

## PLANNING

Date: Monday 28 October 2019  
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 Lyons (Chair), Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Pierce, Sheldon and Sutton

## 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 30 September 2019.

(Pages 5 -  
10)

#### 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 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).**

#### 5 **Planning Application No. 19/0770/FUL - Police HQ Devon and Cornwall Constabulary Police Training College**

To consider the report of the Service Lead City Development. (Pages 11 - 20)

#### 6 **Planning Application No. 19/1047/FUL - Land off St Leonards Road, Exeter**

To consider the report of the Service Lead City Development. (Pages 21 - 38)

#### 7 **Planning Application No. 19/0360/FUL - Land adjacent to 17 New North Road, Exeter**

To consider the report of the Service Lead City Development. (Pages 39 - 54)

#### 8 **Planning Application No. 19/0458/ECC - Green Lane Solar Farm**

To consider the report of the Service Lead City Development. (Pages 55 - 66)

#### 9 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Service Lead City Development. (Pages 67 - 80)

#### 10 **Appeals Report**

To consider the report of the Service Lead City Development. (Pages 81 - 82)

## 11 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 19 November 2019 at 9.30 a.m. The Councillors attending will be Branston, Bialyk and Foale.

### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 2 December 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.

#### **Follow us:**

[www.twitter.com/ExeterCouncil](http://www.twitter.com/ExeterCouncil)

[www.facebook.com/ExeterCityCouncil](http://www.facebook.com/ExeterCityCouncil)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

This page is intentionally left blank

## PLANNING COMMITTEE

Monday 30 September 2019

### Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse and Sheldon

### Apologies

Councillors Foale and Sutton

### Also Present

Service Lead City Development, Principal Project Manager (Development) (MD), Project Officer (KF) and Democratic Services Officer

63

### MINUTES

Subject to the amendment of the first paragraph of the resolution to refuse in Min. No.56 to read "the proposal is contrary to Core Planning Policy Section 4, 11, 12 and 16 of the National Planning Policy Framework, Objective 9 and Policy CP4 and Cp17 of the Exeter Local Development Framework Core Strategy and Policies H5(a) and (b), C1, C2, C3, T3, DG1 (b) (c) (d) (f) (g) and (h) of the Exeter Local Plan First Review 1995-2011 ....." the minutes of the meeting held on 2 September 2019 were taken as read, approved and signed by the Chair as correct.

64

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made by Members.

65

### PLANNING APPLICATION NO. 19/0255/RES - HOME FARM, PHASE 2

The Principal Project Manager (Development) (MD) presented the application for 'reserved matters' approval for the layout, scale, appearance and landscaping for the remainder of the Home Farm site (Phase 2) comprising 90 dwellings (14 x 2bed, 30 x 3bed, 24 x 4bed and 22 x 5 bed). He reported that the house types comprised a mix of detached, semi-detached and terraced dwellings with on-plot parking. The layout of the site was consistent in broad terms with the 'illustrative masterplan' submitted at outline stage. The new road into the site led to a number of cul-de-sacs branching off it on the northern part of the site, and then extending into the southern part of the site with dwellings on one side facing some of the open space before changing to have houses on both sides on the lower half of the site.

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

- general concern regarding developments in Pinhoe and impact on transport network;
- question the density proposed in view of the challenging nature of the topography and do not feel that the relationship with the existing buildings and landscape is appropriate. There is an adverse impact on Home Farm and other listed buildings which are part of the local distinctiveness in Pinhoe and should be protected;

- this further development is likely to exacerbate flooding problems experienced in the area and there is concern that discussions are still on-going regarding mitigation measures to prevent flooding;
- the north west corner of the site allocated for public open space also incorporates a water management scheme which should be fenced off for safety reasons.

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

- not opposed to further provision of homes but believe the scale proposed is excessive and the cumulative impact of this and other developments is detrimental to Pinhoe as a whole;
- original linear park landscape has been changed and the revised location of the play area is questioned as it is too far from houses in this development and can not be easily accessed from neighbouring developments;
- Home Farm is a valued part of the Pinhoe heritage and this development will have an adverse impact on its setting. There is also an adverse impact on the general contours of the area and the application should be deferred for further discussions with local residents;
- request a site visit to examine the concerns around flooding and the suggestion for improvements to gullies; and
- concerned that, as with other developments, non-compliance with conditions will occur.

Anthony Farnsworth spoke against the application. He raised the following points:-

- accept that the principle of development on this site has been settled. The developer has been contacted over questions of site layout, levels and treatment of boundaries as they impact upon Home Farm;
- the Planning Inspector's assurances on the impact of the development on the setting of the listed building were given before the detail of the actual layout and levels were known. The Inspector's findings refer to a different and more sympathetic layout. The current proposal does not attempt to assess the impact upon the listed building and its setting;
- in view of the scale, prominence, proximity and loss of visual permeability caused by aspects of the proposed development it is apparent that a significant detriment to the setting of the heritage asset will occur. In particular, the proximity and height of the proposed new buildings along the northern and eastern boundaries will overwhelm the architectural context of Home Farm;
- the requirement to assess the impact upon the setting of a heritage asset has not been covered;
- the proposal comprehensively severs the link between the asset and its setting and changes the character of the setting. The proposals are driven by the topography of the site and fail to be balanced by adequate consideration of setting. The developer's attempt to achieve compliance with highways requirements is at the expense of the setting of the heritage asset; and
- request deferral of the application to allow the development of a more sensitive proposal. The listed building has been here 400 years and the hill has not changed its contours. Adjustments to the proposal could achieve a more sensitive treatment of the setting of a heritage asset.

David Seaton spoke in support of the application. He raised the following points:-

- Burrington Estates, purchased the site after the appeal decision was issued

and are a regional housebuilder, not a plc, with a reputation for delivering high quality development. The site lies in two parts with the south western parcel in the process of being built out;

- the reserved matters submission was made on 19 February and since then changes made to minimise disruption to the community and proposals revised in response to comments including amended house types and ground levels to minimise unneighbourly impacts;
- the matter of impact upon Listed Buildings has been dealt with by the Inspector, and that decision must be respected.
- unfortunate that there remain some issues but every step taken in response to concerns but the objectors are seeking, to a great extent, to re-run matters that were resolved by the former appeal decision and that shouldn't be re-visited.;
- all reasonable changes that can be made to this application have already been made and, in order to minimise disruption to the local community, don't stop this development in its' tracks.

outline permission, impact on listed building; surface drainage issues and access established and agreed at appeal. Heritage Officer supportive of the proposal; and

He responded as follows to Members' queries.

- the open space area will be in a large, flat and rectangular area suitable for play activities, The alternative linear area through the middle of the site was not appropriate because of the levels. The play area is overlooked from the first floor of nearby houses; and
- house types are of a broadly similar mix to those in Phase I

The Service Lead City Development advised that a condition in respect of flood prevention measures had been agreed at outline approval and that details were subject to fine tuning by the County Council. He also stated that Historic England was not a statutory consultee on this type of application. He further advised, in general terms, on the monitoring and enforcement of conditions.

Because of the concerns expressed in respect of the impact on listed buildings and noting that Historic England was not a consultee, a Member moved deferral of the application to obtain an independent opinion from a heritage expert on the impact on listed buildings. The motion was seconded, put to the vote and lost.

The recommendation was for approval, subject to the conditions as set out in the report with the proposal that condition 5 be amended for photographic evidence to be provided of the condition of hedgerows prior to development and for these hedgerows to be protected during construction.

The recommendation was moved and seconded.

**RESOLVED** that planning permission for 'reserved matters' approval for the layout, scale, appearance and landscaping for the remainder of the Home Farm site (Phase 2) comprising 90 dwellings is now sought for 90 dwellings (14 x 2bed, 30 x 3bed, 24 x 4bed and 22 x 5 bed) be **APPROVED**, subject to the following conditions:-

- 1) All conditions imposed on application number 16/1576/01 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.

- 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 date .....dwg. nos. as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) No individual dwelling comprised in the development hereby approved shall be occupied until secure cycle storage in the form of a shed within the garden as indicated on drawing no. BSL.01 Rev C has been provided and made available to serve that dwelling.  
**Reason** - To ensure that facilities are provided for cycle storage to serve each property in the interests of encouraging the use of sustainable modes of transport.
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any dwelling within the development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-  
Part 1, Class A extensions and alterations  
Part 1, Classes B and C roof addition or alteration  
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house  
Part 1 Class F hard surfaces  
**Reason:** In order to protect residential and visual amenity and to prevent overdevelopment.
- 5) Notwithstanding the details shown on drawing no. ML.01 Rev D all the existing hedgerows on site shall be maintained and managed both throughout the course of construction and the subsequent occupation of the dwellings in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The submitted details will be expected to include photographic evidence of the hedgerows prior to the commencement of the development and demonstrate how the hedgerows will be managed to secure their long term retention and health, and how any additional boundary treatments alongside them will be erected so as not to compromise them in the future.  
**Reason:** In the interests of the privacy of the occupants of both existing properties adjoining the site and the proposed properties, the visual amenities of the area and the ecological interest of the site.
- 6) No more than 50% of the dwellings hereby approved shall be occupied until the pedestrian/cycle connection to Broadparks Avenue has been approved in accordance with detailed plans which shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the said pedestrian/cycle connection shall be retained for that purpose at all times.  
**Reason:** To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.
- 7) No part of the development hereby approved shall be brought into its intended use until the steps adjacent to plots 103/105 have been provided in accordance with details that shall previously have been submitted to and



approved in writing by the Local Planning Authority.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.

- 8) Notwithstanding the details indicated on the plans hereby approved a footway adjacent to plot 63 shall be constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of plots 56 to 63.

**Reason:** To provide a safe and suitable access for pedestrians in accordance with Paragraph 108 of the NPPF.

66 **PLANNING APPLICATION NO. 19/0921/FUL - LAND AT MONMOUTH STREET, TOPSHAM**

The Project Officer (KF) presented the application for the use of agricultural land for keeping of horses and construction of two stables. He confirmed that the stables would be within one stable block

Margaret Seaton spoke against the application. She raised the following points:-

- speaking on behalf of some 55 people objecting to the proposed development as concerned that this is the first stage to housing, as happened with the recent boathouse to house in Topsham
- objecting also to disturbance to a wildlife haven and destroying an undeveloped natural landscape;
- will lead to an increase in vermin, flies and smell in a location adjacent to housing;
- the land was historically used as a market garden and not for livestock;
- the land contains a registered priority habitat, is within the lapwing and redshank consultation zones and is in close proximity to the Exe Estuary Ramsar Site Site of Special Scientific Interest and Special Protection Area. It is also a wetland site of international importance;
- there is a risk that any stables erected are subsequently converted into dwelling houses via a change of use or used to facilitate the grant of permission for dwelling houses in the future;
- there would be a number of overriding objections to the grant of planning permission for the construction of dwelling houses on the application site following from the landscape setting policy and Local Plan for Exeter;
- object to the application for permission to construct stables; and
- if granted, it should be subject to a condition that the application site is not further developed into or used for the construction of dwelling houses.

In response to queries, Members were advised that the highway authority was satisfied with the access and that it was not appropriate to seek to limit the number of horses or condition the arrangements in respect of water supply. Given the main concern of objectors that the proposal could be a precursor for future housing, Members acknowledged that any such proposal was subject to the consideration of applications by this Committee and that this site in any case was not considered appropriate for housing.

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

The recommendation was moved and seconded.

**RESOLVED** that the use of agricultural land for keeping of horses and construction of two stables 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 08 July 2019 (including dwgs. LOCATION PLAN 19-013 1-0001 REVISION C and PROPOSED 19-013 0-0001 REVISION A) and 10 September 2019 as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) The development hereby approved shall be carried out and managed strictly in accordance with the approved measures and provisions of the Ecological Report  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area in compliance with Policy LS4.

67

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Service Lead City Development was submitted.

**RESOLVED** that the report be noted.

68

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

69

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 15 October 2019 at 9.30 a.m. The Councillors attending will be Ghusain, Harvey and Mrs Henson.

70

**UPDATE SHEET**

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair

## **HISTORY OF SITE**

The Middlemoor site has an extensive planning history most of which is not directly relevant to the current application. The most relevant recent history is set out below -

13/4073/FUL - Full planning application for a Criminal Justice Centre and Police Hub in the south of the site and a Class A1 Supermarket (extending to 6,789 sqm with associated petrol filling station and customer car parking for 418 cars) in the north-east of the site. Approved 23/12/14.

18/0651/NMA - Amendment to approved consent in respect of the Criminal Justice Centre and Police Hub comprising minor changes relating to the following: - alignment of internal access road, external ground levels/landscaping, internal vehicular access arrangements and parking layout (Both vehicular and cycle), building footprint, finished floor levels and overall building height, secure compound to custody building, plant buildings/arrangements, materials/external appearance/design of building, and design of external areas. (Non-Material Minor Amendment to planning permission 13/4073/03 granted 23rd December 2014). Approved 10/05/18.

19/1126/NMA - Amendment to consented scheme with revised rear car park and updated landscape information. (Non-material Minor Amendment to planning permission 13/4073/03 granted 23rd December 2014 as also modified by 18/0651/NMA). Approved 07/10/19.

13/4067/OUT - Outline planning application (with all matters reserved except for access) for two residential areas (referred to as 'Area A' and 'Area B') to provide a combined provision for up to 92 residential units. Area A is located in the north-western part of the Middlemoor site whereas Area B is located in the central part (to the south of the proposed supermarket). Approved 14/01/15. This permission has now lapsed as the timeframe for submission of 'reserved matters' has expired.

18/1007/FUL - Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping. Application withdrawn by applicant 16/07/19.

## **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a 1.35 Ha parcel of land situated almost centrally within the Middlemoor complex. The site comprises land that was previously used as the landing area for the police helicopter and associated vehicle parking areas. The land lies between existing buildings forming part of the Middlemoor complex and the Exeter to Exmouth branch railway line.

Permission is now sought for the formation of a temporary car park comprising a total of 287 spaces on the land comprising a stoned finish. Permission was original for a temporary period of 5 years but through the course of processing the application and negotiations consent is now only sought for a period of 3 years.

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

The application is accompanied by the following supporting documents –

- Design and Access Statement
- Technical Note – Transportation.
- Supporting letter from Chief Constable

## **REPRESENTATIONS**

2 letters of representation/objection have been received raising the following matters –

- Inaccuracies within supporting technical note in respect of access matters – i.e. reference to previous proposals/permission to create an additional arm onto the B3181/Wilton Way roundabout
- Previous Highway Authority objections to such proposals on application no. 18/1007/FUL
- Lack of justification for provision of additional parking on site, how site will operate after removal of parking once temporary consent expires
- Lack of demonstration of applicant’s attempt to reduce nos of staff travelling by car and promotion of use of public transport and walking/cycling, i.e. absence of submission of a Green Travel Plan
- Changing staff numbers/patterns of work – question need for extra parking.

## **CONSULTATIONS**

DCC (LLFA) – Comment as follows and raise an initial objection –

“The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council’s draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/sustainable-drainage/suds-guidance/>.

It is noted that the proposed temporary car park is for a period of 5 years (since amended to 3 years) to provide 287 car parking spaces with a stoned up area of approximately 7600m<sup>2</sup>.

The proposed car park area is within the groundwater source protection zone. Some ground investigation may need to be carried out to confirm any made ground and the likelihood of any contamination being present. This is to ensure that surface water infiltrating into the ground does not transport contaminants into groundwater, which could have an effect on the groundwater source protection zone.”

DCC (County Head of Planning, Transportation and Environment) – Response as follows –

“The application is for a temporary car park (287 spaces) for a period of 5 years (since amended to 3 years) at the Police Headquarters Devon and Cornwall Constabulary Police Training College, Exeter.

The applicants reasoning for an addition of a 287-space car park on the east edge of the site, is to compensate for the expected increase of demand from the closure of

other police premises elsewhere in Exeter as well as the anticipated the loss of parking spaces elsewhere on the site in the near future. Access to the temporary spaces is believed to be via the existing access, off Alderson Drive, and will be for the use of Devon & Cornwall Police staff only.

