. Paragraphs 86 and 87 deal with the sequential test and continue to advocate a 'town centres first' approach:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

and

"When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored".

Paragraph 89 of the new NPPF also requires proposals for retail and leisure development outside of town centres which are not in accordance with an up-to-date Local Plan to undertake an 'impact' test if the proposed development is over a proportionate, locally set threshold or a default threshold of 2,500sq m gross.

Where impact assessments are required, paragraph 89 requires two criteria to be addressed: impacts on existing, planned and committed public and private investment; and impacts on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

The new NPPF also retains the same approach to the determination of retail proposals outside of defined 'town centres' noting that:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused".

The Sequential Test

Given the location of the application site, there is a need to consider whether there are any suitable and available alternative sites in sequentially preferable locations which can accommodate the proposed development. When making this assessment, local authorities and applicants must demonstrate flexibility in terms of scale and format.

The salient issues associated with large scale retail development proposals outside of existing 'town centres' in Exeter have been well rehearsed in relation to the Moor Exchange proposals on land to the north of Honiton Road. In particular, the focus for the sequential site assessment is on the Bus and Coach Station ('BCS') site in Exeter city centre and the Secretary of State's (recovered) appeal decision in 2016 found that the previous Moor Exchange retail and leisure proposal could be accommodated on the BCS site.

Within our May 2018 advice on the more recent Moor Exchange retail development proposal, we concluded that:

"We consider that the focus for the sequential test remains on the BCS site and our re-assessment of its suitability and availability finds a number of factors have not materially changed since the 2015 public inquiry and the June 2016 Secretary of State decision.

These include the development plan strategy towards the site and the physical condition of the site. However, there have been some material changes including the abandonment of the redevelopment scheme promoted by the Crown Estate which is related to changes in market conditions. In addition, as a consequence of the abandonment of the redevelopment scheme (based upon the outline planning permission) ECC will now assess its options with regards to the BCS site going forward and there is a possibility for a change in approach for the land use mix. As a consequence, we consider that it reasonable to remain of the view that the majority of the BCS site considered as part of the previous proposal remains available but there is now much less certainty over it being a suitable alternative for the Moor Exchange proposals.

Also relevant to the issue of suitability is the content of the current scheme. In overall terms, the current scheme is smaller than the scheme refused in 2016, with a similar amount of Class A1 retail floorspace. That change does not suggest that the current scheme cannot be physically accommodated on the BCS site. However, the applicant has contemplated that the current scheme could include a reasonably large foodstore, which is shown on the indicative illustrative masterplan. However, the provision of this floorspace is not guaranteed by the proposed floorspace control offered by the applicant. This suggests no real difference from the previous scheme. However, should a large format foodstore become a formal and guaranteed part of the current scheme, we consider that it could not be accommodated on the BCS site thus potentially removing any potential concern that the BCS site was still a suitable alternative".

We understand that the BCS site was a topic of discussion when the most recent Moor Exchange application was presented to planning committee in August 2018 and the draft minutes note that:

"Some Members also felt that the proposal would still fail the sequential test with reference made to the Bus and Coach Station still being available and sequentially preferable".

It is, however, unclear as to whether this would have formed a formal reason for refusing planning permission as the application was withdrawn by the applicant prior to a decision notice being issued.

This sets a useful background context for the BCS site, although it is important that the BCS site is re-considered in relation to the content of the Middlemoor planning application.

Paragraphs 4.23-4.46 of the applicants' RLA provide an assessment of the BCS site in relation to the Middlemoor proposal. The first part of the assessment deals with the history of the BCS outline planning application proposals, the subsequent abandonment of the scheme by the Crown Estate and the RLA suggests that

"given that the Crown Estate was unable to deliver the approved PHL scheme due to market conditions, there seems no realistic prospect that an alternative commercial development project involving a significant quantum of retail development will be promoted on this site in the foreseeable future".

Our own analysis in our May 2018 advice on the Moor Exchange application does raise some doubts over whether the BCS site will still be promoted for large scale retail development although, whilst the City Council continues to consider its options for the BCS site going forwards, we do not share the negative views expressed in the Middlemoor RLA.

However, as set out in the latter part of the RLA assessment there is a need to consider whether the Moor Exchange and Middlemoor proposals can be distinguished for the purposes of the sequential

test. In our view, there are two notable differences between the schemes. First, Moor Exchange was an outline planning application proposal containing a reasonably large amount of flexibility in terms of how the scheme could ultimately be developed. In contrast, the Middlemoor proposal is a full planning application, containing all necessary details for the development. In particular, there is clarity over the number and size of the retail units.

Second, there are differences between the schemes in terms of the range of goods which could be sold. The Moor Exchange proposals would be able to sell a much wider range of comparison goods and a much higher proportion of non-bulky comparison goods (including clothing/footwear/fashion and health/beauty goods). In contrast, whilst the Middlemoor proposal does not limit itself to just bulky comparison goods, the range of permitted goods would be narrower.

As a consequence, we consider that, so long as suitable and robust conditions are placed upon any planning permission for the Middlemoor proposal, there is a material difference with the approach being proposed at Moor Exchange. Moor Exchange is a substantial retail development of the sort normally found on the high street which would not require on-site car parking provision if it were provided on the BCS site. In contrast, the Middlemoor proposal will, due to the type of retail unit and range of goods being sold, have a requirement for such parking provision, and the scale/format of retail units being proposed are unlikely to be able to be accommodated on the BCS site. Therefore, we consider that, so long as suitable and robust controls are placed over the retail floorspace in the Middlemoor application, it can meet the provisions of the sequential test as set out in CP8 of the Exeter Core Strategy and paragraphs 86 and 87 of the new NPPF.

Impact

As required by national planning policy, Sections 5 and 6 of the applicants' RLA provide an assessment of the proposals likely impact on the health of, and investment within, defined 'town centres' across Exeter. We deal with each in turn below.

Impact on the vitality and viability of nearby 'town centres'

The main focus for the applicants' assessment of the impact of the Middlemoor proposal on the vitality and viability of existing 'town centres' is a financial impact assessment. Prior to the preparation of this full planning application, we worked with Burnett Planning, the authors of the RLA, to agree the scope and content of the assessment. As a consequence, much of the assessment is agreed and (A) accords with ECC's evidence base documentation on shopping patterns (and turnover levels) for convenience and comparison goods shopping, and (B) is generally consistent with the data being used to assess the other retail development proposals in Exeter.

The RLA provides three alternative financial impact scenarios in order to take account of the potential variations in occupancy within the scheme. These are:

- Scenario 1 – occupation of the scheme by a high number of furniture, floorcoverings and home furnishings retailers, plus a Smyths toys/game store and Hobbycraft.
- Scenario 2 – occupation by a smaller number of furniture retailers, plus a Decathlon sports/leisure goods store and two units taking advantage of the originally proposed open A1 non-food goods sales from 1,166sq m.
- Scenario 3 – as per scenario 2 but the largest number is now occupied by a foodstore.

Based upon the scheme as originally submitted, we consider that these three scenarios are reasonable although subsequent changes to the controls over the range of goods which can be sold from the proposed Class A1 retail floorspace, indicate that the inclusion of 1,166sq m of unrestricted floorspace in scenarios 2 and 3 can now be removed.

Based upon these three scenarios, the RLA forecasts at between 20%-25% of the scheme's comparison goods turnover will be diverted for the city centre and almost all of the remainder will be

diverted from out of centre stores in Exeter, particularly the recently opened IKEA and retail parks/units at Alphington, Rydon Lane, Marsh Barton and Sowton.

In general terms we would agree that a retail park which has a reasonable proportion of bulky goods / furniture operators is likely to compete with out of centre stores to a greater extent than we forecast in our May 2018 advice for the most recent Moor Exchange proposal. However, two matters are of note:

- The proportion of the turnover at the proposed development being diverted from the city centre appears to be low, bearing in mind the city centre still able to achieve reasonably high market shares in bulky goods shopping;
- The list of goods proposed to be sold from the A1 retail units is wider than just furniture/furnishings which are emphasised in paragraph 5.26 of the RLA are the focus for the applicants' letting strategy; and
- Two out of the three trade diversion scenarios are now out of date as the applicants are now no longer proposing that 1,166sq m of A1 floorspace is unrestricted non-food floorspace.

Therefore, we have undertaken our own impact financial impact assessment and this is attached to this advice letter. It follows the same format as our impact assessment for Moor Exchange in May 2018 and:

- Adopts two scenarios – one including a foodstore in Unit R8 and an alternative where no convenience goods sales are present;
- Adopts the same pre-impact store turnover data for convenience and comparison goods floorspace as our May 2018 advice to ECC;
- For the scenario incorporating the foodstore, we have used the turnover from the applicants' Scenario No.1 and replaced the turnover of Wren Kitchens in R8 with the turnover of the foodstore in Scenario No.3.
- For the scenario excluding the foodstore, we have adopted the forecast turnover level from the applicants' Scenario No.1.

The results of our assessment are shown in Tables 2a, 3a and 3b attached to this letter and can be summarised as follows:

- Where a foodstore is included within the scheme, the impact on the convenience goods sector in Exeter city centre will forecast to be -1.1%, rising to -1.9% when the impact of commitments is taken into account.
- The solus impact on the city centre's comparison goods sector is between -1.9% and -2.2%, rising to between -3.0% and -3.3% when the impact of commitments is taken into account. All of these levels are slightly higher, but not significantly so, than the forecasts provided in the RLA.
- The impact on St Thomas district centre is forecast to be around -5%, which is slightly higher than the -2% forecast by the RLA.

In order to understand the significance of these impacts upon the city centre and St Thomas district centre, it is important to reiterate the contents of our May 2018 advice on the most recent Moor Exchange proposal. That advice indicated that the impact of that scheme was similar to the previous Moor Exchange which were heard at public inquiry in December 2015 and it was not ECC's case at the inquiry that this level of direct financial impact would lead to a significant adverse impact upon the health of the city centre. Therefore, given that (A) there is no evidence to suggest that there has been a material change in the health of the city centre in the intervening period, and (B) the direct financial impact of the Middlemoor proposal is lower (due to the restricted range of comparison goods), we see no reason to reach a conclusion that a significant adverse impact is likely to occur.

Therefore, whilst the Middlemoor proposal will have a negative impact upon the financial performance of the city centre, guidance within the NPPG advises that the positive and negative effects of the proposal should be considered alongside other material considerations in the overall planning balance. In particular, we recommend that the following issues are taken into account:

- The direct financial impact of the proposal on the turnover of the city centre, which should be considered a minor adverse impact;
- Given the scale of the proposed Class A retail floorspace – circa 14,100sq m – this will provide, to some extent, a rival shopping destination to the city centre although this would not be to the same extent as forecast for the Moor Exchange proposals due to the limitations on the range of goods which can be sold.
- Whilst retailer relocations from the city centre cannot be ruled out, they are unlikely so long as strict controls are kept in place in relation to the range of goods which can be sold from the Middlemoor development and also the size and number of units which are available.

