

PLANNING

Date: Monday 6 January 2020

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, 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 28 October 2019.

(Pages 5 -
18)

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. 19/1461/OUT - Land north of Honiton Road and West of Fitzroy Road Exeter**

To consider the report of the Service Lead City Development.

(Pages 19
- 62)

6 **Planning Application No. 19//1168/FUL - Land adjacent to 2A Newcourt Road, Topsham**

To consider the report of the Service Lead City Development.

(Pages 63
- 74)

7 **Planning Application No. 19/1215/FUL - Hickling Cottage, Taddyforde Estate, Exeter**

To consider the report of the Service Lead City Development.

(Pages 75
- 80)

8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Service Lead City Development.

(Pages 81
- 110)

9 **Appeals Report**

To consider the report of the Service Lead City Development.

(Pages
111 - 116)

10 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 28 January 2019 at 9.30 a.m. The Councillors attending will be Mitchell, Morse and one other volunteer.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 13 January 2020** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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PLANNING COMMITTEE

Monday 28 October 2019

Present:-

Councillor Lyons (Chair)

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

Also Present

Service Lead City Development, Principal Project Manager (Development) (MH), Principal Project Manager (Strategic Policy) (JD), Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (HS), Assistant Highways Development Management Officer (Exeter) and Democratic Services Officer (Committees)

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MINUTES

The minutes of the meeting held on 30 September 2019 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 19/0770/FUL - POLICE HQ DEVON AND CORNWALL CONSTABULARY POLICE TRAINING COLLEGE

The Principal Project Manager (Development) (MH) presented the application for the formation of a temporary car park comprising a total of 287 spaces on 1.35 hectares in the middle of the site for a period of three years, the land comprising a stoned finish.

The Principal Project Manager (Development) advised that the County Council, as Lead Local Flood Authority, sought the submission of details in respect of a surface water drainage management plan.

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

- Middlemoor is the Devon and Cornwall Police command and control centre with around 2,000 officers. Increased parking is required during specialist operations, especially for strategic co-ordination with partner agencies during a crisis. Staff are drawn from four Counties;
- the new Police Station will see an increase of around 250 officers working at Middlemoor and the remodelling of the campus will impact on parking spaces;
- the application is to cope with existing demand and not additional officers from the Heavitree Road site;
- to mitigate flooding concerns, the type of stone to be used has been changed and a survey carried out to ensure the soil has a good contaminant attenuation potential;
- the ground has very low permeability which will prevent contaminants entering the watercourse and spill kits will be inserted in case of a fuel spillage.

Consideration will be given to providing a textile membrane to soak up any contaminants;

- this is a temporary application as reliance on vehicles will be reduced. By 2021, officers will be issued with better mobile devices and staff may work remotely. The timeframe for the car park has been reduced from five to three years; and
- the Force is committed to a green agenda and promoting sustainability.

During discussion the following points were raised:-

- urge early consultation on Green Travel Plan to secure support of officers and unions, accepting that a nine month period is necessary to consult;
- seek to encourage sustainable transport choices amongst staff/officers and to reduce overall parking demand through Green Travel Plan initiatives; and
- other Green Travel Plans in the city should be studied to embrace best practice with consideration to be given to introducing car parking charges.

The recommendation was for approval once satisfactory clarification of drainage matters had been received, subject to the conditions as set out in the report.

The recommendation was moved and seconded.

RESOLVED that, subject to the receipt of a surface water drainage management plan to the satisfaction of Devon County Council as Lead Local Flood Authority, planning permission for the formation of a temporary car park comprising a total of 287 spaces on 1.53 hectares in the middle of the site, for a period of three years, be **APPROVED**, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of one year 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 three 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; and
- 3) Within nine months of the date of commencement of works to implement this temporary consent, a bespoke Green Travel Plan relating to the Middlemoor complex and all activities carried out therein shall be submitted to, and be approved in writing by, the Local Planning Authority. The Green Travel Plan shall specifically address the measures to be implemented to ensure that the temporary car park is no longer required beyond the temporary three year period hereby approved.
Reason – To encourage and promote the use of sustainable modes of transport in preference to the use of the private motor vehicles, and working practices that minimise the demand for parking at the site in the interests of sustainable development.