The submitted documents make reference to historic planning applications namely, 13/4073/FUL and 18/1007/FUL. One application, necessitates the demolition of three existing buildings (the Traffic Centre, Torbay House and Devon House) on the site and their associated car parks, totalling 104 spaces, whilst the other has been withdrawn by the applicant. The submitted documents also refer to the possibility of the Heavitree Offices to be closed shortly, displacing approximately 250 officers which are understood to be relocated largely into the Middlemoor site.

However, these have yet to come forward and no increase in floor space is proposed, but it is realised that when the Heavitree Offices close there will be an increase in demand for parking. Nevertheless, the increase in parking levels at this site are significant and the implications on the highway network have not been assessed. Concerns from the LHA were raised in relation to planning application number 18/1007/FUL, where ultimately the LHA recommended refusal.

It is unknown as to whether this site has a travel plan or not. If an existing travel plan is not in place, a travel plan should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car based travel.

If an existing Travel Plan is in place, it is essential that car park management details, incorporated through the site Travel Plan, are provided to confirm how existing parking spaces will be suitably managed. This should give consideration to appropriate demand management measures, such as benefits to car sharers and/or multiple occupancy vehicles.

Secure cycle parking should be provided in accordance with the standards set out in the Exeter City Council Sustainable Transport Supplementary Planning Document. The plans do not show cycle parking provision and therefore the plans should be amended.

### Summary

**Given the above concerns, the Highway Authority are not able to provide a recommendation until further information is provided.** The applicant needs to provide further information on the traffic impacts of the proposal and the implications on the highway network. The suggestion of traffic from one site being moved to the proposed site does not overcome highway implications at the Middlemoor police base.”

Network Rail – No response received.

Environmental Health – Recommend a condition requiring submission of a Green Travel Plan for approval prior to commencement of use of the car park.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Government Guidance**

National Planning Policy Framework (NPPF) (February 2019)  
Planning Practice Guidance (PPG)

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

Core Strategy Objectives

CP1 – Spatial Strategy

CP2 – Employment

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP17 – Design and Local Distinctiveness

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

E1 – Employment Sites

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T10 – Car Parking Standards

T12 – Temporary Car Parking on Vacant Sites

C5 – Archaeology

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

DG1 – Objectives of Urban Design

DG7 – Crime Prevention and Safety

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

DD1 – Sustainable Development

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD25 – Design Principles

DD26 – Designing out Crime

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

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

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

### **OBSERVATIONS**

The main material considerations in respect of this application relate to transportation matters, visual impact and drainage.

#### Transportation matters

In terms of transportation matters the main issues are impact on local highway network, and justification for the additional parking provision in the context of sustainable transport initiatives and environmental considerations.

Incoming to a conclusion on these matters it is important to understand the context/background to the submission of the application. The Chief Constable of the Devon and Cornwall Police Force has written in support of the application to outline the background behind the application. The support letter states that the additional parking is a short-term requirement related to the 24/7 requirement for policing Exeter & East Devon, the wider Force area and its regional and national responsibilities. The letter highlights that the Police Force is making provision for cycle to work schemes, exploring the electrification of vehicles and is actively pursuing alternative transport to work options and exploring flexible working opportunities. Supporting this the letter confirms that the Force has a Green Travel Plan in place, a Bicycle User Group and a Mobile Working Policy in process. Notwithstanding the above the letter states that changing cultures and behaviours of Police officers and force staff will take time and that for the following reasons the additional parking is required on a temporary basis –

- Need to make provision to meet required crisis capacity
- 2000 officers/staff employed at site working various shift patterns
- Forthcoming increase in police numbers through additional recruitment
- Migration of 250 officers from Heavitree Road site will increase parking requirement.
- One of key concerns emerging from local consultations, including with local Resident's Associations, was the potential for overspill/staff parking in residential areas adjoining Middlemoor

In addition to the letter from the Chief Constable the application is accompanied by Technical Note prepared by the Police Authority's Transport Planning and Highway Design consultant that seeks to provide further support/justification for the proposed additional temporary parking. This document states that the Middlemoor complex currently benefits from 734 parking spaces serving the site. It reiterates that the additional temporary parking is required to meet increased demand arising from the closure of other police premises, but also to offset the anticipated loss of parking spaces elsewhere on site. The extant planning permission on the northern part of the site would result in the demolition of some existing buildings forming part of the Middlemoor complex and the loss of the existing parking facilities associated with those buildings amounting to 104 spaces. It is understood that the applicant's intention is to proceed with the demolition, and hence loss of the associated parking spaces, in readiness for future redevelopment of that part of the site.

This document expands upon the Chief Constable's letter in terms of factors supporting the provision of the additional temporary parking proposed as follows –

- Overall staff levels currently 2000 officers and staff
- Heavitree Road site closure will result in a 12.5% (250 people) increase in staff at Middlemoor, plus a need to accommodate additional operational vehicles displaced from that site
- 3 shift pattern operated, early, late and night with 2 hour overlap
- Function of Middlemoor as a training hub with increased amount of specialised training being offered at the site
- 104 existing parking spaces taken up by various operational vehicles (mainly traffic control & armed response)
- On site gym – extends staff parking demand beyond shifts as they stay on to use facilities
- Safety – considered imperative no officer/member of staff should be required to park outside site
- Impending loss of existing parking facilities across wider site.

The required level of parking provision is analysed in the context of parking standards contained within the Council's Sustainable Transport SPD and adopted Local Plan. Based on the current floor space of buildings comprising the Middlemoor complex this would equate to 677 parking spaces. However, having regard to the points outlined above it states that the estimated required minimum parking demand for Middlemoor following the closure of Heavitree Road will be as follows –

- 677 spaces for the various land uses on site (mixed use B1, B2, D2) as suggested by Council's adopted parking standards
- Spaces to account for the spike in parking demand at shift handover times (approx. 68 additional spaces)
- 117 spaces for operational vehicles, with an increase likely due to migration of specialist functions from Heavitree Offices
- At least 24 spaces for officers visiting site for training purposes.

This totals a suggested parking requirement of 886 spaces across the Middlemoor site as a whole.

Of the current 734 parking spaces available on site 104 will be lost as a result of redevelopment proposals relating to parts of the site leaving 630. Consent is now sought for a temporary car park providing 287 spaces giving a total of 917 (630 + 287). This equates to an increase of parking provision across the site of 183 spaces. There are also a number of existing parking spaces within the area comprising the current application and it is unclear if these have been taken into consideration in calculating the net increase in parking provision arising from this proposal. Whilst the potential number of staff relocating to Middlemoor in connection with the future closure of the Heavitree road site have been quoted as part of the justification behind the need for the additional parking proposed, it has not been stated how many parking spaces exist at the Heavitree Road site serving staff working there. Clarification of this has also been sought to help put the quantum of additional temporary parking now sought into context.

DCC as the Highway Authority have expressed concerns in their consultation response reported above that the impact of additional parking provision upon the highway network locally has not been assessed. They have also queried the Police Authority's position with regard to Green Travel Plans in the context of this application for increased parking, and the absence of clarity over secure cycle parking provision at the site. Until additional information addressing these points is provided the Highway Authority have indicated that they are not in a position to be able to make a recommendation in respect of the transportation related impacts of the proposal.

Accordingly further information has been requested from the applicant and will be reported via the update sheet or verbally at Committee depending upon when it is received.

### Visual Impact

The site is well contained within the overall Middlemoor complex and is not readily visible from public vantage points other than from trains passing the site on the adjacent branch railway line. The land comprising the application site is grassed and contains no trees or planting and bordered by banks on three sides. Consequently, the site is not considered to have any significant intrinsic visual or ecological quality. The existing bank to the north of the proposed temporary parking area would be slightly repositioned as part of the proposals. Given that the site is well contained within the Middlemoor complex, and limited in visibility from public vantage points, it is not considered that the visual impact of the formation of a temporary car park would constitute grounds to withhold consent.



## Drainage

The proposed temporary parking will comprise a stoned surface thereby allowing surface water to infiltrate naturally into the ground in a similar way to the currently prevailing situation as most of the application site is currently grassed. This is a sustainable approach to surface water drainage and is considered acceptable in principle subject to confirmation that the nature of the underlying soil is such that the approach would not pose a risk of pollution to groundwater. This is the subject of on-going negotiations in line with comments from DCC as the LLFA

## Delegation Briefing (24/09/19)

Members noted the representations received and sought clarification on the Council's overall Travel Plan covering the Middlemoor site, and how this application for additional parking sat within the context of current concerns relating to climate change and sustainability. Members requested that the application be referred to Planning Committee for determination.

## Conclusions

The particular circumstances surrounding the operational requirements of the Police Force outlined in support of the application, and the comments regarding changing of the culture and behaviours of Police officers and force staff in respect of transport choices and working practices taking time are acknowledged. However, the concerns of the Highway Authority regarding the potential impact on the highway network are an important material consideration in the assessment of the merits of this application. The further information addressing the outstanding matters referred to in this report is required before a final assessment of the merits of the temporary car park proposed can be reached. Consequently the recommendation below is a provisional one that might need to be reconsidered dependent upon the consideration of any further information submitted or the absence of such further information.

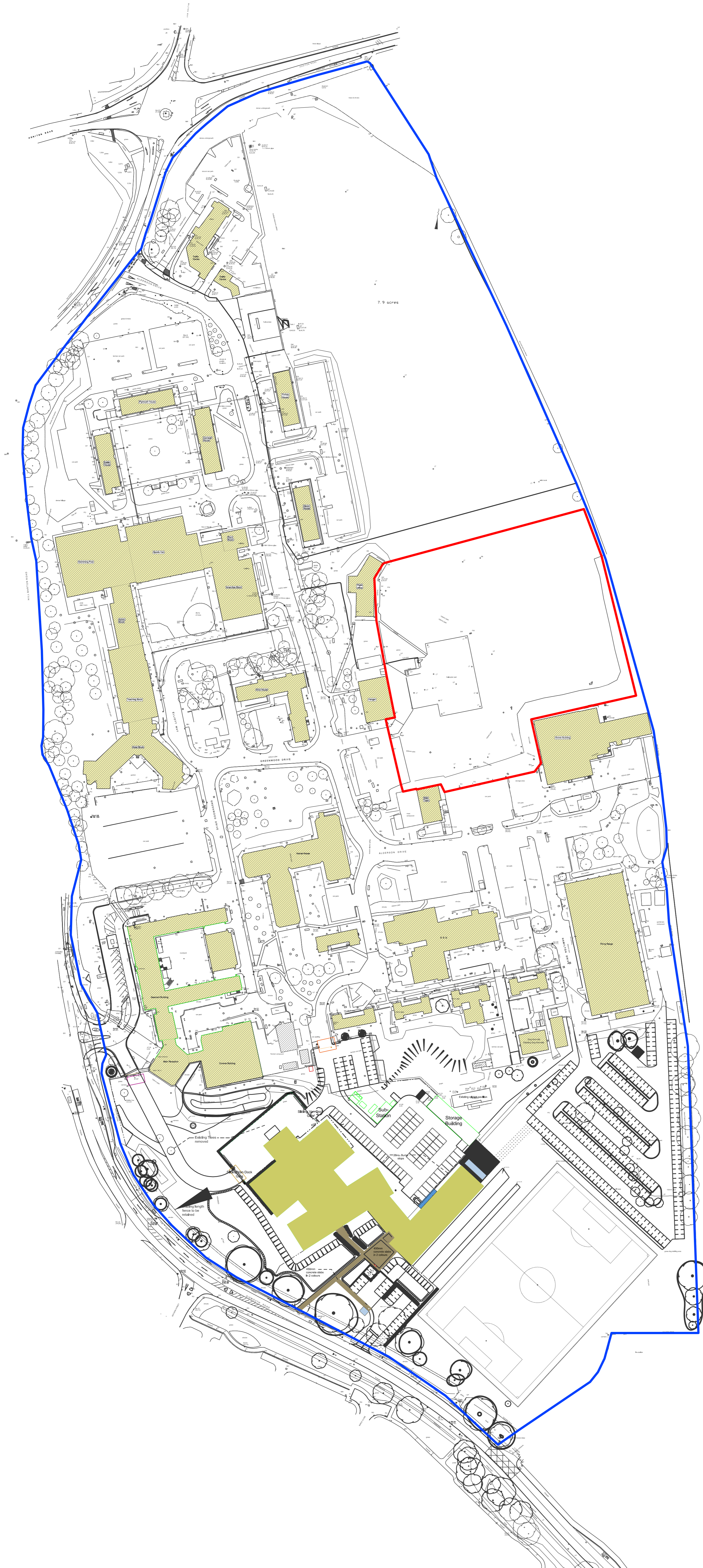
In the event that further satisfactory information is received and the temporary permission sought granted, should a further application be submitted to retain this parking beyond the 3 year period sought, it would at this time be appropriate to further analyse and robustly critique the attempts of the Police Force to influence sustainable transport choices amongst staff/officers and to reduce overall parking demand/provision through its Green Travel Plan initiatives etc.

## **RECOMMENDATION**

Subject to the receipt of satisfactory further information as outlined in this report Approval 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 and the applicant shall notify the Local Planning Authority of the intended date of the commencement of works to implement the permission prior to work commencing.  
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to monitor the period of the temporary consent hereby approved.
- 2) The use hereby approved shall cease on or before the date 3 years post the date of the commencement of works to implement this temporary consent as referred to in condition 1.

Reason: The use is considered unsuitable on a permanent basis in this locality in the context of its potential impacts on the local highway network and the desirability of promoting less reliance on the motor vehicle in favour of more sustainable modes of transport which have less adverse environmental impacts.



REV	DESCRIPTION	DATE	BY	CHK
-----	-------------	------	----	-----

Purpose of Issue

Client

Devon and Cornwall Police

Project

South Side Middlemoor

Drawing Title

Location Plan

Drawn	Checked	Paper Size	Scale	Date
TM	SC	A1	1:1000	15/05/2019
Project No.	Drawing No.	Revision		
19272	6010	-		

**CORSTORPHINE + WRIGHT ARCHITECTS**

Warwick  
London  
Birmingham  
Manchester  
Leeds  
Canterbury  
Glasgow  
Darlington  
Dublin

Brook Hall Brook Street Warwick CV34 4BL  
Tel. 01926 658444 www.corstorphine-wright.com

This page is intentionally left blank

**COMMITTEE DATE:** 28/10/2019

<b><u>APPLICATION NO:</u></b>	19/1047/FUL
<b><u>APPLICANT:</u></b>	Exeter Royal Academy for Deaf Education
<b><u>LOCATION:</u></b>	Land off St Leonards Road, Exeter
<b><u>PROPOSAL:</u></b>	7 No. new build dwellings, associated landscaping, amenity and vehicular access
<b><u>REGISTRRTATION DATE:</u></b>	13 August 2019

## **HISTORY OF SITE**

A planning application (ref 17/1640/FUL) was approved at Planning Committee in June 2018 for the redevelopment of the Exeter Royal Academy for Deaf Education (ERADE) opposite the application site to provide 146 new dwellings; a care home and assisted living units; accommodation for pre-school; access related works; provision of landscaping and open space and other associated works.

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

## **DESCRIPTION OF SITE/PROPOSAL**

The site (1.37ha) is located on the northern side of Topsham Road, backing onto properties to the west in Barnardo Road and fronting onto St Leonards Road. Mount Radford Lawn is an area of grassed open space, bordered by mature trees, stone walling and railings. It is located within the St Leonards Conservation Area and is identified as a positive space and an area of important treescape. It also forms part of the immediate setting of 1 – 4 St Leonards Place, Claremont Lodge and St Leonards Church, all Grade II listed buildings.

The application seeks to change the use of this existing playing field, owned by ERADE, for housing and public open space. As previously stated the Deaf Academy are relocating and the playing fields are surplus to their requirements. However it is noted that the area has historically been used by school, community and sporting groups, not affiliated with the Academy, for recreational activity for many years.

The application proposes a total of 7 detached dwellings sited along the south and western boundaries of the site. The proposed double fronted style dwellings are all two storey in height but substantial in their overall footprint. Each of the dwellings have generous open plan lounge, dining room, kitchen, family room and combination of conservatory, playroom, guest rooms and study on ground floor with four or five bedrooms with associated bathroom/ensuite above. One of the dwellings also includes a basement area for a lounge/bar, cinema area, gym and sauna. The architectural style is traditional incorporating various elements which are characteristic of the more substantial properties in the St Leonards area. The proposed material are white render with natural effect slate roof and painted timber windows.

