

PLANNING

Date: Monday 3 December 2018
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

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, Edwards, Foale, Harvey, Mrs Henson, Morse, Prowse, Sheldon, 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 29 October 2018.

(Pages 5 -
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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 10am on the Thursday before the meeting (full details available on request from the Democratic Services (Committees) Officer).

5 **Planning Application No. 18/0873/FUL - Land at Ribston Avenue**

To consider the report of the City Development Manager (Pages 21 - 38)

6 **Planning Application Nos. 15/0640/OUT and 15/0641/OUT - Aldens Farm, Alphenngton**

To consider the report of the City Development Manager. (Pages 39 - 72)

7 **Planning Application No. 18/1088/FUL - Mallison Bridge, Exeter Quay**

To consider the report of the City Development Manager. (Pages 73 - 80)

8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the City Development Manager. (Pages 81 - 102)

9 **Appeals Report**

To consider the report of the City Development Manager. (Pages 103 - 104)

10 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 18 December 2018 at 9.30 a.m. The Councillors attending will be Harvey, Mrs Henson and Edwards.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 7 January 2019** 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 29 October 2018

Present:-

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Branston, Edwards, Foale, Harvey, Mrs Henson, Morse, Prowse, Sheldon, Thompson and Vizard M

Also Present

City Development Manager, Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (HS) and Democratic Services Officer

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MINUTES

The minutes of the meeting held on 1 October 2018 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 18/1185/RES - EAST PARK, UNIVERSITY OF EXETER, STREATHAM CAMPUS, EXETER

The Principal Project Manager (Development) (PJ) presented the application for development to build student accommodation and central amenity facilities up to a maximum of 32,230 square metres with associated infrastructure (Reserved matters application for access, appearance, landscaping, layout and scale following outline permission 16/1232/OUT granted 5 July 2017).

The Principal Project Manager (Development) explained that outline permission had been previously granted with associated conditions and a Section 106 Agreement and detailed the layout plans, elevational details, access arrangements, computer generated images and the elements of the student management plan. He reported the receipt of a further email in respect of the number of students to be accommodated and concerns regarding parking, the City Development Manager referring to changes to conditions three and five as requested by the applicant.

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

- it is accepted that outline planning permission has been granted but there remain a number of issues of concern to local residents;
- submitted drawings are believed to be incorrect;
- an access road is too close to the arboretum;
- concerns that the pedestrian/cycle route into Higher Hoopern Lane will be used by motorcycles and scooters with fast food deliveries late at night to a large market at great disturbance to neighbouring residents;
- working hours should not include 8:00am to 1:00pm on Saturdays and should be restricted to the normal five day working week and that the hours during the working week, as set out in the condition, should be strictly adhered to unlike in some other developments in the city. The residents have already suffered from certain Sunday working on the campus and the justification put forward for this

- by the University is not valid;
- Hill Crest Park residents have complained about noise resulting from work near the entrance to the site;
- request that any proposed bund or bank be of sufficient height to reduce noise and dust pollution during construction;
- assurances sought that the northern meadow will not be used for locating caravans accommodating workers;
- a robust student management plan is necessary to prevent anti-social behaviour including the prevention of student parties and bar-b-ques on the northern meadow;
- best practice to be utilised on external lighting to prevent overspill of artificial light;
- residents request that tree screening is effective and that new trees are at least five years old and of significant size and that the University engages with residents on the landscape details; and
- the local community have requested compensation such as the provision of super fast broad band to the residents of Higher Pennsylvania and that a strategy be agreed to facilitate its provision prior to the occupation of the first student flat. This has been achieved in Cambridge as part of planning permission agreed by South Cambridgeshire District Council.

The Principal Project Manager responded to the queries raised:-

- the correct revised drawings had been submitted and changes to the master plan were inevitable during the detailed drawing up of developments and were within the limits set by outline conditions for this development;
- the access road near the arboretum had been narrowed slightly in consultation with Natural England;
- access on to the site by scooters and motorbikes would be difficult to control by condition and would be for the University to monitor;
- a bund/bank may assist in reducing noise and because of concerns around noise during construction. The extra half day construction period would assist in the earlier completion of the development. Further, the central communal area would be located away from residential properties;
- construction vehicles and accommodation facilities were not being provided in the paddock to the north of the site;
- meadow to the north would remain and enhanced as part of the landscape/biodiversity plan;
- a condition had been imposed on the original outline requiring the submission of external lighting details;
- the University would liaise with residents on the tree strategy; and
- the applicant had fully consulted with the Police and Fire authorities

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

- it is understood that this is a reserved matters hearing and that the proposed development has already been approved in principle;
- many of the objectors, and a far greater number at the provisional application, believe it is a development on too large a scale for the site despite the requirement placed on the developers to reduce the quantum and scale of the development;
- significant areas of the site include five storey, 50 bedroom extensions running north/south on the site and is combined with some significantly misleading illustrations in the current submission;
- little faith in the planning process nor the relationship between the University

- and its immediate neighbours in respect of planning issues;
- it is a done deal and therefore not worth pursuing other than to provide context to the remaining areas of objection which are largely concerned with the impact on immediate neighbours of the nearly, three year-long construction period;
- concerns regarding noise generated by vehicles and machinery and power tools as well as generation of dust and overspill of floodlighting during periods of darkness. This is in contrast to the natural and peaceful amenity that has been so important to many local and University residents;
- the immediate access to quiet green space has been trumpeted as an important part of the University's offer and is also recognised as important in the city's green space strategy;
- request that building operations are limited to week days only to provide some respite over the prolonged building period to neighbours on and off campus; and
- request that residents and neighbours are consulted in the development of the detailed tree planting strategy to ensure that sufficiently mature trees (at least five years old) are planted in strategic locations to reduce line of sight overview and reduce acoustic transmission from the finished development and that existing trees are properly maintained in the boundary valleys.

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

- representing WYG planning consultants. Outline planning permission has been granted for the scale of the development proposed by this reserved matter application, subject to a number of strict parameters;
- the main purpose is to accommodate more students, particularly first years, on campus to benefit the wider community by reducing pressure on the City's housing stock and support the University's plans for gradual growth over the next few years;
- the proposed floor area, the height of each building and the location of each building within the site accords with the approved parameters for the site. On average, the proposed buildings are over one metre lower than the approved height parameters, with some of them being as much as four metres lower than the approved scheme;
- the key considerations are the design and appearance of the buildings and the proposed landscape setting with the design evolved through a number of meetings with key stakeholders such as the Design Review Panel, the Fire and Police services and Council's officers as well as consultation with the local community;
- the scheme has been improved since outline permission by retaining trees and hedges, enhancing the overall bio-diversity of the site through the creation of wild meadows and the planting of over 450 trees and lowering the buildings;
- care had been taken to reduce environmental and residential amenity impacts through submitted bespoke construction management plans, noise, air quality, lighting and noise assessments;
- a Combined Heat and Power system is proposed to provide electricity and heat to the whole site to ensure the outline permission requirement for a BREEAM excellent rating and carbon reduction is achieved; and
- the approach taken is considered to be logical in design terms and is landscape led, proposing buildings set into the landscape and using high quality materials.

He responded as follows to Members' queries:-

- a condition requiring the provision of broad band to the wider community would not be practical. Although infrastructure can be provided there would be

- difficulties in agreeing provision with the utilities. It would be for the community and the University to lobby separately;
- the landscape scheme will include the larger “heavy standard” trees and these will be provided in key locations to provide additional screening as well as ensuring that any gaps in the hedgerows are replaced to accord with the existing hedge height. Consultation will take place with residents on the scheme;
 - lifts within the blocks can accommodate heavy electric wheelchairs;
 - development includes sprinklers and any fire alarms will be filtered through the campus wide control centre before emergency vehicles are called. Devon and Somerset Fire and Rescue Service consulted and access roads to the campus fully “tracked”;
 - Natural England consulted on biodiversity issues;
 - students will be required to sign a residents’ agreement;
 - a mitigation manager will meet fortnightly with residents to discuss the construction plan and seek to resolve any problems including those relating to noise. Construction will not occur on Sundays; and
 - the construction and environment plan identifies a site within the development in the south west corner away from neighbouring properties and adjacent streets for the location of vehicles and materials.

The Principal Project Manager (Development) (PJ) further explained that a student management plan will include 24 hour warden living on the site, additional University Partnerships Programme staff and a 24 hour security presence. The developer and University had undertaken to ensure robust tenant liaison. In response to a Member, he also confirmed that a five and a half day working week was standard practise and had been set out in the outline permission.

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

RESOLVED that planning permission for development to build student accommodation and central amenity facilities up to a maximum of 32,230 square metres with associated infrastructure (Reserved matters application for access, appearance, landscaping, layout and scale following outline permission 16/1232/OUT granted 5 July 2017) be **APPROVED**, subject to the following conditions:-

- (1) The development hereby approved must be begun with five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 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 9 August 2018 as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. The following materials shall not be used before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
 - i) hard surfacing material;

ii) external light fittings.

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

(4) All conditions imposed on notice of outline approval (ref no. 16/1232/FUL) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

(5) Notwithstanding condition 2, no superstructure work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with such details:

- i) brick detailing including mortar colour;
- ii) cladding including colour and fixings;
- iii) windows forming including reveals and cills;
- iv) roofing material.

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

Notes to Applicant:

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

2. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid Commencement Notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

3. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it is highly unlikely to have a significant impact on protected habitats, alone or in combination with other plans or projects.

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PLANNING APPLICATION NO 18/1405/FUL - LAND AT SUMMERLAND STREET, EXETER

The Principal Project Manager (Development) (HS) presented the application for demolition of existing buildings (Transport Club and Exeter Auto Centre) and redevelopment to provide student accommodation (sui generis), ancillary facilities, and ground floor uses in classes A1, A2, A3, A4, B1, D1 and D2, cycle parking

provision and public realm improvements.

The Principal Project Manager (Development) reported that the application was a revised design following issues raised at this Committee in July of this year when the previous application had been refused, The design now presented being that preferred after a series of options had been put to the Planning Member Working Group. He detailed the amendments being revision to the external design and increase in the number of studio rooms by three through sub-division of a larger studio and enlargement of the top floor. The design and materials also better reflected that of the adjoining Phase 1 of the overall development.

The key issues remained noise impact on residents, contamination (both of which could be dealt with by condition following submission of surveys) and design.

Mr O'Brien spoke in support of the application. He raised the following points:-

- represent the applicant, Graduation Exeter (Phase 2) Limited. The previous refused scheme had been acceptable in all respects apart from appearance and shape;
- since July, there had been engagement on design options, the revised design seeking to address concerns and the reason for refusal and then put to the Planning Member Working Group on 28 August 2018, with feedback confirming that the design was preferred over the other options presented;
- City Council planning officers were fully supportive of all aspects of the revised application;
- the applicant is keen to deliver this scheme at the earliest opportunity following the progress being made on the construction of Phase 1 and to speed up delivery of Phase 2, the majority of the vacant buildings on site having been demolished;
- the scheme offered a good quality development delivering purpose built accommodation to assist in reducing the current shortfall in supply. The smaller rooms of Phase 2 delivered an affordable option to students with rents being lower than those of Phase 1. It completed the development of this key city centre site and was a further step to the delivery of the Council's vision for the Grecian Quarter. The introduction of ground floor retail and leisure floor-space would create activity along Summerland Street and public realm improvements, including widening of pavements and tree planting as well as new employment opportunities. The development would complete this key city centre block following the Phase 1 development.

He responded as follows to Members' queries:-

- although precise data could not be provided at the meeting there was significant evidence from other University Cities that there was a shift in student occupation from houses in multiple occupation to purpose built student accommodation. This was a feature particularly in towns and cities with University's with growing student numbers, as was the case in Exeter, where it was also a key economic driver;
- prior permission had been obtained for demolition; and
- no application had been made for additional hours of construction.

Responding to Members, who referred to problems reported regarding working outside permitted hours on Phase I, the Principal Project Manager (Development) advised that these issues had been taken up with the developer and that more formal action would be taken by the planning authority should the issues persist. The City Development Manager further advised Members that occupancy of

purpose built student accommodation was very close to 100% with information on the University web showing that many were full prior to the beginning of the student year.

Some Members expressed continued disquiet regarding the design considering it to be over dominant in the skyline with one Member referring to a view that the revision had still failed to address the rectangular block nature of the proposal. It was explained that no pedestrian access had been lost and the pavements would be widened by stepping back of the building line.

Other Members, whilst in support, referred to the growing preponderance of new student blocks in the city centre, one suggesting that locations slightly peripheral to the centre would be more appropriate along with on campus locations. Another Member, in addition to referring to the need for data to be provided on the existing and predicted student occupancy rates across all types of accommodation, was concerned that such developments were at the expense of general housing provision, particularly given the continuing pressures on the housing market. There was some consensus that clarity on the delivery of student accommodation versus demand was necessary to better inform and monitor the background to, and decisions on, such applications.

The City Development Manager referred to the report of Professor Smith of Loughborough University to the Planning Member Working Group in July which concluded that the provision of purpose built accommodation was the appropriate way forward and that there was evidence that such provision was freeing up houses in multiple occupation for use by the wider population and keeping rent levels down.

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

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, securing:-

- a restriction to student occupation;
- a Student Management Plan;
- a financial contribution of £19,968.72 towards District Heating delivery to this site;
- occupation to be in conjunction with the Phase I development; and
- off site highway works;

planning permission for demolition of existing buildings (Transport Club and Exeter Auto Centre) and redevelopment to provide student accommodation (sui generis), ancillary facilities, and ground floor uses in classes A1, A2, A3, A4, B1, D1 and D2, cycle parking provision and public realm improvements be **APPROVED**, subject also to the following conditions:-

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

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

Floor and roof plans 001224-AHR-AP-010 rev P03, AP-011 rev P03, AP-012 rev P03, AP-013 rev P03, AP-014 rev P03, AP-015 rev P03, AP-016 rev P03, and AP-017 rev P03 received 26 September 2018.

Elevations 001224-AHR-AP-110 rev P03, AP-111 rev P03, AP-112 rev P03, and AP-113 rev P03 received 26 September 2018.

Sections drawings 001224-AHR-AP-200 rev P03, AP-201 rev P03, and AP-202 rev P03, and AP-203 rev P03 received 26 September 2018.

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

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

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

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

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

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

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

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

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

development.

- (7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

a. Site Characterisation

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

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to;
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes adjoining land,
 - ground waters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

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

the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

d. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part c.

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

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

The approved Statement shall be adhered to throughout the

construction period of the development.

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

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

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

- (10) The applicant shall make recommendations for sound insulation based on the submitted Mach Residential Environmental Noise Assessment revision P08 dated 21 September 2018. The sound insulation measures shall be submitted to the LPA for approval in writing prior to commencement of the development, and implemented in full prior to occupation of the development. The approved insulation shall be maintained as agreed thereafter. Measures to protect against noise should not conflict with the needs of future occupants to prevent and address over-heating.

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

- (11) Prior to the commencement of any commercial kitchen, the kitchen ventilation system for kitchen shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. The applicant is advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

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

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

Reason: In the interests of residential amenity.

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

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

- (14) The Energy Plant installed and operated at the development shall meet all the criteria and specifications described in section A4 of the submitted

report 'Air Quality Assessment: Land Off Summerland Street Exeter' (ref J322), from Air Quality Consultants dated 18 April 2018. Any changes to the criteria and specifications (either at the time of installation or at any point thereafter) should be agreed in writing in advance with the Local Planning Authority.

Reason: In the interests of protecting air quality.

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety and public amenity

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

Reason: To provide adequate facilities for sustainable transport.

- (20) The residential accommodation shall be constructed with centralised hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance

with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

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

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

(22) Unless otherwise agreed in writing by the Local Planning Authority the A, B and D class units on the ground and lower ground floors hereby approved shall achieve an overall BREEAM scoring of 60 percent or greater for shell and core only. Unless otherwise agreed in writing by the Local Planning Authority the residential units hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of any above ground construction works the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report(s) to demonstrate the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of the building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.
Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

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

Informatives

1. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the

need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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

3. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
4. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it is highly unlikely to have a significant impact on protected habitats, alone or in combination with other plans or projects.

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PLANNING APPLICATION NO 18/1241/ECC - ARENA SKATE PARK, SUMMER LANE, EXETER

The Principal Project Manager (Development) (PJ) presented the application for replacement of existing skate facility with the addition of a lighting system. He reported that the application did not involve a change of use and that six lighting columns, eight metres in height would be provided. No light spillage was anticipated as the site was separated from residential properties by the railway line. Users of the facility had been consulted, many having asked for usage beyond daylight hours.

The applicant was Exeter City Council.

Paul Faulkner responded to Members' queries on behalf of the City Council. Noting a request for lights to be downward facing onto the site, he advised that hours of use would be controlled by a passive infrared sensor light control mechanism and that the lighting would be turned off at 9:30pm, starting to fade prior to that to alert users to the termination time.

A Member welcomed the proposal for this community driven project in a ward where much additional housing was being developed.

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

RESOLVED that planning permission for replacement of existing skate facility with the addition of a lighting system 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 15 August 2018 (including concept drawings, light spillage ISO contours plan, light spillage results plan, and technical specification for lights), and 26 September 2018 (dwg. no. Exeter-DLP01) as modified by other conditions of this consent.

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

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

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

- (4) The floodlights hereby approved shall only be illuminated between 16.00 hours and 21.30 hours Monday to Sunday.

Reason: In the interests of residential amenity.

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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 20 November 2018 at 9.30 a.m. The Councillors attending will be Foale, Sutton and Thompson.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair

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COMMITTEE DATE: 03/12/2018

APPLICATION NO: 18/0873/FUL

APPLICANT: Cygnet Health Care

PROPOSAL: The construction of a 54-bed independent hospital with access, car parking, landscaping/open space and associated works.

LOCATION: Land At Ribston Avenue, Ribston Avenue, Exeter, EX1 3QE

REGISTRATION DATE: 05/06/2018

EXPIRY DATE:

HISTORY OF SITE

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

The adjoining land, also formerly part of the old St Lukes School is the subject of the following application for residential redevelopment that is now the subject of an appeal following refusal of planning permission by the City Council –

18/0534/FUL - Construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure. Currently undetermined.

DESCRIPTION OF SITE/PROPOSAL

The application site extends to approximately 1ha and slopes gently from north to south. The site is bounded to the north by existing residential properties on Sargent Close and Ribston Avenue, to the east by Ribston Avenue, to the south by land also formerly comprising part of the school which is currently subject of an application for residential redevelopment, and to the west by the rear of properties on Warwick Road. Along this western boundary there is a belt of existing trees which provide a screen between those properties and the application site. There is an existing access point in the south west corner of the site at the junction of Ribston and Bramley Avenue.