Turning to St Thomas district centre, we do not consider that a suitably controlled Middlemoor retail development poses a risk to the future health of the centre. Whilst some trade diversion is forecast, the scale of trading overlap is limited and this will limit the risk for the future viability of the centre.

Impact on town centre investment

In line with our advice on the Moor Exchange proposals, the focus for the 'impact on investment' test will be Exeter city centre and St Thomas district centre. In relation to the city centre, the focus has been on investment at the BCS site and ECC held a concern that the original (2015/2016) Moor Exchange proposals would have a significant adverse impact upon the Crown Estate's redevelopment. Whilst the Inspector at the public inquiry shared this view, the Secretary of State's subsequent decision letter concluded that a significant adverse impact was not likely. This conclusion sets the benchmark for re-consideration of the 'impact of investment' issue and we consider that our advice to ECC in relation to the more recent Moor Exchange is applicable to the Middlemoor application:

".....there is no evidence / analysis to suggest that the current Moor Exchange proposal is likely to have a significant adverse impact upon investment on the BCS site. Indeed, even when there was a 'live' redevelopment scheme at the BCS site, the Secretary of State concluded that the prospect of a significant adverse impact was not likely. Given that the Crown Estate scheme, which was the focus for the previous assessment, has now been abandoned, we consider that it would be unreasonable to suggest that the risk of a likely significant adverse impact remains".

In relation to St Thomas district centre, the presence of large retail units at Exe Bridges has previously been the focus for attention in relation to investment issues. Like the Moor Exchange proposals, the Middlemoor development would also be able to provide large format retail stores although the controls proposed at Middlemoor in terms of the range of goods to be sold would differentiate both locations to a reasonable extent. Indeed, unlike Moor Exchange, the Middlemoor scheme would not be able to attract existing tenants at Exe Bridges save for Marks & Spencer. As a consequence, any concern over the impact on existing investment at St Thomas district centre although if ECC retains some residual concerns then the 'no poaching' restriction suggested for the most recent Moor Exchange proposal could be utilised here.

Summary and Conclusions

Given the planning policy status of the Middlemoor site, there is a need to consider whether the proposed retail floorspace meets the provisions of the sequential and impact tests, as set out in the development plan and national planning policy. Our assessment of these tests has taken into account the scale and nature of the proposed retail units and the controls offered by the applicant in terms of the format of the development and range of goods which can be sold. This has led us to

the conclusion that the Middlemoor proposal meets the provisions of the sequential test and is unlikely to have a significant adverse impact upon the health of, or investment within, nearby defined 'town centres'. This conclusion of course relies on a number of controls being imposed. Some of which are outlined earlier in this letter, but we repeat them here and also recommend additional controls:

- Limiting units R1-R8 to Class A1 retail purposes only;
- Placing controls on the sale of food to one foodstore of up to 1,951sq m gross and one other unit using no more than 15% of its net sales area for the sale of food;
- Restricting the range of comparison goods sales to those goods outlined earlier in this letter;
- Removing the ability to sub-divide units R1-R8;
- Limiting the amount of net sales area in units R1-R8 to 9,594sq m;
- Restricting Units P1-P3 to Class A3 use only; and
- Given their general non-bulky nature and their common sale from 'town centre' locations, limiting the sale of sports/leisure goods and toys/games to one unit each.

I trust that the contents of this letter provide you with the advice you require in relation to this planning application. However, if you have any queries, or require additional information and advice, then please do not hesitate to contact me.

Yours sincerely



Matthew S Morris
Director
0117 9885334
matthew.morris@gva.co.uk
For and on behalf of GVA Grimley Limited

enc

TABLE 1a: INDICATE TURNOVER OF MIDDLEMOOR (INCLUDING FOODSTORE)

	NET SALES AREA (sq m)	COMPARISON FLOORSPACE	CONVENIENCE FLOORSPACE	COMPARISON SALES DENSITY (£/sq m)	CONVENIENCE SALES DENSITY (£/sq m)	COMPARISON GOODS TURNOVER (£m)	CONVENIENCE GOODS TURNOVER (£m)
Total						£29.9	£9.3

Notes:

TABLE 1b: INDICATE TURNOVER OF MIDDLEMOOR (EXCLUDING FOODSTORE)

	NET SALES AREA (sq m)	COMPARISON FLOORSPACE	CONVENIENCE FLOORSPACE	COMPARISON SALES DENSITY (£/sq m)	CONVENIENCE SALES DENSITY (£/sq m)	COMPARISON GOODS TURNOVER (£m)	CONVENIENCE GOODS TURNOVER (£m)
Total						£35.3	£0.0

Notes:

TABLE 2a: CONVENIENCE GOODS IMPACT OF MIDDLEMOOR, 2021

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO MIDDLEMOOR (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre								
Marks & Spencer, High Street, Exeter	£7.3	£0.1	£7.3	-0.7%	£0.28	£7.0	-3.8%	-4.5%
Sainsbury's, Guildhall Shopping Centre	£20.5	£0.1	£20.4	-0.5%	£0.19	£20.3	-0.9%	-1.4%
Other - Exeter City Centre	£33.8	£0.4	£33.4	-1.2%	£0.19	£33.2	-0.6%	-1.7%
Sub-total	£61.6	£0.6	£61.1	-0.9%	£0.7	£60.4	-1.1%	-1.9%
Heavitree district centre	£2.6	£0.1	£2.5	-1.9%	£0.04	£2.5	-1.5%	-3.4%
St Thomas district centre								
Co-op, Cowick Street, Exeter	£5.6	£0.1	£5.5	-0.9%	£0.00	£5.5	0.0%	-0.9%
M&S Simply Food, Albany Road, Exeter	£3.1	£0.0	£3.1	0.0%	£0.28	£2.8	-9.1%	-9.1%
Tesco Express, Cowick Street, Exeter	£6.5	£0.1	£6.4	-0.8%	£0.00	£6.4	0.0%	-0.8%
St Thomas District Centre	£1.2	£0.0	£1.2	0.0%	£0.00	£1.2	0.0%	0.0%
Sub-total	£16.4	£0.1	£16.3	-0.6%	£0.3	£16.0	-1.7%	-2.3%
Topsham district centre								
Co-op, Fore Street, Topsham	£2.7	£0.4	£2.3	-14.9%	£0.00	£2.3	0.0%	-14.9%
Topsham District Centre	£2.0	£0.3	£1.8	-12.5%	£0.00	£1.8	0.0%	-12.5%
Sub-total	£4.7	£0.7	£4.0	-13.8%	£0.0	£4.0	0.0%	-13.8%
Sidwell Street / Blackboy Road	£0.7	£0.0	£0.7	0.0%	£0.00	£0.7	0.0%	0.0%
Mount Pleasant	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Topsham Road)	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Glass House Lane)	£0.6	£0.0	£0.6	0.0%	£0.00	£0.6	0.0%	0.0%
Beacon Lane	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Polsloe Bridge	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Pinhoe	£1.4	£0.0	£1.4	0.0%	£0.00	£1.4	0.0%	0.0%
Whipton	£1.9	£0.0	£1.9	0.0%	£0.00	£1.9	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.2	£0.0	£0.2	0.0%	£0.00	£0.2	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Exeter out-of-centre stores								
Aldi, Alphington Road, Exeter	£30.0	£1.2	£28.8	-4.0%	£0.37	£28.5	-1.3%	-5.2%
Aldi, Exhibition Way, Pinhoe	£20.9	£0.6	£20.3	-2.9%	£0.84	£19.5	-4.1%	-6.9%
Aldi, Topsham	£6.8	£0.0	£6.8	0.0%	£0.14	£6.7	-2.1%	-2.1%
Lidl, Burnthouse Lane, Exeter	£11.6	£1.3	£10.8	-6.9%	£0.56	£10.3	-5.1%	-11.7%
Lidl, Powlesland Road, Exeter	£8.5	£0.8	£7.7	-9.1%	£0.09	£7.6	-1.2%	-10.2%
Morrisons, Prince Charles Road, Exeter	£31.8	£0.7	£31.1	-2.1%	£0.84	£30.3	-2.7%	-4.8%
Sainsbury's, Alphington Road, Exeter	£40.5	£0.9	£39.6	-2.2%	£0.51	£39.1	-1.3%	-3.4%
Sainsbury's, Pinhoe	£47.3	£0.4	£46.9	-0.8%	£2.11	£44.8	-4.5%	-5.3%
Tesco Extra, Russell Way	£40.9	£2.6	£38.2	-6.4%	£1.72	£36.5	-4.5%	-10.6%
Waitrose, Gladstone Road, Exeter	£23.1	£0.4	£22.7	-1.7%	£1.02	£21.7	-4.5%	-6.2%
Iceland, Alphington Road, Exeter	£2.3	£0.0	£2.3	0.0%	£0.00	£2.3	0.0%	0.0%
Other	£3.6	£0.1	£3.5	-1.4%	£0.04	£3.5	-1.1%	-2.5%
Other	£1,054.0	£0.0	£1,054.0		£0.09			

Notes:

Pre-impact 2021 turnover taken from EWEEED study.

TABLE 3a: COMPARISON GOODS IMPACT OF MIDDLEMOOR, 2021 (INCLUDING FOODSTORE)

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO MIDDLEMOOR (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre	£865.2	£9.7	£855.5	-1.1%	£15.85	£839.64	-1.9%	-3.0%
Heavitree district centre	£5.3	£0.0	£5.3	0.0%	£0.00	£5.28	0.0%	0.0%
St Thomas district centre	£8.7	£0.0	£8.7	0.0%	£0.40	£8.28	-4.6%	-4.6%
Topsham district centre	£6.8	£0.0	£6.8	0.0%	£0.00	£6.79	0.0%	0.0%
Sidwell Street / Blackboy Road	£2.4	£0.0	£2.4	0.0%	£0.00	£2.40	0.0%	0.0%
Mount Pleasant	£3.4	£0.0	£3.4	0.0%	£0.00	£3.40	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Countess Wear (Topsham Road)	£0.8	£0.0	£0.8	0.0%	£0.00	£0.76	0.0%	0.0%
Beacon Lane	£0.2	£0.0	£0.2	0.0%	£0.00	£0.17	0.0%	0.0%
Polsloe Bridge	£0.1	£0.0	£0.1	0.0%	£0.00	£0.07	0.0%	0.0%
Pinhoe	£12.0	£0.0	£12.0	0.0%	£0.00	£12.03	0.0%	0.0%
Whipton	£3.4	£0.0	£3.4	0.0%	£0.00	£3.41	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.00	0.0%	0.0%
Rydon Lane	£27.3	£1.0	£26.3	-3.5%	£2.09	£24.23	-8.0%	-11.2%
Alphington	£12.7	£0.7	£12.0	-5.4%	£0.90	£11.11	-7.5%	-12.4%
Marsh Barton	£49.4	£4.0	£45.4	-8.2%	£1.50	£43.86	-3.3%	-11.2%
Sowton	£72.6	£4.4	£68.1	-6.1%	£2.39	£65.74	-3.5%	-9.4%
Other	£7.1	£0.0	£7.1	0.0%	£0.00	£7.06	0.0%	0.0%
Ikea	£48.0	£0.1	£48.0	0.0%	£5.38	£42.62	-11.2%	-11.2%
Other	£1,109.9	£29.9	£1,080.0	-2.7%	£0.90	£1,079.10	-0.1%	-2.8%

Notes:
Pre-impact 2021 turnover taken from EWEEED study.