Each dwelling has an integral garage and parking within their residential curtilage which totals 23 for the proposed 7 dwellings. A new vehicular access is proposed off St Leonards Road and 9 new public parking spaces are to be created to the northern part of the site fronting onto St Leonards Place.

Three new areas of public open space are proposed with the main one located in the north eastern part of the site and smaller areas indicated alongside the new access on the corner of Topsham Road and St Leonards Road and to the south west, accessed via a narrow pedestrian link provided between plots 3 and 4.

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

The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Transport Note, Ecological Appraisal, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan.

### **REPRESENTATIONS**

225 letters/emails of objection received (including St Leonards Neighbourhood Association, Exeter Civic Society and Exeter Cycling Campaign). Principal issues raised:-

1. Location alone does not reduce the dependency on the private car;
2. Overdevelopment of the site;
3. Need to retain existing green spaces in the City;
4. Area important for air quality/increased pollutants from greater traffic generation;
5. Needs to be a place for the whole community to enjoy;
6. Detrimental impact to the character and appearance of the St Leonards Conservation area and nearby listed buildings;
7. Unacceptable increase in traffic near to school;
8. Green spaces important for mental health;
9. Space needed for city residents to be active;
10. Result in the loss of a valuable local resource;
11. Proposed open space inadequate to be used for sport pitches;
12. Area should be used for community centre and open space as proposed by the St Leonards Neighbourhood Association;
12. Support letters/emails from employees connected with the applicant represents a conflict of interests;
13. Potential for the previous use of the land for school/community playing fields will be lost;
14. Access to the land only inaccessible because Deaf Academy has refused permission not through lack of interest. The land is not 'surplus to requirements' as suggested by applicant;
15. Already a lack of open space in the area;
16. Green space identified as of primary importance in the St Leonards conservation area management plan;
17. Inadequate on-site parking provision;
18. Contrary to Sport England and ECC's own planning pitch strategies;
19. Detrimental impact on neighbouring properties through loss of privacy/overlooking; loss of light and visual amenity;
20. Proposed dwellings out of keeping by reason of scale and proportion;
21. No need for large and unaffordable housing in the City/St Leonards;
22. Green spaces should be retained for the health and well-being of the local residents;
23. Pre-submission public consultation by applicant inadequate;
24. If houses are needed should be affordable and car free with secure cycle storage;
25. Loss of habitat/wildlife including bats, foxes, squirrels and hedgehogs;

26. Architectural approach contrary to the understanding and interpretation of its conservation area context;
27. Important setting for listed buildings/views of the church spire will be compromised;
28. Creation of traffic congestion problems for the surrounding roads;
29. Pedestrian safety risk given the increased traffic and its proximity to nearby school;
30. Public open space proposed totally inadequate;
31. Loss of parking spaces used in connection with the school;
32. Ecological report is inaccurate;
33. Area represents a positive feature within the area;
34. Problems of noise and disturbance during construction work to local residents and children at the local school;
35. Removal of pavement to provide parking will create hazard to pedestrians;
36. Negative impact on the environment contrary to the climate emergency agenda;
37. Area needs improved access for all the community;
38. Should continue to be available to local school use;
39. No guarantee that the public open space will remain in perpetuity;
40. Public open space not large enough to serve the community;
41. Development does not meet the exceptions as per the Sport England Playing Field Policy;
42. Change in parking arrangement adjacent to the highway will result an overall loss of resident parking spaces;
43. Monies generated by the sale of the land for the Deaf Academy's benefit should not be at the expense of a loss of valuable green space;
44. Increased traffic along Topsham Road;
45. Maynard School and St Leonard's Primary School have limited outside space and this area could contribute towards much needed open space provision;
46. Density is too low and greater number of smaller dwellings should be proposed;
47. Contrary to ECC's 'Liveable Exeter Garden City Vision' and 'Physical Activity Strategy Document 2019'

63 letters/emails of support. Principal issues raised

1. General support for the work of the Deaf Academy as national specialist in deaf education and care;
2. Necessary for additional funding of the Academy's development at Exmouth for bespoke teaching, learning and residential spaces and modern resources;
3. Academy cannot gift Mount Radford Lawn as under charity law they are required to maximise the value of its assets;
4. Development will provide 50% open space within an area that is currently private and restricted;
5. Following public consultation a compromise has been made to provide more public open space;
6. More public open space will be made available for the St Leonards community;
7. Impact of 7 dwellings on Mount Radford Lawn will be minimal;
8. St Leonards already has enough local parks and green space;
9. NIMBY attitudes will deny the Academy the ability to increase much needed funds;
10. Good quality houses in keeping within the area;
11. Rejecting the proposal will put the Academy in jeopardy and the jobs of many local people;
12. Developer partner chosen due to their commitment to providing public space for the local community;
13. Provide much needed housing for the City.

## **CONSULTATIONS**

**The County Head of Planning Transportation and Environment** comment that the application is in a sustainable location. There are high frequency buses running along Topsham Road and is within walking/cycling distance to the City Centre, key employments hubs (such as County Hall, Marsh Barton and the RD&E). Henceforth, the vehicular impact of the development cannot be deemed as severe.

Vehicular access to the site is proposed to be off a simple priority junction onto St Leonards Road with appropriate visibility splays. As part of the new access arrangement, it is necessary to remove seven of the on-street parking limited waiting spaces. Upon site visit, these limited waiting spaces are very well utilised during school pick up/drop off and by removing the spaces in the desired location is a concern. Parents are more than likely to still use St Leonards Road as a pick up/drop off and not use the reallocated spaces as proposed by the applicant; hence there is a concern that inappropriate parking on St Leonards Road will occur, potentially blocking St Leonards Road during busy times. Equally, there is a slight concern of increased interaction of new traffic at the new junction with school children crossing St Leonards Road. Henceforth, the access arrangements will need to be addressed to overcome their concerns. It is recommended that any access should consist of just a dropped kerb access rather than a new bellmouth junction. It is noted that there is an existing access point to the field on St Leonards Place.

To the northern boundary of the site on St. Leonard's Place, there will be a loss of four spaces, which are currently Resident Permit Parking spaces resulting in a total loss of 11 spaces in total (7 on St Leonards Road plus 4 on St Leonards Place). To mitigate this, compensatory parking (on the northern boundary) will provide 9 spaces and by extending the parking bay on the opposite side of St Leonard's Place and on St. Leonards Road resulting in additional 2 spaces, leading to no overall loss of parking. The 9 spaces located on St Leonards Place are parallel where no tracking diagrams have been submitted proving that vehicles can reverse out of the spaces safely (it is noted that the westerly parallel parking spaces are directly opposite a proposed extended parking bay and it is unknown if vehicles can enter and exit in an appropriate manner). In addition to this, it is unknown which spaces will be allocated to residents parking and which spaces will be allocated to limited waiting.

The amendments will need to formally carry out through an amendment of the existing Traffic Regulation Order (TRO). The cost of these will need to be met by the applicant and should be secured through an appropriate legal agreement. However, the LPA needs to consider that if the TRO fails, then alternative access arrangements will need to be explored.

Neither the proposed vehicular access point nor the relocation of the parking spaces have been through a Road Safety Audit.

Adjacent to the vehicle access is a 2m footway which runs into the site and eventually leads to a new access point to the north of the site on St Leonards Road. The footway provides access to the public open space and provides good permeability through the site.

It is proposed to remove the existing footbridge adjacent to the site over Topsham Road (this forms part of the application site on the other side of Topsham Road, Planning Ref: 17/1640/FUL). However, there is an existing controlled pedestrian crossing in close proximity that can be used as a convenient alternative to cross the road.

On Site Layout/Facilities - Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance. The internal layout is suitable for a low volume of houses and includes a turning head on site – tracking



diagrams have been provided proving that a refuse vehicle can enter and exit the site in forward gear.

The application form states that 23 vehicular spaces will be provided which does seem excessive for a development forming just 7 dwellings. Given its sustainable location, the applicant should be reducing the amount of parking on site however the excessive parking allocation cannot form a reason for refusal. The applicant is reminded that additional residents parking permits will not be given to serve this new development.

Current policy sets out a requirement for secure sheltered cycle parking to be provided for all residential new builds. The submitted plans do not explicitly show the type of cycle parking proposed. Given its location, it is recommended that the quantum of cycle parking exceeds the standards set out in the ECC Sustainable Transport SPD. It is therefore recommended that this provision is agreed prior to commencement and provided in accordance with the approved details.

Construction - In the interests of public safety (pedestrians and cyclist interacting around construction works) and the operation of a school nearby a condition for a Construction Traffic Management Plan is recommended and the applicant is advised to meet with the highway authority to agree a suitable means of progress prior to undertaking any works.

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on vehicular access to the site, compensating spaces access and TRO's and cycle parking. In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

**Sport England** objects stating that It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years (as seen in the aerial images of the site), as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

The site has a long history of use by teams from community sport (Central Youth FC and Heavitree Youth FC) and education institutions both public and private in the area.

The playing field loss proposed would and currently does impact the existing playing pitch and areas for the delivery of sport. The proposal is located on usable sporting playing field land. The proposal does not meet one of the five exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF:

Consideration and weight should also be given to the Council's own Local Plan policies that seek to protect open space, sport and recreation including playing fields.

The Football Foundation, on behalf of The FA advise that to our knowledge, neither Sport England or National Governing Bodies have neither reviewed, agreed or signed off a Playing Pitch report - the information the Council published was not agreed by the steering group. Subsequently, there is no detail on what the financial contribution is, how it will be spent or how this will be managed

The Football Foundation, on behalf of The FA objects as there is no assessment that demonstrates an excess of playing fields (Youth 11v11 grass football pitch) in the catchment area.

Conclusion - In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

**The Council's Environmental Health officer** recommend that a construction and environmental management plan and a contaminated land condition is imposed.

**Devon County Education officer** comment that in order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £14,198 for primary school facilities, equivalent to 1.04 children and £7,014 for secondary school facilities, equivalent to 0.32 children. This figure has been calculated in accordance with the county council's education infrastructure plan and S106 approach and takes into account existing capacity in the surrounding schools.

**City Council's Heritage Officer** raises objection stating that:-

1. It does not preserve the settings of the listed buildings of No. 1 St Leonards Place and of St Leonards Church, and indeed causes harm to them. As such it does not comply with the test under the 1990 Act nor with Local Plan policy C2.
2. It does not preserve, nor enhance, the character and appearance of the St Leonards Conservation Area, by virtue of covering more than half of what is a significant open space within the conservation area with buildings and hard surfacing. As such it does not comply with the test under the 1990 Act nor with Local Plan policy C1.
3. It provides not even the minimum of supporting information about what buried remains may be present and what will be the potential impact of the development.
4. The harm caused to the significance of the listed buildings and conservation area needs to be outweighed by a sufficient amount of public, not private, benefit to be acceptable in NPPF policy terms. Although public benefit is mentioned in the supporting statements, no analysis is provided of what the public benefit of providing 7 detached houses would be in this case, other than the addition of 7 units to the housing supply. In other cases, including those involving harm to heritage assets, inspectors have concluded that the avowed public benefit of adding to the housing supply has not been sufficient to outweigh the harm caused.
5. In terms of enhancement, there are other far less harmful ways of enhancing the space with planting and appropriate access other than substantially reducing its area and building over the rest.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance - National Planning Policy Framework (February 2019)**

2. Achieving sustainable design

3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities

Paragraph 97:-

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)**

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP9 – Strategic transport measures to accommodate development
- CP10 – Meeting Community Needs
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP13 – Decentralised Energy Networks
- CP14 – Renewable and low carbon energy
- CP15 – Sustainable design and construction
- CP17 – Design and local distinctiveness
- CP18 – Infrastructure requirements and developer contributions

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

- AP1 – Design and location of development
  - AP2 – Sequential approach
  - H1 – Housing land search sequence
  - H2 – Housing location priorities
  - H3 – Housing sites
  - H6 – Affordable housing
  - H7 – Housing for disabled people
  - T1 – Hierarchy of modes of transport
  - T2 – Accessibility criteria
  - L3 - Protection of Open Space
  - L5 - Loss of Playing Fields
- Development that would result in the loss of a playing field will not be permitted if it would harm recreation opportunity in the area*

L7 - Local Sporting Facilities  
T3 – Encouraging use of sustainable modes of transport  
T6 – Bus Priority Measures  
T10 – Car parking standards  
C1 – Conservation Areas  
C2 – Listed Buildings  
C5 – Archaeology  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN5 – Noise  
DG1 – Objectives of urban design  
DG2 – Energy conservation  
DG4 – Residential layout and amenity  
DG5 – Provision of open space and children’s play areas  
DG6 – Vehicle circulation and car parking in residential developments  
DG7 – Crime prevention and safety

### **Development Delivery Development Plan Document (Publication Version)**

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

DD1 Sustainable Development  
DD8 Housing on Unallocated Sites  
DD13 Residential Amenity  
DD20 Sustainable Movement  
DD25 Design Principles  
DD28 Heritage Assets  
DD31 Biodiversity  
DD33 Flood Risk  
DD34 Pollution

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

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

St Leonards Conservation Area (November 2005).

*12.8 Mount Radford Lawn, now used as a school playing field is the only remaining area of the landscaped parkland that surrounded the Mount Radford mansion. Apart from its historic interest, this green space with its mature boundary trees is one of the key open spaces within St Leonards, a very positive feature in the townscape. It, furthermore, provides an important setting for the four listed villas of St Leonards Place and a vantage point to view the spire of St Leonards Church to the southwest.*

### **OBSERVATIONS**

Mount Radford Lawn occupies a prominent site on the northern side of Topsham Road and understandably the proposal for housing development has generated considerable interest both in opposition and support. Members will be aware of the application submitted on the opposite side of the road which proposed to redevelop the ERADE site for housing. Planning permission was granted for 146 dwelling, care home and pre-school accommodation in June 2018 which provided funds for the Deaf Academy's new facility in Exmouth. A significant number of support emails have been received which highlight the specialist work that the Deaf Academy carries out. The support correspondence received has emphasised the importance of the monies generated by the sale of land for use by the Academy in Exmouth. Whilst the reason for the sale is completely understood, planning practice dictates that the assessment is concerned with land use in the public interest and as such the protection of private interests such as the fund from the sale of the land, is not a material consideration. Consequently the application needs to be assessed against relevant material planning considerations which in this instance are the impact of the development on heritage assets, loss of playing fields/open space, highway/parking issues, design/layout and relationship with neighbouring properties. However prior to these consideration it is important to set the context of the development in relation to the Council's 5 year housing supply and relevant development plan policies.

### **Development Plan context**

The applicant's Planning Statement has emphasised the Council's lack of a 5 year housing supply to support their application for 7 new dwelling on this site. The applicant draws support from recent Inspector's appeal comments that the Council's Development Plan policies are out of date in relation to housing supply and therefore carry less weight when determining applications for housing development. The applicant refers to the National Planning Policy Framework (NPPF), which states in paragraph 11 that there is a presumption in favour of sustainable development.

It is not disputed that the site lies within a sustainable location close to the city centre and public transport route and that the Council cannot demonstrate a 5 year housing supply. However NPPF states that even for policies deemed out of date, the decision maker (in this instance the local planning authority) must still be concerned with whether the development's impact on '*areas or assets of particular importance*' (heritage assets are specifically recognised in the NPPF footnote to paragraph 11) or if the adverse impact of the development '*would significantly and demonstrably outweigh the benefits*'. NPPF paragraph 12 states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making*'. Further clarification regarding the role of the NPPF and Development Plan is made within NPPF paragraph 213 which states that '*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'.

The lack of a 5 year housing supply is a material consideration, which needs to be balanced against the development plan and whether these policies are consistent with the NPPF considered as a whole. In essence, the applicant is proposing 7 dwellings, in a sustainable location, to help meet the Council's 5 year housing supply shortfall; a financial contribution towards affordable housing and playing field provision and creation of public open space on a current area of private land. Consequently this planning assessment needs to balance these considerations against relevant NPPF and development plan policies, particularly in respect of heritage assets and loss of playing fields/open space. This assessment is still a matter of planning judgement, by the decision maker, as to the weight given to the relevant

policies and other material considerations. The fact that a policy is out of date does not mean it is dis-applied and nor does it mean that the policy must carry only limited weight. Weight is a matter for planning judgement depending on the facts of the case.