Planning permission is sought for the construction of a 54 bed secure independent hospital that will specialise in treatment of patients with mental health care needs, along with associated parking, landscaping and boundary treatments. Vehicular access to the facility is proposed by an access onto Ribston Avenue. The proposal also includes the provision of an element of public open space on the northern part of the site. The hospital building will be located on the southern part of the site with parking and servicing to the front and rear of the building. An internal access road connects the front and rear parking areas running between the hospital site and the open space. The hospital building proposed is predominantly 2 storey in height and fencing will separate the hospital and grounds from the open space.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents –

- Planning Statement
- Explanation of service/facility proposed
- Design & Access Statement
- Level 1 Flood Risk Assessment & Drainage Strategy
- Drainage Strategy
- Preliminary Ecological Appraisal
- Transport Statement
- Travel Plan Statement
- Statement of Archaeological Potential, Impact and Mitigation
- Arboricultural Report
- Statement of Public Consultation

REPRESENTATIONS

212 letters of representation have been received raising the following matters –

- Lack of parking for staff/patients/visitors leading to more parking congestion and associated highway safety implications and potential hindrance of access for emerging vehicles in locality
- Security – fencing, patient controls on access/leaving facility, risk of escape
- Nature of patients – Mental health, severity of risk, potentially disruptive and violent
- Inappropriate location – proximity to school and in residential area with many elderly residents
 - Safety of community generally but especially safeguarding of school children/young children in area given potential backgrounds of patients
 - Irresponsible to allow it and endanger local community
 - Exposure to inappropriate language, behaviour/activities
 - Perception of fear – in relation to both safety and crime
 - Antisocial behaviour
 - Adverse impact on attractiveness of the school as a choice for future parents
 - Poor location/environment for patients
- Increased traffic – congestion, roads inappropriate/adequate, already a ‘rat run’, roads already in poor condition
- Inadequate infrastructure to serve facility – road conditions etc.
- Impact on bus service – increased use, exacerbate difficulties for bus access on roads
- Lack of cycle path on site, level and location of cycle parking provision, facilities for staff cycling to work
- Track record/competency of operator – poor treatment of patients CQC (Care Quality Commission) findings/concerns at their other hospitals
 - Staffing levels/skills
 - Administration/record keeping
 - Quality of facility and safety

- Security
- Other better locations e.g. industrial estates or rural areas, Cranbrook, Former L&M headquarters at Clyst St Mary, somewhere in a new development where people can choose to live near it
- Lack of consultation – misleading/vague by developer and not extensive enough by Council
- Lack of adequate external space for patients
- Noise pollution
- Air pollution
- General disturbance to local community arising from shift work, change overs at unsociable hours
- Ability to staff facility – drain on NHS staff
- Demand for such a facility (Need)
- Building too big/overdevelopment
 - Loss of view
 - Loss of privacy to surrounding properties
 - Overshadowing/overbearing
 - Design out of keeping with area
- 24 hour operation – impact on surrounding residential area
- Why is open space provided
 - encourage youth gathering at night
 - better used to provide additional parking or amenity space for patients
- Why remove existing fence around site
- Impact on property values/saleability
- Should remain in educational use, thought there was a covenant on land relating to community/education use only
- Lack of open space/play areas locally
- Increase undesirable activities in locality – drug taking/dealing
- Disruption during construction – traffic, noise, dust
- Construction traffic – safety and amenity issues
- Not what the community wants
- Better uses for site – more community or business focused
- If allowed a very high fence around site is required

CONSULTATIONS

County Head of Planning, Transportation and Environment – Concludes no objection and recommends various conditions relating to transportation matters such as the delivery of pedestrian access points, provision of parking/access prior to use of building commencing, cycle parking details, CEMP and Travel Plan. The response includes detailed comments on transportation matters associated with the proposal which will be referred to later in this report.

Environmental Health – Initially identified a need for additional information comprising an Air Quality Assessment, land contamination risk assessment and background noise survey. Further information in respect of these matters has subsequently been provided. The submitted documents are considered acceptable and therefore in the event of approval the following

conditions have also been recommended – CEMP, land contamination, noise and kitchen extraction.

Wales & West Utilities – “Wales & West have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.”

South West Water – Highlight proximity of a public sewer, confirm clean potable water can be provided for the development, comment on surface water drainage and need to ensure this is discharged as high up the hierarchy of drainage options as is reasonably practicable. Confirm no concerns in terms of drainage connections.

DCC (Lead Local Flood Authority) – Refer to Core Strategy policy CP12 (mitigation of flood risk) and identify further additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Police (Designing Out Crime Officer) – Comments on the proposed boundary treatments, physical security standards e.g. window/door designs, internal arrangements, lighting, CCTV and sought confirmation the development will be constructed to ‘Secure by Design’ standards.

OFSTED – No comments received.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):- specifically

2. Achieving sustainable development
4. Decision Making
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

Exeter Local Development Framework Core Strategy 2012

Objectives 1-10

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

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T10 – Car parking standards
C5 – Archaeology
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG5 – Provision of open space and children’s play areas
DG7 – Crime prevention and safety

Development Delivery Development Plan Document (Publication Version):-

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

DD1 - Sustainable Development
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 – Parking
DD25 - Design Principles
DD26 - Designing Out Crime
DD30 - Green Infrastructure
DD31 - Biodiversity
DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Archaeology and Development SPG 2004
Planning Obligations SPD 2009
Sustainable Transport SPD 2013
Trees and Development SPD 2009

OBSERVATIONS

Background

The development comprises a 54 bed independent hospital to meet a need identified by the applicant/operator following discussions with the Devon Partnership NHS Trust. The proposed hospital would have 3 services as a dedicated inpatient service:-

- 17 beds for men with acute mental health needs

- 21 beds for men who require a period of longer term mental health rehabilitation
- 16 beds for women who require a low secure environment for treatment of an emotionally unstable personality disorder
- The submitted documents state this will meet an unmet need locally for patients who currently have to access such services outside of Devon and the South West.

The main material planning considerations relevant to the assessment of this proposal are considered below –

Nature of proposed use

During the processing of the application the exact nature of the facility proposed has been clarified as an independent hospital for the provision of care to people in need of care, particularly in respect of mental health related matters and treatment. The applicant's agent has confirmed that the range of mental health facilities is as follows –

- Acute
- Low secure
- Medium secure, and
- High secure (being the highest security level)

It has been confirmed that the facility the subject of this application will be for the provision of care and treatment to patients falling in the 'Acute to Low Secure' range.

In the context of this proposal the reference to security refers to the fact all the outside doors of the building are access controlled with staff managing them so that no-one is able to enter or leave the building without their knowledge. It has also been confirmed that all patients of the facility would be risk assessed by a multi-disciplinary team before they are allowed leave to the community, i.e. to leave the building, and that often such leave will be accompanied by a care worker or family member.

Given the profile and needs of the intended patients the 'security' nature of the proposed facility is necessary to ensure the safety of the patients as people vulnerable to exploitation by others, and to prevent them from harming themselves, rather than there being a danger to society generally from these patients.

The difference between 'security' in this context and that in respect of secure residential institutions falling within Class C2a, including secure hospitals alongside uses such as prisons, detention centres and custody centres, which might be considered less appropriate in a residential area has previously been recognised in the Courts. The difference being that in respect of a C2a use their main purpose is to keep persons under control who are a potential danger to society at large as opposed to residential institutions whose primary function is the provision of care to people in need of care but they may incorporate ancillary security measures as part of the delivery of that care.

Consequently it is considered that in planning terms the proposal would be a Residential Institution falling within Use Class C2 rather than a 'Secure Residential Institution' within Use Class C2a. As such it is considered appropriate for the residential institution proposed in this application to be located within the residential context of the application site.

Layout/design/physical relationship of building to surroundings

Levels across the site fall from the highest point to the north down to the lowest point on the southern boundary. The western boundary of the site adjoining properties in Warwick Road comprises an existing mature tree belt.

The proposed layout of the site has been having regard to the level changes utilising the relatively level northern part of the site as open space and cutting the hospital building into the existing ground to create a level change with retaining wall and boundary fence separating the private space (hospital and its immediate grounds) from the public open space. Ground levels on the southern part of the site have been raised slightly to create a level site for the hospital building. The proposed layout provides for active frontage to Ribston Avenue with the entrance of the hospital building on this elevation. The vehicular access to the site is proposed from Ribston Avenue with the main parking area situated between the building and the road. A service road leads from this public parking area around the north of the building giving access to additional parking and servicing area to the rear of the building. This service road incorporates gates to enable access to this part of the hospital site to be controlled.

The building design incorporates 4 landscaped external courtyard gardens contained within the building envelope that will only be accessible internally from within the building. These spaces will provide safe outdoor amenity space for both patients and staff.

The hospital building itself is single storey in height on the northern part and 2 storey for the remainder giving it a domestic scale appropriate to the residential character of the surrounding area. The design incorporates separate pitched roof elements to the NE, NW and SE elevations which screen flat roof elements behind from public view. The existing trees along the western boundary are to be retained and will provide some screening of the building from the view of properties on Warwick Road.

External materials are predominantly brick with limited sections of render, aluminium windows/doors work and a grey zinc roof/cladding.

It is considered that the design and massing of the building is appropriate to the context of the site and its relationship to surrounding properties.

Residential amenity impact

It is clear from the representations received that there is a public perception of fear surrounding the nature of this proposal in terms of its potential impact on residential amenity and the safety and well-being of surrounding residents, including children attending the nearby primary school arising from anti-social or criminal behaviour associated with patients of the facility. Based on case law the risk and perception (fear) of anti-social/criminal behaviour arising from the proposed use is capable of being a material consideration in the assessment of the acceptability of planning proposals. However, in order to carry 'weight' in the determination of the application such 'fears' must be based on sound reasons, and be supported by a reasonable evidential basis for those 'fears'. Case law has established that unfounded fear in itself would rarely (if ever) be a reason to justify the withholding of planning permission.

Therefore it is important to consider the evidence when attributing weight to the fears raised in objections submitted in respect of this application as a material consideration. Although some of the representations have referred to adverse Care Quality Commission and press reports relating to standards/issues at other similar facilities (including some run by the same applicant – Cygnet) these relate to patient treatment and accommodation standards rather than matters

relating to incidents of anti-social or criminal behaviour in areas around other hospitals associated with patients of them. Objectors' concerns and anxiety about the proposed use are acknowledged. However there has been no solid evidence to demonstrate that the proposal would result in an increase in anti-social or criminal behaviour as a direct result of the proposed hospital and its use as such. It is noted that the applicant runs many other similar facilities throughout the country that are also located within residential areas and in close proximity to educational establishments without any apparent significant adverse impacts. Similar facilities are also operated by other providers in similar locations.

The applicant has clarified that security measures will ensure that no-one can enter or leave the building without the staff managing that, and in addition all patients will be risk assessed by a multi-disciplinary team before they are allowed leave to the community.

Therefore, based on the nature of the proposed use, security measures/practices that will be implemented by the operator, other comparable facilities in the country it is not considered that the proposal would significantly affect residential amenity in the locality, nor give rise to unacceptable impacts in respect of anti-social or criminal behaviour. In light of this, and the recognised need for this type of facility locally, it is concluded that little weight can be afforded to the perception of fear raised in representation, and that this would not constitute a justifiable reason to refuse permission for the development.

A recent planning appeal decision in Wales (November 2018) in respect of a hybrid application for full planning permission for a 54 bed low secure mental health unit and outline for housing addressed similar issues to those raised in this application. The application was refused contrary to officer advice. In allowing the appeal the Inspector commented as follows:

"10. Although not clearly expressed in the reason for refusal, Members' concerns appear to have included the level of security of the Low Secure Unit and its compatibility with neighbouring residential areas and schools. As explained in the Council's committee report, the hospital unit would be designed and operated to prevent escape and to provide accommodation that is secure in terms of the health and well-being of its patients. Such units are for the treatment of low risk patients who do not need the level of physical security provided by Medium or High Secure Units.

11. There is a need for units of this sort in North Wales, and the proposal is supported by UDP Policy H11, which covers the provision of residential care homes, nursing homes and specialist health care services. In view of the secure nature of the unit and the low risk of its patients, I do not consider the proposed use would significantly affect the neighbouring land uses."

Costs were also sought by the applicant, and in his letter relating to the costs application the Inspector commented as follows –

"8. As to concerns about the use, I have taken that to refer to perceptions of risk associated with the low secure hospital unit, which I have concluded would not significantly affect the neighbouring land uses. However, no explanation of these perceptions has been provided, and no justification has been produced for this element of the refusal."

On this basis the Inspector concluded that the Council had 'failed hopelessly' and ordered it to pay full costs to the applicant.

In response to comments about potential noise impacts arising from the development from the Council's Environmental Health officer an Acoustic report has been submitted establishing prevailing ambient noise levels to facilitate assessment of the potential impact of the building. The submitted information has identified maximum plant noise levels for each boundary to ensure that there is no significant adverse impact on the residential amenities of surrounding properties associated with the development. These levels have been agreed with the Council's Environmental Health officer and will be secured through an appropriate condition attached to any approval.

Highway/Transportation matters

The application site is located approximately 2.7 miles from the centre of Exeter and is served by an existing bus route that has a bus stop directly outside the site. The scheme provides a total of 49 parking spaces to serve the development, along with the provision of cycle parking in front of the building. The application is accompanied by a Transport Statement and an Air Quality Assessment.

As highlighted earlier in this report the Highway Authority (DCC) have raised no objection to the proposal on the grounds of its potential highway/transportation impacts in their formal consultation response. In terms of traffic generation/impact on the highway network they commented as follows –

“A transport assessment has been submitted with the application. Predictions of the likely traffic generated by the development have been derived via a count at a similar site – it was considered that TRIC's was not suitable due to the lack of sites within the database (this method is what you would expect with a typical application). This is considered a reasonable approach and in addition to this, the applicant has added a factor for robustness. The resultant analysis shows that the proposed development (on a weekday) is likely to generate 26 two-way trips during the AM peak period with 14 in the PM peak period. Trips generated on a weekend have also been shown to have a low impact on the highway.

The analysis also shows that users/visitors of the hospital have more flexibility in travel times and therefore an opportunity to avoid the travelling through busy parts of the network at the most congested times. Given its location with proximity of bus stops (immediately next to the site and on the Honiton Road corridor), the proposals are unlikely to have a significant effect on the highway network and does not form a reason for refusal.”

In terms of the proposed access arrangements to serve the development the Highway Authority commented as follows –

“Vehicular access is proposed via a dropped kerb onto a stub end of Ribston Avenue. This meets sufficient visibility requirements (2.4m x 25m for 20mph) and is acceptable in principle.

To accompany the new vehicular access, footways on either side of the access road are provided. Maintaining the safety and attractiveness of this junction is essential and to mitigate this, the applicant has proposed tactile crossing, as indicated on “Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P5”. Such an access should have a tight radius and tactile to provide appropriate facilities for pedestrian/cyclists. Tracking

diagrams have been produced, proving that a refuse lorry can negotiate the proposed access point. More detail will be required at S278 stage.

The applicant also wishes to accommodate a secondary emergency access point – this will be located just south of the bus stop. The applicant may wish to explore the option of double yellow lines to protect this access and therefore a monetary sum of £3k is required for Traffic Regulation Order purposes; this should be secured via a suitable agreement.

A secondary pedestrian access point onto Ribston Avenue is proposed together with a private, informal zebra crossing point and is welcomed. South of the vehicular access point is a footway that is proposed to be built to the southern boundary – this connection is conditioned appropriately as it may be subject to change (dependant on the access arrangements of the residential application immediately adjacent (Planning ref: 18/0534/FUL)). A link will provide suitable access arrangements, allowing pedestrians/cyclists to walk/cycle through to Ringswell Avenue/Warwick Road and eventually to Honiton Road. Such a link will enhance pedestrian/cycling permeability and is necessary to promote sustainability of the site.

The applicant is reminded that the access point/footway to the south is to be constructed partly on adopted highway, but also on private land (owned by DCC). The applicant should approach DCC for this area to be brought up to an adoptable standard through a S38 agreement.

The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to undertaking any work on the highway. A Section 38/278 licence will need to be applied for alongside a Road Safety Audit. The applicant has indicated that the proposed road serving the site will remain private.”

The Highway Authority have also confirmed that the level of parking proposed is considered acceptable to serve the premises having regard to comparison with similar sites/schemes elsewhere in the country. Advice in the Council's Sustainable Transport SPD suggests a parking ratio of 1 space/4 staff and 1 space/3 visitors for hospitals. Based on predicted staffing levels set out in the submitted documents it is considered that the level of parking proposed is consistent with the Council's suggested standard.

The Air Quality Assessment has been considered by the Council's Environmental Health officer and it is accepted that the likely impact of the development upon the designated air quality management areas is not likely to be significant and that no further mitigation measures would be required in connection with this proposal.

Overall, having regard to both the representations raised relating to highway/transportation issues, and the consultation response from the Highway Authority, the proposal is considered acceptable in terms of its likely transportation related impacts.

Drainage/Ecology

The application is accompanied by both a drainage statement and flood risk assessment. Foul drainage will be discharged to the existing public foul sewer, and surface water discharged to the existing public surface water sewer network via at a controlled discharge rate. South West Water have confirmed that the proposed approach is considered acceptable. Additional clarification in response to the comments of DCC as Lead Local Flood Authority have been provided and confirm that ground conditions at the site are not conducive to infiltration based SuDs, underground surface water storage has been adopted due to site constraints preventing above ground attenuation ponds, and that a lower controlled discharge rate in line with DCC

comments can be achieved. The detailed design of the surface water drainage system can be agreed and secured via a condition attached to any approval.

The submitted Ecological Appraisal has identified that the site has limited ecological value for wildlife, including protected species. It concludes that providing the development is implemented in accordance with the recommendations contained within the report the proposal would have no significant adverse ecological impacts. It also concludes that the development of the site actually represents an opportunity to enhance its ecological value/contribution through appropriate landscaping and incorporation of bat and bird boxes within the building.

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.

Landscaping/open space

The scheme proposed includes the provision of a large area of public open space on the northern part of the site that will be available for general use by the public (secured through a Section 106 agreement). This open space will be landscaped to with grass, specimen trees and wildflower/meadow planting and incorporate a footpath accessed from Ribston Avenue close to the existing bus stop providing a loop walk through the open space. This will provide an attractive amenity feature for the benefit of residents in the locality and create an attractive setting to the north of the building. It will be separated from the hospital and its immediate grounds by a gabion retaining wall and fencing.

Delegation Briefing

Meeting 03/07/18

Members discussed the application and some highlighted concerns in relation to highway matters and security which it was acknowledged would be raised by officers and the response reported back to a further delegation briefing.

Meeting 17/07/18

The proposed boundary treatments were clarified as comprising 1.8m high metal fencing (which on the northern boundary would sit on top of a gabion retaining structure). Security arrangements were clarified as outside security doors only accessible by staff and that the patient profile would comprise people who were vulnerable to the public rather than a risk to them. Members highlighted a discrepancy between the good working relationship with the nearby school head teacher suggested by applicant and the reality evident in the objection submitted by the head teacher. Some Members also suggested OFSTED would not approve of the development given its proximity to the school and that this would need to be considered by officers. It was noted that the application would be brought to a forthcoming Planning Committee for determination.

Meeting 20/11/18

Members were provided with an update on the position of the application, principally that the applicant's agent had clarified the nature of the hospital as an acute/low secure unit, and responded to the representations and consultation responses received. A question regarding the potential impact of any CCTV on the site in terms of relationship to the nearby school was raised. It was pointed out that the site was not actually directly adjoining the school, and was likely to be separated from it by future housing development. In this context it was not considered any CCTV employed by the hospital would impact upon the school. Members were

advised that officers considered the proposal acceptable and that it would be brought to Planning Committee on the 3rd December for determination.

Section 106

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

- Public open space – provision, public access and maintenance arrangements
- Traffic order contributions (£3000)

Conclusions

The development is considered to be in accordance with relevant development plan policies and having regard to the 3 overarching objectives of sustainable development identified in the NPPF (economic, social and environmental) the proposed development is considered to represent sustainable development.

The development is also considered acceptable in terms of its design, layout, relationship to surroundings, landscaping and transportation impacts. Therefore, in the absence of any significant material considerations to suggest that the application should be refused it is considered that the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF applies and the recommendation is one of approval.

RECOMMENDATION

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

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

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 5th June, 11th and 19th October 2018 (including dwg. nos. CYG-PHS-XX-ZZ-DR-A-90-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-003 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6, CYG-PHS-XX-00-DR-A-22-001 Rev P2, CYG-PHS-XX-01-DR-A-22-002 Rev P2, CYG-PHS-XX-ZZ-DR-A-27-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-20-001 Rev P5, CYG-PHS-XX-ZZ-DR-A-90-005 Rev P2, Landscape General Arrangement 001F, Landscape Design 003 and Landscape Site Sections 002D) as modified by other conditions of this consent.

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

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

Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

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

a) The parking of vehicles of site operatives and visitors.

b) Loading and unloading of plant and materials.

c) Storage of plant and materials used in constructing the development.

d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.

e) Wheel washing facilities.

f) Measures to control the emission of dust and dirt during construction.

g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.

h) No burning on site during construction or site preparation works

i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.

j) No driven piling without prior consent from the LPA.

k) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

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

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

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

6) The building hereby approved shall not be brought into use until the landscaping has been completed in accordance with the approved plans and a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved maintenance schedule shall be adhered to.

Reason: In the interests of the visual amenity of area and to ensure appropriate maintenance measures are implemented to secure the longevity of the implemented landscaping scheme.

7) No part of the development hereby approved shall be brought into its intended use until the vehicular parking, on-site turning area, vehicular and pedestrian access points onto Ribston Avenue as indicated "Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a safe and suitable access is achieved, in accordance with paragraph 108 of the National Planning Policy Framework.

8) No part of the development hereby approved shall be brought into its intended use details of the pedestrian/cycle access to the adjacent residential site (to the south of Ribston Avenue) have been approved in writing by the Local Planning Authority and the pedestrian/cycle access has been provided, surfaced and marked out in accordance with the approved plans. Thereafter the said access shall be retained for those purposes at all times.

Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraphs 108 and 110 of the NPPF and CP9 of the ECC Core Strategy

9) Prior to the development hereby approved being brought into use secure cycle parking provision and staff changing facilities to serve the development shall be provided and made available for use 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 maintained at all times for the intended purpose.

Reason: To provide adequate facilities for sustainable transport.

10) No development shall take place until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

11) A comprehensive Travel Plan in line with the proposals mentioned in the submitted Travel Plan Statement (June 2018) and Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The Travel Plan measures and Car Park Management Plan shall thereafter will be implemented in accordance with the approved details. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority as part of the Travel Plan thereafter.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

12) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 and 2 have been complied with. If unexpected contamination is found after

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 has been complied with in relation to that contamination.

1. Submission of Remediation Scheme

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

2. Implementation of Approved Remediation Scheme

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

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

3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance, and where remediation is necessary an updated remediation scheme must be prepared in accordance with the requirements of part 1, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved updated remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 2.

Parts 1, 2 and 3 must all be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: In the interests of the amenity of the occupants of the building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

13) 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 protecting the residential amenity of the occupants of surrounding properties.

14) Noise levels at the boundaries of the site associated with plant forming part of the development hereby approved shall not exceed the limits specified in figure 1 attached to the WSP memo dated 21st September 2018 ref WSP-APM001 submitted in support of the application.

Reason: To protect the residential amenity of the occupants of surrounding properties.

15) Prior to the development hereby approved being brought into use boundary treatments to all 4 external boundaries of the site, and between the hospital and the open space, shall be erected in accordance with further detailed specifications that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the boundary treatments specified on the approved landscaping plans and comprise detailed specifications for each boundary. Thereafter the said boundary treatments shall be maintained at all times.

Reason: In the interests of the visual amenities of the area, and the security of the site.

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

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

17) The detailed design of the proposed surface water drainage scheme to serve the site, including the associated maintenance and management arrangements, shall be submitted to and be approved in writing by the Local Planning Authority prior to the installation of the said drainage facilities. Thereafter the drainage shall be implemented and managed and maintained in accordance with the approved details. Those details shall include:

a) a timetable for its implementation, and

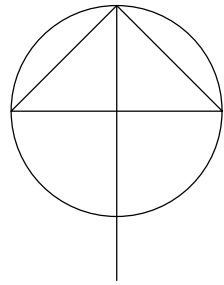
b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.

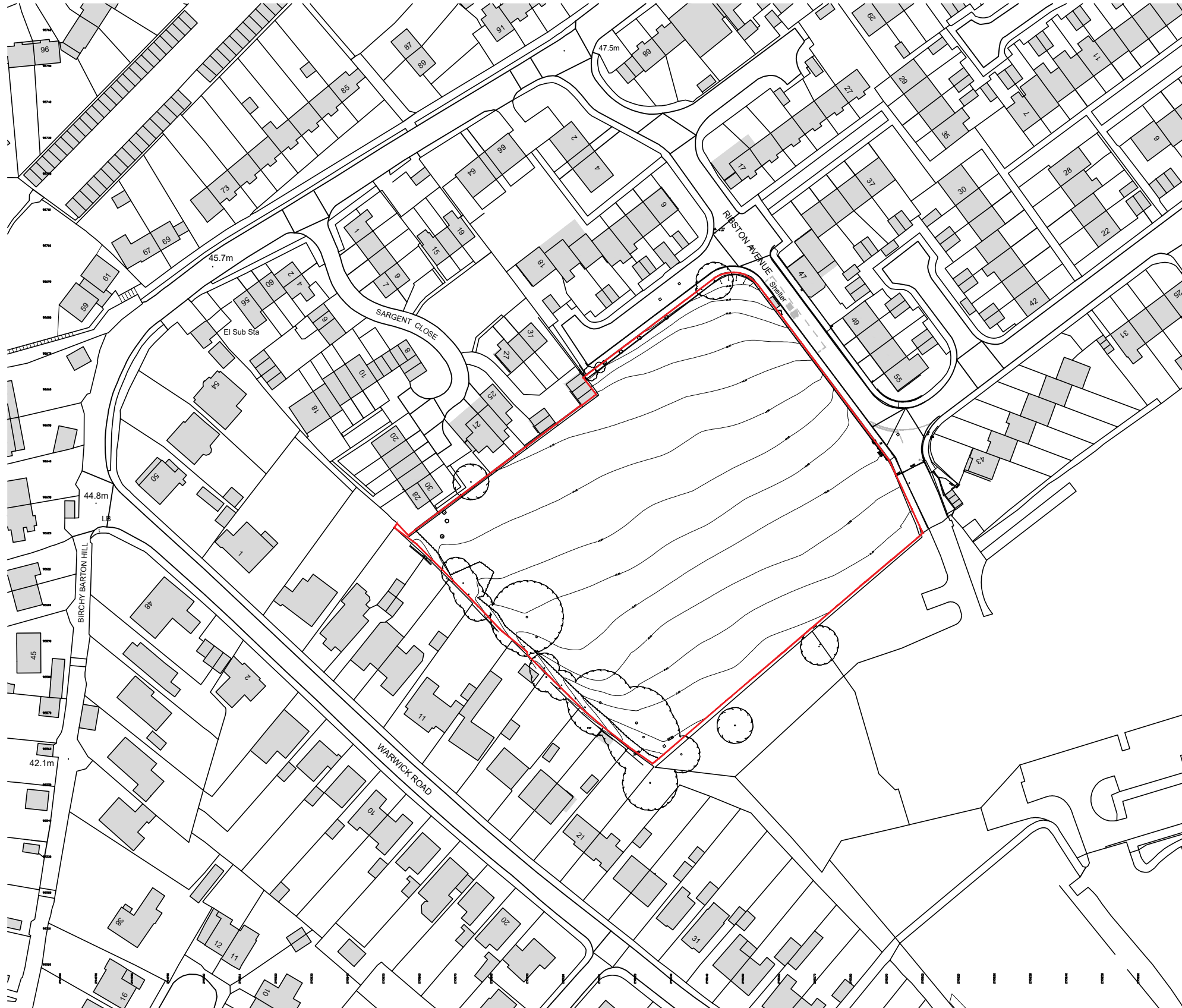
Local Government (Access to Information) 1985 (as amended),

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



NORTH



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Rev P1 : 2018.05.30 : MA : DS : Issued for planning approval

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Drawing Number

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Status Revision

S2 P1

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Agenda Item 6

COMMITTEE DATE: 03/12/2018

APPLICANT: Devon County Council

APPLICATION NO: 15/0640/OUT

PROPOSAL: Residential development including new access onto Chudleigh Road and Dawlish Road and associated infrastructure. (All matters reserved for future consideration except access)

LOCATION: Aldens Farm East Land Between Chudleigh Road And Dawlish Road Alphington Exeter

APPLICATION NO: 15/0641/OUT

PROPOSAL: Residential development including new access onto Shillingford Road and associated infrastructure. (All matters reserved for future consideration except access)

LOCATION: Aldens Farm West Land Between Shillingford Road And Chudleigh Road Alphington Exeter EX2

REGISTRATION DATE: 05.06.2015

DESCRIPTION OF SITE/PROPOSAL

Application ref 15/0640/FUL proposes outline planning permission for development for up to 234 dwellings with associated infrastructure. The application is for all matters reserved except for access, which is proposed from Chudleigh Road and Dawlish Road using an improved existing vehicular and pedestrian access. The site comprises an area of land of 8.07 hectares in total comprising open fields to the south of existing residential properties located in Steeple Drive, Pulpit Walk, Lichgate Road and Tower Walk. The boundaries of the individual fields are demarcated by existing hedgerows with some mature trees. The eastern boundary is delineated by an existing hedgerow next to Dawlish Road with a similar arrangement on the western edge of the site adjacent to Chudleigh Road. The southern boundary of the site contains an existing hedgerow with the land further to the south of the site designated for future housing development (Bovis Homes) located within the Teignbridge District Council's administrative area.

Application ref 15/0641/FUL proposes outline planning permission for development up to 116 on land between Chudleigh Road and Shillingford Road together with a new vehicular access to Shillingford Road with other all matters reserved matters. The site comprises an area of land of 4.1 hectares in total comprising of open fields to the south of existing residential properties located in Veitch Gardens and Royal Close. The boundaries of the individual fields are demarcated by existing hedgerows with some mature trees. The eastern boundary is delineated by an existing hedgerow towards but not alongside Chudleigh Road, as there exists land within separate ownership and not to be considered as part of this application. The western edge of the site adjacent to Shillingford Road contains existing hedgerows. The southern boundary of the site contains an existing hedgerow alongside Markham Lane with the land further to the south of the site designated for future housing development (Bovis Homes) located within the Teignbridge District Council's administrative area.

Both sites are located adjacent to the built up urban area of Alphington and therefore there are a number of existing services and facilities within close proximity to the site. The site is served by the existing road network, a number of bus services and is located adjacent to an existing pedestrian and cycle path network.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The agent originally submitted the following reports with the application in 2015 Planning Design and Access Statement, Ecological Appraisal Review, Flood Risk Assessment, Landscape and Visual Assessment, Transport Assessment, Archaeological Report, Bat Survey Report, Dormouse Survey, Arboricultural Survey, Air Quality Assessment and Ground Investigation Report. Since these reports were submitted updated versions have been provided where necessary.

Transport Update for 15/0640/FUL & 15/0641/FUL (August 2017)

Since the original transport statement there has been no change in the assessment methodology and it broadly follows the consistent approach sought by DCC for all assessments within the SWE masterplan. The trip rates from the SW Exeter Access Strategy have been used and therefore the only change in the assessment has been to the background traffic growth for the 3 years which have passed since the assessment. This is expected to be minimal in relation to the committed development traffic considered in DCC's own assessments for the local area.

The submitted assessment is also considered robust as it accounted for the impact of up to 400 dwellings, whereas the applications submitted are seeking outline approval for 350 dwellings. Therefore, any additional background traffic growth which would potentially be accounted for by conducting a reassessment in the current year would be eclipsed by the additional level of traffic already included.

In response to the Transport Assessment, DCC's own highway's consultee comments identify that improvement works will be required on the highway network surrounding the site and in the vicinity of the SWE masterplan area. These works have already been identified by DCC and contributions towards these improvements are being sought from all associated developments within the plan area.

It is therefore considered that there is limited benefit in a re-assessment being undertaken to reconsider the impacts of the developments, as the associated works are already identified and agreed. It is therefore concluded that any further reassessment would provide the same conclusions as before with the same mitigation works and associated contributions.

Air Quality Update for 15/0640/FUL & 15/0641/FUL (September 2017)

The Air Quality Assessment undertaken for both applications previously submitted are still considered valid and suitable as evidence to determine the applications.

The methodology undertaken follows current guidance for undertaking air quality assessments for planning applications, as set out within the air quality planning guidance published by Environmental Protection UK and the Institute of Air Quality Management. There have been no significant changes in these guidance or approved methodologies for undertaking assessments since the previous application.

The previous assessment assessed the impact of the proposals on local air quality using traffic data derived on the basis of the methodology approved by DCC for the Transport Assessment (TA). This used trips rates derived from the SW Exeter Access Strategy and took account of anticipated growth in traffic as a result of additional development within the South-East Exeter area through the application of TEMPro growth factors.

The only change in traffic since the previous assessment was undertaken would be as a result of background traffic growth over the 3 years since the previous assessment was completed. This is expected to be minimal given that, as detailed above, the previous assessment made account for anticipated traffic growth within the future assessment scenarios.

Furthermore, the previous assessment assessed the proposed development based on impacts associated with up to 400 dwellings; whereas the applications being submitted are seeking outline approval for 350 dwellings. The previous assessment is therefore considered to represent a worst-case prediction of potential impacts on local air quality as a result of the

application and any additional impacts on local air quality as a result of background traffic growth not accounted for within the previous TEMPro growth factors would potentially be accounted for by the reduced trip rates from the revised application.

It is therefore considered that the previous air quality assessment also remains valid and there would be no benefit in undertaking a re-assessment.

Landscape and Visual Assessment update – for 15/0640/FUL & 15/0641/FUL (March 2018). The revised report concludes in the assessment of landscape impact that there will be moderate to substantial impacts on hedgerows and trees. However, if sensitive mitigation proposals are implemented, that allow for the retention of as many existing trees as possible and designing within the hedgerow field pattern then the impact can be minimised. The long-term impact will be less significant as the mitigation planting establishes.

The arboricultural and ecological report suggest that most of the hedges internally are of poor quality whilst the higher quality hedgerows are on the boundaries and could be retained. Whilst there will potentially be a significant loss of internal trees, hedgerows, agricultural land, good mitigation can compensate for these losses and over time even add ecological and amenity value.

Key issues arising from the impact assessment

- the proposed development for this site for residential development would fundamentally alter the land use of the area from agricultural to mixed residential.
- the site and its adjacent setting possess clear local character and distinctiveness that should be recognised and valued in any proposed development.
- the site contains landscape elements of significant arboricultural and ecological interest. Retention and protection of these elements should be allowed for in any development plan. This would include retention of historic land boundaries and the linking of new boundaries.
- the proposed development of this site would extend the built up edge of the city of Exeter. Design proposals should be appropriate to maintain this edge within the wider context of the landscape setting of Exeter.
- the extension of the built up edge of the city environs would alter the rural character of the site for the existing surrounding residences, although the visual effect of this extension would be of little visual impact for the wider landscape of the city

Mitigation and enhancement

The landscape mitigation strategy for the site should provide the following:-

- Providing a 'Green Infrastructure' Network by seeking to retain the existing established landscape framework, formed of historic hedgerow boundaries and distinctive field pattern, and to use this to help guide design layouts and protecting, enhancing and creating a variety of habitats linking to the wider countryside.
- Seek to protect and enhance important landscape elements including species rich hedgerows and mature specimen trees within the site layout.
- Seek to identify the local character and distinctive of Alphington village, and to provide proposals that respect and reinforce this sense of place.
- Increase the amenity value of the site through enhancement of the proposed development through the provision of landscape planting around buildings and along internal corridors.
- Improve ecological connectivity to enhance the species diversity of site, and provide habitats for birds, bats and other small mammals to create links from the site into the wider surrounding landscape.
- Compensate for the loss of any trees/hedgerows through additional tree and shrub planting.
- Providing a lighting scheme which avoids light spill on the landscape.
- Design components for the site include: structural landscaped framework; retention and protection of existing mature vegetation; green infrastructure links to/from the site; on site

- water attenuation facilities; site massing and layout planning to achieve a built form consistent in height with the adjacent existing settlements.
- The proposals for the development of this site are to provide a robust site layout that enables the provision of residential units within a landscape framework, linked to the surrounding wider landscape and settlements by road, cycle and pedestrian access routes.

Ecological Appraisal/Mitigation and Enhancement Strategy - for 15/0640/FUL & 15/0641/FUL (October 2017) provides overall conclusions.

The extended Phase I habitat surveys and scoping have shown that the habitat value of the pastures and arable land on which the proposed housing development would be constructed is limited. However the habitat value of the hedges that act as internal and external boundaries is of greater ecological significance. It has been shown that the site itself does not support any dormice, even though some of the hedges provide suitable habitat opportunities. The status and value of the site for bats has been identified.

Given appropriate mitigation, which should include the retention and enhancement of site boundaries, planting of new hedges to provide a southern boundary flight corridor, provision of appropriately managed green open space and planting up of less accessible ground as broadleaved copses, there are no overriding ecological reasons that should prevent the construction of the development that is proposed.

Ecological losses would be greatly reduced, if the grubbing out of hedges is limited to an absolute minimum and only as required. Provision of habitat and species enhancement should be integrated into the appropriate management of retained hedges, habitat creation/landscape planting, green open space provision and subsequent management. Planting should combine native trees and shrubs and exotic species with a proven value to wildlife in the areas – for example as sources of nectar and pollen.

It is recommended that the landscape plans for the proposed development should incorporate provisions specifically designed to create and enhance habitats for wildlife. It is further recommended that the ecological element should be integral within a Landscape and Ecological Management Plan (LEMP) or Biodiversity Mitigation Plan (BMP).

Dormouse Survey update – for 15/0640/FUL & 15/0641/FUL (November 2017). An initial dormouse survey was undertaken during 2012 for both sites. For planning applications standard best practice guidance recommends that the findings of dormouse surveys remain valid for a period of three years. After this three year period a follow up survey should be undertaken. A total of 70 dormouse tubes were placed in suitable hedgerow habitats from July to November 2017. The tubes were checked at the end of August, October and November 2017.

The tubes checks in August and October found no evidence of dormice. The final tube check at the end of November found recent dormouse nest at two location consistent with the findings of the 2012 survey to the south of the Aldens Farm sites. The 2017 dormouse survey has therefore confirmed the continued presence of a dormouse population on land to the immediate south of Aldens Farm site.

Given this finding it is still appropriate to use the information in the 2012 dormouse report for any planning application for the site. All details relating to impacts, mitigation and legal considerations within the 2012 report should be made a specific condition of any planning approval for the site. The recommendation remains valid for the next three years (up to the end of 2020). Should no development take place on site by early 2021 a follow-up dormouse survey will need to be completed.

Bat Survey update – for 15/0640/FUL & 15/0641/FUL (October 2018). A bat activity transect surveys and static monitoring was undertaken from August 2017 to July 2018. In addition, a ground level tree assessment was carried out in December 2017 to identify trees with bat roosting potential. For both sites low-moderate levels of bat activity were recorded on site during the bat transect and static monitoring surveys. In total 11 bat species were

recorded during the walked transects and/or static monitoring, including a mixture of common and rare/rarest species. The high proportion of barbastelle calls is of particular note, recorded during the 2017 monitoring. Despite the overall low numbers of bats, the species diversity is very high. Overall, the site is considered to be a site of value for foraging/commuting bats. However, it is of greater importance for rarer species, including barbastelle. A number of trees had the potential for roosting bats.

The ecological mitigation and enhancement strategy recommends the planting of new boundary hedgerows; planting a grassy buffer zone alongside certain existing hedgerows; promotion of a sensitive lighting scheme to be designed and implemented and installation of bat boxes/tubes on buildings within the site.

Flood Risk Assessment - for 15/0640/FUL & 15/0641/FUL (September 2017) The assessment has been undertaken to ascertain the constraints of the development to the site and to assess the impact of the design, with respect to flood risk, in particular downstream surface water flooding. The site lies within Flood Zone 1 and is therefore a compatible development in line with policy guidance. The site is not identified as being at risk of flooding from flood risk sources and therefore the primary mitigation for the development will be managing surface water discharges generated by the site.

As well as infiltration techniques, attenuation methods will primarily be used to dispose of surface water flows from the development and its surrounds via a restricted flow to the existing receiving surface water system. Where ground conditions and site layout permit, the application of infiltration techniques will be maximised to manage long term storage and minimise the attenuation volume. With the above measures in place the development of the site will not create any flood risk issues to the wider area.

Affordable Housing Statement – for 15/0640/FUL & 15/0641/FUL (August 2018) The applicant, Devon County Council as landowner and the owner of St Bridget's nursery land, have offered an affordable housing provision for both applications at 30% of the total units. As such, the S106 agreement will provide, in respect of affordable housing, for the following: 30% of the units to be affordable; 70/30 split in tenure and a mix of affordable units that responds to the identified affordable housing needs of the City in accordance with Development Plan Policies.

REPRESENTATIONS

Alphington Village Forum objects to both applications for the following reasons:-

- i) The planning, design and access statement has not adequately explained or justified the development proposal for the site;
- ii) The planning, design and access statement has had insufficient regard to the Alphington Development Brief and consequently fails to meet its requirements;
- iii) Information submitted with the planning application is out of date;
- iv) No green infrastructure framework;
- v) Inadequate open space will be provided;
- vi) There will be a net loss of biodiversity;
- vii) Housing densities are unknown;
- viii) There is no provision of community facilities;
- ix) Cycle and walking routes will be inadequate;
- x) There is no proposal to provide an extended A bus route;
- xi) Air quality is likely to be worse;
- xii) There has not been a co-ordinated approach to planning of development on both sides of the Exeter/Teignbridge administrative boundary.

- Further concern raised about the provision of a bus link across Markham Lane which is not included in the Alphington Development Brief or the supported plans but promoted by Devon County Council.

- The assumption that there will be a high uptake of sustainable transport modes is disputed given the existing A bus service time and the high Alphington population of elderly people.