PLANNING APPLICATION NO. 19/1047/FUL - LAND OFF ST LEONARDS ROAD, EXETER

The Principal Project Manager (Development) (PJ) presented the application for seven new build dwellings, associated landscaping, amenity and vehicular access. The application sought to change the use of the existing playing field, owned by the Exeter Royal Academy for Deaf Education (ERADE), for housing and public open space.

The Principal Project Manager (Development) reported the following:-

- the receipt of a statement objecting to the proposal from Councillor D. Moore;
- a proposed amendment to the first reason for refusal to include reference to the adverse impact on the St Leonards Conservation Area; and
- the distance from the proposed properties from those on Barnardo Road being 25 metres not 35 metres as set out in the report, requiring an additional reason for refusal on the grounds of the overbearing impact on Barnardo Road.

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

- local community object strongly to the loss of an historic open green space;
- because of the strength of local opposition, signs originally displayed by the applicant were quickly removed;
- this green space should be saved from development and used instead for the benefit of the community. A well-resourced local community is committed to an alternative vision for community use;
- ERADE and the developers are seeking to maximise planning gain and profits. The former should have sought instead to work with the Neighbourhood Association to bring forward a sustainable solution for the community; and
- it is an unsuitable, low density development.

Councillor J. Moore put forward the following points raised by Councillor D. Moore:-

- valuable playing field historically used by school, community and sporting groups, not affiliated with ERADE, for recreational activity for many years;
- private owners more than the wider public likely to use the open space;
- Sport England object and the proposed open space does not suit the Council's own playing field strategy;
- proposal lacks a sustainable transport plan and the already high pollution levels in the area will increase; and
- loss of biodiversity.

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

- very high number of objections to an inappropriate development;
- a low density development of large houses does not reflect the mixed nature of the St Leonards community and house types;
- the St Leonards Neighbourhood Association have devised an alternative solution to protect the green open space;
- ERADE failed to adequately consult the local community;
- the proposed open space will not be particularly accessible to the community;
- insufficient information on highway issues and there are concerns regarding the

impact on the school dropping off point. 23 car parking spaces are excessive for only seven properties;

- negligible contribution to housing need in the city;
- objections from Sport England, the Football Foundation, Devon County Council, the City Council's Heritage Officer and 225 residents and the application is recommended for refusal; and
- important green buffer between the community and Topsham Road and with a future potential for community and sporting uses and a community centre.

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

- the Council's own Playing Field Appraisal points out the shortage of accessible community use provision and Sport England are opposed;
- the community has put forward its own vision, that is, to purchase the playing field and run it more commercially. A second phase would be an indoor community space;
- the intention is to set up a separate charitable trust to buy the field and run it for the community. This much needed access to playing fields can be provided without a cost to the Council in running such a facility;
- the applicant's provision for "public access land" is unacceptable in size;
- if this playing field is removed it will be lost forever; and
- the proposed open space within the development is too small for sporting and recreational activities.

During discussion the following points were raised:-

- detrimental impact on neighbouring properties;
- loss of a valuable local amenity; and
- highway objections and additional traffic would create dangerous conditions close to a very busy school.

The recommendation was for refusal for the reasons as set out in the report.

The recommendation was moved and seconded.

RESOLVED that planning permission for seven new build dwellings, associated landscaping, amenity and vehicular access be **REFUSED** for the following reasons:-

- 1) The proposal is contrary to Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to Section 16 of the National Planning Policy Framework Policy and to Policies C1, C2 and C5 of the Exeter Local Plan First Review 1995 to 2011 because by reason of the development of this space and the unacceptable density, layout, siting, height and design of the proposed dwellings the development would cause a degree of 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) that is not balanced by sufficient public benefit and would not preserve the setting of these listed buildings nor preserve or enhance the character or appearance of the area;
- 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.
- 5) the proposal would be contrary to Policy DG1 of the Exeter Local Plan First Review because its siting, scale and height would be overbearing and dominant and therefore detrimental to the visual and residential amenities of the occupiers of adjacent properties in Barnardo Road.

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PLANNING APPLICATION NO. 19/0360/FUL - LAND ADJACENT TO 17 NEW NORTH ROAD, EXETER

The Principal Project Manager (Development) (JD) presented the application for the demolition of existing garages and construction of one building to form five new apartments and 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.