TABLE 3b: COMPARISON GOODS IMPACT OF MIDDLEMOOR, 2021 (EXCLUDING FOODSTORE)

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO MIDDLEMOOR (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre	£865.2	£9.7	£855.5	-1.1%	£18.71	£836.78	-2.2%	-3.3%
Heavitree district centre	£5.3	£0.0	£5.3	0.0%	£0.00	£5.28	0.0%	0.0%
St Thomas district centre	£8.7	£0.0	£8.7	0.0%	£0.40	£8.28	-4.6%	-4.6%
Topsham district centre	£6.8	£0.0	£6.8	0.0%	£0.00	£6.79	0.0%	0.0%
Sidwell Street / Blackboy Road	£2.4	£0.0	£2.4	0.0%	£0.00	£2.40	0.0%	0.0%
Mount Pleasant	£3.4	£0.0	£3.4	0.0%	£0.00	£3.40	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Countess Wear (Topsham Road)	£0.8	£0.0	£0.8	0.0%	£0.00	£0.76	0.0%	0.0%
Beacon Lane	£0.2	£0.0	£0.2	0.0%	£0.00	£0.17	0.0%	0.0%
Polsloe Bridge	£0.1	£0.0	£0.1	0.0%	£0.00	£0.07	0.0%	0.0%
Pinhoe	£12.0	£0.0	£12.0	0.0%	£0.00	£12.03	0.0%	0.0%
Whipton	£3.4	£0.0	£3.4	0.0%	£0.00	£3.41	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.00	0.0%	0.0%
<u>Rydon Lane</u>	£27.3	£1.0	£26.3	-3.5%	£2.47	£23.86	-9.4%	-12.6%
<u>Alphington</u>	£12.7	£0.7	£12.0	-5.4%	£1.06	£10.95	-8.8%	-13.7%
<u>Marsh Barton</u>	£49.4	£4.0	£45.4	-8.2%	£1.77	£43.59	-3.9%	-11.8%
<u>Sowton</u>	£72.6	£4.4	£68.1	-6.1%	£2.82	£65.31	-4.1%	-10.0%
<u>Other</u>	£7.1	£0.0	£7.1	0.0%	£0.00	£7.06	0.0%	0.0%
Ikea	£48.0	£0.1	£48.0	0.0%	£6.35	£41.65	-13.2%	-13.2%
Other	£1,109.9	£29.9	£1,080.0	-2.7%	£1.06	£1,078.94	-0.1%	-2.8%

Notes:

Pre-impact 2021 turnover taken from EWEED study.

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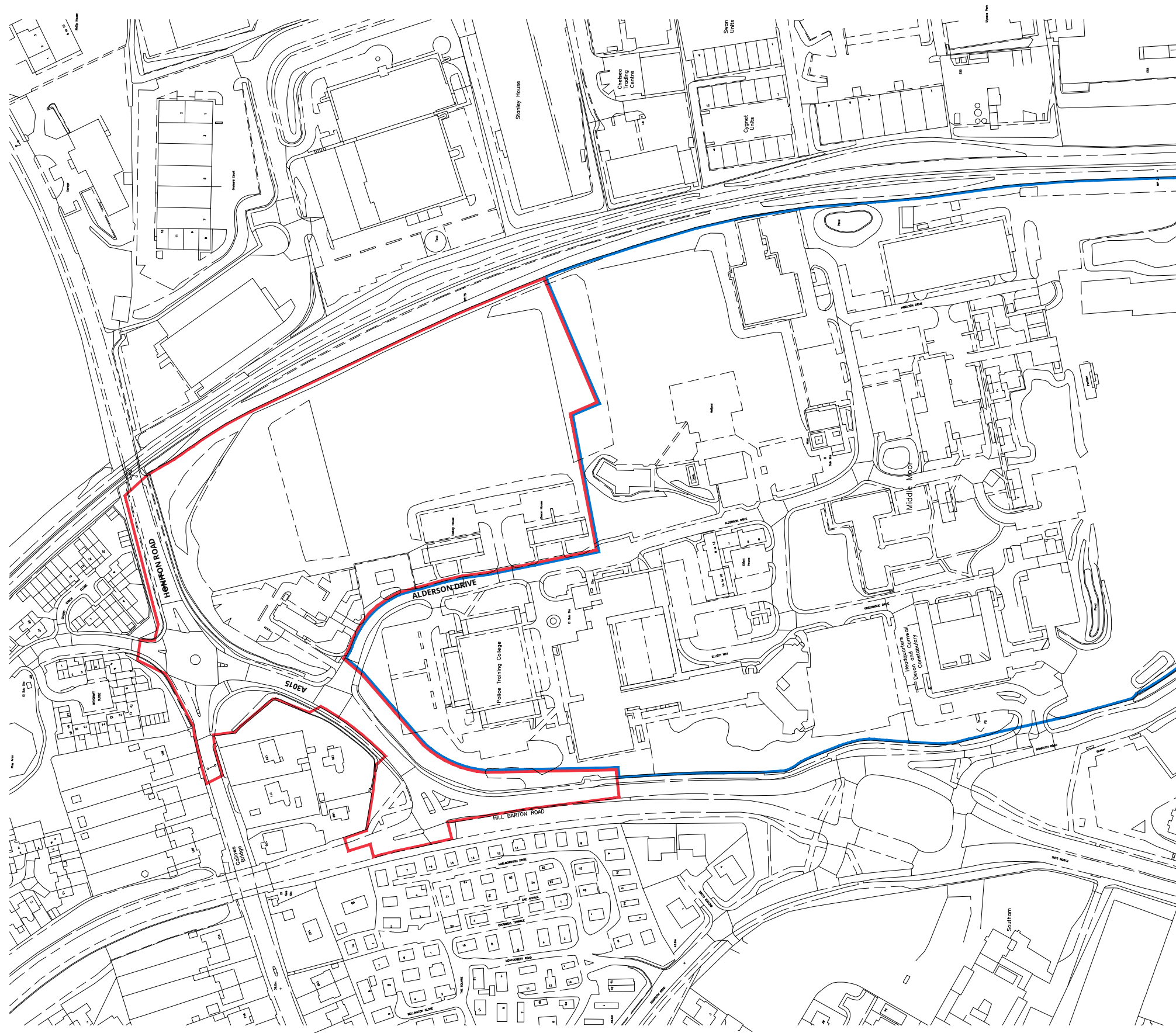
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DRAWING TO BE READ IN COLOUR

LEGEND:

 RED LINE APPLICATION BOUNDARY
4.54 Hectares

 PCC OWNERSHIP OUTSIDE OF APPLICATION BOUNDARY



D05 Issued for Planning with updated red line 28.06.18

Revision	Description	Date
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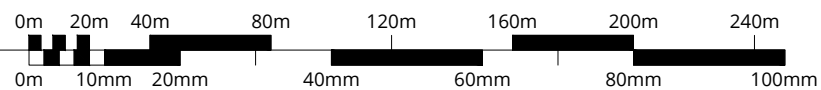


Client **HAMMERSON (EXETER II) LTD.**

Project **PROPOSED MIXED USE DEVELOPMENT, POLICE HQs SITE MIDDLEMOOR, EXETER**

Drawing **SITE LOCATION PLAN**

SCALE 1 : 2500
SCALE 1 : 1



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PLANNING

Scale	1:2500@A3	Drawn	JR
Date	JUN 18		
Project No.	2063	Drawing No.	URB SA [08] 00 01
		Revision	D05

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Agenda Item 6

COMMITTEE DATE: 01/10/2018

APPLICATION NO: 18/0886/ECC

APPLICANT: Gary Stenning

PROPOSAL: Demolition of 2 no. residential buildings containing 4 no. flats and 30 no. garages, and redevelopment of site comprising construction of 10 no. 3 bed 4 person terraced houses and associated access and parking.

LOCATION: 78-84 Bovemoors Lane And Garage Blocks To Rear, Bovemoors Lane, Exeter, EX2 5BW

REGISTRATION DATE: 07/06/2018

EXPIRY DATE:

HISTORY OF SITE

13/4612/16 - Demolition of 2no. residential buildings containing 4no. flats and 30no. garages, all under the ownership of Exeter City Council, and erection of 9no. 3 bed 4 person terraced houses and associated access and parking. Approved 29/11/2013.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises an area of land measuring 0.24ha that currently contains 4 council owned flats fronting onto Bovemoors Lane with 30 garages behind (also Council owned) which are served by an access off Bovemoors Lane running between the flats and the rear gardens of properties on Carlile Road. The site is bounded by existing residential properties on 3 sides and Bovemoors Lane to the front.

Full planning permission is now sought for the redevelopment of the site to provide 10 3 bedroom dwellings with associated gardens, access and parking facilities. The proposed dwellings will be life time home compliant and constructed to a highly energy efficient design based on Passivhaus methodology. Each garden will contain a shed suitable for cycle storage and incorporate direct access to the rear garden.

The existing access into the site from Bovemoors Lane will be improved and provide a shared surface access to the proposed parking which will be provided between the 2 proposed terraces of dwellings. This shared surface access will also function as a turning head within the site. The proposed units will be split into two separate terraces of dwellings each comprising 5 units. One terrace will front Bovemoors Lane whilst the other to the rear of the site will face the rear elevation of the front terrace. A total of 12 parking spaces will be provided to serve these dwellings.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design & Access & planning Statement

- Preliminary Ecological Appraisal & Ecological Appraisal
- Demolition Design Information
- Geotechnical and Geo-Environmental Assessment
- Arboricultural Impact Assessment

REPRESENTATIONS

2 representations raising the following issues –

- Availability of parking to existing disabled residents in the locality
- Insufficient parking provided for new dwellings, let alone loss of existing parking facilities in area following demolition of garages which will
 - increase pressure on limited available parking locally, and
 - potentially lead to an increase in vehicle related crime
- Suggests more parking is provided along Bovemoors Lane road frontage
- Measures to stop shortcuts through existing property gardens to Heavitree
- Potential for crime and anti-social behaviour given relatively secluded nature of site
- Overdevelopment of site – higher density will have adverse impact on character of the area.

CONSULTATIONS

SWW - Confirm water supply available to serve the development. State foul drainage only to be connected to public foul or combined sewer, and that surface water will discharge as high up hierarchy of drainage options as is reasonably practicable. Following the provisions of additional information in respect of drainage proposal SWW have confirmed the proposals are acceptable in drainage terms.