### **Heritage issues.**

The application site is located within the St Leonards Conservation area and in close proximity to grade II listed buildings namely 1 – 4 St Leonards Place, Claremont Lodge, and St Leonards Church. The conservation area and the listed buildings are all designated heritage assets in terms of the NPPF, as well as being subject to the statutory duties in the 1990 Planning (Listed Buildings and Conservation Areas) Act. The site, due to its location immediately next to Topsham Road and relatively close to the city, also has the clear potential to contain buried archaeological remains, which although they may be undesignated heritage assets, are still a material planning consideration under the NPPF.

In determining this application regard must be had to the statutory duty in respect of 1990 Planning (Listed Buildings and Conservation Areas) Act to “*have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses*” (s. 66(1)), and to pay “*special attention ...to the desirability of preserving or enhancing the character or appearance of that (conservation) area*” when making planning decisions (s. 72). The duties above are reflected in policies C1 and C2 of the Local Plan First Review. The policies in the NPPF Chapter 16 with regard to the significance of heritage assets (designated and undesignated), are concerned with what impact a proposal may have on that significance, including on setting, what degree of harm if at all the proposal may cause to that significance, and whether this harm is justified in terms of public benefit of various kinds as reflected Local Plan policies C3 (locally listed buildings) and C5 (archaeological remains) of the Local Plan First Review.

Within the context of the NPPF the proposed development is considered to result in less than substantial harm to the significance of a designated heritage asset (very few developments result in an impact amounting to substantial harm as defined by the NPPF). In accordance with NPPF paragraph 196 this harm to a designated heritage asset ...*should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use*’. It is therefore necessary to assess in detail the specific harm to heritage assets and a balanced consideration of the harm caused set against the public benefit of the scheme.

#### *Potential impact on buried archaeological remains (as a non-designated heritage asset)*

There is no supporting documentation, for example a desk based study, as part of the Heritage Statement, that identifies what buried remains may survive on the site and what the impact on them will be by the development. The potential impact of a development on buried remains, and whether or not this is acceptable and can be mitigated, is a material planning consideration as stated within NPPF paragraph 189 ‘... *where a site on which development is proposed or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary, a field evaluation*’ The proposal will therefore conflict with Local Plan policy C5.

#### *Impact on the settings of the nearby Listed Buildings*

The development of Mount Radford Lawn is located close to 1 – 4 St Leonards Place, Claremont Lodge, and St Leonards Church, all Grade II listed and therefore designated heritage assets). Assessment is therefore made as to the proposal’s impact and harm on the settings of these listed buildings;

#### *St Leonards Place.*

Originally, all four villas would have looked out on to open, albeit with some trees and probable planting, landscaped grounds in front, in the form of the earlier extent of Mount Radford Lawn. Subsequently the area of the latter has been incrementally reduced, first by the construction of the houses along the north-western side of Barnardo Road, then by the more recent construction of No. 5 St Leonards Place, the substation and the houses along the south eastern side of Barnardo Road. As a result, Nos 2 – 4 St Leonards Place have already lost their original open setting across the road at the front. No. 1 however still retains this open setting at the front, and it is still possible to appreciate and understand the original locale within which these villas were designed and built. The effect of the new development as proposed will be to remove this remaining open setting to No. 1, by the construction of a new large house side on in front, new boundaries to the garden, and the provision of several formal bays of public on street parking opposite, rather than the current informal on road parking. The proposed development will therefore not preserve the setting of No. 1, and will harm it in the sense of no longer being able to appreciate the original setting of the listed building.

#### *Claremont Lodge.*

The current setting of this will reduce in the sense of the amount of open area in front being reduced and formalised as an oval enclosed pocket park. It is arguable whether or not this change preserves or harms the setting of the lodge, but the change is less harmful than replacing open green space with a building and parking, as with that of No. 1 St Leonards Place.

#### *St Leonards Church.*

Currently the church spire can be seen from several locations within the site and around it. The proposals will restrict this to one narrow vista view from a particular point within the new oval park. As with any church tower or spire, its presence is meant to advertise the presence of the church and to visually dominate the surroundings, as a constant reminder as to its presence and what it represents. As such, the church and its spire have a rather wider and more extensive setting than domestic scale listed buildings. Development that severely reduces and cuts down the places from which the spire can be seen or glimpsed, as an ever present reminder of the presence of the church within the neighbourhood and community, is therefore clearly not preserving its setting, and is causing harm to it, as it will reduce the ability to appreciate and understand the significance of the church and its spire.

#### *Impact on the character and appearance of the St Leonards Conservation Area.*

The remaining open space of Mount Radford Lawn is specifically identified as a positive space in the adopted conservation area appraisal, and as such is integral to the character and appearance of this part of the conservation area. Conservation Areas are an area designation, and are a sum of their parts, including trees, open space and streetscape as well as particularly significant buildings, listed or unlisted. It is difficult to see therefore how building new houses, enclosed private gardens, and access roads and other infrastructure over at least half of the remaining area of the Lawn, and reducing the remaining open space to two separate, smaller pocket parks, can be considered to preserve the character and appearance of this part of the conservation area. In NPPF terms, building over much of the open space and formalising the remainder in three separate pocket parks or gardens would clearly cause significant harm to the particular significance of this part of the conservation area, given that the Lawn is identified in the appraisal as a key element of the conservation area document.

Following this assessment it is considered that that the proposed development will lead to less than substantial harm to the significance of designated assets namely St Leonards Place, St Leonards Church and the St Leonards Conservation Area identified as a positive space and consequently refusal can be warranted. In accordance with NPPF paragraph 196 the harm is weighed against the public benefit in this instance the additional dwellings to

help meet the Council 5 year housing supply and the developer's proposed contribution to affordable housing and playing fields and provision of on-site public open space and it is concluded that the adverse harm to heritage assets would take precedence. The scheme would therefore be contrary to Local Plan Policies C1, C2, C3 and C5.

### **Loss of Playing Fields/Open Space**

Mount Radford Lawn represents an important area of green space which adds to the character and appearance of the conservation area. In addition to its visual function, the site has historically been used for recreational activity in association with local schools, community groups and sports clubs. It is clear from the correspondence of previous users, photographic evidence and comments made by Sport England that the site has been well used over a significant number of years. Indeed correspondence has stated that the field was used as early as this year in connection with the local school, until this permission was removed by the landowners. The planning system cannot insist that an area of land is made available for public use, however local schools and groups have expressed interest in continuing using the land in association with outdoor recreation. An example of the local community interest in the land is evident from St Leonards Neighbourhood Associations proposal to use the site for a community building and associated open space. Whilst this highlights local interest it must be stressed that this is not a matter for consideration as part of this application.

The significant number of objection letters/emails and the comments raised indicates the strength of feeling against development of the site for housing. Whilst the site is not designated as an area of open space in the Local Plan and therefore Policy L3 is not applicable, the use of the site for playing pitches does warrant assessment against Policy L5 which states that *'development that would result in the loss of a playing field will not be permitted if would harm recreation opportunities in the area'*. The Local Plan does highlight circumstances when this can be set aside, which include when there is an excess of playing field provision in the city or replacement provision is made of at least equivalent community benefit. This Policy reflects the criteria as stated within the NPPF paragraph 97 and Sport England's own playing fields policy which states that they *'... will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field'*.

It is accepted that the land is currently in private ownership and the local authority has no powers to insist on access for its public use. However it is clear from the correspondence that the land is valued by the local community and considerable benefit has been gained over the years by a variety of local communities and sporting organisations. As the Local Plan states *'playing fields are significant resource for sport but they are under constant pressure for development. Once developed they are likely to be lost for ever. The Government places particular emphasis on the protection of playing fields and stresses that local authorities should carry out local assessments of demand'*. The Council has recently (July 2019) published a Physical Activity Strategy and Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Green Spaces Strategy which emphasises its commitment to being a physically active city. Whilst the documents do not refer directly to the application site it is notable that the later document highlights a deficiency in playing pitches across the city. It is understood that a Playing Pitch Strategy will be published early in 2020 and the creation of additional playing pitch facilities (in locations yet to be determined) is likely to be the conclusion.

The applicant has offered a financial contribution to offset the loss of existing playing pitches/recreational use to be used in targeted areas as considered appropriate by the Council. However it is clear that local residents and groups value this area of land and until



this Strategy is concluded any decision to develop the site could at best be considered premature. It is considered that financial contribution offered does not outweigh the potential this area has for public playing pitch/recreation spaces (subject to the agreement of the land owner) and accordingly the development would be contrary to the NPPF, Sport England's playing field policy and policies L5 of the Local Plan and CP10 of the Core Strategy.

### **Layout and Impact on Residential properties**

The predominant style of neighbouring dwellings in the vicinity of the application site are terraced. However St Leonards contains a variety of property styles and therefore there is no objection in principle to the proposed detached dwellings if development was deemed to be appropriate for this site. In respect of size the scheme draws reference from the sustainable properties of 1-4 St Leonards Place. The architectural approach taken is more 'safe' traditional than contemporary and consequently it is considered that the buildings to a certain extent lack the necessary robustness in design which this conservation area requires. However given the obvious references to styles of dwellings in the St Leonards area it would be difficult to warrant refusal of the scheme on this issue.

It is noted that given the generous proportions of the houses themselves and the outdoor amenity space the scheme would meet the required standards as set out in the Residential Design SPD. In addition, whilst the gardens in Barnardo Road are substandard in length to meet the current requirements of the SPD, the generous gardens proposed by the application scheme mean that a distance of 35 metres would be retained between the existing and proposed dwellings and significantly exceed the minimum 22 metres as specified by the SPD. Whilst the outlook from the rear of properties in Barnardo Road would be significantly changed as a result of the development given the distance involved it would be to an acceptable level in accordance with the design guidance and its urban setting. It is noted however that although the site is predominantly flat the new properties would be built up to 3 metres taller than existing properties in Barnardo Road.

Local residents have questioned whether the open space proposed will genuinely be for public use. Although the area to the north east is reasonable in relation to the site, it is considered that the proximity of the proposed substantial dwellings will deter causal recreational use of the area. The limited distance between the public open space and the dwellings would create a lack of perceived separation between users of the space and the new residents for either party to feel at ease with this arrangement. Consequently the usability of this area by the public is questionable. It is also considered that the other two areas would not create genuine useable space, one located alongside the new entrance adjacent to a busy road junction and the other located in the corner of the site adjacent to Topsham Road served by a narrow access between two of the proposed houses and with poor levels of natural surveillance. Consequently it is considered that this would result in an unacceptable layout and does represent a reason for refusal.

### **Highway/Parking Issues**

The County highway officer has raised a number of specific matters of detail in respect of the new access arrangement and the proposed off site public parking provision. The highway officer has commented that these matters have not been through a road safety audit and consequently given the lack of information it is not possible to fully assess the scheme and its appropriateness in highway terms. Some concern is raised regarding the level of parking proposed (23 spaces for 7 dwellings) as being excessive and lack of identifiable cycle storage facilities goes against sustainable development objectives. However it does appear that subject to the appropriate audit being taken and revised plans, the proposal could be acceptable in highway terms. However the off-site public parking spaces will require further assessment and without a road safety audit it is not possible to confirm whether this

arrangement would be acceptable. Consequently as recommended by the highway officer in the absence of sufficient information to enable a full assessment, the application should be refused.

## **Summary**

The NPPF is clear that the starting point for the assessment of a planning application is the development plan. Whilst it is accepted that the lack of a 5 years housing supply represents a material consideration, it does not prevent the decision maker from considering all relevant policies and the weight that should be attached. In this instance it is considered that the building of 7 dwellings, a financial contribution towards affordable housing and playing pitches does not outweigh the harm the development would cause to heritage assets or the loss of playing fields/recreational space in the area as assessed within this report. In addition, this scheme would provide a poor residential layout in terms of the siting of the open spaces and insufficient information has been submitted to conclude that it is acceptable in highway terms. Accordingly the recommendation is to refuse the application.

## **DELEGATION BRIEFING**

8 October 2019 – Members were advised that the land is to be sold by the Deaf Academy to raise funds for its move to Exmouth and in support of the application 65 letters had been received. Notwithstanding the absence of a specific designation for this land and the absence of a five year housing supply concern is raised about the impact of the development on heritage assets and the loss of existing playing pitches. Members noted that Sport England had objected, opposing the loss of this valuable open space. Such loss also did not reflect the Exeter Live Better Strategy. A Member was advised that Sport England was not in a position to purchase the land but they would be likely to support a refusal at appeal. It was suggested that, because of the historic use for recreation there was a potential for a Village Green Status application.

The following objections had been received within 225 letters submitted to date. Members were advised that the main issues related to the impact of the development on the conservation area and nearby listed building; loss of open space actively used by local residents; loss of parking spaces; and relationship with properties in Barnardo Road.

Members were advised that the developer was proposing a financial contribution rather than providing affordable housing onsite and for playing pitch development in the city

Members noted that the application would be considered by the Planning Committee.

## **RECOMMENDATION**

REFUSE for the following reasons:-

1.The proposal is contrary to Section 16 of the National Planning Policy Framework Policy and Policies C1, C2 and C5 of the Exeter Local Plan First Review 1995 to 2011 because the development would cause less than substantial harm to the area's heritage assets notably the listed buildings of 1 St Leonards Place, St Leonards Church, potential buried archaeological remains and the St Leonards Conservation Area within which the site is identified as a positive space by reason of the unacceptable density, layout, siting, height and design of the proposed dwellings.

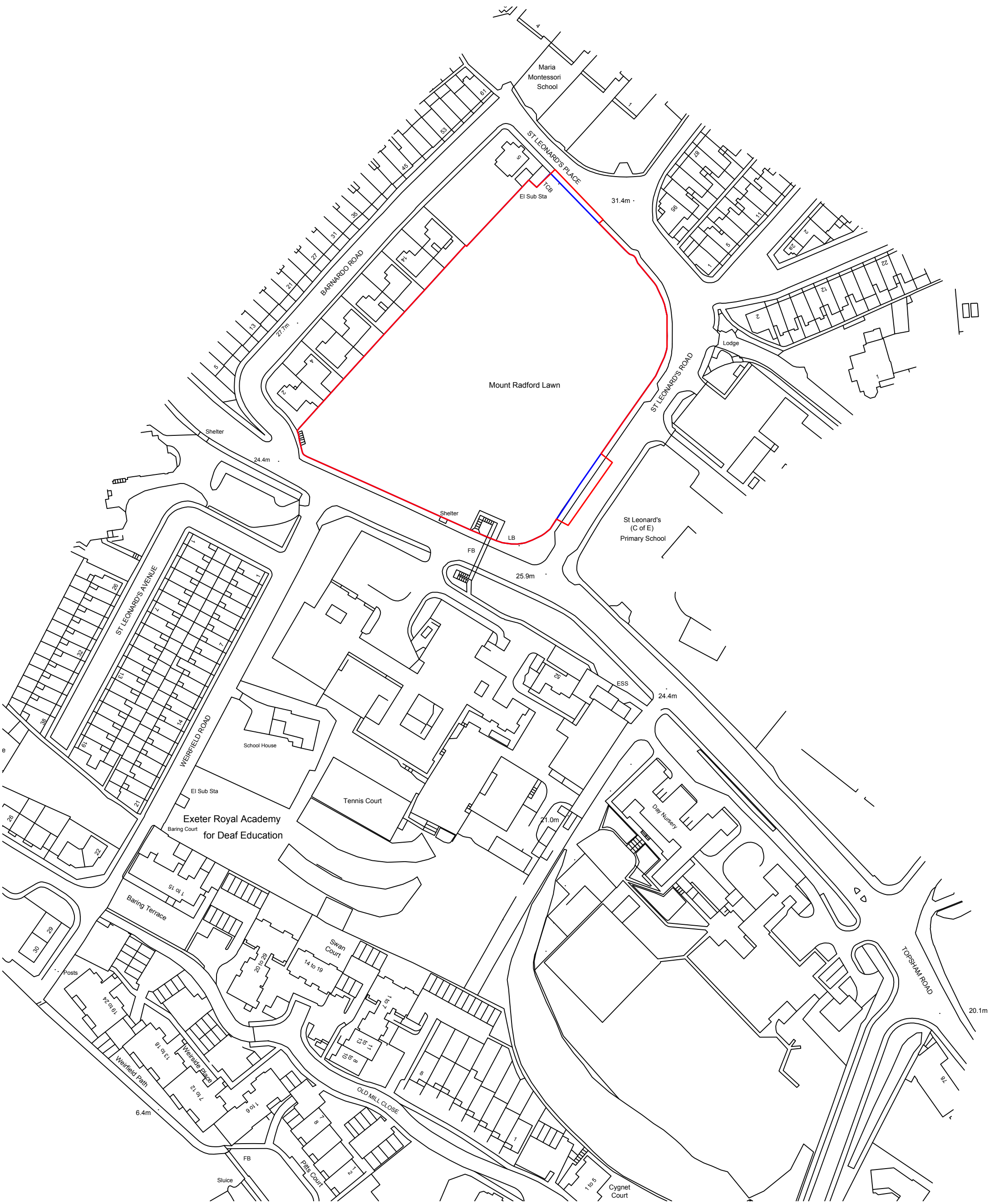
2. The proposal is contrary to the Section 8 of the National Planning Policy Framework, Policy CP10 of the Exeter Local Development Framework Core Strategy, Policies L5 of the

Exeter Local Plan First Review 1995 to 2011 and Sports England's Planning Field Policy because the development result in the loss of an existing playing fields which would harm recreational opportunities in the area.