43 objection letters raising issues pursuant to both applications. Planning issues raised:

- 1) Loss of existing countryside;
- 2) Already too many new houses being building in the area;
- 3) Creating urban sprawl;
- 4) Insufficient infrastructure available for new dwelling ie doctors, dentists, schools, sewage, bus service and community facilities;
- 5) Severe traffic congestion will result of new development within both the Exeter and Teignbridge administrative area;
- 6) Scale of development too large of site;
- 7) Construction will cause many years of disturbance, dust and traffic;
- 8) All through school proposed for the south of the A379 will not serve the new development in Alphington;
- 9) Proposed small footbridge across A379 will be inadequate and lead to a divided community;
- 10) Insufficient community facilities;
- 11) Proposed ridgetop park will not serve the residents of Alphington – lack of SANGS closer to new community;
- 12) Missed opportunity for community involvement;
- 13) Increased traffic will lead to the potential for increased risk of injury and death to road users and pedestrians;
- 14) Need to improve/upgrade the junction onto Alphington Road to cope with the higher volume of traffic;
- 15) Unacceptable shortcut will be created between the new development and existing residential roads leading to unreasonable intrusion for existing residents;
- 16) Proposed dwellings need to be in keeping with existing properties in the area;
- 17) Need for sufficient parking for the new development;
- 18) Lack of coordination between authorities;
- 19) Adverse impact on wildlife and loss habitat, trees and hedgerow;
- 20) Potential for fly-tipping along newly created roads;
- 21) Density too high for the area;
- 22) Inadequate green space/open space;
- 23) Traffic hazard from existing driveway onto main roads;
- 24) Lack of detail submitted with the application;
- 25) Reports/assessments submitted with the application out of date;
- 26) Alphington Village would be unable to cope with increased traffic generated;
- 27) Increased pressure on already dangerous roads;
- 28) Need to address air quality to ensure traffic pollution levels are not exceeded;
- 29) No travel plan submitted with the application;
- 30) Need for cooperative housing as part of affordable housing provision;
- 31) Need to achieve low/carbon objectives, if district heating scheme considered not viable;
- 32) Fails to comply with the Development Brief for the South West;
- 33) Does not achieve policy complaint affordable housing provision;
- 34) Insufficient public consultation;
- 35) Loss of privacy;
- 36) Lack of information regarding housing densities;
- 37) Development will lead to drainage problems in the area;
- 38) Loss of agricultural land;
- 39) Lack of Marsh Barton railway halt and park and ride provision which will impact on the development being sustainable.

Objection responses specific to application 15/0640/FUL:-

1) No public access should be gained from Steeple Drive;

Comment response specific to application 15/0641/FUL:-

1) Access route across the site and the surface water balancing pond submitted for illustrative purposes should be a more direct connection;

2) Ensure connection with adjacent development site to allow more comprehensive development of the area;

3) Historic significance in the home of the Veitch family needs to be considered.

CONSULTATIONS

The County Head of Planning, Transportation and Environment original consultation response was made in 2015. Given the time that has elapsed since these comments more up to date comments have been requested, which have confirmed that the assessment previously undertaken remain valid. Additional comment has however been made regarding the contributions that are expected towards identified mitigation measures. It is expected that DCC would take on the delivery of infrastructure, although it should be noted that the ability to do this will be dependent on sufficient development contributions being collected from the developments. Further comment is made that a recent application was made to the Housing Infrastructure Fund. If successful, this would assist with the upfront delivery of infrastructure to support the planning applications at SW Exeter.

The scale of growth proposed in the South West Exeter urban extension requires a coordinated, comprehensive approach to successfully create a sustainable community and ensure effective and timely mitigation of development impacts. If a comprehensive approach across the site allocation is not taken, there is a risk that the successful provision of infrastructure will be precluded. The comments provided as part of this response seek to support and enable the delivery of sustainable development to the South West of Exeter, as identified within the adopted Exeter City Core Strategy. The Transport Assessment (TA) submitted with the applications deals with both applications together and assesses the impacts of up to 400 dwellings.

The Highway Authority has worked with the various transport consultants for the wider South West Exeter development to agree a consistent methodology for Transport Assessments submitted with applications, The Highway Authority has considered the information submitted with this application alongside its own work and information that is available from the other applications submitted for the wider South West Exeter development area.

The application refers to the SW Exeter Access Strategy. At the time of writing the strategy, it was assumed that the development within Exeter City Council's boundary would come forward first, with the rest of the allocation likely to come forward towards the end of the plan period. Since the production of the strategy, the development has progressed and applications submitted for the majority of the rest of the allocation. It is therefore no longer appropriate to assume that the Exeter part of the development (these applications) will come forward early and the TA should not assume that these applications will be a first phase of development at SW Exeter. It should be considered as part of the wider urban extension for 2,500 dwellings. The Highway Authority has considered these applications, and their impacts, as part of a larger development.

The trip rate for the development has been taken from the Access Strategy, which is considered to be acceptable and has been agreed for the TAs. This trip rate assumes a high uptake of sustainable transport modes. The application must ensure that the developments are designed appropriately to achieve the trip rate used. This will require appropriate contributions to bus services. The indicated mode split is taken from census data based on

existing conditions and does not account for the anticipated improvements in sustainable travel provision. It should be noted though that sustainable transport modes have not been increased to take account of the low trip rate. Given that the assessment of the highway impacts is based on an acceptable vehicular trip rate this does not undermine the assessment, but it should be noted that the Highway Authority would expect a higher proportion of users of sustainable modes.

The distribution is also taken from the Access Strategy and traffic growth has been calculated using TEMPRO. Whilst TEMPRO is a useful tool for growth from the current year, it does not consider the direct impact from neighbouring development. Since the production of the Access Strategy, an updated agreed distribution has been established and used for other applications at SW Exeter. The preferred approach is for the applicant to revise the assessment taking into account the updated information, which the Highway Authority would be happy to provide. This would include assessing the impact of the development at the Chudleigh Road / A379 junction, where the Highway Authority has concerns about the performance and safety. It is noted though that this assessment has been undertaken for other applications and this would involve repeating the assessment. Given that the Highway Authority has the information available from other applications, in this instance, the Highway Authority would not require this further assessment to be undertaken. Based on previous assessments that have been undertaken, the Highway Authority considers that improvements will be required to the A379/Chudleigh Road junction.

Due to the safety concerns at the A379 / Chudleigh Road junction, it is proposed to realign the road to form a new signal junction on the A379. The land required to deliver this is within the control of Bovis. The Highway Authority does not consider it appropriate to allow this development, or others impacting on this junction, in advance of improvements being made to this junction or the road being realigned. The Highway Authority has offered to deliver improvements for this junction, including the realignment of Chudleigh Road, subject to necessary contributions from the affected developments to cover the full cost of the works. Agreement to fund these works would allow development to come forward. If this cannot be achieved, the Highway Authority would recommend a Grampian condition to restrict occupation of development until the scheme is delivered.

The means of access is a detailed matter for these applications. For both applications for Aldens Farm, priority junctions are proposed at the western and eastern edges. Priority junctions are, in principle, acceptable and the submitted capacity assessments show these junctions to operate comfortably within capacity.

To allow for local bus services to be extended through the site the provision of routes to the west and east is welcomed. The applicant is advised that a condition is likely to be recommended to provide a through route on the land between Dawlish Road and Chudleigh Road. In addition, the bus connection to the southern boundary of the Aldens West site which connects to that shown in the Bovis application should be secured.

Details of the internal road layout will need to be submitted to and agreed by the Local Planning Authority before occupation of the development. This includes a design that is suitable for a high quality bus link through the site and for pedestrian cycle connections onto adjacent roads. To ensure that appropriate restrictions are implemented across the site a contribution of £10,000 is requested towards off site Traffic Regulation Orders.

The success of development at South West Exeter will be dependent on appropriate mitigation to help alleviate the impacts of the development. This has been identified through ongoing work and is set out in the South West Exeter Access Strategy. The strategic transport infrastructure required for this development will need to be funded through the Community Infrastructure Levies of both Teignbridge and Exeter as implied through the

Authorities' respective Regulation 123 Lists. It has been assumed that the CIL regime will provide appropriate funding towards Marsh Barton Station and Alphington Park and Ride.

Appropriate payment triggers from the two CIL regimes will need to be discussed and agreed between the county council and Teignbridge District and Exeter City Councils in order to ensure that the transport infrastructure required can be delivered in a timely manner.

In summary, it is considered that the TA underestimates the full impact of development, as the assessment applies TEMPRO growth rather than considering the direct impact from the whole of the allocation. It is also considered that the impact of the development is not fully considered as the Chudleigh Road / A379 junction is not assessed. The Highway Authority considers that improvements are necessary here and although not supported by the TA due to a lack of information, there is limited benefit in the applicant undertaking a further assessment. In order to mitigate the impact of the development at the Chudleigh Road / A379 junction, a contribution towards the works will be required. The Highway Authority has identified conditions and financial contributions below which would be required if permission is granted.

Devon County Education Authority

Primary school provision - There is no spare capacity at existing primary schools within a reasonable walking distance from the proposed development and therefore the Education Authority stresses that the early delivery of new primary provision, including nursery provision, is critical to mitigate the impacts of development and support the delivery of a sustainable community at South West Exeter.

Given that there is no spare capacity in existing primary schools, the county council will require certainty that additional school places can be provided for the development coming forward. This would be outside of the control of this application as it does not propose a school site. Therefore, the acceptability of this application is dependent on the ability to secure a school site to enable a new school to be delivered to provide school places for this application. A Grampian condition is recommended if planning permission is granted, to ensure that school places can be provided for pupils generated by this development.

Secondary school provision - There is limited spare capacity at existing secondary schools within Exeter to accommodate the development proposed when factoring in current increases in primary pupil numbers, the impact of approved but unimplemented development, existing school infrastructure and strategic housing allocations in the city. A development of 350 new family dwellings is expected to yield 53 secondary aged pupils. Due to some surplus capacity in the city, the equivalent of 42 places required by this development will need to be funded through the CIL. The first phase of the secondary school needs to be delivered on occupation of 1,000 dwellings within the Teignbridge allocation at South West Exeter.

Early Years - The county council requires early year provision to be made in the primary school for children that are 2 - 4 years of age. In a 210 place primary school there must be a minimum of 26 early year places, whilst in a 420 place school 52 places would be required. This will need to be provided from the CIL in timely manner to enable early year provision as part of the first phase of the primary school to be delivered on occupation of 200 dwellings within the Teignbridge allocation at South West Exeter.

The Education Authority stresses the importance of securing sufficient CIL funding towards appropriate education infrastructure. If such funding is not secured, the education impacts of the development would not be appropriately mitigated and the county council would not be able to support the application. Appropriate payment triggers from the CIL regime will need to be discussed and agreed in order to ensure that the education infrastructure required can be delivered in a timely manner.

As identified above, a condition will be required to manage the delivery of development alongside appropriate education infrastructure.

Devon County Waste Management comment that Policy W4 of the Devon Waste Plan December 2014 requires applications for major development to be accompanied by a waste audit statement that identifies the waste that will be generated during construction and operational phases and explains how it will be managed in accordance with the waste hierarchy. Since adoption of the Waste Plan, Devon County Council has published the Waste Management & Infrastructure SPD that provides guidance to applicants and district councils on preparation and consideration of waste audit statements. It is recommended to secure submission and implementation of a waste audit statement to ensure compliance with the development plan.

Devon County Council Flood and Coastal Risk Management Team comment that further to the information provided within the Flood Risk Assessment, Revision B (Ref: 12017/FRA1 West, dated November 2015), no objection to the proposals for the outline surface water management system is raised subject to suitable conditions being imposed. Further comment is made stating that within the detailed design of the surface water management system, above above-ground SuDS and attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

Devon County Library Services comment that as part of the infrastructure planning work undertaken by the county council, additional local library provision has been identified as an infrastructure requirement which should be provided as part of the wider South West Exeter urban extension. It is anticipated that this will form part of the multi-purpose community building to be delivered as part of the wider urban extension. As libraries are included on the city council's regulation 123 list, any contribution towards a library provision would be through CIL.

Highway Agency has no objection to planning applications in connection with the residential development's connection to the A30, A38 and M5.

RSPB comment that given the proximity of the proposed developments to the Exe Estuary Special Protection Area (SPA) and Ramsar site (1.6 km from Aldens Farm East and 2.1 km from Aldens Farm West), and their forming part of a 2,500 unit allocation specific dedicated measures are necessary to be confident that these applications, in combination with other plans and projects, will avoid adverse effects on the SPA and Ramsar site. We understand the South West Exeter Suitable Alternative Natural Green Space (SANGS), to be implemented on land south of the A379 (c1km from the application sites) is intended to help meet the daily recreational needs of new residents of both these proposed developments, as well as new developments in Teignbridge district.

For SANGS to be effective, it is crucial that at least the minimum required sized area is fully operational (ie, ready for use in terms of access, parking and sufficiently attractive green space, including a minimum 2.5 km dog walking route) ahead of the first occupation of any of the dwellings. If not, the likelihood is that new residents will meet their recreational needs elsewhere, and consequently establish regular patterns of such use away from the SANGS, thereby likely adding to the damaging recreational pressures on the Exe Estuary SPA. We recommend the timetable for payments, delivery of the SANGS and occupation of dwellings is clarified (eg, including in relation to any phased development of both housing) and secured to avoid lack of appropriate and timely SANGS delivery. We therefore recommend a condition on any planning permissions that the appropriate area of the SWE SANGS (Ridge

Top Park) must be operational ahead of first occupation of any dwelling on Aldens Farm East and West.

Access onto these sites is not a reserved matter and the proposals include the creation of visibility splays which will likely involve removal of some hedgerow. The generic ecological mitigation recommendations seem to have been made without any reference to these specific impacts. We recommend that appropriate conditions are attached to any permissions for these applications to avoid damaging impacts on protected species, minimise hedge loss and require appropriate mitigation (eg, replacement planting or biodiversity offsets).

No information was provided to know what existing habitats may be retained on these sites. We recommend that hedges (including hedgerow trees) are prioritised for retention. However, even if hedge connectivity within the sites and with neighbouring farmland can be retained and appropriate buffers between hedges and new housing provided, there will be an inevitable loss of context from farmland hedges to hedges within a residential development and, if retained hedges become garden boundaries, they may be subject to inappropriate management including removal. We recommend that any permission is conditioned with a requirement for the applicant to make an appropriate biodiversity offsetting contribution related to loss of habitat such as hedgerow removal.

In our view, the proposed development could affect the Matford Brook, which flows through the RSPB Matford Marsh nature reserve (1km east of Aldens Farm East) before entering the Exe Estuary. We recommend the reserved matters applications provide information that reports on any risks (eg, surface water run-off into this watercourse) and how any damaging hydrological impacts (eg water quality) on the Exe Estuary SSSI, SPA and Ramsar site can be avoided. Particularly given the hydrological sensitivity of these application sites, robust, multi-functional Sustainable Urban Drainage Systems should be required.

The effectiveness of the various ecological reports' mitigation and enhancement recommendations (generic because of outline nature of the applications) is dependent on the design and layout of the proposed developments. We recommend the proposed developments incorporate nest sites, foraging opportunities and shelter for a range of species, including insects, birds and small mammals. Measures including integral nest sites for swifts (minimum overall ratio of one per dwelling), permeable garden boundaries to enable hedgehogs to travel and planting a range of native or non-invasive non-native) flowering plants, shrubs and trees should all be incorporated. We recommend that a Landscape and Environmental Management Plan to include the Biodiversity Requirements of the Residential Design Guide SPD is made a condition of the consent.

Devon Wildlife Trust objects to this planning application commenting that the site is used by some of the rarest bats in the UK, and has particular importance for the barbastelle bat. Where the introduction of artificial lighting into an area would cause adverse impacts upon the population of a rare bat using the flight paths and foraging habitat in this area, an offence is likely to be committed under the Conservation of Habitats and Species Regulations 2017

i) The application contravenes the requirements of para. 99 of Circular 06/2005 Biodiversity and Geological Conservation that states that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

The application contravenes this requirement because it is based on incomplete information and to the fact that the bat surveys carried out for the Interim Bat Activity Report were relatively limited, in relation to the large site area being considered for development.

ii) The application does not contain any evidence that it will satisfy the requirements of policy in the National Planning Policy Framework para 170 which requires that -
"Planning policies and decisions should contribute to and enhance the natural and local environment by:....d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

The ecological network running across and around the development site comprises the hedgerows and trees as well as the fields. These are likely to be important for the rare European Protected Species using the site. It is likely that, if these light sensitive bats are to continue using the site, the hedgerows and trees will need to be protected from adverse lighting impact by measures such as wide, vegetated set-backs and physical barriers. This will no doubt have a constraining effect on the amount of land that can actually be built on. There is a high probability that given the amount of development would not minimise impacts on biodiversity; would not provide net gains for biodiversity and would not establish a coherent ecological network that is resilient to future pressure.

iii) The application does not satisfy the requirements of Exeter City Council's Residential Design: Supplementary Planning Document. Para. 4.4 of the above document, outlines five design principles of which the third relates to integrating biodiversity - (iii) integrated biodiversity

*"The design and layout of new residential development will protect and enhance biodiversity on site, and enhance connections between ecological features within and across the site.
Existing areas and features of biodiversity value should be incorporated into the design and layout and wherever reasonably possible enhanced."*

There is little evidence that this requirement has been considered in the planning application. The applicants have seriously underestimated the ecological constraints of the site.

LPA comment - It should be noted that further information has now been made available in the form of an ecological mitigation and enhancement strategy for bat species dated October 2018 by Acorn Ecology.

Devon and Cornwall Police Liaison Officer provides comment on both applications stating that from a designing out crime perspective there is too little detail to enable a full response at this stage but based on the documentation and plans submitted the following comment are made that to comply with the requirements of the NPPF specifically para 58 & 69 requires that designing out crime & disorder and crime prevention per se is referenced in any future Design and Access Statement (DAS) to indicate that such issues have been considered. There is no mention of designing out crime or crime prevention in the 2015 DAS.

It is noted that the Landscape and Visual Assessment document from 2014 alludes to the fact that 'The orientation of footpaths and the separation of pedestrians and cyclists from vehicular traffic is a question to consider'. Where possible it is important that routes for pedestrians, cyclists and vehicles are integrated to provide a network of supervised areas to reduce crime and anti-social behaviour. Additionally public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings if possible.

City Council's Housing Development Officer comments on both applications:-

15/0640/01

Policy CP7 and paragraph 3.4 of the Affordable Housing SPD requires 35% of the total number of units on site to be affordable housing. However following the submission of viability information for both the Eastern and Western part of the site and the subsequent discussions with the applicant, it was decided that it was viable for the development to provide 30% affordable housing. 30% of 234 is 70.2; we would therefore expect 70 affordable units on this site.

If the percentage of affordable housing required does not equate to a whole number of dwellings, the Council will require a financial contribution to provide 'part' of an affordable home, based on the formula provided in Table 1 of Appendix 3 of the Affordable Housing SPD – Paragraph 3.5. In this case we would expect a contribution for the remaining 0.2 if a unit. At least 70% of the affordable units to be social rent (49 units), remainder to be intermediate affordable housing (21 units) – Policy CP7 and paragraph 3.9 of the Affordable Housing SPD. The affordable dwellings to be delivered in a mix that comprise of a mixture of house types informed by context, local housing need and the most up to date Housing Market Assessment (Policy CP5) at time of reserved matters application submission – Paragraph 3.7 of the Affordable Housing SPD.

On schemes with 20 or more dwellings, 5% of the affordable housing to be wheelchair accessible and built in accordance with the Council's Wheelchair Accessible Housing Design Standards. This would equate to 4 units. The size and type of these dwellings to meet greatest need at time of reserved matters application submission - Paragraphs 3.13 and 3.14 of the Affordable Housing SPD.

Affordable housing must be spread out across the site in clusters of no more than 10 units and spread across the site – Paragraph 3.16 of the Affordable Housing SPD

15/0641/01

Policy CP7 and paragraph 3.4 of the Affordable Housing SPD requires 35% of the total number of units on site to be affordable housing. However following the submission of viability information for both the Eastern and Western part of the site and the subsequent discussions with the applicant, it was decided that it was viable for the development to provide 30% affordable housing. 30% of 116 is 34.8; we would therefore expect 34 affordable units on this site.