County Head of Planning, Transportation and Environment (Highways) – Comments as follows and recommends conditions relating to Construction Environment Management Plan (CEMP) and cycle parking -

“The site situated on the W4614 with a 20mph speed limit utilises an existing access. This access has a pull in area upon the access to avoid a bottle-up effect along with an internal turning area. The provided swept path of the turning movement currently overlaps two of the proposed car parks and so this will need to be addressed. Additionally, a footpath to two of the properties is currently accessed through two proposed car parks and this will also need to be addressed.

A parking space for each dwelling is proposed and this is in line with Exeter city councils residential supplementary planning document. It must be noted that as this is a new development no further parking permits will issued to future residents of these dwellings. As another factor under Exeter city councils residential supplementary planning document, I would like to see a dedicated cycle space for each property, in order to encourage sustainable travel.

The existing use of this site is garages and so I believe the trip rates from the existing to the proposed will be similar in nature and as such I do not believe traffic capacity will be a problem for this application. Should the applicant wish the access road to be adopted by Devon County Council, Section 38/278 discussions and agreements will need to take place.

Therefore overall, the County Highway Authority would not like to raise an objection as part of this application.”

Police Architectural Liaison Officer - Highlights high levels of vehicle related crime locally (damage to and theft from) and anti-social behaviour problems. Comments on aspects of design from security perspective, including defensible space, boundary treatments, surveillance of parking spaces, and lighting.

Fire Service – Comment as follows –

“If this proposal is granted Planning approval and proceeds to be developed, it is this authority’s expectation that fire safety provisions, including Fire Service Access requirements will be dealt with by adhering to Approved Document B of the Building Regulations 2010.”

Environmental Health – No objection in principle – recommends conditions relating to Construction Environment Management Plan (CEMP) and contaminated land.

Devon County Council (Lead Local Flood Authority) – make the following recommendation and observations –

“Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

It is noted within the Design and Access Statement (Design & Access & Planning Statement; dated June 2018) that 'rainwater collection' will be used. However, it is thought that additional methods could be proposed to further reduce the rate and volume of surface water discharged off-site.

Where brownfield sites are being developed, peak flow control should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

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

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach
CP3 - Housing Distribution
CP4 - Density
CP9 - Transport
CP11 - Pollution and Air Quality
CP15 - Sustainable Construction
CP16 - Green Infrastructure
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
H1 - Search Sequence
H2 - Location Priorities
H7 - Housing for Disabled People
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
T10 - Car Parking Standards
EN2 - Contaminated Land
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG4 - Residential Layout and Amenity
DG6 - Vehicle Circulation and Car Parking in Residential Development
DG7 - Crime Prevention and Safety

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 Document

Residential Design Guide (adopted September 2010)
Trees in Relation to Development
Archaeology and Development
Sustainable Transport

OBSERVATIONS

The main considerations in respect of this proposal are compliance with relevant national and local planning policy, relationship to surrounding properties, visual impact, and the highway/transportation impact.

The proposal will assist in the provision of a wide choice of quality homes within the Exeter area, particularly in terms of addressing an identified and pressing need for further housing, and constitutes a quality design incorporating sustainable objectives. In this context the proposal is considered to be consistent with the NPPF and local plan policies. The scale of the development falls below the policy threshold requiring the provision of affordable housing and all of the proposed dwellings will be for open market sale.

The gardens are broadly compliant with the standards set in the Residential Design SPD for properties of predominantly north facing orientation. Furthermore, the internal space standards meet the minimums in the SPD and marginally exceed those specified in the national space standards. Each dwelling will also be provided with a storage shed within the rear garden and purpose built refuse storage facilities located at the front of the property in a convenient position for collection. The dwellings are designed to Passivhaus and Lifetime Homes Standards. The scheme has been amended to address the comments of the Police Architectural Liaison Officer. Overall it is considered that the proposed dwellings will provide a decent standard of residential amenity

The relationship of the proposed buildings to surrounding properties, both in terms of shadowing impact and overlooking, is considered acceptable. The dwellings to the rear of the site will have a back to back separation distance with existing dwellings of just over 20m, whilst the gable ends will be 16 and 16.5 metres from the rear of the nearest properties to the west and east respectively. Whilst No 79/80 Butts Rd are situated at a lower level than the proposed houses, given the separation distance and orientation, the relationship between the existing and proposed buildings is considered acceptable.

The new dwellings on the front of the site will be just over 24 metres from those to the rear ensuring that the relationship between dwellings on the site is acceptable. These dwellings on the front part of the site are a significant distance away from the nearest existing dwellings on Meadow Way and Carlile Road either side.

The general design and palette of materials proposed is also considered acceptable in the context of the area and the specific passivhaus construction of the proposed dwellings. Whilst there will be some loss of trees as part of the proposal it is not considered that this will have any significant adverse visual impact in the longer term. The submitted Arboricultural Implications Assessment sets out the nature of these trees and justification for the works proposed. Overall the visual impact of the proposal is considered acceptable.

The site currently contains 30 garages for rent providing potential parking spaces for local residents. The proposal incorporates 13 parking spaces. The level of parking provision to serve the number of dwellings proposed is considered acceptable. Whilst it is acknowledged that the loss of the existing garages constitutes a net reduction in potentially available parking in the locality (assuming that all the garages are in fact used for parking a vehicle and not storage), it is considered that this would not amount to a reason justifying refusal of the application. The means of access to the site, and the parking and turning provisions associated with the

development, are all considered acceptable in the context of prevailing highway safety conditions in the locality. The Highway Authority have confirmed that they have no objection in principle to the development. The representations regarding the loss of parking and impact on the locality have been considered, along with comments on the functioning of the existing residents parking scheme in the area. Issues relating to the operation of the existing residents parking scheme are not for consideration within the remit of this planning application and not material to an assessment of the merits of this application. Notwithstanding the loss of the garages, and the potential reduction in overall parking provision in the locality, in the absence of any objection from the Highway Authority it is considered that any concerns about the reduction in parking facilities are outweighed by the need to provide additional housing.

It is considered desirable that residents of the proposed dwellings are provided with residential travel packs informing them of walking/cycling and public transport options in the locality to encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles. This will be conditioned accordingly.

Sustainability

The building design is based on 'Passiv-Haus' principles. A passive house is a building in which a comfortable interior climate can be maintained without active heating and cooling systems. The buildings heats and cool themselves. The principles were developed in Germany and are used to achieve the highest levels of energy efficiency and ecological design standards. Increased insulation standards, exceptional levels of air tightness and a compact building skin mean that heat losses can be reduced to a minimum resulting in a requirement for very low space heating. By choosing the best orientation for the buildings and by optimising solar gains, the energy performance of the proposed design has been improved so that a conventional heating system is not required. The proposal has also been designed such that part of the roof space of each dwelling is suitable for future provision of solar panels, and the level of provision possible would be sufficient to offset all remaining carbon emissions associated with the dwellings.

Ecology matters

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 proposal incorporates the provision of integral bat/bird bricks within the fabric of the building in line with advice contained within the Council's Residential Design SPD.

Financial Considerations

The proposal will be CIL liable and generate New Homes Bonus.

Conclusion

The proposal will help to meet the demand for housing within the city, and represents a sustainable form of development. On balance it is concluded that the scheme is acceptable and should be approved subject to conditions.

RECOMMENDATION

Approve subject to the following conditions –

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7th June, 9th and 21st August, and 3rd and 13th September 2018 (*dwg. nos. AL(0)40/500 Rev T1, AL(0)40/501 Rev C2, AL(0)401BL Rev P5, AL(0)402BL Rev P3, AL(0)403BL Rev P5, LL(0)400BL Rev PT2, E1206-GSA-TR-DR-A-2206 Rev C1, 170501/BL/100, 170501/BL/101 and 170501/BL/110 Rev D and 170501/BL/111 Rev D*, as modified by other conditions of this consent.

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

3) 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.

4) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

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

5) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. AL(0)40/501 Rev C2, and the cycle parking shall be maintained at all times thereafter.

Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

6) **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.

7) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851b, August 2018 Version 2) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation 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.

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 updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

8) Construction/demolition 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 local amenity.

9) Each of the dwellings hereby approved shall incorporate an integral bat/bird nesting box in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. The dwellings shall not be occupied until they have been completed in accordance with the approved details.

Reason: To ensure that the scheme makes a positive contribution to the enhancement of the ecological interest of the site.

10) Within 1 month of occupation all occupants of the new dwellings hereby approved shall be provided with a residential travel pack containing details (and maps if appropriate) of walking and cycling routes in the area and their links to wider networks within the city, and timetables and routes of public transport provision in the area.

Reason: To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.

11) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that

Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any of the dwellings comprised in this consent without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class D porch

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

Reason: In order to protect residential amenity and to prevent overdevelopment.

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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architects - engineers
 integrated sustainable design
 mechanical engineering
 renewable engineering
 energy modelling
 healthy building design
 permaculture design
 research & development

Notes

The Contractor must work to figured dimensions only and check all dimensions on site before proceedings, give notice to the Architect of any inaccuracies and seek instructions.
 Before carrying out any work shown on this document the Contractor is to read it in conjunction with all other drawings, details, schedules or the like and shall give notice to the Architect of any discrepancies, inconsistencies, divergences or ambiguities and seek instructions.

Where this document has been prepared for the use of the Client as defined in Gale & Snowden Architects Limited (the Architects) terms of engagement and the Architects are not engaged to inspect work in progress on site, the Client does not rely on the Architects to deal with any discrepancies, inconsistencies, divergences or ambiguities and the Architects shall not be responsible for any resulting damage, loss and/or expense.

Copyright in all the material on this sheet vests in the Architects who assert their right to be identified as the author of this material in accordance with the Copyright, Designs and Patents Act 1988. The material may not be copied under any circumstances for any purpose whatsoever except with the express written permission of the Architects.