3. The proposal would be contrary to Section 12 of the National Planning Policy Framework, Policy CP17 of the Exeter Local Development Framework Core Strategy Policies DG1 and DG4 of the Exeter Local Plan First Review and the Council's Supplementary Planning Document 'Residential Design' because the location of the three areas of public open space would be inappropriately sited in relation to the proposed dwellings resulting in a poor level of natural surveillance and preventing the usability of the area by nearby residents and the wider community.

4. In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding parking spaces, the Local Planning Authority as advised by the Local Highway Authority is unable to confirm that the scheme meets necessary highway safety standards onto the existing highway network and therefore is contrary to Policy DG1 of the Exeter Local Plan First Review.

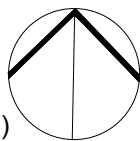
This page is intentionally left blank



# SITE LOCATION PLAN

scale 1:1250

Redline  
Ownership Boundary - approx 4.7 Ac (19,337sqm)



1. Site plan subject to Planning and Building Control approval,
2. Please also refer to Highways and Engineer design and specification,
3. Drawing subject to full topographical and ecology survey.

REVISION	DATE	COMMENTS
P2	10.06.2019	AMENDED SITE PLAN ISSUE
P1	30.03.2019	FIRST ISSUE

AA  
AA  
AUTHOR / CHECKED

**EXPEDITE**

CARDIFF OFFICE  
8 Village Way, Greenmeadows Springs  
Business Park, Cardiff, CF15 7NE  
t: 02920 098655

EXETER OFFICE  
35 Southernhay-East  
Exeter, EX1 1AP  
t: 01392 691631



w: expediteps.com

TITLE  
ST LEONARDS PARK, EXETER  
FOR AND ON BEHALF OF BURRINGTON ESTATES

DETAIL  
SITE LOCATION PLAN

DATE MARCH 2019	SCALE 1:1250 @A3
DRAWING No. AS19.41.L.01.00	REV P2
	AUTHOR / CHECKED AA

DRAWING - STATUS PRELIMINARY

CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM. DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING. THIS DRAWING IS COPYRIGHT.

This page is intentionally left blank

Notes:

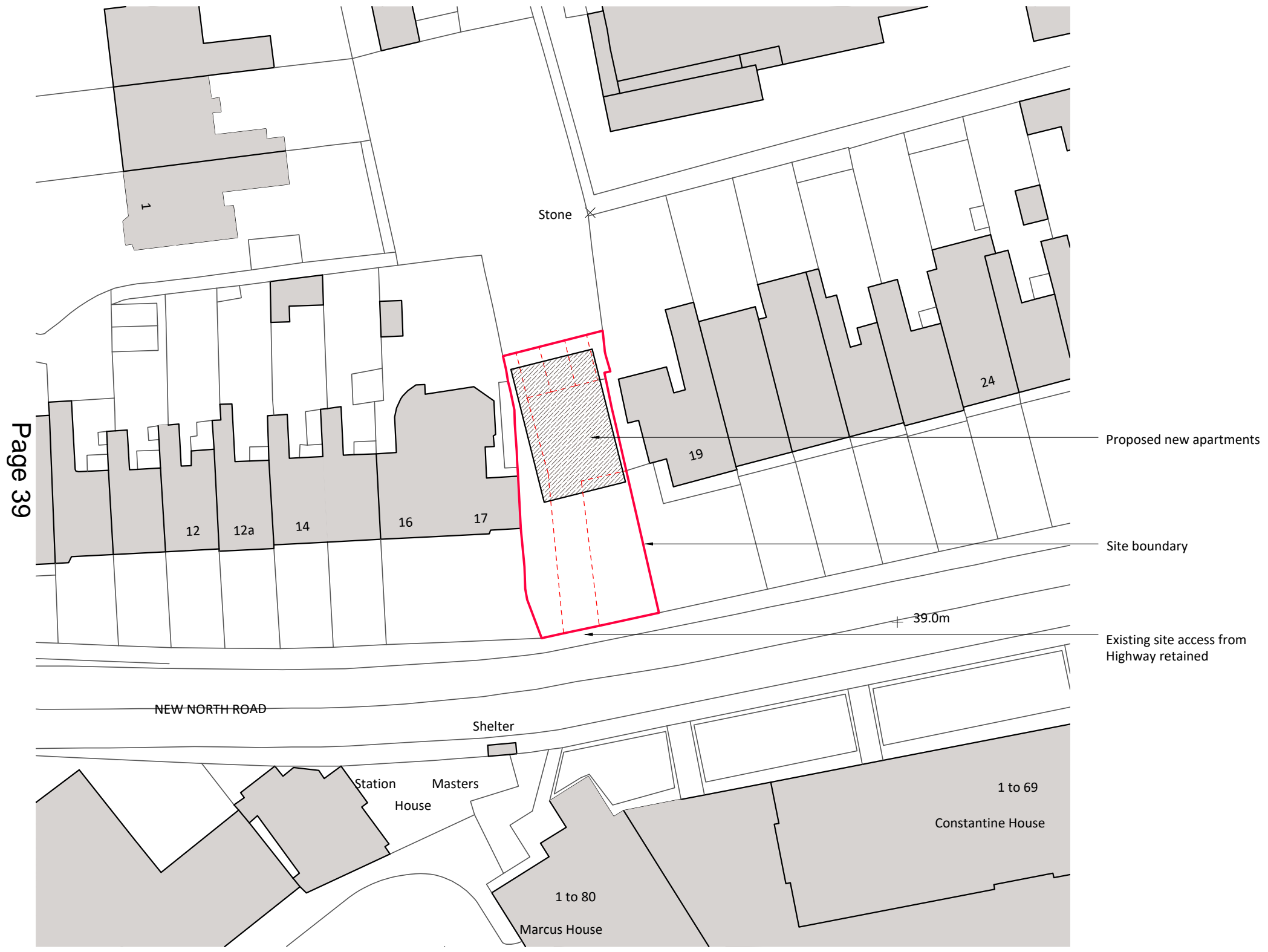
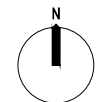
This drawing must be read in conjunction with other Architect's, consultant's, sub-contractor's & specialist drawings.

All dimensions are in millimetres unless stated otherwise. Do not scale drawings, dimensions govern.

All dimensions shall be verified on site & confirmed by contractor before commencement of construction. Woodford Architecture + Interiors to be notified in writing of any discrepancies.

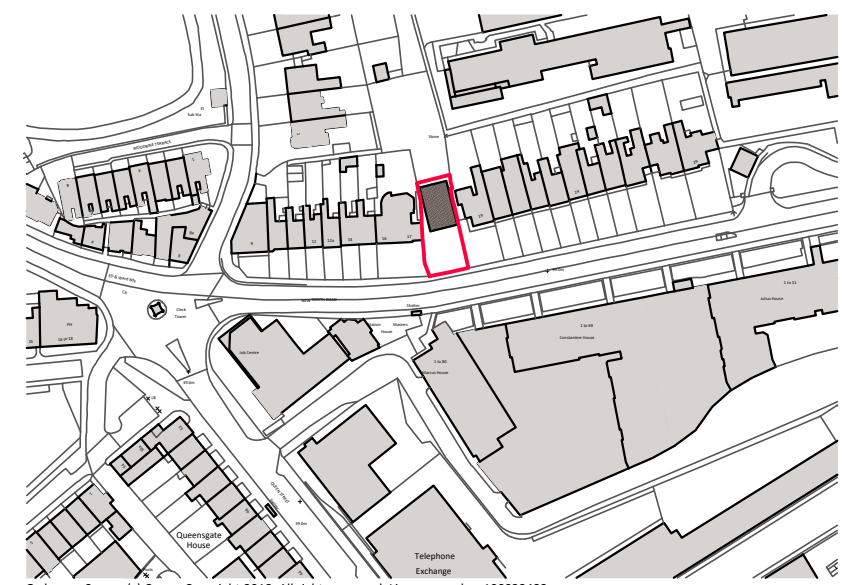
If this drawing exceeds the quantities taken Woodford Architecture + Interiors are to be informed before the work is put in hand.

Rev.	Date	Description	By/Chk.



Page 39

01 **Block Plan**  
SLP-01 As proposed (1:500)



Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

02 **Site Location Plan**  
SLP-01 As proposed (1:2500)

**Woodford Architecture + Interiors**  
15 North Street  
Ashburton  
Devon  
TQ13 7QH  
T: +44 (0) 1364 654888  
www.woodfordarchitecture.co.uk

Project  
18 NEW NORTH ROAD  
EXETER

Title  
Site location plans  
As proposed

Job No. J-0260	Scale @ A3 Various	Drawing No. <b>SLP-01</b>
Date 12 / 18	Revision -	

Agenda Item 7

This page is intentionally left blank



**APPLICATION NO:** 19/0360/FUL

**APPLICANT:** Mr Nigel Radbourne

**PROPOSAL:** Demolition of existing garages and construction of 1 building to form 5 new apartments and associated landscaping

**LOCATION:** Land adjacent to 17 New North Road, Exeter

**REGISTRATATION DATE:** 29/04/2019

### **HISTORY OF SITE**

There is no relevant history associated with this site.

### **DESCRIPTION OF SITE/PROPOSAL**

The site is located to the northern side of New North Road and has an area of approximately 400 square metres. The site currently accommodates a flat roofed garage block built in the 20<sup>th</sup>-century. This is an infill plot between two 19<sup>th</sup>-century residential terraces which are grade 11 listed. The site is located within Exeter St James Neighbourhood Plan area and St Davids Conservation Area. The site has a road frontage of approximately 13 metres and the land slopes up away from the road.

The application proposes the demolition of existing garages and construction of a new building to form 5 new apartments together with associated landscaping. The proposed development would be car free and retains the two beech trees along the site frontage. The development would be five storeys high, with the lowest floor level being situated below the current ground level.

Revised plans have been submitted that reduce the scale, massing and footprint of the proposed development and amend the design and materials.

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

The following documents were submitted in support of the application:

- Daylight and Sunlight Assessment
- Design and Access Statement
- Heritage Statement
- Bat and protected Species Survey
- Arboriculture Assessment
- Landscape and Visual Impact Assessment
- Land Contamination Assessment

## **REPRESENTATIONS**

24 objections (including from Exeter Civic Society and Bury Meadows Residents Association) were received to the original scheme raising the following issues:

- Inappropriate scale, mass, size, depth and height
- Design – ugly, inappropriate, out-of-place, without architectural merit, wrong materials
- Adverse impact on Conservation Area
- Adverse impact on setting of Listed Buildings
- Impact on amenities of neighbours – overbearing, overshadowing (loss of light), overlooking
- Highways concerns – lack of parking, more on street parking
- Concern that this is student accommodation
- Concerns regarding drainage and the potential for flooding

4 comments in support were received to the original scheme raising the following issues:

- Makes use of a messy/scruffy under used site
- Contemporary design fits well / sympathetic to adjoining listed buildings
- Living space suited to younger couples
- Car free encourages health, wellbeing, and minimises traffic

As a result of re-consultation on the amended proposals 6 residents and Bury Meadows Residents Association re-affirmed their objections. A 'Review of Planning Application' was also submitted raising the following additional points:

- Missing north elevation (since submitted)
- Lack of communal/private amenity space
- No disabled parking or delivery space

## **CONSULTATIONS**

### **Country Head of Planning, Transportation and Environment:**

New North Road is classified road with double yellow lines on one side of the road and restricted parking areas on the other. As the site is situated in an existing residents parking area where there is high demand for on street spaces, additional on street resident parking permits will **not** be issued to serve this development. However, there are a number of pay and display parking bays situated nearby on Queen Street/Queens Terrace. Therefore, a car free development is acceptable in this city centre location, subject to reinstatement of kerb (this will provide consistency along New North Road where there are limited dropped kerb access points) and the provision of cycle parking spaces as shown on the plans. Conditions are suggested to cover these requirements.

**South West Water:**

Applicant/agent is advised to contact South West Water if they are unable to comply with requirements regarding asset protection, clean potable water, foul sewerage services and surface water services. A condition is suggested to ensure foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.

**Environmental Health:**

No objections subject to conditions requiring a Construction and Environmental Management Plan and a Contamination Assessment.

**Principal Project Manager (Heritage Assets):**

- There is some potential for buried remains to be present (as Roman remains were found nearby when the prison was built), but the necessary archaeological work to identify and record these can be secured by condition (C57 / A38)
- When the two adjoining listed terraces were built the present site was left vacant as it included the access to the nurseries behind. It is now occupied by some undistinguished garages. As such there is no issue in principle with a new building being erected within this gap.
- The two main issues or tests are i) whether the proposed new development is considered to preserve the setting of the adjoining listed buildings and whether it causes harm to their significance, in terms of their setting, and ii) whether it is considered to preserve or enhance the character or appearance of, or whether it causes harm to, the conservation area.
- In this case, as in many others, the most important parts of a building's immediate setting are the spaces in front of its principal elevations, front and rear. In this case, because the listed buildings are in the form of two terraces, then how they are viewed as a whole and in relation to each other is also important. The proposed building, which has now been reduced in height and footprint so that it is more in keeping with the existing building lines, obviously, by its very presence and irrespective of design and appearance, will change the setting of the adjacent listed buildings and by definition does not "preserve" the status quo.
- In terms of height and footprint the revised design is now similar to that of the adjoining listed buildings. The design and appearance/finishes of new builds is often a matter of opinion and a subjective area. In this case making the finish of the shell similar in colour to the neighbouring terraces, and the reduction in height, can be said to make it fit better with its surroundings, whilst still being distinctively modern and clearly different from the adjoining listed buildings. Generally, development within the settings of listed buildings does not have to mimic the latter, and high quality and distinctively modern architecture that respects and does not harm the settings of the latter is to be preferred.
- In terms of the character or appearance of the conservation area, the addition of well-designed modern buildings in the right places and of the right height and overall massing and finish/appearance is to be encouraged, and there are other similar examples in St Leonards conservation area for instance. Overall it is my view that the development, with the finishes and appearance as now proposed, does not harm the conservation area, though there will inevitably be varied views on whether it is considered to enhance it.
- Therefore on balance, given the premise that a distinctive modern design is preferable to a pastiche of the existing terraces, then I do not feel that the building, as now proposed,

harms the setting of the adjoining listed buildings or the character or appearance of the conservation area.

### **Principal Project Manager (Place Making):**

- The footprint at the rear of the proposed building (which is significantly reduced from the original proposal) together with the proposed reduction in height, to a large extent, would address concerns about the potential impact on the adjoining properties.
- The proposed colour and material of the 'exoskeleton' of the building (which are entirely different from the original proposal) maintains its contemporary distinctiveness and individuality whilst complementing the existing terraced dwellings. A condition will be required providing full details of the proposed material, cladding details, construction of the 'exoskeleton' and in particular the slim, vertical elements featured on the north and south elevations.

### **Exeter St James Forum:**

Original Plans -

Exeter St James Forum (ESJF) object to the proposed development and consider the proposed development does not comply with the St James Plan in a number of material factors.