If the percentage of affordable housing required does not equate to a whole number of dwellings, the Council will require a financial contribution to provide 'part' of an affordable home, based on the formula provided in Table 1 of Appendix 3 of the Affordable Housing SPD – Paragraph 3.5. In this case we would expect a contribution for the remaining 0.8 if a unit. At least 70% of the affordable units to be social rent (24 units), remainder to be intermediate affordable housing (10 units) – Policy CP7 and paragraph 3.9 of the Affordable Housing SPD. The affordable dwellings to be delivered in a mix that comprise of a mixture of house types informed by context, local housing need and the most up to date Housing Market Assessment (Policy CP5) at time of reserved matters application submission – Paragraph 3.7 of the Affordable Housing SPD.

On schemes with 20 or more dwellings, 5% of the affordable housing to be wheelchair accessible and built in accordance with the Council's Wheelchair Accessible Housing Design Standards. This would equate to 2 units. The size and type of these dwellings to meet greatest need at time of reserved matters application submission - Paragraphs 3.13 and 3.14 of the Affordable Housing SPD.

Affordable housing must be spread out across the site in clusters of no more than 10 units and spread across the site – Paragraph 3.16 of the Affordable Housing SPD

City Environmental Health Officer raises no objection subject to the imposition of conditions in respect unsuspected contamination, noise, air quality and a Construction and Environmental Management Plan.

Initial comment was made regarding the need for an air quality assessment as it was not clear whether this assessment considered cumulative impacts. Consequently the applicant was requested to confirm that the traffic data used in the assessment includes predicted traffic generated by all proposed development within the South-East Exeter area. The applicant's highway consultant has confirmed that the traffic analysis has taken into account all the proposed SW traffic. The environmental officer has confirmed that no further assessment is therefore required but requires a condition to be imposed.

The application contains no noise impact assessment. The developer should conduct an assessment to show that noise generated by the development (during the construction and operational phases) will not have an adverse impact on amenity. The assessment should also consider the impact of ambient noise on the new dwellings. This matter will be addressed by the condition imposed in respect of the Construction and Environmental Management Plan (CEMP).

City Heritage officer comments that the archaeological reports submitted with the applications provide sufficient information on the archaeological issues (impact on undesignated heritage assets as per the NPPF) to determine the applications and do not identify any buried remains of sufficient quality of survival that would affect the principle or layout/quantum of development.

- The two development sites are very large and extensive, and in a type of location favoured for prehistoric settlement and burial sites. Some of these have already been identified by the survey work within the western area and also immediately to the south, where a group of prehistoric barrows are protected as a scheduled monument.
- However, geophysical surveys are not infallible, and do not identify the less substantial remains such as those of timber buildings, burials or fire pits or example. These can only be identified by physical site investigations (trial trenches) and ground works. Although some trial trenching has been undertaken within both areas of these sites, and are sufficient to determine these outline applications, they are not extensive enough to be sure that no other less visible remains survive on the site.
- Both sites therefore still have the potential to contain as yet unknown remains, particularly prehistoric (and possibly Roman) ones.
- For this reason a further programme of archaeological site investigation is required as a condition of any PP for both the eastern and western areas of this site, in order to identify and to excavate and record any significant, but less substantial, remains that may be present, as well as the prehistoric remains already identified by the reports, on what is a large and extensive site - before enabling ground works and construction work commences and destroys such remains. This would be in lieu of the destruction of the latter by the development, in line with NPPF clause 199, saved local plan policy C5, and draft DMPD policy DD28.
- A standard condition should be attached to ensure that this work is carried out and completed. Further archaeological trial trenching; further area excavation of any remains identified by the trenching, to be completed before construction ground works commence; analysis, reporting and archiving of the results and any finds; to be undertaken off site in parallel with construction works.

PLANNING POLICIES/POLICY GUIDANCE

The site forms part of a larger planned urban extension encompassing adjoining land within Teignbridge District. Policy SWE1 of the Teignbridge Local Plan proposes an area of approximately 170 ha adjoining Exeter to be developed for the provision of at least 2,000 new dwellings, employment, a country park and associated infrastructure. The South West Exeter Masterplan (2012), produced by consultants on behalf of Exeter City Council, Teignbridge District Council and Devon County Council, indicates how the urban extension might be delivered in a sustainable manner.

Central Government Guidance

National Planning Policy Framework July 2018

2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change and flooding
15. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy

- CP1 – Spatial Strategy
- CP3 - Housing Development
- CP4 – Housing Density
- CP5 – Meeting housing needs
- CP7 – Affordable Housing
- CP9 – Strategic Transport Measures
- CP10 – Community Facilities
- CP11 – Environmental Mitigation
- CP12 – Flood Risk
- CP13 – Decentralised Energy Networks
- CP14 – Renewable and Low Carbon Energy
- CP15 – Sustainable Design and Construction
- CP16 – Strategic Green Infrastructure
- CP17 – Design and Local Distinctiveness
- CP18 – Appropriate Infrastructure
- CP19 – Strategic Allocations

The area south of Alphington is proposed for around 500 dwellings and all associated infrastructure including:-

- green infrastructure framework;*
- low and zero carbon infrastructure;*
- enhancements to transport infrastructure in particular the strategic road network; and*
- contributions towards other educational, social and community facilities.*

The relevant Core Strategy text states that:-

South of Alphington, between the urban area and the city boundary, there is capacity for around 500 dwellings. The area would deliver a compact urban extension with associated infrastructure.

The area consists of a number of fields with mature boundary hedges that rise gently to the south to a ridge. This prominent ridge forms the city's administrative boundary and proposals should respond sensitively to this feature.

The development form would be expected to relate well to adjoining housing. Densities should be appropriate to the location and it will be important to ensure that the amenity of existing residents is protected. The development should follow the principles of good urban design to ensure that the resulting development is both attractive and locally distinctive.

The development must have good permeability for pedestrians and cyclists throughout with links to surrounding areas. The development would also be expected to contribute to enhanced transport infrastructure within the area. Improvements to the Alphington Road corridor will be required, a proposed enhanced public transport service could link this development to the City Centre, and a new rail halt at Matford on the Exeter to Plymouth line is proposed.

The development of 500 new dwellings would result in significant additional pressure on existing facilities. Contributions towards the improvement of existing educational, social and community facilities, will be sought where no facility is required on site.

Whilst the capacity of the land within the city is for around 500 dwellings, the Regional Spatial Strategy Proposed Changes proposed an urban extension to the south west of the city of around 2,500 dwellings that would include the dwellings within the city and approximately 2,000 dwellings in Teignbridge.

The prospect of a larger urban extension offers both challenges and potential opportunities. The larger urban extension could support its own centre, on-site community facilities, including a new secondary school, a new park and ride, significant green infrastructure and improvements in the movement network giving access to surrounding countryside.

Teignbridge and Exeter will work closely together to ensure a comprehensive masterplan guides the area.

Exeter Local Plan First Review 1995-2011

AP1 – Design and location of development

AP2 – Sequential approach

H1 – Housing land search sequence

H2 – Housing location priorities

H5 – Diversity of housing

T1 – Hierarchy of modes of transport

T2 – Accessibility criteria

T3 – Encouraging use of sustainable modes of transport

LS1 – Landscape Setting

C5 – Archaeology

EN2 – Contaminated land

EN5 – Noise

DG1 – Objectives of urban design

DG2 – Energy conservation

DG7 – Crime prevention and safety

Exeter City Council Development Delivery DPD

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

DD1 – Sustainable Development

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Heritage Assets

DD34 – Pollution

Exeter City Council Supplementary Planning Documents

Development Brief for South West Alphington

Summary of Brief relevant to these outline applications.

The development as a whole must deliver a mix of housing that is informed by context and the most up-to-date Strategic Housing Market Assessment for Exeter. Any development must include 35% affordable housing, subject to viability, to be provided on-site as an integrated part of the scheme. Co-operative housing may form part of the affordable housing mix. The City Council will accept the provision of an extra care facility as part of the development and as part of the affordable housing provision.

The site area must be developed for residential use, at a density, which represents an efficient use of land. An average net density of less than 30 dph is unlikely to be consistent with this.

Recent developments on the edge of Exeter have achieved an average net density of around 35 dph. In order to respect the character and appearance of neighbouring residential areas, the topography of the site and its proximity to a Scheduled Ancient Monument, those areas along the northern and southern boundaries of the site must be developed at around 20 dph. Higher densities will be appropriate towards the centre of the site.

1.44 ha of the site must be provided as level public open space. The public open space must be an integral element of the site's overall design and located so as to maximise the use of SUDs and contribute towards biodiversity conservation and enhancement. All new homes must be within easy walking distance of the public open space. The open space must include a LEAP on that part of the site to the west of Chudleigh Road and a NEAP (incorporating a MUGA) on that part of the site to the east of Chudleigh Road. Management arrangements for the LEAP and NEAP must be included in any development proposals.

An area of 0.11 ha is required as a local centre, comprising a site of 0.1 ha for the future provision of a health centre/doctor's surgery, together with a community recycling facility to be provided and equipped by the developer. The local centre should be located adjacent to and on the eastern side of Chudleigh Road.

An Arboricultural Report must be prepared at the pre-application stage and agreed with the City Council. The Report must identify all existing trees and hedgerows to be retained. These must be incorporated into a landscape and green infrastructure framework for the new development, which must also include additional planting of trees and shrubs of species that are appropriate to the area. In particular, additional tree planting will be required along all road frontages and the southern / south-eastern boundaries of the site, in order to partly screen and buffer the development. Subject to the conclusions of the Arboricultural Report, trees within the site may be made the subject of a Tree Preservation Order.

Development must provide for a net gain in biodiversity at the site. An ecology survey must be carried out by the developers at the pre-application stage, in order to establish the current ecological value of the site. Development must avoid damage to features of ecological value, mitigate any direct impacts and finally offset any unavoidable residual impacts.

The site must be developed as a place which encourages residents to walk, cycle or use public transport or a car club as an alternative to the private car.

Development of the site will generate additional traffic. So that the existing highways network can accommodate this traffic, new residents must be encouraged to access jobs and facilities on foot, bicycle or public transport wherever possible. Accordingly:

The developer must prepare a Travel Plan and an Air Quality Management Assessment (AQMA) at the pre-application stage. These must be agreed with the local planning authority. The AQMA must consider any increased loading on Exeter's Air Quality Management Area.

The following three off-site projects Village Public Realm Enhancement Scheme, Loram Way Cycle Link and Upgrade of/Extension to the A Bus Service are necessary to the sustainable development of the site. The developer will be required to pay a financial contribution totalling £1,290,000 towards these three projects. The contribution will be secured by means of a Section 106 Agreement.

The developer will be required to pay a financial contribution towards establishing a Car Club at the site, to help minimise traffic generated by any development. The total financial contribution will depend on the number of dwellings proposed and will be calculated in

accordance with the City Council's Sustainable Transport SPD. The contribution will be secured by means of a S106 Agreement.

The developer will be required to fund the provision of a high quality pedestrian and cycle route along the site's southern boundary, including Markham Lane, via a Section 106 Agreement. Any new homes built along the southern boundary must be oriented to face the route, so as to promote safety through natural surveillance.

All dwellings should include secure cycle parking in accordance with section 5.2 and Table 2 of the City Council's Sustainable Transport SPD. Developers are encouraged to include charging facilities for electric vehicles. As a minimum, ducting and the potential for easy connection to the electricity network should be provided in accordance with section 6.5 of the SPD.

Motor vehicle access into/out of the site must only be taken from Shillingford Road, Chudleigh Road and Dawlish Road.

Any planning permission for development at the site will be conditioned to require the submission of a Construction Traffic Management Plan. The Plan must include appropriate routing of heavy vehicles to and from the site via the A379, together with the provision of temporary yellow signs advertising the appropriate routes.

Connected to the development of the site and wider urban extension, the City Council will also continue to explore, alongside Devon County Highways, the potential for the provision of a safe walking and cycle route along Chudleigh Road.

The site must be developed as a place which uses low and zero carbon energy and makes efficient use of natural and local resources.

A Decentralised Energy Network providing low carbon heat to developments in this area (through a low temperature hot water district heating network) is viable and feasible. Therefore, development must be designed so that the internal systems for space and water heating are capable of being connected to such a network and the necessary on site infrastructure shall be put in place for connection of those systems to the network. If this is shown to be unviable or unfeasible for any individual development, then alternative solutions that would result in the same or better carbon emissions reduction must be implemented.

The development must make efficient use of natural resources, locally sourced and recycled wherever possible, and minimise construction waste and water use.

The development must achieve high standards of fabric energy efficiency, reduce energy demand, incorporate low carbon energy technologies and reduce carbon emissions from heat and power generation.

South West Exeter Masterplan 2012
Affordable Housing SPD
Planning Obligations SPD
Sustainable Transport SPD March 2013
Residential Design SPD September 2010

OBSERVATIONS

Principle of Development

The application sites for Alphin Farm East (15/0640/FUL) and Alphin Farm West (15/0641/FUL) are contained within the Alphington strategic housing allocation identified in the Exeter Core Strategy 2012 as part of an urban extension to the south west of the city for

around 2,500 dwellings, which would include the dwellings within the city boundary and approximately 2000 dwellings in the Teignbridge area. Policy CP19 of the Exeter City Core Strategy designates both sites within its strategic residential site allocation for around 500 dwellings. These applications together propose 350 dwellings (for the eastern site up to 234 and western site up to 116 dwellings) and will form part of what in future will be South West Exeter urban extension. Further confirmation of the site's intended use for residential development are contained with South West Masterplan 2012 and the Development Brief for South West Alphington 2014. Consequently the site's use for residential development is wholly appropriate and as stated within the National Planning Policy Framework 'the presumption in favour of sustainable development paragraph 11 *'...this means approving development proposals that accord with an up-to-date development plan without delay...'*.

Whilst the principle of residential development for the sites are appropriate, the details contained within the submitted application require specific consideration in respect of the access arrangements, which are not a reserved matter and the proposal's compliance with development plan policies and other material planning considerations. In particular, the South West Alphington Development Brief represents a material planning consideration which has been subject to public consultation and adoption. Accordingly this document carries significant weight and therefore is an important consideration in the assessment of these applications. The Alphington Forum have raised concern that the Brief has been given insufficient weight within the submitted planning applications. Whilst it is accepted that the submitted Planning, Design and Access Statement is limited in content the overall submission contains detailed and recently updated documents which covers relevant issues such as transport, ecology, landscape, flooding, archaeology, bat and dormouse surveys, air quality and contamination. Consequently it is considered that the applications contain sufficient information to be assessed and a determination made. However given the importance of the Alphington Development Brief further consideration of this document's objectives relevant to these applications will be assessed later in the report.

Access and Transport Issues

The outline applications propose all matters to be reserved except for access and therefore this needs specific attention. The Core Strategy's allocation of these sites for housing means that at a strategic level they have been deemed appropriate to accommodate the additional transport movements residential development of this scale would generate. The submitted plans detail the position of the access, visibility splays and proposed footway in respect of Chudleigh Road, Dawlish Road and Shillingford Road. The plan also includes an access from Chudleigh Road into the western site for indicative purposes only, as this does not form part of proposed application site but does show the complete future access arrangement for both the Alphington sites. In addition, the plan shows an indicative internal estate road layout but this is again for illustrative purposes only as the detailed housing and internal road layout is not known at this stage. This plan indicates a loop around land for the western side, which is not included in the application site but anticipated to come forward at a later date. The absence of a second vehicular access onto Chudleigh Road for the Alden Farm west site does not however preclude the development from being developed. The County Highway Authority has raised no objection to the proposed vehicular accesses and therefore are considered appropriate. The Highway Authority has recommended the imposition of a condition for each site to ensure compliance with the details of the vehicular access, visibility splays and pedestrian and cycle facilities proposed prior to occupation. In addition, specific conditions are proposed for bus routes to be provided prior to a certain number of units being occupied. Specific details are contained with the details attached to the end of this report.

The submitted access plan indicates a potential bus connection zone across Markham Lane from the western site into the Teignbridge area, which has been granted outline planning permission to Bovis Homes for residential development. The Alphington Forum have raised

serious concerns about this aspect of the proposal, which will be contrary to the Alphington Development Brief as it will cut across Markham Lane specifically highlighted as being for pedestrians and cyclists only. In terms of background, a bus link was not envisaged at the time of the Brief's adoption as the area on the other side of Markham Lane was originally designated for educational purposes. However the County Education Authority are now promoting an all through school (for primary and secondary pupils) on the eastern side of the A379 to be accessed via a new pedestrian/cycle bridge. This former proposed education campus is now proposed for housing as part of the Bovis scheme. Consequently this new bus connection link is considered acceptable by the Highway Authority and given there is no vehicular link within this application between Shillington Road and Chudleigh Road the link does have merit in transport terms. However it is accepted that the creation of a bus link across Markham Lane will have an environment impact for Markham Lane which was to be car free. Whilst the crossing could be sensitively design and would improve public transport accessibility for the area, it is considered that in the absence of detailed layouts for the Alden Farm East and the Bovis scheme further investigation into the appropriateness of this bus link is warranted. Accordingly it is considered that a condition should be imposed in the form of an Access and Movement Strategy which enables the issue to be clarified following receipt of all the detailed layouts. However it is acknowledged that the bus link across Markham Lane may ultimately be the most appropriate approach.

Clearly the development of the Exeter sites for residential development cannot be considered in isolation from the major development being undertaken in the Teignbridge district. Consequently the Devon County Highway Authority has considered the highways and the associated infrastructure requirements in the context of this wider development allocation. The infrastructure planning approach adopted seeks to ensure that all development within the proposed Alphington allocation, and 2,000 dwellings in Teignbridge, contributes proportionally to the full package of infrastructure requirements necessary to make the development acceptable in planning terms. The financial contributions secured from either the Section 106 agreements or CIL will assist in ensuring that the necessary infrastructure can be delivered effectively. In particular, major highway improvements are required to the Chudleigh Road/A379 junction to accommodate the increased traffic for the South West area and a new pedestrian/cycleway bridge across the A379 to access the new school, local centre and open space. The Highway Authority has requested that a financial contribution is made from each dwelling built towards these highway improvements. Details of the financial contributions required are stated at the end of this report.

In addition to the major highway works to serve these developments further improvements are necessary to meet the sustainable objectives of the Alphington Development Brief which intends '*... new residents to access jobs and facilities on foot, bicycle or public transport wherever possible...*'. In particular the Brief requires financial contributions towards public realm enhancements to promote improved pedestrian and cycle access through the existing Alphington village; a Loram Way link to provide a cycle link between the sites and the Marsh Barton industrial estate; an upgrade/extension of bus services in the area and a contribution towards establishing a car club. All these matters are addressed through a financial contribution per dwelling at rate which accords with the Alphington Brief and will be included in a Section 106 agreement. The part of the strategic site situated alongside Chudleigh Road and located within the western site not included within this application will also be required to contribute at the same rate. Details of the financial contributions required are stated at the end of this report.

It is accepted that the proposed new railway halt at Marsh Barton would help to improve the public transport options for existing residents living in Alphington and those within the development site and reduce the reliance on the private car travel. However although the new railway halt has been delayed, the proposed developments are not dependent on its construction for the sites to be acceptable in transport terms. Whilst the original comments

from the Highway Authority was made in 2015 further opportunity was given to amend its comments if considered necessary. The Highway Authority have confirmed that their comments on these schemes remain unchanged. It is noted that the various transport and air quality assessments have been recently updated.

Need for an Environmental Impact Assessment

Some residents have expressed concern that the application was not accompanied by an Environment Statement in accordance with Environment Impact Assessment (EIA) regulations. The local planning authority has provided a screening opinion that concludes that an EIA in this instance is not required. Whilst the proposal requires significant supporting documentation, which has been provided, to make an appropriate assessment in the context of this planning application, it is important to note that the site has been identified for development in the Exeter Core Strategy. In addition, Members are advised that the Planning Practice Guidance 'Environmental Impact Assessment' states that 'only a very small proportion of Schedule 2 development (which this development falls within) will require an assessment...'. The Guidance goes on to state that it is for the local planning authority to consider whether a proposed development requires an Environmental Impact Assessment.