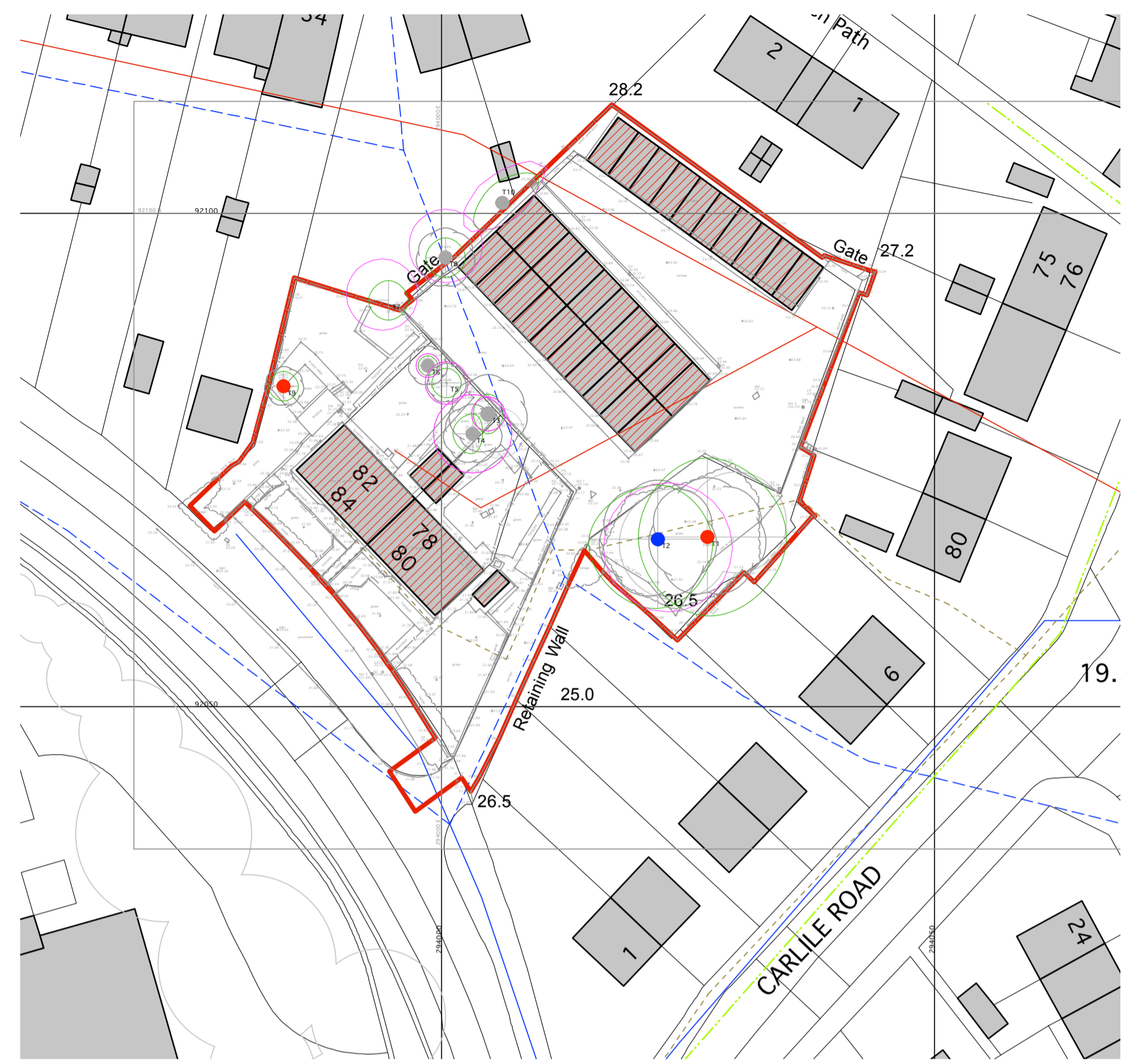
About this drawing

This drawing has been prepared for the submission of a Planning application and is not intended for Construction or Tender Issue.

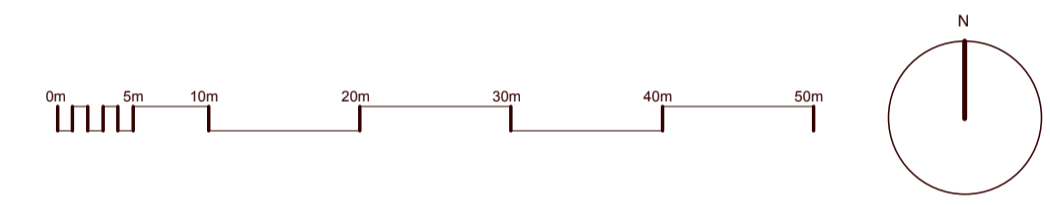
This drawing is available at a larger scale and format if required. For details please contact our office on 01392 279220

Revisions

- P1 Preliminary Issue.
- P2 Planning Issue
- P3 12/5/17 Revised Planning Information Accessible Unit omitted and additional 3Bed house added



Existing Site Plan
 Scale 1:500



Proposed Site Plan
 Scale 1:500

- Key:**
- Electrical Power (underground) - - - - -
 - Gas - - - - -
 - Surface Water Drainage - - - - -
 - Foul Drainage - - - - -
 - Combined Sewer - - - - -
 - Water Supply - - - - -
 - Telecoms - - - - -
 - 22m Distance to Residential Buildings - - - - -
- Landscaping - Key:**
- Site Boundary
 - Existing Trees to be Retained
 - Proposed New Trees
 - Proposed Access (Homezone)
 - Existing Buildings
 - Proposed New Dwellings
 - Existing Buildings to be Deconstructed
- Tree Survey - Key:**
- Category A Tree
 - Category B Tree
 - Category C Tree
 - Category U Tree
 - Tree Canopy
 - Root protection area



Location Plan
 Scale 1:1250



Site Images NTS



RIBA Stage 3

GALE & SNOWDEN
 ARCHITECTS & MECHANICAL ENGINEERS

COB III
 Affordable Housing for Exeter by Exeter
 Bovemoor's Lane
 Existing & Proposed Site Plans
 and Location Plan

Drawn by: **JB** Scale: **1:500 and 1250 @ A1**
 Checked by: **TG** Date: **Aug 13**
 Project No: **E1206** Drawing No: **AL(0)400 BL**
 Revision: **P3**

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RIBA Chartered Practice
 Directors: D Gale L Millyard I Snowden

COB III - Bovemoor's Lane

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Agenda Item 7

COMMITTEE DATE: 01/10/2018

APPLICATION NO: 18/0890/ECC

APPLICANT: Mr Gary Stenning

PROPOSAL: Demolition of 54no. garages and redevelopment of site comprising construction of 9no 3 bed 4 person terraced and semi-detached houses and associated access and parking.

LOCATION: Existing Garage Site Between Thornpark Rise And Birchy Barton Hill, Exeter

REGISTRATION DATE: 08/06/2018

EXPIRY DATE:

HISTORY OF SITE

13/4988/ECC - Demolition of 54no. garages owned by Exeter City Council, and erection of 9no 3 bed 4 person terraced and semi-detached houses and associated access and parking. Resolved to grant never issued.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises an area of land measuring approximately 0.32 ha in the Council's ownership that currently contains 54 garages situated in two rows either side of a central access, a path linking Thornpark Rise and Birchy Barton Hill and incidental open space that is mainly grassed with a couple of trees. The site slopes up quite steeply from the level of Thornpark Rise to Birchy Barton Hill with the garage blocks occupying a flat plateau of land sandwiched between the housing on each road. The area of open space backs onto properties on Blackthorn Crescent.

Full planning permission is now sought for the redevelopment of the site to provide nine 3 bedroom dwellings with associated gardens, access and parking facilities. The proposal comprises 3 pairs of semi-detached dwellings and a terrace of 3 units. One pair of semis would be located on the elevated area currently comprising the open space whilst the other two pairs of semi and small terrace would be located on the site of the existing garages. The proposed dwellings will be constructed to Lifetimes Homes standard and a highly energy efficient design based on Passivhaus methodology. Each garden will contain a shed suitable for cycle storage and incorporate direct pedestrian access to the rear garden. The design of the proposed dwellings reflects that of other recent Council own build projects and comprises plain clay roof tiles, timber framed fenestration and rendered walls.

The existing vehicular access off Thornpark Rise (between nos.104 and 106) would be used to provide vehicular access to serve the dwellings. This would incorporate a turning head. A total of 12 parking spaces would be provided to serve these dwellings. The existing pedestrian link between Thornpark Rise and Birchy Barton Hill would be retained as part of the scheme

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design & Access & planning Statement
- Ecological Appraisal
- Demolition Design Information
- Geotechnical and Geo-Environmental Assessment
- Arboricultural Impact Assessment

REPRESENTATIONS

- 2 representations raising the following issues –
 - Will existing public footpath through site between Birchy Barton Hill area and Thornpark Rise be retained?
 - Security of gardens of existing properties
 - Adequacy of proposed boundary treatments
 - Potential damage to retaining walls/existing boundaries during construction process
 - Drainage
 - Query over boundary treatment along rear of properties on Thornpark Rise
 - Increased congestion

CONSULTATIONS

County Head of Planning, Transportation and Environment (Highways) – Comments as follows and recommends conditions relating to Construction Environment Management Plan (CEMP) and cycle parking –

“The site is on a Residential Road; W4902, with a 20mph speed limit. The visibility is acceptable to our standard of 25m for a 20mph speed limit road. If they wish to have the access road adopted by the County Authority they will need to enter into a S38/278. The site plans appear to be missing dedicated cycle storage, and as part of Exeter City Council residential supplementary document this is required along with a requirement to include a travel pack as part of the development. The access is likely to have an increased use with the proposed development as opposed to the existing therefore the dropped kerbs ideally needs to be extended to ensure that an adequate splay is present to get vehicles off and onto the Thornpark Rise at the same time. The loss of parking from this sites former use is likely to increase the on-street parking in this vicinity and therefore discussions should be made with Stagecoach to best mitigate the impact upon the local bus route service.”

Environmental Health – No objection in principle – recommends conditions relating to Construction Environment Management Plan (CEMP) and contaminated land.

Police Architectural Liaison Officer – No comments received.

SWW – Comment that revised drainage details are acceptable.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach
CP3 - Housing Distribution
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Exeter Local Plan First Review 1995-2011

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DG4 - Residential Layout and Amenity
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DG7 - Crime Prevention and Safety

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
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DD21 – Parking
DD25 - Design Principles
DD26 - Designing Out Crime
DD30 - Green Infrastructure
DD31 - Biodiversity
DD34 - Pollution

Exeter City Council Supplementary Planning Document
Residential Design Guide (adopted September 2010)
Trees in Relation to Development

OBSERVATIONS

The main considerations in respect of this proposal are compliance with relevant national and local planning policy, relationship to surrounding properties, visual impact, and highway/transportation impacts.

The proposal will assist in the provision of a wide choice of quality homes within the Exeter area, particularly in terms of addressing an identified and pressing need for further housing, and constitutes a quality design incorporating sustainable development objectives. In this context the proposal is considered to be consistent with the NPPF and local plan policies. Most of the proposed gardens meet the standards for external amenity space set out in the Residential Design SPD, and the dwellings proposed meet the internal space standards. Those gardens that are under the advocated size are only marginally below and benefit from a south-westerly aspect. Consequently overall it is considered that the proposed dwellings will provide a decent standard of residential amenity for future occupants.

Each dwelling will also be provided with a storage shed within the rear garden and purpose built refuse storage facilities located at the front of the property in a convenient position for collection. The dwellings are designed to Passivhaus and Lifetime Homes Standards.

Existing properties on Birchy Barton Hill are situated at a higher level than the application site. Whilst the proposed two storey dwellings will have a greater impact on their outlook than the existing single storey garages it is not considered that the massing would have any significant adverse or overbearing impact on those properties or the enjoyment of their gardens. Any impact in terms of loss of view from those properties, and associated perceived impact of their value, is not a material planning consideration.

The proposed semi-detached dwellings to be situated on the current area of open space would have an acceptable relationship to the properties above and below them. They do not have a direct back-to-back relationship with the existing dwellings and would not result in any significant overlooking of them. Given the relative levels, and the separation distances involved, the relationship in terms of the massing of the buildings is also considered acceptable.