In particular:

- Policy EN4 (Gardens) - it is considered there will be an adverse ecological impact
- Policy D1 (Good Quality Design) – the proposals do not provide for a “complimentary palette of materials that responds to adjacent properties”.
- Policy SD3 (Infill/Windfall Sites) – It is considered that the proposed development is not complementary to surrounding buildings and appropriate provisions have not been made for parking. It does not and it is not clear as to whether DCC would refuse permits.
- Policy SD4 (Adapting to Climate Change) – objectives of this policy are achieved subject only to failing to take the opportunity to make provision for electric cars and charging points.
- Policy H1 (Heritage) - the surrounding buildings are listed and have an elegance typical of the properties of this era. What is needed is a modern design that will be elegant and sympathetic – not a building that sets out to be in total contrast and wholly unsympathetic in design and materials used. It is submitted that these proposals fail to meet policy H1.

Revised Plans -

Exeter St James Forum *'acknowledge the efforts made by the developers to work within the confines of the Neighbourhood Plan. Whilst the objections of local residents remain as set out in the letters of objection on the ECC Planning portal it is to be hoped that the developer will again examine those plans to see if further steps can be taken to improve matters for local residents.'*

The Forum were pleased that the developer had responded to concerns regarding policy D1 (Good Quality Design) and consider that whilst the revised building will stand out as being very modern, there is an acknowledgment of the more historic palette in adjoining properties.

The Forum also welcomed clarification that this development is for council tax paying residential development, were pleased to note change to the plans to acknowledge the importance of policy EN4 (Gardens), and are pleased that more provision has been made for waste storage. However, they remain concerned *‘that this is an overdevelopment of the site and that perhaps a 5 bedroom development is too big and that the loss of amenity to other local residents has not been taken sufficiently into account’*.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework (NPPF) – with particular regard to sections

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

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

- CP1 – The Spatial Approach
- CP3 – Housing Distribution
- CP4 – Density
- CP5 – Meeting Housing Needs
- CP9 – Transport
- CP11 – Pollution and Air Quality
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure, Landscape and Biodiversity
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure

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

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H5 – Diversity of Housing
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- T5 – Cycle Route Network
- T10 – Car Parking Standards
- C1 – Conservation Area
- C2 – Listed Buildings
- C5 – Archaeology

EN2 – Contaminated Land  
EN4 – Flood Risk  
EN5 – Noise  
DG1 – Objectives of Urban Design  
DG4 – Residential Layout and Amenity  
DG6 – Vehicle Circulation and Car Parking in Residential Development  
DG7 – Crime Prevention and Safety

#### **St James Neighbourhood Plan**

D1 – Good quality design  
SD3 – Infill/Windfall Sites  
SD4 – Adapting to Climate Change  
H1 – Heritage  
T2 – Sustainable Transport  
EN4 - Gardens  
EN5 - Trees  
EN6 - Biodiversity

#### **Development Delivery Development Plan Document (Publication Version) (DDDPD):-**

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

DD8 - Housing on unallocated sites  
DD13 – Residential Amenity  
DD21 - Accessibility and sustainable movement  
DD25 – Design Principles  
DD26 – Designing out crime  
DD28 – Historic Assets

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

Residential Design SPD  
Planning Obligations SPD  
Sustainable Transport SPD  
Trees in Relation to Development SPD  
Archaeology and Development SPD

### **OBSERVATIONS**

The application proposes re-development of an unattractive brownfield infill site within the urban area and in close proximity to the city centre and sustainable means of transport. The main considerations in respect of this proposal are the acceptability in principle of development between two attractive 19<sup>th</sup> century terraces and the impact on these heritage assets, the design of the new development, highways issues and amenity concerns.

#### **Principle of development and impact on heritage assets**

This is a sustainably located urban site that is currently unattractive and arguably under-utilised. National Planning Policy Framework and the Statutory Development Plan require that we make efficient use of such sites and maximise the contribution they make to the housing shortfall. Paragraph 118 states that Local Planning Authorities should 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified

needs for housing where land supply is constrained and available sites could be used more effectively’.

However, this gap within the urban fabric is between two listed 19<sup>th</sup>-century terraces and within the St David’s Conservation Area. Therefore it must be considered whether a) the proposal preserves or enhances the character and appearance of the Conservation area and b) whether the impact on the setting of these listed buildings is acceptable. The applicants have submitted a Heritage Assessment in support of the application that assesses the significance of the assets and their setting, and explains how this has informed the development of the proposals. The Principal Project Manager (Heritage) concludes that given the premise that a distinctive modern design is preferable to a pastiche of the existing terraces, he does not feel that the building, as now proposed, harms the setting of the adjoining listed buildings or the character or appearance of the conservation area. Accordingly it is considered that the proposal accords with chapter 16 of the NPPF, policy C1 and C2 of the Local Plan First Review, and policy H1 of the Exeter St James Neighbourhood Plan.

### **Design and urban form**

The application proposals a five storey development with the lowest floor being below ground level. Amended plans have been submitted that reduce the height of the proposal so that the flat roof is at a similar height to the adjacent ridge of 17 New North Road (and lower than the ridge of 19 New North Road). The NPPF stresses the importance of achieving appropriate densities and of using land effectively. This site is in close proximity to public transport and three and four storey development already exists on this street; therefore the quantum and scale of development proposed does not seem unreasonable.

The proposed design is bold and modern and will attract attention. However the architect has worked with Exeter St James Forum to arrive at a design that takes account of their initial concerns (with amended plans showing a change in materials and colour and a reduction in height). Whilst some residents and groups still oppose the design, the proposed change of colour and material of the ‘exoskeleton’ is considered to maintain the building’s distinctiveness and individuality whilst complementing the existing terraced dwellings. The proposal is therefore considered to represent ‘good design’ that accords with paragraph 127 of the NPPF, policy DG1 of the Local Plan First Review, policy D1 of the Exeter St James Neighbourhood Plan and policy CP17 of the Core Strategy.

### **Highways Issues**

The proposal is for a car free development. This accords with the SDP on Sustainable Transport which encourages car free development in locations well served by public transport such as this. The Highways Authority have confirmed that no additional on street resident parking permits will be issued to serve this development. The approach to parking provision in such close proximity to the city centre and sustainable modes of transport is therefore considered acceptable. Whilst the proposal does not provide disabled parking in accordance with the SPD, any disabled resident could apply for a blue badge and there is a disabled bay on New North Road opposite the proposed development. Given the importance of delivering an attractive frontage in this Conservation Area setting the absence of disabled parking/delivery space is considered acceptable.

The Highways Authority raise no objections to the proposal subject to the reinstatement of the kerb and provision of cycle parking. The applicant has confirmed 7 cycle spaces will be provided (including two spaces for ad hoc visitors) to fully accord with the Sustainable Transport SPD.

### **Amenity Concerns**

It is considered that the residents of the proposed development will have reasonable levels of amenity. The National Space Standards are met for the apartments. The development will be dug into the site, but the landscaping and treatment of the lowest floor will still afford a degree of openness for this apartment. Whilst only the ground floor property has private outdoor amenity space, in the form of a terraced area to the rear, there are landscaped grounds to the front of the development and urban parks within close proximity. Accordingly it is considered that whilst the Residential Design SPD guidance in terms of private amenity space is not strictly adhered to, the proposal does accord with the requirements of Policy DG4 – Residential Layout and Amenity. Adequate bin storage (to accommodate 10 bins) will be provided. Environmental Health have raised no objections subject to conditions requiring a Construction and Environmental Management Plan and to ensure no contamination is present.

The impact of the proposal on the amenities of neighbouring properties has been a central concern for many of the objectors to this proposal. The site is between two end terraces and there are windows on the side elevations of these properties and first floor side access to the flats in 19 North Road. The development as originally proposed extended 3.7 metres back from 19 New North Road and 5.8 metres back from 17 New North Road (and more from the main rear wall of the terrace to the west). This relationship was considered unacceptable due to the resulting overshadowing and overbearing. However, the amended plans reduce the depth of the new build by 2.5 metres and well as reducing the height by 1 metre. The applicant has submitted a Sunlight and Daylight Assessment in support of the proposal and for the amended proposals this concludes that the development would have an acceptable impact on the sunlight of existing windows at 17 and 19 New North Road. Whilst, there would be a noticeable impact on the skylight of 4 windows, one of these windows serves a corridor and the other bedrooms would maintain sufficient daylight levels after development. Despite the conclusions of this Assessment it is still considered that the proposal will result in some overshadowing and overbearing, in particular on the properties directly adjacent to the proposal, but also to properties in the terrace to the west (beyond 17 New North Road). However, it is not considered that these impacts are so significant as to warrant refusing the application; indeed the resulting relationship is common within an urban context. In regards to overlooking the side elevations of the new block will include minimal windows (serving only bathrooms and open plan kitchen area) and these will be obscure glazed. The rear windows (serving the bedrooms) will look northwards with solar screening from the 'exoskeleton' also limiting oblique views to the west. The impacts from overlooking are therefore also considered acceptable.

### **Other Issues**

Financial Considerations: The CIL 'Liability Assumption' form and the 'Additional Information Requirement Form' have both been submitted. The net additional gross internal floorspace is 544m<sup>2</sup> and therefore CIL payable at the 2019 CIL rate (£113.57 per sq m) is £61,782.08. The development will also generate New Homes Bonus.

Appropriate Assessment: A Habitat Regulations Assessment has been undertaken. This concludes that whilst the development has the potential for have a significant effect on a European site, the impacts of the development can be mitigated through top-slicing receipts



from CIL to contribute towards the implementation of measures in the South East Devon European Site Mitigation Strategy.

Biodiversity: A bat and protected species survey was submitted in support of the application. This concludes that the garage does not support a bat roost and no former bird nest sites were identified in association with the property. Nevertheless to result in a biodiversity gain the development will need to include replacement, and/or compensatory provisions for bats, birds and bees. The works should be carried out in accordance with the mitigation and enhancement measures outlined in the Assessment, and this will be required by condition.

## **Conclusion**

The principle of redevelopment of this site in a highly sustainable location is considered acceptable. In accordance with the NPPF it is important that we seek to make effective use of this type of site. With reference to this guidance and also to the contribution that this site would make to housing delivery (having due regard to the weight to be attached to the fact that the Council is unable to demonstrate a 5 year supply of housing land), the proposal for 5 apartments is considered acceptable

## **DELEGATION BRIEFING**

8 October 2019 – The proposal for the demolition of existing garages and construction of 1 building to form 5 new apartments between two Grade 11 listed terraces, with no parking provided, was presented to members with a recommendation that the application be determined by Planning Committee.

Members supported undertaking a site inspection for subsequent consideration by the Planning Committee

## **SITE INSPECTION**

15 October 2019 - The details of the application were outlined to Members and they were able to observe the site and the potential impact of the development on the surrounding area.

## **RECOMMENDATION**

Approval 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, 8 March, 18 September, 19 September, 8 October, 10 October and 16 October 2019 (including dwg. nos. 17NR Cladding Colour, J-0260-SLP-01-C, J-0260-EL-01-D, J-0260-EL-02-C, J-0260-EL-03-D, J-0260-EL-04-C, J-0260-EL-05-D, J-0260-GA-01-D, J-0260-GA-02-D and J-0260-DET-01) and

the Energy Assessment, Bat and Protected Species Survey, and Arboricultural Impact Assessment and Tree Protection Statement and Plan 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:** 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 site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

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

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

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

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved.

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

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

7. Pre-commencement condition: Prior to the commencement of the development full construction details of any retaining walls shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.

**Reason:** To protect and preserve the setting of the listed buildings and in the interests of residential amenity.

8. Pre-commencement condition: The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface water from the site, including through the use of sustainable drainage systems. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. Details of the scheme, a timetable for its implementation and details of its future management, shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.

**Reason:** To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and to ensure the discharge of drainage from the development shall not be prejudicial to the public sewerage system.

9. Samples of the materials it is intended to use in the construction of the development (including in the structure of the exoskeleton, its exterior cladding and all other external materials) shall be submitted to the Local Planning Authority. No materials 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.

10. No part of the development hereby approved shall be brought into its intended use until the secure sheltered cycle spaces as indicated by Drawing Number J-0260-GA-02-D 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 adequate facilities for sustainable transport.

11. No part of the development hereby approved shall be occupied until the redundant access on New North Road is reinstated to a full height kerb 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 a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework

12. Prior to the first occupation of the development hereby permitted, a Management Scheme, to cover management and maintenance of communal areas, including communal landscaped gardens, car and cycle parking and bin storage, shall be submitted to and approved in writing by the Local Planning Authority. The content of the Management Scheme shall include:

- a) details of areas to be managed
- b) aims and objectives of the Scheme
- c) management actions
- d) delivery mechanism

e) the body responsible for implementation of Scheme

The Management Plan shall also include details of the legal and funding mechanism to ensure long-term implementation. All post-construction site management shall be undertaken in accordance with the Scheme.

**Reason:** In the interests of the amenity of residents and the character and appearance of the area.

13. A detailed scheme for landscaping that accords with the Landscape Strategy submitted on 11 October 2019 shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have the detailed scheme. The detailed scheme shall cover the planting of trees and or shrubs (including species, tree and plant sizes, numbers and planting densities), details of the living wall system, the use of surface materials, boundary screen walls and fences and any and earthworks or retaining walls required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

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

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

15. Before the development hereby approved is brought into use the proposed windows in the east and west elevations of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the east or west elevations.

**Reason:** To protect the amenities of the adjoining property.

## **INFORMATIVES**

1) 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 Area (SPA), the Exe Estuary, which is a designated European site. 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. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

3) The Local Planning Authority considers that this development will be CIL (Community

Infrastructure Levy) liable. Payment will become due following commencement of development. Where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

4) 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

5) The applicant's attention is drawn to the requirements of South West Water set out in their emailed communication dated 23 May 2019.

This page is intentionally left blank

## OFFICER'S REPORT AND RECOMMENDATION (19/0458/ECC)

**APPLICATION NO:** 19/0458/ECC  
**APPLICANT:** Exeter City Council  
**PROPOSAL:** Solar panel array and battery storage, relocation of green waste facility, and ground levelling with associated access, fencing, hardstandings and ancillary works.  
**LOCATION:** Exeter City Council Green Waste Facility  
Water Lane  
Exeter  
Devon

### **SITE HISTORY**

00/1130/ECC	Permitted	Water Lane Tip	Use of land as a boat laying up area to include canal staff accommodation, boat slipway, car parking and associated works	07/09/2000
01/0951/ECC	Permitted	Water Lane Tip	Use of land as a boat laying up area to include canal staff accommodation, boat slipway, car parking and associated works	20/08/2001

### **DESCRIPTION OF SITE/PROPOSAL**

The site is between the main line railway and Exeter Canal. It is bounded by to the south by Clapperbrook Lane and to the north by the gas peaking installation.

The site is currently used for green waste processing by the city council. This operation actively occupies a minor proportion of the centre of the site. Elsewhere on the site green waste heaps are overgrown and in some areas self-seeded trees have become established. The green waste operation site is currently accessed via Water Lane. At the south end a portion of the site is separately fenced and has an access from Clapper Brook Lane, this part is currently not actively used.

The proposals is for a solar panel array with battery storage, with associated access, fencing, hardstanding and ancillary works. To enable this it is proposed to re-site the active green waste facility to the southern part of the site and to level the green waste mounding and remove some trees from the centre of the site.

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

The following documents have been submitted in support of the application –

- Planning Statement
- Site Layout Plan
- Tree Survey

- Ecological Assessment
- Glint and Glare Study
- Contamination Study
- Flood Risk Assessment

## **REPRESENTATIONS**

The application has been advertised by press notice, site notice and neighbour letter. The following responses have been received.

Exeter Civic Society: We do not object to the solar farm, but have reservations about the green waste area at the south-eastern end of the site. When the EA have finished their work and the playing fields are re-established, it is likely that traffic will increase across the swing bridge. We are greatly concerned to keep traffic across this bridge to a minimum, and would prefer to see car-parking facilities on the south-west side of the canal, as envisaged in the Riverside and Ludwell Valley Parks Masterplan. A further consideration is that there is approval for the new Marsh Barton Railway Station, including a new pedestrian and cycle bridge over the railway, continuing on to the swing bridge (over the canal). The southern end of the site under consideration, proposed for green waste sorting, would be one possible area for such a car park, as shown in the Masterplan. Better still would be to keep car parking for the Valley Park south-west of the railway, minimising traffic over the Clapperbrook Lane humpback bridge. If a site were identified there, we would not object to the green waste facility as proposed, provided that the green waste lorries use Water Lane and not Clapperbrook Lane.