Affordable Housing

Core Strategy Policy CP7 and the Affordable Housing SPD requires 35% of the total number of units on sites to be for affordable housing. The applicant initially considered their affordable housing provision should be 10% in line with that agreed by Teignbridge District Council within the outline planning application submitted by Bovis Homes. This was not considered to be acceptable as it would clearly fall well below the Exeter development plan policy requirement. This difference in opinion regarding the provision of affordable housing explains the reason for the delay in the submission of the applications in 2015 to its presentation to committee in 2018. Following the submission of viability information and subsequent discussions with the applicant it was agreed that it would be viable for both developments to provide 30% affordable housing. This would equate to approximately 70 units on the eastern site (ref 15/0640/OUT) based on 234 dwellings and 34 units based on 116 dwelling on the western side (ref 15/0641/OUT). Whilst the number of dwellings is not fixed and will be subject to issues such as proposed layout, design and retention of landscape features it does provide an indication of the number of affordable units the sites could generate. The housing officer has requested that 70% of the affordable units are to be social rent and the remainder to be intermediate affordable housing. In addition, the affordable dwellings are to be delivered in a mix of house types informed by context, local housing need and an up to date Housing Market Assessment in compliance with Core Strategy Policy CP5 at the time of the reserved matters application. The reserved matters application would also have to contain 5% wheelchair accessible units and a distribution of the affordable housing throughout the site. The viability reports have confirmed that a 30% affordable housing for both development can be achieved and this will be secured within the Section 106 Agreement.

District Heating

Core Strategy Policy CP13, which is supported by NPPF paragraph 153a, requires that major developments will be required to connect to any existing or proposed Decentralised Energy Network in the locality to bring forward low or zero carbon energy distribution. Core Strategy Policy CP19 designates this area as a Strategic Allocation and identifies infrastructure to support it including low and zero carbon infrastructure. The creation of Heat Network is a central plank of the current UK Government Heat Strategy. The Energy from Waste (EfW) plant at Marsh Barton was constructed with the ability to supply heat to buildings in this area. It is currently operational but only exporting electricity. Technical feasibility by WSP Parson Brinkerhoff in work has detailed the means by which heat can be supplied to the application sites and there have been expressions of commercial interest in

delivering and operating such a network. This commercial interest is on the basis of the delivery of dwellings which are the subject of this consent.

The connection of this development to a District Heating Network, even if it powered by a gas burning combined heat and power engine, would mean that they meet the carbon emissions rate abatements required by Core Strategy Policy CP15. By connecting that network to the EfW plant very significant carbon emissions rate abatement would be achieved. This because using heat energy from the EfW plant means that greater efficiency of that plant is achieved, as the EfW plant is 5 times more efficient in generating heat energy than electrical energy.

It is therefore recommended that conditions and clauses within the S106 are attached to this consent to require connection to the District Heating network unless it can be shown, prior to the commencement of construction of any phase of the development, that to do so would not be viable or feasible or would unreasonably delay construction of that phase.

Landscape/Ecological Issues

Given the proposed change of use for the land from existing pasture and arable to residential development it is inevitable that the landscape and ecological character of the area will irreversibly change. As previously stated both sites have been identified as strategic housing sites in the adopted Core Strategy and therefore this change to the landscape character has already been accepted. The application have been accompanied by a Landscape and Visual Assessment (updated March 2018) and Ecological Appraisal/Mitigation and Enhancement Strategy (updated October 2018) which provides an assessment in broad terms of the developments' impact on the area in the short and long term. The ecological assessment concludes that the impact of housing development would be limited given the existence of existing pasture and arable land. However the internal and boundary hedgerows and trees do provide significant landscape value and ecological habitat for birds and foraging areas for bats and therefore should be safeguarded where appropriate. As the application is for outline planning permission no details are provide of the internal road layout or residential layout and therefore the precise relationship of any buildings or roads to existing landscape features is not known. Consequently it is considered appropriate to impose conditions on both application for a Landscape and Ecological Management Plan to ensure that the important environmental features of the sites are safeguarded and enhanced. Whilst the majority of the internal hedgerows will be lost to ensure the most efficient use of the site for housing development, it is anticipated that the important trees and hedgerow along the boundaries of the site should be retained and supplemented where appropriate, except where there is a need to remove hedgerow to achieve vehicular access and visibility splays into the sites.

Habitat Mitigation

The ecological appraisal did not determine the impact the development would have on the additional recreational use on the Exe Estuary Special Protection Area and the Dawlish Warren Special Area of Conservation. The Council has undertaken an Appropriate Assessment for both sites which concludes that, whilst the development has the potential to have a significant effect on these European Sites, and an adverse impact on the achievement of the conservation objectives for the sites, the impacts of the development can be mitigated through receipts from Community Infrastructure Levy to contribute towards the implementation of measure in the South East Devon European Site Mitigation Strategy, which are designed to avoid and mitigate the adverse impacts of increased visitor pressure brought about through population growth.

At the March 2017 meeting, the South East Devon Habitats Regulations Executive Committee agreed on the provision of four strategic Suitable Alternative Natural Green Spaces (SANGS). Natural England confirmed that the SANGS options as proposed would be delivering the Mitigation Strategy. One of the four SANGS will be delivered at South West Exeter. These SANGS will mitigate the impacts of development within the City, including at Aldens Farm.

Habitats mitigation partner authorities are currently progressing implementation of this SANGS. Some of the CIL receipts from the Aldens Farm development (and other developments across the City) will contribute to funding the SANGS provision. The Government will be providing financial assistance with implementation of the SANGS at South West Exeter through a Housing Infrastructure Fund award. There is consequently no requirement for onsite SANGS at Aldens Farm. It is reasonable to assume that the SANGS at South West Exeter will be 'user ready'/delivered ahead of the occupation of dwellings at Aldens Farm.

Protected Species

The need for the protection of endangered species is the responsibility of the local planning authority under the Habitats Directive and the presence of a protected species represents a material consideration. In addition to the ecological appraisal specific surveys for dormice and bats including mitigation measures where appropriate have been undertaken. The application is accompanied by a bat mitigation strategy, which seeks to maintain the boundary hedgerows, provide a wildflower species grass buffer two metres from the identified hedgerows for retention and the submission of a lighting strategy to address the potential for light spillage during the construction period and post completion of the developments for both sites. Devon Wildlife Trust have highlighted the presence of a particularly rare species of bat (barbastelle) and the care required to ensure that any proposed lighting does not adversely affect their foraging needs. It is therefore considered that a planning condition which provides suitable mitigation for all bat species as provided by Acorn Ecology is imposed on the permission. Whilst the dormice survey was carried in 2012 and again in 2017 records show their presence over 85 metres to the south of the western site. However given the dormouse population in the area it is considered that a condition should be attached to ensure that hibernation nest and habitat are not affected during construction period and completion in line with the EPS Ecology report through the imposition of a condition.

Alphington Development Brief

As previously stated the Development Brief for the South West Alphington represents an important material consideration. This report has highlighted that the transport issues which seek to encourage residents to walk, cycle or use public transport including a car club, travel planning will meet the requirements as stated in the brief through financial contributions in the Section 106 agreement. The contentious issue of the bus access across Markham Lane has been discussed and it considered that a condition requiring an Access and Movement Strategy will enable this issue to be looked at again when the detailed layouts are available. The application is accompanied by an air quality assessment which is considered acceptable as submitted by the environmental health officer but a further condition to ensure up to date information is proposed. In addition, a condition is proposed to address the need for Construction and Environmental Traffic Management Plan as required by the Brief. Further conditions are proposed requiring a Design Code to address matters of principle in respect of layout and in particular building heights in the vicinity of the Markham Lane ridge, housing densities, open space and children's play area provision as required by the Brief. However it should be noted that the Brief will still relevant and represents a material consideration when future detailed reserved matter applications are submitted. In addition, the landscape and ecological issues associated with the site have been highlighted in the accompanying specialist reports and will be mitigation and enhancement measures will be addressed by specific conditions.

The Brief requires a local centre comprising a site of 0.1 ha for the provision of a health centre/doctor's surgery together with a community recycling facility on the eastern side of Chudleigh Road. The submitted application indicates no such facility which seeks to develop the whole of the site for residential development. Whilst this is disappointing, it is considered that the number of dwellings proposed for the combined sites within the Alphington area

would be unlikely to support a facility of this nature as the scale of development within the Teignbridge District would be more favourable in locational terms for this type of facility. Indeed the Teignbridge decision includes an obligation to provide retail and community uses. Members will be aware of similar site allocation approach taken for community facilities in the Newcourt area which has remained vacant for over 10 years with little prospect of being developed for this purpose. However if Members consider that this area requires safeguarding as a local centre then it would need to be addressed within the legal agreement, although this approach is not recommended by your officers.

It is important to note that whilst the Alphington Development Brief represents an important material planning consideration in the assessment of these applications, it needs to be balanced against other material considerations which will sometimes take precedence. However it is considered that the overall objectives of the Brief have been met through the conditions and requirements of the Section 106 Agreement, which will deliver significant financial contribution to public realm and sustainable transport improvement for Alphington.

Other issues

Devon County Council as the Education Authority are currently progressing proposal for an all-through school to be located in the Teignbridge District, which will serve the educational needs of the all South West Exeter developments.

Conclusion

Both sites are designated in the Core Strategy as being appropriate for residential development. In time the site will form part of the South West Exeter urban expansion totalling 2,500 dwelling between Exeter and the Teignbridge district. It is accepted that the information submitted to demonstrate the form of the development is limited. This is to certain extent understandable given that both applications are for outline with all matters reserved except for access. However, importantly the application is accompanied by detailed specialist report which addresses the fundamental issues relating to these sites such transport impact, air quality, landscape, ecology and the safeguarding protected species. Consequently it is considered that suitable conditions will be appropriate to address matters of details which will inform the future detailed residential layout, green space and landscape enhancement particularly around the perimeters of the site. In addition, these conditions will ensure that the objectives of the Alphington Development Brief are largely addressed and as stated above will deliver significant financial contributions to the public realm and sustainable transport objectives for Alphington.

The Section 106 agreement will ensure the highway infrastructure namely the improvements to the Chudleigh Road/A379 junction and pedestrian/cycle footbridge is provided which are considered necessary for the South West Alphington development both with Exeter and Teignbridge. In addition, the agreement will ensure a 30% affordable housing provision and the district heating for both development sites. Whilst the reserved matters application will require careful attention to ensure an appropriate layout and design for this area, it is considered that the combination of the proposed conditions and Section 106 agreement will ultimately result in a sympathetic development for allocated housing site.

Community Infrastructure Levy

Any residential development at the site will be liable for the payment of Community Infrastructure Levy (CIL). The current rate for 2018 is £111.79 per square metre (gross internal floorspace) however as the Section 106 agreement is unlikely to be finalised before the end of this year this rate will increase as the 2019 rate will then apply. In addition, the development will generate New Homes Bonus receipts to be determined in accordance with current rates.

Section 106 Agreement requirements.

Affordable housing contribution of 30%;
District heating connection;

Pedestrian/cycle bridge contribution of £1,104 per dwelling;
Chudleigh Road/A379 improvements works contribution of £3,798 per dwelling;
Alphington Public Realm Works contribution of £1,100 per dwelling;
Loram Way Cycle link contribution of £375 per dwelling;
Bus Service upgrade/extension contribution of £1,750 per dwelling;
Car Club contribution of £132 per dwelling;
Travel planning contribution £500 per dwelling;
Traffic Regulation Orders of £5,000 for each application.

RECOMMENDATION

APPROVE subject to the completion of a Section 106 agreement in respect of affordable housing; district heating; financial contribution to highway and public realm improvements and following agreement with the applicant in respect of the pre-commencement conditions subject to the following conditions :-

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.

3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. 140 273 PHL-001 rev D.

Reason: To ensure that an appropriate vehicular access is provided to serve the development.

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

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

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

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

7. Pre-commencement condition: No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:

- a) methods to reduce the amount of waste material
- b) methods to re-use the waste within the development
- c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
- d) estimated quantities of excavated/demolition materials arising from the site
- e) evidence that all alternative methods of waste disposal have been considered
- f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

Reason: The development shall be carried out in accordance with the approved statement.

8. Pre-commencement condition: Prior to the commencement of development a Landscape and Ecological Management Plan, to include a lighting strategy, as recommended by the Ecological Mitigation and Enhancement Strategy dated October 2018 produced by Sunflower Ecological Consultancy which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

Reason: In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site

9. Pre-commencement condition: No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

10. Pre-commencement condition: No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Report Ref. 12017/FRA1 West, Revision B, Dated November 2015).

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

11. Pre-commencement condition: No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

12. Pre-commencement condition: No development shall take place until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures have implemented.

Reason: In the interests of residential amenity.

13. Pre-commencement condition: No development shall take place until an noise quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures have implemented.

Reason: In the interests of residential amenity.

14. Pre-commencement condition: No development shall commence until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity

15. Before the submission of the first application for approved reserved matters a Design Guide and Framework Plan including design and materials palette, maximum building heights/storeys and housing density throughout the site has been submitted to and approved in writing by the local planning authority. Submissions for approval of reserved matters shall be in accordance with the approved strategy.

Reason: To ensure a coordinated approach to urban design within the development and to accord with the Residential Design SPD dated September 2010 and South West Alphonston Development Brief dated June 2014.

16. Notwithstanding Condition 3 before the submission of the first application for approved reserved matters an Access and Movement Strategy to include indicative pedestrian, cycle and bus routes connecting the development to its surroundings has been submitted to and approved in writing by the local planning authority. Submissions for approval of reserved matters shall be in accordance with the approved strategy.

Reason: To ensure a coordinated approach to sustainable transport in the area.

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

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

18. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of the Arboricultural Survey produced by Advance Arboriculture dated August 2017 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

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

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

20. The development shall accord with the recommended mitigation measures as stated within the Ecological Mitigation and Enhancement Strategy for bat species dated October 2018 produced by Acorn Ecology unless otherwise agreed in writing by the local planning authority.

Reason: To protect and enhance the existing habitat in relation to the area's bat population.

21. The development shall accord with the recommended mitigation measures as stated within the dormouse mitigation method statement dated December 2012 and reaffirmed in November 2017 produced by EPS Ecology unless otherwise agreed in writing by the local planning authority.

Reason: To protect and enhance the existing habitat in relation to the area's dormouse population.

22. Unless it is agreed in writing by the local planning authority prior to commencement that it is not viable or feasible to do so, the habitable buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.

Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.

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

Reason: In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15

24. No occupations shall take place until a primary school site has been secured by the Education Authority, or alternative appropriate primary school and early year provision secured.

Reason: To ensure that appropriate primary school places can be provided to meet the needs of the development.

For Eastern side (15/0640/01)

25. No part of the eastern site (15/0640/01) shall be occupied until a vehicular access onto either Dawlish Road or Chudleigh Road and the associated visibility splays and pedestrian and cycle facilities with that access, as indicated in drawing PHL-01 Revision D have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that safe and suitable access is provided for all users in accordance with paragraph 32 of the NPPF.

26. No more than 150 dwellings shall be occupied until a vehicular route from Chudleigh Road to Dawlish Road capable of accommodating two way bus flow through the site; the pedestrian connections in the Eastern portion as indicated in drawing PHL-01 Revision D have been provided to a specification agreed in writing with the Local Planning Authority (in consultation with the Highway Authority).

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates.

For Western side (15/0641/01)

25. No part of the development shall be occupied until the access, visibility splays and pedestrian and cycle facilities, as indicated in drawing PHL-01 Revision D have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that safe and suitable access is provided for all users in accordance with paragraph 32 of the NPPF.

26. No more than 75 dwellings shall be occupied until a bus and pedestrian connections are provided as indicated in drawing PHL-01 Revision D have been provided to a specification agreed in writing with the Local Planning Authority (in consultation with the Highway Authority).

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates.

Notes to Applicant:

1. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
2. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid Commencement Notice (ie; where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
4. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary, which are designated European sites. 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 Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy.

*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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nps group
NPS South West Ltd
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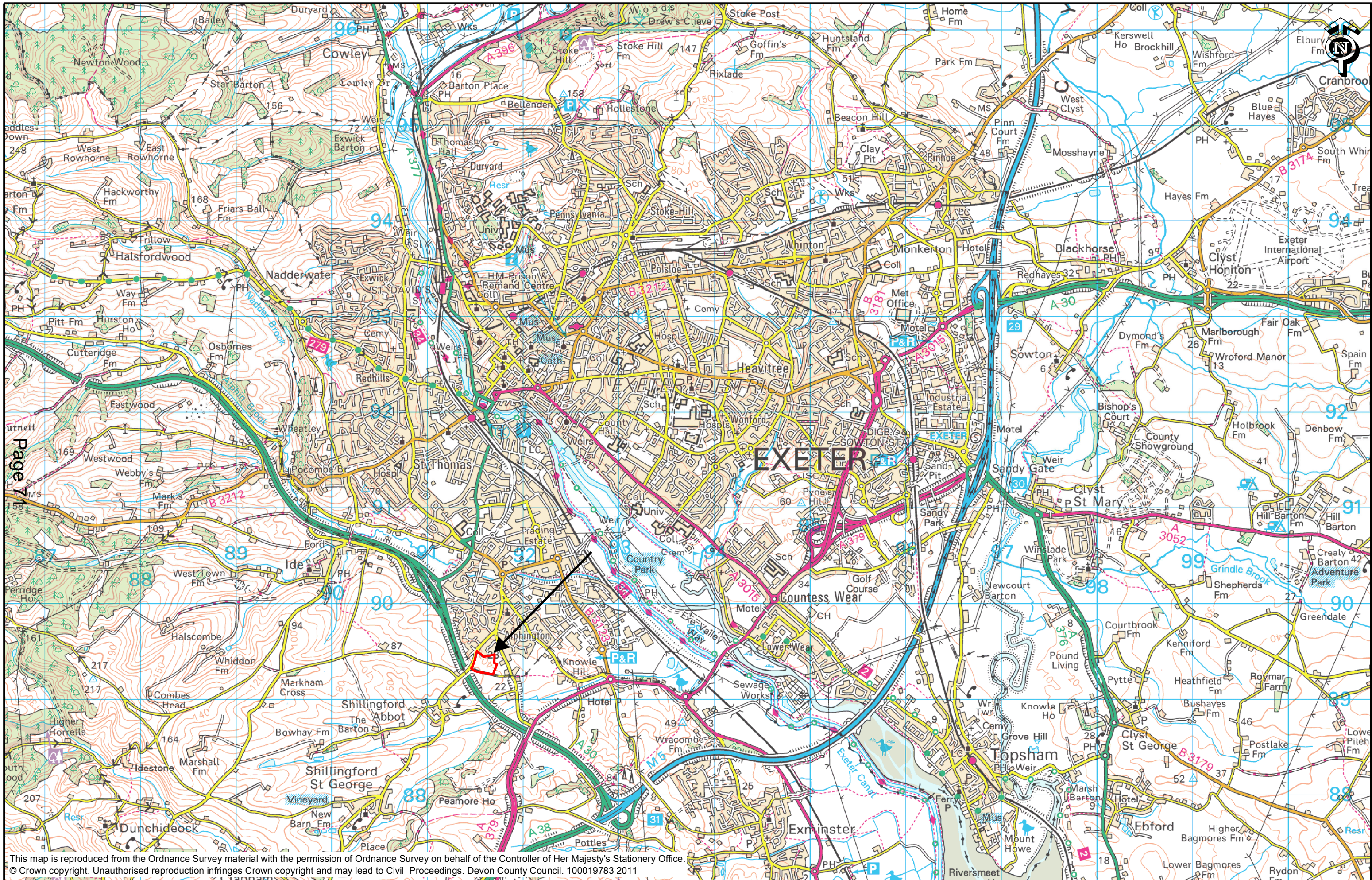
Title:	Alphington option land
Project:	DCC ownership - Land at Markhams Farm

Scale:	1:35,000
File/ Deed:	
Prep:	CP
BIS No:	

Date:	Mar 15
OS Sheet:	
Checked:	
Project No:	15001

Contact:	
Telephone:	
Office:	Exeter
Drwg No:	Mark1
Rev:	

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Title: **Alphington Planning Application Land**
 Project: **Land at Aldens Farm**

Scale: **1:35,000**
 File/ Deed:
 Prep: **CP**
 BIS No:

Date: **Mar 15**
 OS Sheet:
 Checked:
 Project No: **15001**

Contact:
 Telephone:
 Office: **Exeter**
 Drwg No: **Aldens1**
 Rev:

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COMMITTEE DATE: 03/12/2018

<u>APPLICATION NO:</u>	18/1088/ECC
<u>APPLICANT:</u>	Exeter City Council
<u>PROPOSAL:</u>	Replacement of Mallison Bridge with elevated boardwalk over riverside walkway to link to existing foot/cycleways at Cricklepit Bridge.
<u>LOCATION:</u>	Land/pathway to rear of Samuel Jones Pub and Puerto Lounge Exeter Quay Exeter.
<u>REGISTRATION DATE:</u>	12/07/2018

DESCRIPTION OF SITE/PROPOSAL

The site is located within the historic quayside area of Exeter on the northern bank of the river. The site lies within the Riverside Conservation Area and is also within the setting of several listed buildings including: Custom House (Grade I), Transit Shed (Grade I*) and No.38 Commercial Road (former Kennaway Warehouse, Grade II).