The open space to be lost as a result of this development is sandwiched between private gardens and of sloping character. In this context it is not suited for recreational use and its current function is more visual as a gap between existing housing above and below the site. The development as proposed will retain a smaller element of open space and some of the existing trees so that visually the character of the locality will not be unduly compromised. In the context of other existing open space in the locality, including formal play areas and incidental open space the loss of open space associated with this proposal is not considered significant. There is a significant open space incorporating play equipment within walking distance of the site.

The properties most affected by the proposed development are those on Thornpark Rise as they sit at a lower level with gardens that rise to a retaining wall forming their rear boundary with the current garages. On this part of the site the proposed dwellings are orientated so that the main living windows face predominantly north-east and south-west. This results in the gable ends of these properties facing towards the properties in Thornpark Rise. The proposal incorporates a road alongside the boundary with the existing properties which increases the

separation distance between the rear living windows of the existing houses and the proposed gable ends of units 3, 5 and 7. Clarification of the difference in levels between the site and the existing properties was requested and appropriate sections have been submitted to demonstrate that the relationship complies with the standards set out in the Residential Design SPD.

The access road stops in front of unit 7 (which is one of a terrace of 3 dwellings) and then becomes a foot path giving access to the rear of the properties and links to an existing footpath on adjoining land. The gable end of unit 7 would have a more oblique relationship to the property below than the gable ends of units 3 and 5 with their nearest neighbour. Section plans submitted as part of the application demonstrate that the relationship with the property below is now considered acceptable and compliant with guidance set out in the Residential Design SPD.

The general design and palette of materials proposed is also considered acceptable in the context of the area and the specific passivhaus construction of the proposed dwellings. Whilst there will be some works to trees (including the felling one of tree) as part of the proposal it is not considered that this will have any significant adverse visual impact in the longer term. The submitted Arboricultural Implications Assessment sets out the nature of these trees and justification for the works proposed. Overall the visual impact of the proposal is considered acceptable.

The site currently comprises 54 garages for rent providing potential parking spaces for local residents. The proposal incorporates 12 parking spaces. The level of parking provision to serve the number of dwellings proposed is considered acceptable. It is acknowledged that the loss of the existing garages constitutes a net reduction in potentially available parking in the locality (assuming that all the garages are in fact used for parking a vehicle and not for storage). Clarification of the current levels of use of the garages has been requested from the applicant. Whilst the displacement of parking onto adjacent residential streets would be undesirable in terms of adding a further strain in an area of high parking demand, the Highway Authority have advised that it is not felt to constitute a severe impact (as per Para 32 of the NPPF) such that it would amount to a reason justifying refusal of the application.

The means of access to the site, and the parking and turning provisions associated with the development, are all considered acceptable in the context of prevailing highway safety conditions in the locality. The Highway Authority have confirmed that there is no objection in principle to the development from a transportation impact perspective. The representations regarding the loss of parking and impact on the locality have been considered. Notwithstanding the loss of the garages, and the potential reduction in overall parking provision in the locality, in the absence of any objection from the Highway Authority it is considered that any concerns about the reduction in parking facilities are outweighed by the need to provide additional housing. The site is well related to existing bus routes and local facilities and as such represents a sustainable location for residential development.

It is considered desirable that residents of the proposed dwellings are provided with residential travel packs informing them of walking/cycling and public transport options in the locality to encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles. This will be conditioned accordingly.

Sustainability

The building design is based on 'Passiv-Haus' principles. A passive house is a building in which a comfortable interior climate can be maintained without active heating and cooling systems. The buildings heats and cool themselves. The principles were developed in Germany and are used to achieve the highest levels of energy efficiency and ecological design standards. Increased insulation standards, exceptional levels of air tightness and a compact building skin mean that heat losses can be reduced to a minimum resulting in a requirement for very low space heating. By choosing the best orientation for the buildings and by optimising solar gains, the energy performance of the proposed design has been improved so that a conventional heating system is not required. The proposal has also been designed such that part of the roof space of each dwelling is suitable for future provision of solar panels, and the level of provision possible would be sufficient to offset all remaining carbon emissions associated with the dwellings.

Ecology matters

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 proposal incorporates the provision of integral bat/bird bricks within the fabric of the building in line with advice contained within the Council's Residential Design SPD.

Financial Considerations

The proposal will be CIL liable and generate New Homes Bonus.

Conclusions

The proposal will help to meet the demand for housing within the city, and represents a sustainable form of development. On balance it is concluded that the scheme is acceptable and should be approved subject to conditions.

RECOMMENDATION

Approve subject to the following conditions –

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 8th June, 9th and 21st August, and 3rd and 13th September 2018 (dwg. nos E1206-GSA-TR-DR-A-501 Rev C2, AL(0)201TR Rev P6, AL(0)202TR Rev P6, AL(0)203TR Rev P6, AL(0)204TR Rev P7, E1206-GSA-TR-DR-A-500 Rev P6, AL(0)205TR Rev P3, AL(0)206TR Rev P2, E1206-GSA-TR-DR-A-2206 Rev C1 and 170501/TR/104 Rev B) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

3) 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.

4) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

5) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. E1206-GSA-TR-DR-A-501 Rev C2, and the cycle parking shall be maintained at all times thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

6) **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.

7) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851d, August 2018 Version 2) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation 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.

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 updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

8) Construction/demolition 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 local amenity.

9) Within 1 month of occupation all occupants of the new dwellings hereby approved shall be provided with a residential travel pack containing details (and maps if appropriate) of walking and cycling routes in the area and their links to wider networks within the city, and timetables and routes of public transport provision in the area.

Reason: To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.

10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any of the dwellings comprised in this consent without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class D porch

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

Reason: In order to protect residential amenity and to prevent overdevelopment.

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

architects - engineers
 integrated sustainable design
 mechanical engineering
 renewable engineering
 energy modelling
 healthy building design
 permaculture design
 research & development

Notes
 The Contractor must work to figured dimensions only and check all dimensions on site before proceedings, give notice to the Architect of any inaccuracies and seek instructions.
 Before carrying out any work shown on this document the Contractor is to read it in conjunction with all other drawings, details, schedules or the like and shall give notice to the Architect of any discrepancies, inconsistencies, divergences or ambiguities and seek instructions.

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About this drawing
 This drawing has been prepared for the submission of a Planning application and is not intended for Construction or Tender Issue.

This drawing is available at a larger scale and format if required. For details please contact our office on 01392 279220

Revisions
 P1 Preliminary Issue.
 P2 Planning Issue
 P3 12/5/17 Revised Planning Information Accessible Unit omitted and additional 3Bed house added



RIBA Stage 3

GALE & SNOWDEN
 ARCHITECTS & MECHANICAL ENGINEERS

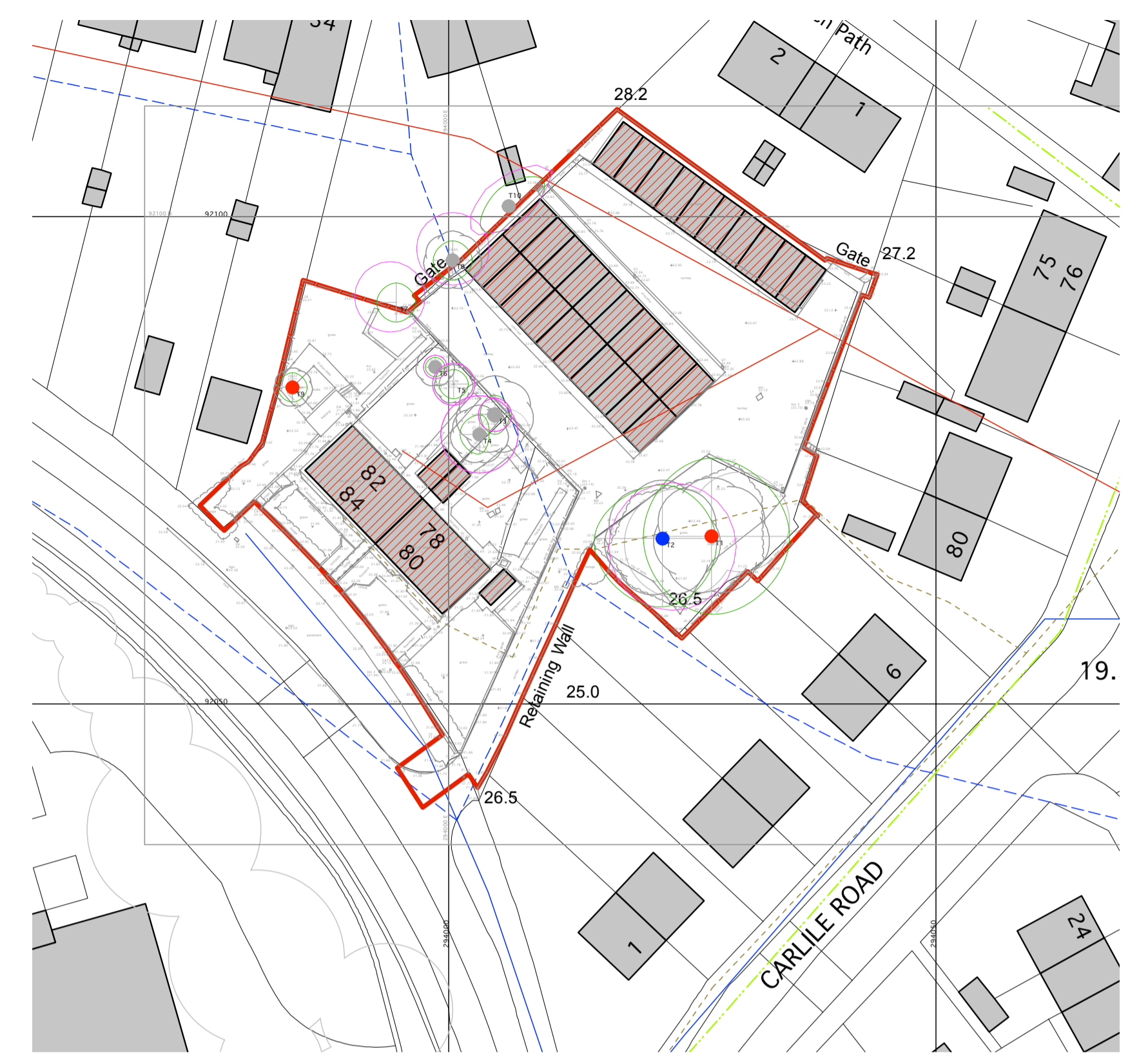
COB III
 Affordable Housing for Exeter by Exeter Bovemoor's Lane
 Existing & Proposed Site Plans
 and Location Plan

Drawn by: **JB** Scale: **1:500 and 1250 @ A1**
 Checked by: **TG** Date: **Aug 13**
 Project No: **E1206** Drawing No: **AL(0)400 BL**
 Revision: **P3**