One public response was received questioning whether the proposals would affect access to the Double Local Public House.

## **CONSULTATIONS**

DCC Highways: Access and Trip Generation: The primary access to the site is the north gate and any admittance to the site is by permission only; which includes Solar/Battery/Electrical equipment maintenance. The site access is to be taken from the north (water lane), although the exact access arrangements have not been submitted. The applicant has stated that the only regular visitor would be the Parks Department who will continue to visit 5 times a day during between March and November. Visitors will become less often between November and February. Given the limited movements, the trip generation is not of concern. It is noted that there is a substation fronted onto Clapperbrook Lane, however this would only be serviced annually with the provision of a layby opposite – there should be no blocking of the highway.

On Site facilities: The applicant proposes two car spaces. It is pleasing to see that there are on-site parking bays and that there is sufficient space to turn around and exit in forward gear.

Construction: The applicant has stated that the Construction traffic is from the north only. The applicant has also added that if the new railway halting is developed, access from the north of the site will be made available to provide access Clapperbrook Lane via the southern exit for the delivery of large items of construction materials. This is welcoming due to the weight limit that is currently in place on Clapperbrook Lane. Nevertheless, in the interests of public safety (pedestrians and cyclist interacting around construction works) a condition for a Construction



Traffic Management Plan is recommended and the applicant is advised to meet with the highway authority to agree a suitable means of progress prior to undertaking any works.

ECC Environmental Health: Approval with conditions relating to contaminated land, construction management, and noise.

Wales and West: We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance.

South West Water: Provided a plan of the approximate location of a public 1800mm sewer in the vicinity. South West Water will need to know about any building work over or within 6.5 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Network Rail: We have no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **National Planning Policy Framework**

Para 148 Meeting the challenge of Climate Change

Para 154 Renewable and Low Carbon Development

Para 170 Conserving and enhancing the natural environment

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

L1 - Valley Parks

LS1 - Landscape Setting

LS4 – Local Nature Conservation Designations

EN2 - Contaminated Land

EN4 - Flood Risk

EN5 - Noise

EN6 - Renewable Energy

T14 – Highways Land Safeguarding

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

CP17 - Design and local distinctiveness

CP11 - Pollution and Air Quality

CP12 - Flood Risk

CP13 - Decentralised Energy Networks

CP14 - Renewable and Low Carbon Energy

CP16 – Green Infrastructure

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

### **Exeter City Council Development Delivery DPD (Publication Version) 2015**

DD29 - Protection of Landscape Setting Areas

DD31 - Biodiversity

DD32 - Local Energy Networks

DD33 - Flood Risk

DD34 – Pollution and contaminated land

### **OBSERVATIONS**

The site is within the Valley Park and is part of the designated Landscape Setting of the city. A number of services pass under the site (gas and drainage) and over the site as high voltage electricity lines suspended from pylons, one of which is on the edge of the site. The site is currently used for green waste processing but only actively occupies a minor proportion of the centre of the site.

The proposals is for a solar panel array with battery storage, with associated access, fencing, hardstanding and ancillary works. To enable this it is proposed to re-position the active green waste facility to the southern part of the site and to level the green waste mounding and remove some trees from the centre of the site.

#### Access

Access is proposed to be via Water Lane both during construction and operational phases. Access through the site is preserved for the purpose of future construction of a rail halt on land south of the site. No access for the purposes of green waste processing or to the solar array from Clapperbrook Lane are proposed. Restrictions on construction access can be secured through a Construction Environmental Management Plan (CEMP) in the interest of avoiding additional traffic on Clapperbrook Lane where the bridge is narrow without footway and carries significant non-vehicular traffic.

#### Contamination

The desktop study has confirmed past potentially contaminative uses of the site which will need to be investigated further before work can commence. The site is not proposed to have public access and hence it is likely that any contamination can be satisfactorily addressed and hence this matter could be made subject of a pre-commencement condition as recommended. As such the proposals are consider dot accord with the requirements and aims of local planning policies EN2 and CP11.

#### Services

A high pressure gas main runs parallel to the western boundary of the site and the layout avoids placing solar panels over this pipe.

A sewer runs under the site and agreement will need to be made with South West Water any construction or siting of panels over the sewer and for future maintenance access. Conditions and informatives as requested by South West Water are proposed to be attached to any consent.

## Trees, Landscape and Ecology

The development is considered unlikely to have a significant effect on a protected habitat or the achievement of its conservation objectives. Therefore Appropriate Assessment is considered unnecessary. Having considered the scale and characteristics of the development, and the nature of the site and its context, it has been concluded that no significant environmental impact is likely and hence the development is not considered to be EIA development.

Whilst there are no protected trees within the site the tree survey has identified that trees on the southern boundary that are worthy of retention, and these are shown as being retained. The proposals to retain trees on the southern and adjacent the eastern boundary for nature conservation value and as screening of the site from the Valley Park is welcome. The small number of self-seeded trees within the middle of the site are identified to be poor specimens to which there is no objection to removal. A landscape scheme which enhances planting on the site perimeter to the south and east, where views are from the valley park, can be secured by condition.

The site is an identified Site of Local Nature Conservation interest. The submitted Ecological Appraisal identifies a range of species (including protected species) which have been recorded on the site. That Appraisal details measures to enhance the site for nature conservation purposes. The raised panels would allow for the management of the ground within site in the interests of ecological value, and the identified measures can be conditioned to enhance the ecological interest of the site during operation. A Construction Environment Management Plan (CEMP) can include measures to protect ecological value during construction. Tree protection measures during construction can similarly be conditioned.

The proposed development is not considered to harm the landscape setting of the City and has potential to enhance the ecological value and as such is not considered to be in conflict with Local Plan Policies LS1, LS4, or CP16.

## Safety

The submitted Glint and Glare study has confirmed that there is no risk to railway operations from the Solar Panels.

A number of construction phase restrictions have been requested by Network Rail These can be required to form part of a Construction Environmental management Plan secured by condition.

## Flooding

The detailed flood risk study submitted with the application has identified that whilst the area around the site are liable to flooding the centre of the site is not. It would however become inaccessible. Given that the proposal is for a non-flood sensitive use and would not reduce the flood storage capacity of the site there is no objection on flood risk grounds. The applicant is advised to consider flood resilience in detailed design of the installation and fencing design. A condition is proposed to be attached to any consent regarding the design of fencing around the site. The proposals are considered to meet the tests set in Policy EN4, Policy CP12 and the NPPF.

## Alternative Uses

Representations have been made that the site is shown in the Riverside Valley Park Masterplan as a car park location. This application should be determined on its own merits in accordance with the Development Plan policies and other material considerations. The Riverside Masterplan is not endorsed for development control purposes and carries limited weight in decision making. There is currently no planning consent for a car park on this site, however there would be nothing in this consent if granted that precluded an application for car parking use on all or part of the site in the future.

The Exeter Local Plan policy T14 includes safeguarding of a transport route through the site from Clapperbrook Lane to Water Lane. There are at this time no proposals to bring forward such a route for vehicular traffic and the pedestrian cycle route between the site and the Canal is unaffected by these proposals.

### Renewable Energy

The proposal would make a small but significant contribution to low carbon electricity production reducing greenhouse gas emissions and would improve resilience of local energy supply. The development of renewable energy infrastructure is supported by local planning policies EN6 and CP16 and national planning policy set out in the NPPF.

### Conclusions

The development of renewable energy installation is supported in principle. The visual impact on the Valley Park and landscape setting of the setting of the City are considered to be acceptable taking in to account the conditions relating to landscaping and nature conservation interests.

The other potential harms have been mitigated by amendments and additional details or can be controlled to be acceptable through the proposed conditions. As such the benefits of the proposals are considered to outweigh all identified harms.

This approval itself would not preclude future or alternative uses of the site.

## **RECOMMENDATION**

APPROVE subject to the following conditions

- 1) The development to which this permission relates must be begun not later than the expiration of five 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 9th and 10th September 2019 and the revised planning statement received 9th October 2019 as modified by other conditions of this consent.

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

- 3) Prior to the installation of any solar panels, supporting structures, batteries or associated apparatus a detailed levels survey of the site shall be undertaken and plans showing the existing and proposed levels of the land on the site shall be submitted to and approved by the Local Planning Authority.

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

- 4) Notwithstanding condition no 2, no 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 the following shall thereafter be provided in accordance with such details:
- a) Fencing
  - b) Supporting Structures for Solar Panels
  - c) Water Lane vehicular access details

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

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

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

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

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

- 7) No development (including ground works or demolition) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in constructing the development.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to control the emission of dust and dirt during construction.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

Reason: In the interests of protecting the environment and amenity of the area.

- 8) Vehicular access to the site to access the uses hereby approved shall be from Water Lane only.

Reason: In the interests of highway safety.

- 9) Prior to commencement of construction the applicant shall submit a noise impact assessment, including recommendations for the mitigation of any significant adverse noise impact. The agreed measures shall subsequently be implemented on site.

Reason: In the interests of protecting the amenity of the area.

- 10) 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 human health and environmental protection.

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

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

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

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

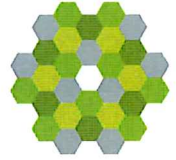
Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

This page is intentionally left blank

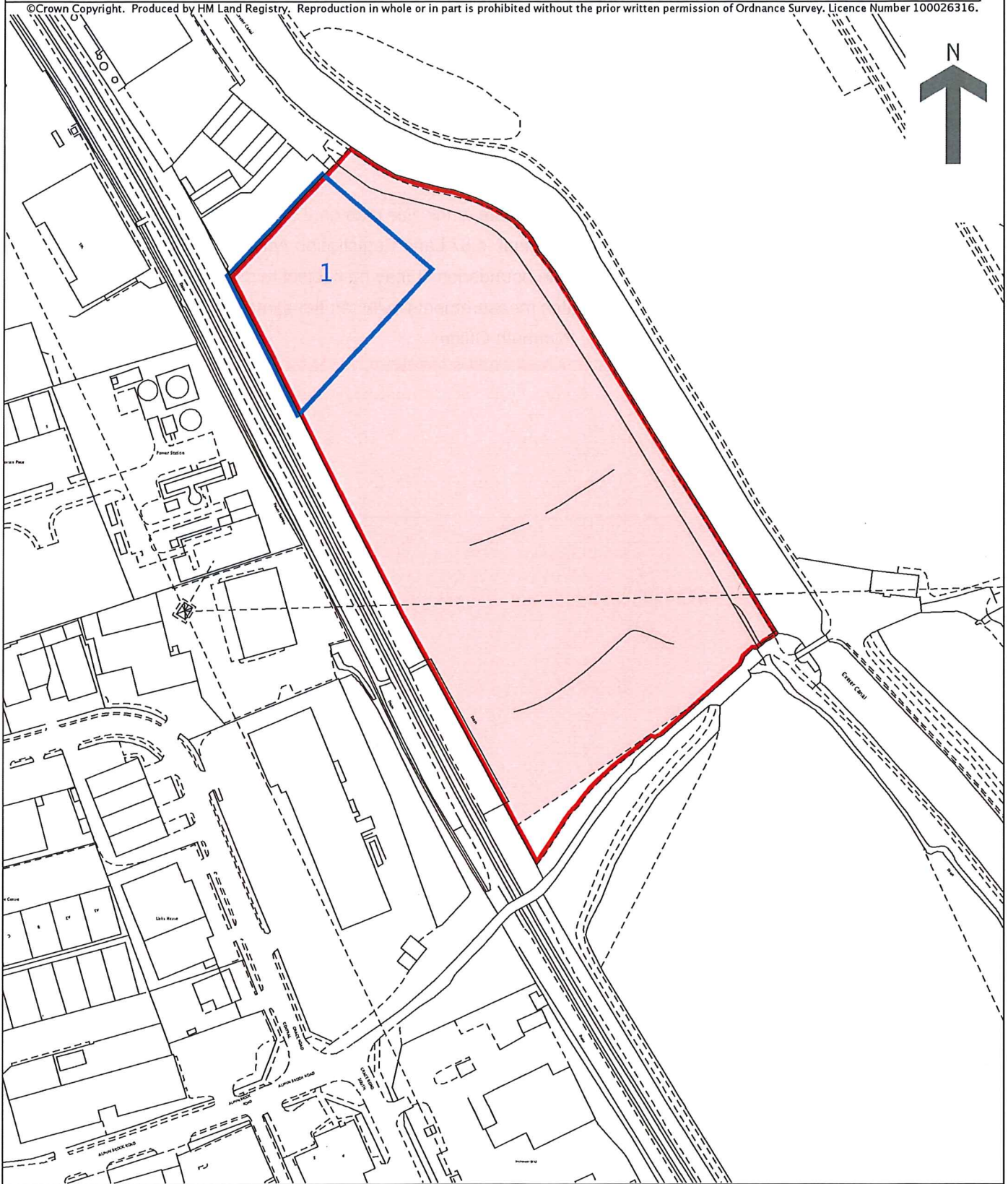


HM Land Registry  
Official copy of  
title plan

Title number **DN523596**  
Ordnance Survey map reference **SX9290NE**  
Scale **1:2500**  
Administrative area **Devon : Exeter**



©Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



19/0458/ECC

28 MAR 2019

This page is intentionally left blank

**REPORT TO: PLANNING COMMITTEE**

**Date of Meeting: 28 October 2019**

**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**

This page is intentionally left blank



<b>Delegated Decision</b>	
Application Number: 19/1148/FUL	Delegation Briefing: 05/09/2019
Decision Type: Permitted	Date: 27/09/2019
Location Address: 44 Church Road Alphington Exeter Devon EX2 8SZ	
Proposal: Extension of off-street parking area, replacement timber outbuilding, tree removal and external works.	
<b>Delegated Decision</b>	
Application Number: 19/1149/LBC	Delegation Briefing: 05/09/2019
Decision Type: Permitted	Date: 27/09/2019
Location Address: 44 Church Road Alphington Exeter Devon EX2 8SZ	
Proposal: Extension of off-street parking area, replacement timber outbuilding, tree removal and external works.	
<b>Delegated Decision</b>	
Application Number: 19/1207/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 08/10/2019
Location Address: 17 Wellington Road Exeter Devon EX2 9DU	
Proposal: Loft conversion with rear dormer roof extension and 2 no. front-facing roof lights.	
<b>Duryard And St James</b>	
<b>Delegated Decision</b>	
Application Number: 19/0751/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 20/09/2019
Location Address: Wallington New North Road Exeter Devon EX4 4AG	
Proposal: Discharge of conditions 3 (Materials), 5 (SAP assessment), 6 (Landscaping) and 8 (Site drainage) pertaining to planning approval ref. 18/0437/FUL granted on 25 October 2018.	
<b>Mincinglake And Whipton</b>	
<b>Delegated Decision</b>	
Application Number: 19/1205/FUL	Delegation Briefing: 12/09/2019
Decision Type: Permitted	Date: 14/10/2019
Location Address: Probus Farm Stud Church Hill Exeter Devon EX4 9JJ	
Proposal: Roof reformation, house renovations, and enlargement of existing annexe	