The application proposes the replacement of the existing pedestrian and cycle bridge installed in 1984 (known as the Mallison Bridge after Harold Mallison who left an endowment to Exeter City Council). This structure is deteriorating and would become dangerous over time. The new bridge would be 3.5 metres wide, with the adjacent boardwalk varying in width between 4 and 11 metres. The whole structure would be on the same level as the Quay wall.

The new bridge and boardwalk would consist of galvanised steel beams supported by stanchions sunk into the riverbed/leat. The decking would be constructed of timber with a balustrade comprising of stainless steel posts supporting wire ropes with a hardwood timber top handrail. Seating areas would be provided on the river side of the boardwalk.

The design has been revised in response to consultations and representations. The revised scheme differentiates the bridge design, provides a visual break between the bridge and boardwalk and introduces interest and variation in the width of the boardwalk.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design, Access and Heritage Statement
- Ecological Appraisal Report
- Flood Risk Assessment

REPRESENTATIONS

4 representations (including one from Exeter Civic Society) raising the following issues –

- Concerns that the bridge design is uncompromising, inelegant, will dominate the view, is wholly at odds with the variety of elements that make up the quay area and will significantly harm the character of the area.
- Concerns regarding the materials to be used (in terms of their appearance and environmental impact) and the colour treatment.
- The proposal will put even more pressure on a badly designed pedestrian/cycle path, bringing pedestrians and cyclists into conflict and increasing the risk of injuries to both.
- The bridge needs to be wider than proposed.
- Lack of clarity as to how cyclists will join the path along the river and suggestion that a ramp down from the boardwalk should be provided.

Revised Scheme:

Exeter Civic Society - The Planning Sub-committee of Exeter Civic Society considers that the revised design and plans for the Mallison Bridge and the walkway behind Samuel Jones and the Puerto Lounge are acceptable and we offer no objection to their approval

CONSULTATIONS

County Head of Planning, Transportation and Environment (Highways) - No objections subject to condition requiring a Construction Management Plan (CMP). The proposed works are on private land and from a Highways view, the provision of a replacement structure is unlikely to create any significant highway issues.

Historic England

Original Scheme - Historic England does not object on heritage ground to the removal of the existing bridge, but we do have concerns regarding the proposed design of its replacement which, in our opinion, neither sustains nor enhances the significance of the designated heritage assets in the setting of which it would be located, nor does it contribute to revealing that significance.

Revised Scheme - Historic England has no objection to the application on heritage grounds. We consider that the revised design has achieved a solution more sensitive to the character and appearance of the surrounding historic environment as a result. As a result of the amendments to the original scheme which have satisfactorily addressed Historic England's previous concerns, we are able to confirm that we no longer have any concerns on heritage grounds in relation to the current proposal.

Environment Agency – No objections subject to a condition to govern construction method to ensure flood resilience.

Living Options Devon – No objections subject to the provision of handrails for the steps.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework – specifically chapter 8. Promoting healthy and safe communities, chapter 12. Achieving well-designed places and chapter 16. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy

CP9 – Transport

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

T3 - Encouraging Use of Sustainable Modes

DG1 - Objectives of Urban Design

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

Sustainable Transport SPD

OBSERVATIONS

The main considerations in respect of this proposal are the functionality of the bridge/boardwalk, the design, and the visual impact on the setting of the adjacent listed buildings.

This bridge provides an important and well used link allowing movement around the Quay area. Whilst the existing bridge has served its purpose well, the adjacent pathway is often covered with swan excrement and has suffered from flooding over recent years. The application proposes a modern bridge and boardwalk that will provide a level access to link in with Cricklepit Bridge and with minimal risk of flooding.

Concerns have been raised regarding the potential conflict between pedestrians, cyclists and others and the functionality of the proposed design. However, the width of the bridge has increased significantly (from 2 metres to 3.5 metres) and therefore the potential for conflict between users should be reduced. Furthermore the increased circulation space, together with the lack of level change, should allow easier and safer access to all users.

Whilst the inclusion of a direct ramp down from the boardwalk to the riverside path was investigated, this was considered by the Environment Agency to present a flood risk so could

not be incorporated into the design. This does mean that cyclists (and others who cannot negotiate steps easily) will need to leave the riverside path slightly earlier and utilise the new path and cycleway that links to the four way junction at Cricklepit Bridge. In order to reduce the potential for conflict in this area, it has been agreed to make amendments to this junction to make it easier to negotiate (in accordance with suggestions made by the Highways Authority).

The area below the boardwalk will be excavated so that water can flow freely under the structure; thus providing increased flow area for the river, discouraging crime and disorder and avoiding build-up of material.

The design of the new bridge has been kept simple with a slim horizontal profile. There is no historic precedent for a bridge crossing in this position and therefore it is considered that a contemporary design would be appropriate. The design and materials aim to keep a lightness to the structure that would not compete with the historic surroundings. The design has also been influenced by the need to ensure no impediment to flood water and no increased flood risk (the Environment Agency raise no objections to the development subject to a condition governing working methods).

Historic England did have concerns regarding the original design of the replacement bridge, which was considered to neither sustain nor enhance the significance of the surrounding designated heritage assets. However, they provided constructive advice as to how these concerns could be addressed and a revised scheme was drawn up.

The revised scheme includes the following amendments:

- Introduction of lighting columns to provide a visual and vertical break at the end of the bridge element and along the length of the boardwalk;
- Change in design of bridge balustrading to visually separate the bridge over the leat from the boardwalk;
- Addition of detailing to the underside of the bridge;
- Amended treatment to supports/uprights for bridge and boardwalk again creating a visual distinction between the two;
- Amendment to and variation in the line and width of the projection of the boardwalk on the River Exe side.

Historic England is now happy that the proposals will preserve the significance of the historic assets and has no objections to the scheme.

Exeter Civic Society, whilst accepting that the Mallison Bridge needs replacing, also expressed strong misgivings about the original design which they felt 'significantly harms the character of the area and should not therefore be approved'. However, Exeter Civic Society also felt that the revised scheme overcome these concerns stating 'we offer no objection to their approval'.

A specific concern was raised by a resident regarding the material to be used for the decking and handrail. The application proposes hardwood and concern was raised concerning the potential use of tropical hardwood; the applicant has confirmed that tropical hardwoods will not be used and has agreed for materials to be submitted for approval prior to the work being undertaken.

Whilst others also raised concerns regarding the design, it is considered that with the revisions proposed the design is appropriate, protects the setting of the adjacent listed buildings and will not detract from the historic surroundings.

Conclusion

The bridge design is functional and offers advantages over the existing structure; the additional width should reduce the potential for conflict between users and the height of the structure above the river should reduce the risk of flooding.

The modern slim line design of the bridge is considered to be appropriate to the location and is sensitive to the character and appearance of the surrounding historic environment. Historic England have no objection to the application.

The National Planning Policy Framework states that local planning authorities 'should aim to achieve healthy, inclusive and safe places' which 'enable and support healthy lifestyles' (NPPF, para 91). It is considered that that the additional seating areas will be well used and this new piece of infrastructure will make an important contribution to active and healthy lives for Exeter residents in accordance with the National Planning Policy Framework.

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 12 July 2018 (including drawing number MBB – LD/3.1, the Preliminary Ecological Appraisal Report and the Flood Risk Assessment), on 7 November 2018 (including drawing number MBB-LL/05.1) and on 14 November 2018 (including drawing numbers MBB-LL/1.0, LD/01, LD/05, LD/06, LD/07, LD/08, and LD/09) as modified by other conditions of this consent.

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

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

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

4) No works shall take place until the local planning authority have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) any road closure;
- (c) hours during which delivery and construction traffic will travel to and from the site
- (d) the number and sizes of vehicles visiting the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored;
- (f) confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (g) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (h) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Highway Authority to establish a safe means of progress. The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

5) No development shall take place until a detailed Construction Methods Statement is submitted to and agreed in writing by the local planning authority. This includes the construction methods within the river corridor. Thereafter the development shall be carried out in accordance with the approved Construction Methods Statement and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: To ensure flood risk is not increased for others.

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

Background papers used in compiling the report:

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

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 3 DECEMBER 2018

Report of: City Development Manager

Title: Delegated Decisions

1 WHAT IS THE REPORT ABOUT

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

2 RECOMMENDATION

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

2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

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

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

3.2 The decision type uses the following codes:

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

**ANDY ROBBINS
CITY DEVELOPMENT MANAGER**

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Alphington

Application Number:	18/1288/FUL	Delegation Briefing:	04/10/2018	
Decision Type:	Permitted	Decision Date:	25/10/2018	Delegated Decision
Location:	Unit 5aThe Space PlaceAlphinbrook RoadExeterDevonEX2 8RG			
Proposal:	Change of use of unit 5a (first floor) as a tattoo studio (Use class Sui Generis).			
Application Number:	18/1350/FUL	Delegation Briefing:	18/10/2018	
Decision Type:	Permitted	Decision Date:	08/11/2018	Delegated Decision
Location:	Cob EndClapperbrook LaneExeterDevonEX2 8TE			
Proposal:	Partial replacement of existing flat roof with a slate pitched roof.			
Application Number:	18/1370/FUL	Delegation Briefing:	27/09/2018	
Decision Type:	Permitted	Decision Date:	19/10/2018	Delegated Decision
Location:	10 Chandlers WalkExeterDevonEX2 8BA			
Proposal:	Replacement of existing timber windows and door for UPVC windows and door with wood grain finish.			
Application Number:	18/1379/PD	Delegation Briefing:		
Decision Type:	Prior Approval Not Required	Decision Date:	02/11/2018	Delegated Decision
Location:	19 Wellington RoadExeterDevonEX2 9DU			
Proposal:	Single storey rear extension Depth 5.8m, Maximum height 2.7m, Height to eaves 2.7m			
Application Number:	18/1396/FUL	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	30/10/2018	Delegated Decision
Location:	35 Mandrake RoadExeterDevonEX2 8SQ			
Proposal:	Remove existing 10 foot (3m) hedge that surrounds garden and replace it with a 6 foot (1.82m) featheredge wooden fence, complete with 4 x 4 posts to be concreted into place.			

Alphington

Application Number: 18/1440/LBC Delegation Briefing: 25/10/2018
Decision Type: Permitted Decision Date: 21/11/2018 Delegated Decision
Location: Double Locks Canal Banks Exeter Devon EX2 6LT
Proposal: Internal and external refurbishment works including repair and replacement of windows and new slate flooring.

Application Number: 18/1492/DIS Delegation Briefing:
Decision Type: Permitted Decision Date: 26/10/2018 Delegated Decision
Location: Unit 5, Alphington Park Ashton Road Marsh Barton Trading Estate Exeter Devon
Proposal: Discharge of condition 13 (kitchen extraction system) relating to planning permission 17/1256/FUL granted 15 February 2018.

Application Number: 18/1537/NMA Delegation Briefing:
Decision Type: Permitted Decision Date: 25/10/2018 Delegated Decision
Location: Alphington Village Hall Ide Lane Alphington Exeter Devon EX2 8UP
Proposal: Non-material amendment to create 2 No. fire exit doors on north elevation and 2 velux windows in roof to planning application 11/1967/03 granted 9 February 2012.

Duryard And St James

Application Number: 18/0437/FUL Delegation Briefing: 28/06/2018
Decision Type: Permitted Decision Date: 25/10/2018 Delegated Decision
Location: Land Adj To Wallington New North Road Exeter Devon EX4 4AG
Proposal: New dwelling

Application Number: 18/1185/RES Delegation Briefing: 23/08/2018
Decision Type: Permitted Decision Date: 01/11/2018 Committee Decision
Location: East Park University Of Exeter Streatham Campus Exeter EX4 4QJ
Proposal: Development to build student accommodation and central amenity facilities up to a maximum of 32,230 sq metres with association infrastructure (Reserved matters application for access, appearance, landscaping, layout and scale following outline permission 16/1232/OUT granted 5 July 2017).

Duryard And St James

Application Number: 18/1244/FUL Delegation Briefing:
Decision Type: Permitted Decision Date: 06/11/2018 County Decisions
Location: 49 Cowley Bridge RoadExeterDevonEX4 5AD
Proposal: Proposed single storey side extension and alterations.

Application Number: 18/1298/DIS Delegation Briefing:
Decision Type: Permitted Decision Date: 22/10/2018 Delegated Decision
Location: Exeter City Afc LtdSt James ParkStadium WayExeterDevonEX4 6PX
Proposal: Discharge of condition 13 (Travel Plan) and 25 Substation location) of planning application 18/0670/VOC granted 13 July 2018.

Application Number: 18/1451/ADV Delegation Briefing:
Decision Type: Permitted Decision Date: 06/11/2018 Delegated Decision
Location: 31 Well StreetExeterDevonEX4 6QL
Proposal: New signage including hanging sign and four fascia signs

Application Number: 18/1481/ADV Delegation Briefing:
Decision Type: Permitted Decision Date: 19/11/2018 Delegated Decision
Location: Clifford HouseStadium WayExeterDevonEX4 6AQ
Proposal: Halo illuminated external lettering; 2 x internally illuminated external signs; 1 x non illuminated external sign

Application Number: 18/1493/PD Delegation Briefing:
Decision Type: Prior Approval Required and Granted Decision Date: 14/11/2018 Delegated Decision
Location: 94 Wrefords LaneExeterDevonEX4 5BS
Proposal: Proposed single storey rear extension, extending a maximum of 8m from rear elevation, height to eaves 2.35m and max. overall height 4m.

Duryard And St James

Application Number:	18/1535/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	24/10/2018	Delegated Decision
Location:	ClaytonStreatham RiseExeterDevonEX4 4PE			
Proposal:	Non-material amendment to provide glazed roof canopy relating to planning application 17/1144/FUL			

Exwick

Application Number:	18/0787/FUL	Delegation Briefing:	09/08/2018	
Decision Type:	Permitted	Decision Date:	25/10/2018	Delegated Decision
Location:	17 St Andrews RoadExeterDevonEX4 2AA			
Proposal:	Proposed first floor extension at rear.			

Application Number:	18/0882/FUL	Delegation Briefing:	30/08/2018	
Decision Type:	Permitted	Decision Date:	02/11/2018	Delegated Decision
Location:	St ClareSt Andrews RoadExeterDevonEX4 2AF			
Proposal:	Single storey timber conservatory.			

Application Number:	18/1036/FUL	Delegation Briefing:	26/07/2018	
Decision Type:	Permitted	Decision Date:	19/10/2018	Delegated Decision
Location:	39 Whitycombe WayExeterDevonEX4 2NR			
Proposal:	Stairway in rear garden to car parking bay			

Application Number:	18/1094/FUL	Delegation Briefing:	27/09/2018	
Decision Type:	Permitted	Decision Date:	13/11/2018	Delegated Decision
Location:	Holbeche House14 Okehampton RoadExeterDevonEX4 1EH			
Proposal:	Replacement double glazed timber windows			

Exwick

Application Number: 18/1172/FUL Delegation Briefing: 18/10/2018
Decision Type: Permitted Decision Date: 14/11/2018 Delegated Decision
Location: 75 Westminster Road Exeter Devon EX4 2LT
Proposal: Single storey rear extension and timber decking.

Application Number: 18/1174/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 19/10/2018 Delegated Decision
Location: 7 Leicester Mead Exeter Devon EX4 2PX
Proposal: Loft conversion with pitched roof dormer and Velux roof terrace to rear elevation

Application Number: 18/1218/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 19/10/2018 Delegated Decision
Location: 24 Old Bakery Close Exeter Devon EX4 2UZ
Proposal: Front porch extension

Application Number: 18/1307/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 08/11/2018 Delegated Decision
Location: 98 Gloucester Road Exeter Devon EX4 2ED
Proposal: Single-storey side extension

Application Number: 18/1391/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 19/10/2018 Delegated Decision
Location: 22 Lincoln Road Exeter Devon EX4 2EA
Proposal: Addition of boundary wall, fence and lean-to roof to the porch.

Exwick

Application Number:	18/1397/LPD	Delegation Briefing:		
Decision Type:	Was lawful use	Decision Date:	22/11/2018	Delegated Decision
Location:	25 Palmerston DriveExeterDevonEX4 2JA			
Proposal:	Loft conversion with rear box dormer and single velux to principal elevation to form master bedroom with en-suite. Box dormer to be clad with Marley Cedral lap horizontal cladding. Double glazed windows in white UPVC to match existing.New dormer provides additional 10m3 volume to existing loft.			

Application Number:	18/1419/PD	Delegation Briefing:		
Decision Type:	Prior Approval Not Required	Decision Date:	06/11/2018	Delegated Decision
Location:	5 Imperial StreetExeterDevonEX4 1QZ			
Proposal:	Rear conservatory extending 4.5m from rear elevation, height to eaves 2.1m and max. overall height 2.9m.			

Application Number:	18/1618/NMA	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	13/11/2018	Delegated Decision
Location:	24 Old Bakery CloseExeterDevonEX4 2UZ			
Proposal:	Non-material amendment to planning approval 18/1218/FUL granted 19 October 2018 to add a window to side elevation of porch extension			

Heavitree

Application Number:	18/0725/FUL	Delegation Briefing:	26/07/2018	
Decision Type:	Permitted	Decision Date:	01/11/2018	Delegated Decision
Location:	120 Magdalen RoadExeterDevonEX2 4TX			
Proposal:	Demolition of external store and construction of utility room in footprint of existing store.			

Application Number:	18/0916/FUL	Delegation Briefing:	27/09/2018	
Decision Type:	Permitted	Decision Date:	19/10/2018	Delegated Decision
Location:	20-22 Salutory MountFore StreetHeavitreeExeterDevonEX1 2QE			
Proposal:	Change of use from sui generis HMO to care home (C2) and rear extension, revision of 16/1276/FUL			

Heavitree

Application Number: 18/1282/FUL Delegation Briefing: 11/10/2018
Decision Type: Permitted Decision Date: 08/11/2018 Delegated Decision
Location: 24 Salutory MountFore StreetHeavitreeExeterDevonEX1 2QE
Proposal: Replace existing conservatory with new single storey rear extension.

Application Number: 18/1283/LBC Delegation Briefing: 11/10/2018
Decision Type: Permitted Decision Date: 08/11/2018 Delegated Decision
Location: 24 Salutory MountFore StreetHeavitreeExeterDevonEX1 2QE
Proposal: Replace existing conservatory with new single storey rear extension.

Application Number: 18/1386/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 15/11/2018 Delegated Decision
Location: 45 Stuart RoadExeterDevonEX1 2SZ
Proposal: Rear flat roof dormer

Application Number: 18/1523/DIS Delegation Briefing:
Decision Type: Permitted Decision Date: 05/11/2018 Delegated Decision
Location: Garage Site Between 28 And 36 Anthony RoadExeterEX1 2ST
Proposal: Discharge of condition 6 (Construction Environment Management Plan) of application no. 18/0884/ECC.

Application Number: 18/1524/DIS Delegation Briefing:
Decision Type: Permitted Decision Date: 05/11/2018 Delegated Decision
Location: 78-84 Bovemoors Lane And Garage Blocks To RearBovemoors LaneExeterEX2 5BW
Proposal: Partial discharge of condition 6 (CEMP) of application 18/0886/ECC in respect of the demolition phase of the works .

Newtown And St Leonards

Newtown And St Leonards

Application Number: 17/1919/FUL Delegation Briefing: 24/05/2018
Decision Type: Permitted Decision Date: 24/10/2018 Delegated Decision
Location: Moose Hall Blackboy Road Exeter Devon EX4 6SN
Proposal: Change of use and conversion of former church/social hall (Use Class D1) to 8 no. 2-bedroom dwellings (Use Class C3), with associated external alterations to the building. (Revised).

Application Number: 18/0875/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 25/10/2018 Delegated Decision
Location: 13A Marlborough Road Exeter Devon EX2 4TJ
Proposal: Proposed single storey extension and dormers to loft area

Application Number: 18/0922/FUL Delegation Briefing:
Decision Type: Permitted Decision Date: 29/10/2018 Delegated Decision
Location: 15 Leighdene Close Exeter Devon EX2 4PN
Proposal: Rear single storey extension across width of house and small second storey side extension above existing utility room. New front door and canopy to front elevation, new window to replace existing main entrance door arrangement.