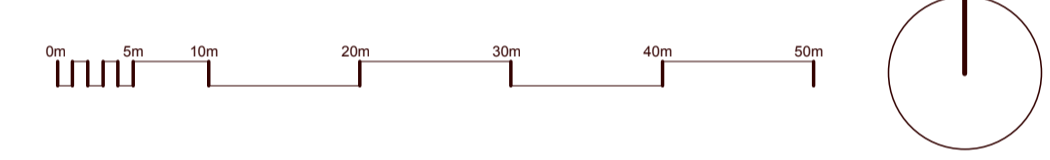
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RIBA Chartered Practice
 Directors: D Gale L Millyard I Snowden



Existing Site Plan
 Scale 1:500



- Key:**
- Electrical Power (underground) - - - - -
 - Gas - - - - -
 - Surface Water Drainage - - - - -
 - Foul Drainage - - - - -
 - Combined Sewer - - - - -
 - Water Supply - - - - -
 - Telecoms - - - - -
 - 22m Distance to Residential Buildings - - - - -
- Landscaping - Key:**
- Site Boundary
 - Existing Trees to be Retained
 - Proposed New Trees
 - Proposed Access (Homezone)
 - Existing Buildings
 - Proposed New Dwellings
 - Existing Buildings to be Deconstructed
- Tree Survey - Key:**
- Category A Tree
 - Category B Tree
 - Category C Tree
 - Category U Tree
 - Tree Canopy
 - Root protection area



Location Plan
 Scale 1:1250



Proposed Site Plan
 Scale 1:500



Site Images NTS

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 1 OCTOBER 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 22/08/2018 and 20/09/2018

Alphington

Application Number: 18/0490/FUL Delegation Briefing: 28/06/2018

Decision Type: Permitted Decision Date: 18/09/2018 Delegated Decision

Location: 10 Woodville Road Exeter Devon EX2 8JW

Proposal: Proposed single storey rear extension

Application Number: 18/0656/FUL Delegation Briefing: 19/07/2018

Decision Type: Permitted Decision Date: 23/08/2018 Delegated Decision

Location: Rawle Gammon And Baker Alphinbrook Road Exeter Devon EX2 8RG

Proposal: Repositioning of an existing vehicular access

Application Number: 18/0799/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 03/09/2018 Delegated Decision

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

Proposal: Discharge of conditions 4 (landscape), 7 (CEMP) and 9 (cycle provision) of planning application 17/1256/FUL granted 15 February 2018.

Application Number: 18/0808/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 30/08/2018 Delegated Decision

Location: Vospers Matford Green Business Park Yeoford Way Marsh Barton Trading Estate Exeter

Proposal: Discharge of condition 7 (External lighting) of planning permission 16/1596/FUL granted 5 October 2017.

Application Number: 18/1102/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 30/08/2018 Delegated Decision

Location: Alphington Park Ashton Road Marsh Barton Trading Estate Exeter Devon

Proposal: Discharge of condition 3 (materials), 6 (kerb reinstatement) and 11 (pedestrian access) of planning application 17/1256/FUL granted 15 February 2018

Alphington

Application Number: 18/1124/PD Delegation Briefing:

Decision Type: Prior Approval Not Required Decision Date: 22/08/2018 Delegated Decision

Location: 43 Newhayes Close Exeter Devon EX2 9JL

Proposal: Proposed rear conservatory extending a maximum 4.3 from rear elevation, height to eaves 2.6m and max. overall height 2.6m.

Application Number: 18/1325/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 13/09/2018 Delegated Decision

Location: Vosper's Matford Green Business Park Yeoford Way Marsh Barton Trading Estate Exeter

Proposal: Discharge of Condition 9 (BREEAM) of planning application 16/1596/FUL granted 5th October 2017

Cowick

Application Number: 16/0313/ECC Delegation Briefing: 24/03/2016

Decision Type: Permitted Decision Date: 04/09/2018 Committee Decision

Location: 2 Oak Road Exeter EX4 1QB

Proposal: Reconstruct dwelling along with 2 storey rear extension and front porch

Duryard And St James

Application Number: 17/1696/FUL Delegation Briefing: 14/06/2018

Decision Type: Refuse Planning Permission Decision Date: 22/08/2018 Delegated Decision

Location: Isca Lofts 58-64 Longbrook Street Exeter Devon EX4 6AL

Proposal: Removal and reconstruction of mansard roof and construction of one new storey to existing student accommodation to provide additional student bed-spaces.

Application Number: 18/0877/FUL Delegation Briefing:

Decision Type: Withdrawn by Applicant Decision Date: 14/09/2018 Delegated Decision

Location: Odeon Buildings Sidwell Street Exeter Devon EX4 6PL

Proposal: Installation of security shutter comprising 3 no. perforated metal screens. Necessitated by current ASB/ crime issues.

Duryard And St James

Application Number: 18/0976/LBC Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 10/09/2018 Delegated Decision
Location: 86 Longbrook StreetExeterDevonEX4 6AP
Proposal: Internal alterations.

Application Number: 18/0999/FUL Delegation Briefing: 19/07/2018
Decision Type: Permitted Decision Date: 06/09/2018 Delegated Decision
Location: 1 Bridge CottagesWell StreetExeterDevonEX4 6QB
Proposal: Construction of porch to dwelling house.

Exwick

Application Number: 18/0750/FUL Delegation Briefing: 19/07/2018
Decision Type: Permitted Decision Date: 17/09/2018 Delegated Decision
Location: 4 Canterbury RoadExeterDevonEX4 2EQ
Proposal: Garage conversion and extension to form link.

Application Number: 18/1063/PDJ Delegation Briefing:
Decision Type: Prior Approval Required and Refused Decision Date: 04/09/2018 Delegated Decision
Location: Chunky MonkeyWeircliffe ParkSt Andrews RoadExeterDevonEX4 2AF
Proposal: Prior notification under Class PA for the part conversion of existing light industrial bulidng (Class B1 c) to 4 dwellings.

Application Number: 18/1134/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 18/09/2018 Delegated Decision
Location: 11 High MeadowsExeterDevonEX4 1RJ
Proposal: Works to garden to provide level ground and new fencing

Heavitree

Heavitree

Application Number:	18/0884/ECC	Delegation Briefing:	05/07/2018	
Decision Type:	Permitted	Decision Date:	11/09/2018	Committee Decision
Location:	Garages Between 28 And 36 Anthony RoadAnthony RoadExeterEX1 2ST			
Proposal:	Demolition of 13 no. garages and construction of three 3 bed terraced houses and associated parking and access.			

Application Number:	18/0953/FUL	Delegation Briefing:	12/07/2018	
Decision Type:	Withdrawn by Applicant	Decision Date:	30/08/2018	Delegated Decision
Location:	19 Roseland CrescentExeterDevonEX1 2TJ			
Proposal:	Change of use of Dwellinghouse to HMO (Sui Generis)			

Newtown And St Leonards

Application Number:	17/1094/FUL	Delegation Briefing:	15/03/2018	
Decision Type:	Permitted	Decision Date:	30/08/2018	Delegated Decision
Location:	8 Clifton HillExeterDevonEX1 2DL			
Proposal:	Single storey rear extension.			

Application Number:	17/1095/LBC	Delegation Briefing:	15/03/2018	
Decision Type:	Permitted	Decision Date:	30/08/2018	Delegated Decision
Location:	8 Clifton HillExeterDevonEX1 2DL			
Proposal:	Single storey rear extension, internal alterations and roof-mounted solar panels on detached garage.			

Application Number:	17/1966/LBC	Delegation Briefing:	04/01/2018	
Decision Type:	Permitted	Decision Date:	03/09/2018	Delegated Decision
Location:	Devon County CouncilCounty HallTopsham RoadExeterDevonEX2 4QB			
Proposal:	Roof-mounted solar PV system of c. 29kWp size on a flat roof, maximum height above the roof surface 250mm.			

Newtown And St Leonards

Application Number: 18/0334/FUL Delegation Briefing: 12/07/2018
Decision Type: Refuse Planning Permission Decision Date: 23/08/2018 Delegated Decision
Location: 4 Penleonard CloseExeterDevonEX2 4NY
Proposal: Rear extension and demolition of garden room and construction of music room

Application Number: 18/0928/FUL Delegation Briefing: 19/07/2018
Decision Type: Permitted Decision Date: 24/08/2018 Delegated Decision
Location: 15 Victoria Park RoadExeterDevonEX2 4NT
Proposal: Various internal and external alterations, including relocation of WC, changes to windows in side extension and enlargement of raised terrace in rear garden.

Application Number: 18/0929/LBC Delegation Briefing: 19/07/2018
Decision Type: Permitted Decision Date: 24/08/2018 Delegated Decision
Location: 15 Victoria Park RoadExeterDevonEX2 4NT
Proposal: Various internal and external alterations, including relocation of WC, changes to windows in side extension and enlargement of raised terrace in rear garden.

Application Number: 18/1159/PD Delegation Briefing:
Decision Type: Prior Approval Not Required Decision Date: 23/08/2018 Delegated Decision
Location: 37 Codrington StreetExeterDevonEX1 2BU
Proposal: Proposed single storey rear extension extending a maximum of 4.485m from rear elevation, height to eaves 2.4m and max. overall height 2.95m.

Pennsylvania

Application Number: 18/0229/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 07/09/2018 Delegated Decision
Location: 94 Mount Pleasant RoadExeterDevonEX4 7AD
Proposal: Lawful development certificate sought for an existing HMO use (C4 Use Class).

Pinhoe

Pinhoe

Application Number: 18/1290/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 05/09/2018 Delegated Decision

Location: Monkton HousePinn LaneExeterDevonEX1 3RG

Proposal: Part discharge of Condition 6 (land contamination report and plan) of Planning Ref: 15/0790/FUL granted 10 September 2015

Polsloe

Application Number: 18/0833/FUL Delegation Briefing: 16/08/2018

Decision Type: Permitted Decision Date: 07/09/2018 Delegated Decision

Location: 42 Polsloe RoadExeterDevonEX1 2DR

Proposal: Partial demolition of front boundary wall to create access to highway and driveway

Priory

Application Number: 18/0698/FUL Delegation Briefing: 26/07/2018

Decision Type: Permitted Decision Date: 17/09/2018 Delegated Decision

Location: 26 Exe Vale RoadExeterDevonEX2 6LF

Proposal: Rear single storey lean-to kitchen extension, Replacement of hung tiles to elevations with new rendered panels.

St Davids

Application Number: 18/0664/FUL Delegation Briefing: 26/07/2018

Decision Type: Permitted Decision Date: 23/08/2018 Delegated Decision

Location: Exeter Orthodontic Practice1 Richmond RoadExeterDevonEX4 4JA

Proposal: Side extensions; replacement side steps.

Application Number: 18/0665/LBC Delegation Briefing: 26/07/2018

Decision Type: Permitted Decision Date: 23/08/2018 Delegated Decision

Location: Exeter Orthodontic Practice1 Richmond RoadExeterDevonEX4 4JA

Proposal: Side extensions; replacement side steps.