<b>Delegated Decision</b>			
Application Number:	19/1116/FUL	Delegation Briefing:	05/09/2019
Decision Type:	Permitted	Date:	08/10/2019
Location Address:	45 Wonford Road Exeter Devon EX2 4UD		
Proposal:	Two-storey front extensions and alterations		
<b>Delegated Decision</b>			
Application Number:	19/1263/FUL	Delegation Briefing:	19/09/2019
Decision Type:	Permitted	Date:	14/10/2019
Location Address:	2 Lister Close Exeter Devon EX2 4SD		
Proposal:	Conservatory to rear of property.		
<b>Pennsylvania</b>			
<b>Delegated Decision</b>			
Application Number:	19/0378/FUL	Delegation Briefing:	28/03/2019
Decision Type:	Refuse Planning Permission	Date:	15/10/2019
Location Address:	1 Beacon Avenue Exeter Devon EX4 7JD		
Proposal:	Build two houses within existing residential curtilage.		
<b>Delegated Decision</b>			
Application Number:	19/1097/FUL	Delegation Briefing:	12/09/2019
Decision Type:	Refuse Planning Permission	Date:	07/10/2019
Location Address:	37 Sylvan Road Exeter Devon EX4 6EY		
Proposal:	Extension to dwelling to form additional bedroom.		
<b>Pinhoe</b>			
<b>Committee Decision</b>			
Application Number:	19/0255/RES	Delegation Briefing:	28/03/2019
Decision Type:	Permitted	Date:	01/10/2019
Location Address:	Land To Southwest And Northwest Of Church Hill Pinhoe Exeter		
Proposal:	Reserved matters application seeks consent for the appearance, landscaping, layout and scale for 90 units which comprise the second phase. This phase is the Northwestern parcel of the outline approved development site. (Pursuant to outline planning permission granted on 12th June 2017, reference 16/1576/OUT).		
<b>Committee Decision</b>			
Application Number:	19/0287/FUL	Delegation Briefing:	07/03/2019
Decision Type:	Permitted	Date:	20/09/2019
Location Address:	Land Between Hollow Lane And Harts Lane Monkerton Exeter		
Proposal:	Construction of a two storey primary school with a nursery and associated play areas, sports pitch and parking		



<b>Delegated Decision</b>			
Application Number:	19/0850/FUL	Delegation Briefing:	29/08/2019
Decision Type:	Permitted	Date:	25/09/2019
Location Address:	23 Oakley Close Exeter Devon EX1 3SB		
Proposal:	Single storey rear extension (revision to approved scheme ref. 19/0212/FUL).		
<b>Delegated Decision</b>			
Application Number:	19/0891/FUL	Delegation Briefing:	12/09/2019
Decision Type:	Permitted	Date:	07/10/2019
Location Address:	59 Parkers Cross Lane Exeter Devon EX1 3TA		
Proposal:	Two storey rear extension.		
<b>Delegated Decision</b>			
Application Number:	19/1132/DIS	Delegation Briefing:	
Decision Type:	Split Decision	Date:	25/09/2019
Location Address:	Sandrock Gypsy Hill Lane Exeter EX1 3RP		
Proposal:	Discharge conditions 15 (SAP Calculation), 16 (Materials) and 17 (Bird Nest/Bat Roost Provision) of PP 17/1320/FUL - Construction of 62 dwellings with associated public open space, infrastructure and landscaping. (Revised)		
<b>Delegated Decision</b>			
Application Number:	19/1336/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	10/10/2019
Location Address:	28A Oakley Close Exeter Devon EX1 3SB		
Proposal:	Non-material amendments sought to planning approval ref. 17/0948/FUL to enlarge glazing on gable-end (North East Elevation), replace window with door and side panel (South East Elevation), remove basement and minor internal alterations.		
<b>Priory</b>			
<b>Delegated Decision</b>			
Application Number:	19/1194/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	03/10/2019
Location Address:	5 Silver Birch Close Exeter Devon EX2 6DF		
Proposal:	Roof space conversion and rear-facing dormer.		
<b>St Davids</b>			
<b>Delegated Decision</b>			
Application Number:	18/1653/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	25/09/2019
Location Address:	45 The Quay Exeter Devon EX2 4AN		
Proposal:	Replace current sign with a sturdy sign.		

<b>Delegated Decision</b>	
Application Number: 19/0576/FUL	Delegation Briefing: 22/08/2019
Decision Type: Permitted	Date: 26/09/2019
Location Address: 7 Piazza Terracina Haven Road Exeter Devon EX2 8GT	
Proposal: Change of use from retail (A1 use) to massage centre (D1 use), retail (A1 use) and cafe (A3 use) (Retrospective).	
<b>Delegated Decision</b>	
Application Number: 19/0717/FUL	Delegation Briefing: 13/06/2019
Decision Type: Permitted	Date: 09/10/2019
Location Address: 35 High Street Exeter Devon EX4 3LN	
Proposal: Redevelopment of an existing four storey building to contain retail (Class A1), hotel (Class C1) and food & beverage (Class A3) uses with new build rooftop enclosure with associated terraces and additional retail entrances to High Street.	
<b>Delegated Decision</b>	
Application Number: 19/0956/LBC	Delegation Briefing: 15/08/2019
Decision Type: Permitted	Date: 09/10/2019
Location Address: 9 Southernhay West Exeter Devon EX1 1JG	
Proposal: External alterations including replacement basement door, new plant room door, opening existing undercroft, replacement lower ground floor windows, new rooflight and photovoltaic panels	
<b>Delegated Decision</b>	
Application Number: 19/1016/FUL	Delegation Briefing: 08/08/2019
Decision Type: Permitted	Date: 25/09/2019
Location Address: 85 South Street Exeter Devon EX1 1EQ	
Proposal: Change of use from estate agents (A2 Use) to taxi office (Sui Generis).	
<b>Delegated Decision</b>	
Application Number: 19/1017/FUL	Delegation Briefing: 01/08/2019
Decision Type: Permitted	Date: 04/10/2019
Location Address: KFC 93-95 South Street Exeter Devon EX1 1EN	
Proposal: New entrance door, redecoration of shopfront and pilasters.	
<b>Delegated Decision</b>	
Application Number: 19/1018/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 04/10/2019
Location Address: KFC 93-95 South Street Exeter Devon EX1 1EN	
Proposal: New fascia with trough light, new Colonel Box sign, internally illuminated KFC Letters, projecting sign and Hello Exeter sign.	

<b>Delegated Decision</b>	
Application Number:	19/1061/LBC
Delegation Briefing:	22/08/2019
Decision Type:	Permitted
Date:	03/10/2019
Location Address:	18 Cathedral Yard Exeter Devon EX1 1HB
Proposal:	Two external air conditioning condensers.
<b>Delegated Decision</b>	
Application Number:	19/1069/FUL
Delegation Briefing:	15/08/2019
Decision Type:	Permitted
Date:	09/10/2019
Location Address:	9 Southernhay West Exeter Devon EX1 1JG
Proposal:	External alterations including replacement basement door, new plant room door, opening existing undercroft, replacement lower ground floor windows, new roof light, and photovoltaic panels.
<b>Delegated Decision</b>	
Application Number:	19/1076/LBC
Delegation Briefing:	22/08/2019
Decision Type:	Permitted
Date:	19/09/2019
Location Address:	2 The Court 122 Fore Street St Davids Exeter Devon EX4 3JQ
Proposal:	Removal of internal walls.
<b>Delegated Decision</b>	
Application Number:	19/1086/FUL
Delegation Briefing:	22/08/2019
Decision Type:	Permitted
Date:	03/10/2019
Location Address:	14 South Street Exeter Devon EX1 1DZ
Proposal:	Change of use from retail (A1 use) to taxi office (Sui Generis use).
<b>Delegated Decision</b>	
Application Number:	19/1130/FUL
Delegation Briefing:	05/09/2019
Decision Type:	Permitted
Date:	27/09/2019
Location Address:	10 Chandlers Walk Exeter Devon EX2 8BA
Proposal:	Replacement of existing timber windows and door for UPVC windows and door with wood grain finish.
<b>St Loyes</b>	
<b>Committee Decision</b>	
Application Number:	18/0873/FUL
Delegation Briefing:	21/06/2018
Decision Type:	Permitted
Date:	02/10/2019
Location Address:	Land At Ribston Avenue Ribston Avenue Exeter EX1 3QE
Proposal:	The construction of a 54-bed independent hospital (Use Class C2) with access, car parking, landscaping/open space and associated works.

<b>Delegated Decision</b>	
Application Number: 19/0738/FUL	Delegation Briefing: 27/06/2019
Decision Type: Permitted	Date: 27/09/2019
Location Address: Ludwell House Ludwell Lane Exeter Devon EX2 5AQ	
Proposal: Single storey front extension	
<b>Delegated Decision</b>	
Application Number: 19/1117/FUL	Delegation Briefing: 29/08/2019
Decision Type: Permitted	Date: 20/09/2019
Location Address: 75 Woodland Drive Exeter Devon EX2 7PR	
Proposal: Single storey rear extension	
<b>Delegated Decision</b>	
Application Number: 19/1133/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 02/10/2019
Location Address: Unit 1 Bishops Court Industrial Estate Sidmouth Road St Loyes Exeter Devon EX2 7JH	
Proposal: Discharge conditions 4 (cycle parking), 5 (lockers, showers and changing facilities) and 6 (Travel Plan) of planning permission 19/0229/FUL - Change of use from Class A1 (Retail) to Class D2 (Gymnasium), installation of mezzanine floor and minor external alterations.	
<b>Delegated Decision</b>	
Application Number: 19/1173/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/09/2019
Location Address: 6 Farm Close Exeter Devon EX2 5PJ	
Proposal: Loft conversion with dormer.	
<b>St Thomas</b>	
<b>Delegated Decision</b>	
Application Number: 18/0496/FUL	Delegation Briefing: 26/09/2019
Decision Type: Permitted	Date: 04/10/2019
Location Address: 51A And 52 Church Road St Thomas Exeter Devon EX2 9BQ	
Proposal: Demolition of existing garages and construction of 2No. 3 bed dwelling houses, alterations to existing 2 storey building at 52 Church Road including raised ridge height and front dormer extension, and various landscaping works (revisions to initial scheme publicised on 28 June 2018).	
<b>Delegated Decision</b>	
Application Number: 18/1724/FUL	Delegation Briefing: 13/12/2018
Decision Type: Permitted	Date: 24/09/2019
Location Address: 16 Dunsford Gardens Exeter Devon EX4 1LN	
Proposal: Two storey side extension and single storey rear extension	

<b>Delegated Decision</b>	
Application Number: 19/0945/FUL	Delegation Briefing: 15/08/2019
Decision Type: Refuse Planning Permission	Date: 15/10/2019
Location Address: 69 Myrtle Road Exeter Devon EX4 1QA	
Proposal: Detached outbuilding for car storage, gymnastic studio/gym and garden storage.	
<b>Delegated Decision</b>	
Application Number: 19/1188/FUL	Delegation Briefing: 12/09/2019
Decision Type: Permitted	Date: 08/10/2019
Location Address: 6 St Thomas Centre Exeter Devon EX4 1DG	
Proposal: Change of use to include restaurant (A3 Use), extension of opening hours (11am - 11pm, Mon - Sun) and shopfront signage (retrospective).	
<b>Delegated Decision</b>	
Application Number: 19/1197/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 18/09/2019
Location Address: LAND ADJ - Annexe Pocombe Grange House Pocombe Bridge Road From Grange House To Exonbury House Exeter Devon EX2 9SX	
Proposal: Discharge of conditions 5 (Contamination), 8 (Sustainable Urban Drainage), 11 (Nesting Swifts and Bats), 12 & 13 (Assessment for Sustainable Homes) and 15 (Cycle Parking) in relation to planning application 17/1216/OUT and discharge of conditions 3 (Materials) and 4 (Access and Egress) in relation to planning application 18/1173/RES	
<b>Topsham</b>	
<b>Delegated Decision</b>	
Application Number: 19/0263/FUL	Delegation Briefing: 07/03/2019
Decision Type: Permitted	Date: 04/10/2019
Location Address: 490 Topsham Road Exeter Devon EX2 7AJ	
Proposal: Two storey side/rear extension	
<b>Committee Decision</b>	
Application Number: 19/0921/FUL	Delegation Briefing: 08/08/2019
Decision Type: Permitted	Date: 07/10/2019
Location Address: Land At Monmouth Street Topsham Exeter Devon	
Proposal: Use of agricultural land for keeping of horses and construction of two stables.	

<b>Delegated Decision</b>	
Application Number: 19/0930/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 19/09/2019
Location Address: Topsham Road Exeter EX2 7DU	
Proposal:	Discharge of Conditions 10 (Renewable Energy), 13 (Tree protection), and 18 (Materials) of application ref 11/1290/01 granted on the 15th October 2013 in so far as they relate to Phase 2 of the development.
<b>Delegated Decision</b>	
Application Number: 19/0986/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 25/09/2019
Location Address: Meadow View Clyst Road Topsham Exeter Devon EX3 0DQ	
Proposal:	Discharge of conditions 4 (bat licence), 5 (replacement bat roost), 6 (sustainable construction), 7 (landscaping), 11 (turning area and parking), and 12 (surface water) of 17/1932/FUL
<b>Delegated Decision</b>	
Application Number: 19/1011/LBC	Delegation Briefing: 08/08/2019
Decision Type: Permitted	Date: 18/09/2019
Location Address: 32 Elm Grove Road Topsham Exeter Devon EX3 0EQ	
Proposal:	Removal of internal wall and installation of stud wall within basement area
<b>Delegated Decision</b>	
Application Number: 19/1094/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 19/09/2019
Location Address: Topsham Road Exeter EX2 7DU	
Proposal:	Discharge of conditions 19 (Construction compound) and 20 (CEMP) of planning application ref no. 11/1290/01 granted on the 15th October 2013 in so far as they relate to Phase 2 (18/1849/RES) of the overall development.
<b>Delegated Decision</b>	
Application Number: 19/1152/FUL	Delegation Briefing: 12/09/2019
Decision Type: Permitted	Date: 15/10/2019
Location Address: 28 Ark Royal Avenue Exeter Devon EX2 7GP	
Proposal:	Conversion of triple garage to annexe accommodation.
<b>Delegated Decision</b>	
Application Number: 19/1170/LBC	Delegation Briefing: 05/09/2019
Decision Type: Permitted	Date: 27/09/2019
Location Address: Nail House 16 Ferry Road Topsham Exeter Devon EX3 0JH	
Proposal:	Alterations and replacement of doors on front elevation.



This page is intentionally left blank



**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 28 October 2019  
**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. Appeal Decisions Received**

- 3.1 **18/1201/FUL & 18/1202/LBC - 48 St David's Hill, Exeter.** The application was for the construction of a single storey dwelling, removal of external soil pipes from listed building, extend and refurbish existing ground floor flat and landscape the garden

The main Issue was whether the proposal would harm the established character of this residential area; specifically, whether it would preserve or enhance the character and appearance of the St David's Conservation Area and preserve the listed building and its setting.

The inspector raised no objection to the extension to the existing ground floor flat nor to the removal of the existing soil pipes and their tidying up by their realignment both internally and externally. He agreed that these elements of the scheme are uncontentious and quite acceptable.

Regarding the proposed new detached dwelling the Inspector agreed that the architect has tried his best to design a building that would minimise impact on the setting of the Listed Building and character and appearance of the conservation area. The proposed new dwelling would be single storey and only its pyramidal roof would be visible from Little Silver; its height and mass are therefore incomparable with the dominant impact of the house to the rear of No 42. However, the subdivision of No 42's original plot is also harmful to parent listed building and the conservation area. The appeal proposal would replicate such unacceptable harm at the appeal property.

In addition, the Inspector commented that there is an attractive copper-leaved tree adjacent to the northern wall of the appeal property next to the existing rear shed. The proposed new dwelling would be built very close to this tree such that it would probably be necessary to remove it, or else the foundations of the new building would be likely to sever its lateral roots and lead to its demise. Even if this was not the case the tree would significantly block light to the proposed dwelling's kitchen window and so there would be pressure to fell it. He considered this tree is important to the character and appearance of the conservation area, because of its size and colour and because it screens oblique views between the windows of 1 Little Silver and the garden of No 48.

The Inspector concluded that the proposal to erect the new detached dwelling would fail to preserve the setting of the principal Listed Building and the settings of the adjoining listed buildings at Nos 46 and 50. It would also fail to preserve the character and appearance of the conservation area, because the long rear garden plots of No 48 and its neighbours are an important characteristic. The above harm would be 'less than substantial' in terms of its impact on the listed buildings and the character and appearance of the conservation area as a whole. But the public benefit of providing one additional dwelling would not, in his judgement, overcome such harm, even if the Council cannot demonstrate a five year housing land supply.

The appeal for the new dwelling was dismissed and the extension and alterations to the principal listed building allowed.

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

##### **4.1 19/0072/FUL – 17 Mount Pleasant Road, Exeter.**

Single storey extension to the rear of the existing property.

##### **4.2 19/0689/FUL - 21 Riverside Road, Topsham, Exeter.**

Proposed new garage and conversion of existing garage into living accommodation.

#### **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