Application Number: 18/0950/FUL Delegation Briefing: 04/10/2018
Decision Type: Permitted Decision Date: 29/10/2018 Delegated Decision
Location: 29 Cedars Road Exeter Devon EX2 4NA
Proposal: Roof extension and ground floor rear extension

Application Number: 18/0951/FUL Delegation Briefing: 04/10/2018
Decision Type: Permitted Decision Date: 29/10/2018 Delegated Decision
Location: 31 Cedars Road Exeter Devon EX2 4NA
Proposal: Roof extension and ground floor rear extension

Newtown And St Leonards

Application Number:	18/1038/FUL	Delegation Briefing:	27/09/2018	
Decision Type:	Permitted	Decision Date:	19/10/2018	Delegated Decision
Location:	39 St Leonards RoadExeterDevonEX2 4LS			
Proposal:	A single storey rear infil extension between the tenement and boundary walls.			
Application Number:	18/1111/FUL	Delegation Briefing:	11/10/2018	
Decision Type:	Permitted	Decision Date:	02/11/2018	Delegated Decision
Location:	38 Gras LawnExeterDevonEX2 4SS			
Proposal:	Replace UPVC white window with white french doors.			
Application Number:	18/1127/LBC	Delegation Briefing:	11/10/2018	
Decision Type:	Permitted	Decision Date:	06/11/2018	Delegated Decision
Location:	24 St Leonards RoadExeterDevonEX2 4LA			
Proposal:	Restoration of wooden handrail, balustrade and staircase to be replaced with steel alternatives. Refurbish brick wall below stairs using existing materials.			
Application Number:	18/1205/DIS	Delegation Briefing:		
Decision Type:	Permitted	Decision Date:	23/10/2018	Delegated Decision
Location:	Builders YardLower Albert StreetExeterDevon			
Proposal:	Discharge of Condition 4 on planning permission Ref. 16/1562/03, granted at appeal on 12 October 2017, relating to Unexploded Ordnance			
Application Number:	18/1367/FUL	Delegation Briefing:	11/10/2018	
Decision Type:	Permitted	Decision Date:	02/11/2018	Delegated Decision
Location:	47 Blackboy RoadExeterDevonEX4 6SZ			
Proposal:	Construction of a rear extension and internal alterations to existing 3 flats (Revised Scheme).			

Newtown And St Leonards

Application Number: 18/1380/NMA Delegation Briefing:

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

Location: 5 Hampton Buildings Blackboy Road Exeter Devon EX4 6SR

Proposal: Non-material amendment to application 15/0848/03 including change of flat roof materials, flat skylight instead of a lantern, and changes to design of kitchen window

Application Number: 18/1640/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 13/11/2018 Delegated Decision

Location: 91-93 Magdalen Road Exeter EX2 4TG

Proposal: Discharge condition 4 (Construction Method Statement) of pp. 18/0885/FUL - Subdivide and change the use of upper floor maisonette to 4 no. 1-bed flats at 91 Magdalen Road, together with flat roof dormer window and external alterations to the rear of the building, and demolish 2 storey rear extension/garage at 93 Magdalen Road and redevelop to provide a 2 and a half storey extension with 3 no. 2-bed flats, with associated bin store/bike store and landscaping.

Pennsylvania

Application Number: 18/0613/FUL Delegation Briefing: 12/07/2018

Decision Type: Permitted Decision Date: 15/11/2018 Delegated Decision

Location: 30 Thompson Road Exeter Devon EX1 2UB

Proposal: Rear extension and loft conversion

Application Number: 18/0702/FUL Delegation Briefing: 11/10/2018

Decision Type: Refuse Planning Permission Decision Date: 21/11/2018 Delegated Decision

Location: 10 Hamlin Lane Exeter Devon EX1 2SB

Proposal: Construction of 2 storey side extension for garage and one en-suite bedroom, including demolition of garage and shed.

Application Number: 18/0864/FUL Delegation Briefing: 11/10/2018

Decision Type: Permitted Decision Date: 12/11/2018 Delegated Decision

Location: 1 The Fairway Exeter Devon EX4 5DW

Proposal: Extension and alterations to the existing dwelling to create two semi detached dormer bungalows

Pennsylvania

Application Number: 18/1152/FUL Delegation Briefing: 18/10/2018
Decision Type: Permitted Decision Date: 09/11/2018 Delegated Decision
Location: 3 Rosebarn Avenue Exeter Devon EX4 6DY
Proposal: Single storey rear extension, external alterations and garden workshop

Application Number: 18/1311/FUL Delegation Briefing: 04/10/2018
Decision Type: Permitted Decision Date: 31/10/2018 Delegated Decision
Location: 42 Rosebarn Lane Exeter Devon EX4 5DR
Proposal: Front single-storey extension to garage and porch

Application Number: 18/1349/LED Delegation Briefing:
Decision Type: Was lawful use Decision Date: 19/10/2018 Delegated Decision
Location: 44 St Johns Road Exeter Devon EX1 2HR
Proposal: Use of the property as a house in multiple occupation for five people

Application Number: 18/1503/PD Delegation Briefing:
Decision Type: Prior Approval Not Required Decision Date: 13/11/2018 Delegated Decision
Location: 49 Elizabeth Avenue Exeter Devon EX4 7EQ
Proposal: Proposed single storey rear extension, extending a maximum of 6m from rear elevation, height to eaves 2.4m and max. overall height 4m.

Pinhoe

Application Number: 18/0683/FUL Delegation Briefing: 31/05/2018
Decision Type: Permitted Decision Date: 05/11/2018 Delegated Decision
Location: Land To The North Of College Way And East Of Cumberland Way
Proposal: Development of 32 bed nursing home and 8 close-care living units (Use Class C2), with associated access, parking and landscaping.

Pinhoe

Application Number: 18/0789/RES Delegation Briefing: 05/07/2018
Decision Type: Permitted Decision Date: 12/11/2018 Delegated Decision
Location: Tithebarn Green Monkerton Exeter
Proposal: Approval of details relating to appearance, landscaping, layout and scale for 219 dwellings, pursuant to planning permission Ref: 12/0802/OUT

Application Number: 18/1001/FUL Delegation Briefing: 11/10/2018
Decision Type: Permitted Decision Date: 12/11/2018 Delegated Decision
Location: Badgers Rest Park Lane Exeter Devon EX4 9HQ
Proposal: New external access stairway and rear balcony.

Application Number: 18/1113/DIS Delegation Briefing:
Decision Type: Permitted Decision Date: 24/10/2018 Delegated Decision
Location: Land West Of Cumberland Way Hollow Lane Exeter EX1 3RW
Proposal: Discharge condition 9 (Construction Method Statement) and 10 (Waste Audit Statement) of pp. 18/0221/FUL - Construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure.

Application Number: 18/1191/LPD Delegation Briefing:
Decision Type: Was lawful use Decision Date: 01/11/2018 Delegated Decision
Location: 41 Langaton Gardens Exeter Devon EX1 3RZ
Proposal: Single storey rear extension

Application Number: 18/1203/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 22/10/2018 Delegated Decision
Location: 4 Thursby Walk Exeter Devon EX4 8FD
Proposal: Single storey rear extension

Pinhoe

Application Number: 18/1241/ECC Delegation Briefing: 30/08/2018
Decision Type: Permitted Decision Date: 05/11/2018 Committee Decision
Location: Arena Skate Park Summer Lane Exeter Devon EX4 8NN
Proposal: Replacement of existing skate facility with the addition of a lighting system.

Application Number: 18/1267/ADV Delegation Briefing:
Decision Type: Permitted Decision Date: 15/11/2018 Delegated Decision
Location: 56 Main Road Exeter Devon EX4 9EY
Proposal: Stack sign to advertise near by development which cannot be seen from the road.

Priory

Application Number: 18/0660/DIS Delegation Briefing:
Decision Type: Withdrawn by Applicant Decision Date: 01/11/2018 Delegated Decision
Location: West Of England College Topsham Road Exeter Devon EX2 6HA
Proposal: Discharge of Conditions 4 (car park management plan) and 5 (travel plan) of planning application 17/1084/FUL granted on 23 February 2018.

Application Number: 18/0727/FUL Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 08/11/2018 Delegated Decision
Location: Flat 1191 Topsham Road Exeter Devon EX2 6AN
Proposal: Internal alterations and replacement porch.

Application Number: 18/0728/LBC Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 08/11/2018 Delegated Decision
Location: Flat 1191 Topsham Road Exeter Devon EX2 6AN
Proposal: Internal alterations and replacement porch.

Priory

Application Number:	18/1083/FUL	Delegation Briefing:	11/10/2018	
Decision Type:	Permitted	Decision Date:	05/11/2018	Delegated Decision
Location:	Exeter Dental Education FacilityVeysey CloseExeterDevonEX2 4SG			
Proposal:	Bicycle Shelter			

St Davids

Application Number:	17/1680/FUL	Delegation Briefing:	11/01/2018	
Decision Type:	Refuse Planning Permission	Decision Date:	09/11/2018	Delegated Decision
Location:	Halford WingDean Clarke HouseSouthernhay EastExeterDevon			
Proposal:	Change of use from student apartments to residential apartments			

Application Number:	18/0328/FUL	Delegation Briefing:	20/09/2018	
Decision Type:	Permitted	Decision Date:	26/10/2018	Delegated Decision
Location:	20 Richmond RoadExeterDevonEX4 4JA			
Proposal:	Conversion and extension of attached rear storage building to create 1 No. one bedroomed flat.			

Application Number:	18/0330/LBC	Delegation Briefing:	20/09/2018	
Decision Type:	Permitted	Decision Date:	26/10/2018	Delegated Decision
Location:	20 Richmond RoadExeterDevonEX4 4JA			
Proposal:	Conversion and extension of attached rear storage building to create 1 No. one bedroomed flat.			

Application Number:	18/1017/FUL	Delegation Briefing:	06/09/2018	
Decision Type:	Permitted	Decision Date:	25/10/2018	Delegated Decision
Location:	98A Fore StreetSt DavidsExeterDevonEX4 3HY			
Proposal:	Replacement aluminium frame doubled-glazed windows to the front and rear elevations of existing flat, with rear five windows at first floor level (units 8-12) replaced with two larger windows.			

St Davids

Application Number: 18/1132/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 05/11/2018 Delegated Decision

Location: Land Adj Piazza TerracinaHaven RoadExeter

Proposal: Discharge of conditions 2 (Materials), 4 (CEMP), 5 (contamination), 11 (archaeology) and 14 (cycle parking) of planning application 17/0453/03 granted 25 May 2017

Application Number: 18/1234/LBC Delegation Briefing: 30/08/2018

Decision Type: Permitted Decision Date: 31/10/2018 Delegated Decision

Location: Exeter Community Centre17 St Davids HillExeterDevonEX4 3RG

Proposal: Internal alterations to second floor.

Application Number: 18/1323/LBC Delegation Briefing: 20/09/2018

Decision Type: Refuse Planning Permission Decision Date: 25/10/2018 Delegated Decision

Location: 22 Cathedral YardExeterDevonEX1 1HB

Proposal: One fascia sign on front elevation

Application Number: 18/1424/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 23/10/2018 Delegated Decision

Location: Royal Clarence HotelCathedral YardExeterDevonEX1 1HD

Proposal: Discharge of condition 4 (CEMP) of applications 17/1360/FUL and 17/1361/LBC.

Application Number: 18/1490/ECC Delegation Briefing: 25/10/2018

Decision Type: Permitted Decision Date: 20/11/2018 Delegated Decision

Location: Kings Arms Swing BridgeExeterDevonEX2 8DU

Proposal: Replacement swingbridge

St Davids

Application Number: 18/1504/ADV Delegation Briefing:

Decision Type: Permitted Decision Date: 13/11/2018 Delegated Decision

Location: 238 High StreetExeterDevonEX4 3NZ

Proposal: Replace existing retail unit with 'Typo' brand including fitout, design and shopfront advertisement.

Application Number: 18/1530/LED Delegation Briefing:

Decision Type: Was lawful use Decision Date: 15/11/2018 Delegated Decision

Location: 50-51 Magdalen StreetExeterDevonEX2 4HY

Proposal: Three flats and two maisonettes (Certificate of lawfulness of existing use)

St Loyes

Application Number: 18/1005/FUL Delegation Briefing: 27/09/2018

Decision Type: Permitted Decision Date: 14/11/2018 Delegated Decision

Location: 1 Lime Tree CloseExeterDevonEX2 5RU

Proposal: First floor side extension over existing garage.

Application Number: 18/1187/FUL Delegation Briefing: 18/10/2018

Decision Type: Permitted Decision Date: 13/11/2018 Delegated Decision

Location: 24 Garden CloseExeterDevonEX2 5PA

Proposal: Change of front flat roof to pitched roof.

Application Number: 18/1208/FUL Delegation Briefing: 20/09/2018

Decision Type: Permitted Decision Date: 05/11/2018 Delegated Decision

Location: Toys R UsBishops Court Industrial EstateSidmouth RoadSt LoyesExeterDevonEX2 7JH

Proposal: External alterations to the building.

St Thomas

St Thomas

Application Number: 18/0070/FUL Delegation Briefing: 16/08/2018
Decision Type: Permitted Decision Date: 29/10/2018 Delegated Decision
Location: 38 Ferndale Road Exeter Devon EX2 9BW
Proposal: Single storey extensions at front and rear

Application Number: 18/0386/FUL Delegation Briefing: 26/07/2018
Decision Type: Permitted Decision Date: 14/11/2018 Delegated Decision
Location: 18 Buller Road Exeter Devon EX4 1DA
Proposal: Wooden cabin studio in rear garden

Application Number: 18/1150/FUL Delegation Briefing: 11/10/2018
Decision Type: Permitted Decision Date: 02/11/2018 Delegated Decision
Location: 6 Croft Chase Exeter Devon EX4 1TB
Proposal: Roof extension with dormers on east and west elevations

Topsham

Application Number: 18/0834/FUL Delegation Briefing: 06/09/2018
Decision Type: Permitted Decision Date: 23/10/2018 Delegated Decision
Location: Land Adjacent To 4 Elm Grove Road Topsham Exeter Devon EX3 0BW
Proposal: Construction of dwelling and garaging on land adjacent to 4 Elm Grove Road, removal of trees, creation of new vehicular entrance to No 4 Elm Grove Road.

Application Number: 18/0913/FUL Delegation Briefing: 06/09/2018
Decision Type: Permitted Decision Date: 25/10/2018 Delegated Decision
Location: Topsham Rugby Football Club Exeter Road Topsham Exeter Devon EX3 0LY
Proposal: Construction of 6no 15m high flood lighting columns with 8no luminaires

Topsham

Application Number: 18/1081/RES Delegation Briefing: 02/08/2018
Decision Type: Permitted Decision Date: 02/11/2018 Delegated Decision
Location: Land At Wear Barton RoadExeter
Proposal: Development for 101 dwellings (application for reserved matters for appearance, landscaping, layout and scale of the development following outline permission 16/0849/01 granted 6 December 2016).

Application Number: 18/1122/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 23/10/2018 Delegated Decision
Location: 27 Albatross RoadExeterDevonEX2 7SB
Proposal: Single storey side and rear extension.

Application Number: 18/1136/LPD Delegation Briefing:
Decision Type: Was not lawful use Decision Date: 01/11/2018 Delegated Decision
Location: 20 Riverside RoadTopshamExeterDevonEX3 0LR
Proposal: Construction of rear ground floor extension to consist of a sun room and construction of new timber decking.

Application Number: 18/1142/FUL Delegation Briefing: 27/09/2018
Decision Type: Permitted Decision Date: 19/10/2018 Delegated Decision
Location: 18 Retreat RoadTopshamExeterDevonEX3 0LF
Proposal: Single storey rear extension

Application Number: 18/1182/FUL Delegation Briefing: 04/10/2018
Decision Type: Permitted Decision Date: 31/10/2018 Delegated Decision
Location: 30 Rydon LaneExeterDevonEX2 7AW
Proposal: Replacement of garage and single storey link extension to provide utility and study.

Topsham

Application Number: 18/1196/DIS Delegation Briefing:

Decision Type: Permitted Decision Date: 29/10/2018 Delegated Decision

Location: Riversmeet HouseBowling Green RoadRiversmeetTopshamExeterDevonEX3 0BE

Proposal: Discharge of Conditions 5 (Obscure glazing), 6 (roof lights) and 7 (large scale details of new windows).

Application Number: 18/1341/LBC Delegation Briefing: 25/10/2018

Decision Type: Permitted Decision Date: 16/11/2018 Delegated Decision

Location: 14 High StreetTopshamExeterDevonEX3 0EA

Proposal: Replace third floor rear window with like for like white, timber-framed Georgian style sash window.

Application Number: 18/1401/FUL Delegation Briefing: 18/10/2018

Decision Type: Permitted Decision Date: 20/11/2018 Delegated Decision

Location: 27 Monmouth AvenueTopshamExeterDevonEX3 0AF

Proposal: Loft conversion to include raising ridge by 500mm and alterations to ground floor extension

Application Number: 18/1460/NMA Delegation Briefing:

Decision Type: Permitted Decision Date: 25/10/2018 Delegated Decision

Location: Land Adjoining Omaha Drive And Blakeslee Drive Exeter

Proposal: Amendment to approved consent comprising relocation of two residential parking spaces situated at the rear of the building. (Non-material Minor Amendment to planning permission 17/0461/03 granted 08/02/18)

Application Number: 18/1495/LPD Delegation Briefing:

Decision Type: Permitted Decision Date: 18/10/2018 Delegated Decision

Location: 23 Exeter RoadTopshamExeterDevonEX3 0LX

Proposal: Alteration and extension of existing garage to create storage room and home office to be ancillary to the main dwelling

Total Number of Decisions Made

100

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 3 DECEMBER 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 18/0296/FUL 6 Palmerston Drive, Exeter

This appeal in respect of a two storey front extension has been dismissed. The property, a semi-detached dwelling on a housing estate built in the 1970s, is on steeply sloping land and, as a result, has two storeys at the front and three storeys at the rear. The applicant wanted to create additional space on the ground and first floors. In order to avoid extending the lower ground floor, and consequently blocking light to the neighbouring property, a front extension was proposed. The Council was concerned that the proposed extension would present a bulky and unsympathetic form of development that would harm both the character and appearance of the dwelling and the positive contribution to the street scene made by the group of 6 properties (Nos. 1-6) to which it belongs. At appeal, the appellant's agent argued that the local townscape had no architectural merit and that therefore the impact of the proposal would not be harmful. In addition, he also sought to put forward a case that the proposal was sympathetic to the dwelling and represented innovative design that should not be stifled by rigid adherence to Council policy.

The Inspector agreed that Nos. 1-6 Palmerston Drive have a distinctive character and architectural style. He concluded that "this row responds to the topography of the site in an interesting way" and that "their form is distinctive and gives a pleasant unified appearance to the group of six, which would be altered significantly by the proposal". He therefore dismissed the appeal on the grounds that the extension would cause unacceptable harm to the character and appearance of the dwelling and the wider street scene.

3.2 18/0663/FUL 13B St James Road

This appeal which sought an extension to the dwelling by conversion of a storage building and erection of a covered link has been dismissed.

13B and the appeal building are located within a courtyard to the rear of 13 and 13A St James Road. The Inspector considered that the proposed dwelling, closely surrounded on three sides by existing structures, would result in bedrooms with a gloomy and oppressive quality. With the windows of the main living space looking out to an expanse of tarmac, the inspector concluded the living environment was of poor quality.

Although the amenity space provide meets the Council's minimum standard, it is heavily overlooked, does not provide relief from the enclosed nature of the site and is not of a standard acceptable for a four bedroom dwelling. The Inspector did note that as the

development was not visible within public views from or towards the conservation area, the impact of the buildings are acceptable in the context of its surroundings and would therefore have a neutral impact on the St Sidwells Conservation Area.

The Inspector concluded that the appeal proposal fails to provide a satisfactory living environment for future occupiers and therefore conflicts with Policy DG4 of the Exeter Plan and Policy D1 of the St James Neighbourhood plan.

4. New Appeals

4.1 18/0774/FUL – 68 Broadway, Exeter

The application sought to demolish a garage and replace with an extended garage.

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