St Davids

Application Number: 18/0731/FUL Delegation Briefing: 24/05/2018
Decision Type: Refuse Planning Permission Decision Date: 28/08/2018 Delegated Decision
Location: Flat 22 Dean Clarke House Southernhay East Exeter Devon EX1 1AP
Proposal: Roof terrace solely for use by Flat 22, including associated stair access and internal modifications.

Application Number: 18/0732/LBC Delegation Briefing: 24/05/2018
Decision Type: Refuse Planning Permission Decision Date: 28/08/2018 Delegated Decision
Location: Flat 22 Dean Clarke House Southernhay East Exeter Devon EX1 1AP
Proposal: Roof terrace solely for use by Flat 22, including associated stair access and internal modifications.

Application Number: 18/0755/FUL Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 24/08/2018 Delegated Decision
Location: 184 Topsham Road Exeter Devon EX2 4SH
Proposal: Single storey and first floor rear extensions, loft conversion, hip-to-gable and rear dormer window roof extensions.

Application Number: 18/0792/FUL Delegation Briefing: 09/08/2018
Decision Type: Permitted Decision Date: 03/09/2018 Delegated Decision
Location: 4-5 Roman Walk St Davids Exeter Devon EX1 1GN
Proposal: Alterations to shop front.

Application Number: 18/0793/ADV Delegation Briefing: 09/08/2018
Decision Type: Permitted Decision Date: 03/09/2018 Delegated Decision
Location: 4-5 Roman Walk St Davids Exeter Devon EX1 1GN
Proposal: 1 No. fascia sign with internally illuminated built up lettering

St Davids

Application Number: 18/0960/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 30/08/2018 Delegated Decision

Location: Renslade HouseBonhay RoadExeterDevonEX4 3AY

Proposal: Discharge of condition 4 (landscape) and 10 (car park management) of planning application 16/0481/03 granted on february 2017.

Application Number: 18/0962/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 30/08/2018 Delegated Decision

Location: Renslade HouseBonhay RoadExeterDevonEX4 3AY

Proposal: Discharge of condition 8 (car park management) of planning prior approval application 16/0474/40 granted on 17 June 2016

Application Number: 18/1070/PDJ Delegation Briefing:

Decision Type: Prior Approval Not Required Decision Date: 06/09/2018 Delegated Decision

Location: Southgate House59 Magdalen StreetExeterDevonEX2 4HY

Proposal: Change of use from office (Use Class B1) to residential (Use Class C3)

St James

Application Number: 18/1049/FUL Delegation Briefing: 26/07/2018

Decision Type: Permitted Decision Date: 24/08/2018 Delegated Decision

Location: 76 Longbrook StreetExeterDevonEX4 6AP

Proposal: Replacement of front and rear dormer windows with two smaller units on each aspect.

Application Number: 18/1050/LBC Delegation Briefing: 26/07/2018

Decision Type: Permitted Decision Date: 24/08/2018 Delegated Decision

Location: 76 Longbrook StreetExeterDevonEX4 6AP

Proposal: Replacement of front and rear dormer windows with two smaller units on each aspect with associated internal alterations.

St Leonards

St Leonards

Application Number: 18/0532/FUL Delegation Briefing: 09/08/2018
Decision Type: Permitted Decision Date: 03/09/2018 Delegated Decision
Location: The Lodge1 Lister CloseExeterDevonEX2 4SD
Proposal: Proposed rear extension to create new utility and rear access

Application Number: 18/0807/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 07/09/2018 Delegated Decision
Location: 12 Gras LawnExeterDevonEX2 4RZ
Proposal: French doors and window to rear elevation.

Application Number: 18/1180/LBC Delegation Briefing: 09/08/2018
Decision Type: Permitted Decision Date: 03/09/2018 Delegated Decision
Location: The Lodge 1 Lister CloseExeterDevonEX2 4SD
Proposal: Proposed rear extension to create new utility and rear access

St Loyes

Application Number: 17/1871/FUL Delegation Briefing: 21/12/2017
Decision Type: Refuse Planning Permission Decision Date: 31/08/2018 Delegated Decision
Location: Land Adj Tesco StoresRussell WayExeterEX2 7EZ
Proposal: Construction of part 2, part 3 and part 4 storey building comprising an extra care (Class C2) development with associated communal lounges, restaurant, kitchen, wellness room, guest suite, laundries, care providers accommodation and office, vehicular access from Russell Way, sub-station, car parking and landscaped grounds.

Application Number: 18/0744/FUL Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 13/09/2018 Delegated Decision
Location: 14 Brockey WalkDigbyExeterDevonEX2 7PB
Proposal: uPVC conservatory to side

St Loyes

Application Number: 18/0759/FUL Delegation Briefing: 09/08/2018
Decision Type: Permitted Decision Date: 04/09/2018 Delegated Decision
Location: Abbey CourtEagle WayExeterDevonEX2 7HY
Proposal: Installation of new generator and fuel tank, new switchroom and construction of fence to surround. Installation of new electric substation.

Application Number: 18/0760/FUL Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 24/08/2018 Delegated Decision
Location: 6 Norman PlaceDigbyExeterDevonEX2 7PQ
Proposal: Combined single and two storey rear extension

Application Number: 18/0847/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 17/09/2018 Delegated Decision
Location: 19 Bishops WayExeterDevonEX2 7PF
Proposal: Single storey rear extension.

Application Number: 18/1133/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 20/09/2018 Delegated Decision
Location: 55 Lewis CrescentExeterDevonEX2 7TD
Proposal: Two storey side extension.

St Thomas

Application Number: 18/0803/FUL Delegation Briefing: 23/08/2018
Decision Type: Permitted Decision Date: 18/09/2018 Delegated Decision
Location: 38 Wardrew RoadExeterDevonEX4 1HA
Proposal: One and two storey rear extension.

Topsham

Topsham

Application Number: 18/0582/FUL Delegation Briefing: 09/08/2018
Decision Type: Permitted Decision Date: 05/09/2018 Delegated Decision

Location: Clock House 14 Riverside RoadTopshamExeterDevonEX3 0LR

Proposal: Ground and first floor front extension, and detached single garage

Application Number: 18/0839/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 07/09/2018 Delegated Decision

Location: 429 Topsham RoadExeterDevonEX2 7AB

Proposal: Alterations to front bay window.

Application Number: 18/0998/RES Delegation Briefing: 19/07/2018
Decision Type: Permitted Decision Date: 12/09/2018 Committee Decision

Location: Sandy Park Lodge (Formerly Primrose Orchard) Old Rydon LaneTopshamExeterDevonEX2 7JP

Proposal: Approval of the details of the proposed 250 bed hotel i.e. for the reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26th June 2018, reference 17/0665/OUT).

Application Number: 18/1198/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 11/09/2018 Delegated Decision

Location: Hart House52 Fore StreetTopshamExeterDevonEX3 0HW

Proposal: Extend external stair landing to form balcony at rear (retrospective)

Application Number: 18/1199/LBC Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 11/09/2018 Delegated Decision

Location: Hart House 52 Fore StreetTopshamExeterDevonEX3 0HW

Proposal: Extend external stair landing to form balcony at rear and various alterations associated with conversion back to a single property (retrospective)

Total Number of Decisions Made

55

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 1 OCTOBER 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 3 Midway Terrace – Application Ref: 17/1521/FUL
A single storey “green” dwelling within the existing front garden space.

The appeal has been dismissed. It is the fourth refusal and third appeal dismissal for development at this site. The development of one bungalow has now been refused and subsequently dismissed at appeal twice.

The Inspector concluded that the collective benefits that weighed in favour of the appeal did not outweigh the harm to the significance of the heritage asset (paragraph 134 NPPF) found in assessing whether the development would preserve or enhance the character or appearance of the conservation area.

Points in favour of appeal:

- The provision of a further house is a minor but material benefit to the supply of housing
- The site is located where occupiers would have access to services
- Low pitched sedum roof and modest size reduce the impact of the dwelling

Reasons for dismissal:

- The development would diminish the contribution the site makes to the conservation area, notably Key Features identified in the CA Appraisal, and as a result not preserve or enhance its character or appearance
- The green focus of the area would be undermined by further vegetation removal and the introduction of the building
- Despite efforts to minimise the impact of the building, it would still be visible, and this would alter the character of the immediate area and create a more suburban appearance, and undermine an undeveloped area
- A dwelling in this position would not accord with the established pattern of development within the conservation area, a feature which contributes to its significance
- Alterations to the hedge would reduce the sense of enclosure along this section of Ide Lane
- The 2014 appeal dismissal is a material decision to which the Inspector attached considerable weight

A further point to note from 'Other Matters' responds to the appellant's argument for presumption in favour of sustainable development. The Inspector found that the proposal conflicts with the development plan as a whole and thus paragraph 14 (presumption in favour of sustainable development) is not engaged. Even if this was not the case, as the proposal conflicts with paragraph 134 of the NPPF, Footnote 9 of Paragraph 14 would apply resulting in the presumption being dis-applied. Footnote 9 states that policies relating to heritage assets (and other designations) can restrict development that would otherwise be allowed under the presumption.

3.2 Rosary House, 27 Fore Street, Heavitree – Application Ref: 17/1653/FUL A two storey and single storey extensions

The application was refused because the scale and massing of the proposal would: lack subservience and be detrimental to the character and appearance of a Locally Listed Building, local townscape and Conservation Area; and would harm the settings of Listed Buildings.

The Inspector concluded the two storey extension would significantly elongate the rear element. This would unbalance the compact and contained shape of the building, making the rear off shoot overly prominent and competing for dominance with the front section. The design would make reading it as an extension sufficiently straightforward but the rear section would just seem overly long for the design and form of the existing building.

The overly long rear projection would erode the noticeable gap between the existing building and the two storey dwellings to the west. This would have an effect of blurring the distinct and separate appearance of the existing building and reducing the effect of its individual presence in the street scene.

There are a number of statutorily listed buildings in close proximity to the appeal building. The Inspector concluded the proposed development would not harm the neighbouring listed buildings.

The proposed development would be harmful to the design and quality of the existing building and, accordingly, harm the Heavitree Conservation Area. This harm would be less than substantial having regard to NPPF paragraph 196, and should be balanced against public benefit. The public benefit would be to increase the scope for care for animals, and rationalise some poor quality outbuildings, however the Inspector was not persuaded that these outcomes could not be achieved in another way. He concluded the benefits would not outweigh the harm of the proposal and the appeal was dismissed.

4. New Appeals

Five new appeals have been received.

- 4.1 13B St James Road – Application Ref: 18/0663/FUL.
Extension to the dwelling by conversion of a storage building and erection of a covered link.
- 4.2 Grove Hill House, Topsham – Application Ref: 17/1879/FUL.
New dwelling in the grounds of the house. This appeal has since been withdrawn.
- 4.3 20 Cornflower Hill – Application Ref: 18/0445/FUL.
Retrospective permission for a single storey extension.
- 4.4 1 Tresillian Gardens, Topsham – Application Ref: 17/1244/VOC.
Variation of Condition to alter the approved roof materials to natural slates.
- 4.5 16 Higher Kings Avenue – Application Ref: 17/1110/FUL.
Single storey rear extension.

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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