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

- welcome long term residential provision on this brown field site;
- design unsuitable as set between two 19th century listed terraces;
- the St James Forum, whilst welcoming some changes, are concerned that a five apartment block is over development with associated loss of amenity and hope that plans can be examined further;
- the Bury Meadow Residents' Association object as the massing does not respect the scale and character of the surrounding area and is monolithic in form, changing the nature of the street scene;
- the height of the building will cause significant harm to neighbouring private residential gardens;
- guidance within the SPD on communal open space has not been followed impacting on the privacy of 16, 17 and 18 New North Road;
- no provision for disabled drivers;
- floodwater problems on New North Road will be exacerbated; and
- request deferral for submission of revised details.

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

- objecting on behalf of the Bury Meadows Residents' Association;
- the proposal is surrounded by listed buildings and the aesthetics of this proposed building are poorly judged and will jar with the surrounding listed terraces and harm designated heritage assets;
- the building will overlook the rear aspects of neighbouring gardens and the higher rear elevation, greater set back and large glass windows of the development will compound the impact on privacy;
- excessive mass amplifies issues of aesthetics, privacy and light. The mass is out of line with the existing listed terraces; and
- the listed terraces are three story buildings but the proposal is five storeys high. The existing listed terrace is just 9 metres deep and this proposal will stick out an additional 6.5 metres.

The Principal Project Manager (Development) confirmed that:-

- the Council was not aware of any proposals for development to the rear of the site;
- disabled parking was not considered necessary as any disabled resident could apply for a blue badge and there is a disabled parking bay along New North Road;
- parking on the frontage would look unattractive in the Conservation Area; and
- although there would be some loss of light for neighbouring properties it was not considered that this would be so great as to warrant refusal.

During discussion the following points were raised:-

- good infill development and not unsympathetic to the surrounding area;
- a modern development can be more suitable in a street scene of older design rather than seeking to emulate the existing properties;
- efficient use of infill site;
- cycle parking provision should be greater than seven;
- although a car free development, visitors by car will seek to park in the area and, ultimately, the County Council could provide permits; and
- mass is too great and oppose development on grounds of aesthetics, privacy, size and loss of light.

A motion to defer the application for a revised proposal to be put forward was moved and seconded, put to the vote and lost.

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

The recommendation was moved and seconded.

RESOLVED that, subject to an amended condition 10) requiring the provision of at least 10 cycle parking spaces, planning permission for the demolition of existing garages and construction of one building to form five new apartments and associated landscaping 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 Section 91 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on, 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 construction.
 - 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 at least 10 secure sheltered cycle spaces 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).
- 2) 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 (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
- 3) In accordance with 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
- 4) The applicant's attention is drawn to the requirements of South West Water set out in their emailed communication dated 23 May 2019.

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PLANNING APPLICATION NO. 19/0458/ECC - GREEN LANE SOLAR FARM

The Principal Project Manager (Development) (HS) presented the application for solar panel array and battery storage, relocation of green waste facility and ground levelling with associated access, fencing, hardstandings and ancillary works.

During discussion the following points were raised:-

- a suitable location for a facility of this nature supplying cheap electricity to fuel electric vehicles and contributing to the goal of carbon neutrality and reducing air pollution;
- ecological survey confirms that the species to be removed are of low quality; and
- facility will be fenced and covered by Close Circuit Television.

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

The recommendation was moved and seconded.

RESOLVED that planning permission for a solar panel array and battery storage, relocation of green waste facility, and ground levelling with associated access, fencing, hard-standings and ancillary works be **APPROVED**, 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.

77 LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Service Lead City Development was submitted.

RESOLVED that the report be noted.

78 APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

79 SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19

November 2019 at 9.30 a.m. The Councillors attending will be Councillors
Branston, Bialyk and Foale.

(The meeting commenced at 5.30 pm and closed at 7.45 pm)

Chair

DRAFT

OFFICER'S REPORT AND RECOMMENDATION (18/0878/FUL)

Land north of Honiton Road and west of Fitzroy Road
Exeter
EX1 3RS

HISTORY OF SITE

11/1619/OUT -	Outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only)	PER	19.06.2012
12/0954/RES -	Hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012)	PER	17.12.2012
13/5128/VOC -	Removal of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012)	PER	24.03.2015
14/1615/OUT -	Mixed use development to provide a District Centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Takeaway), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parking, infrastructure works, public realm and landscaping	REF APPEAL DIS & REF BY SOS	02.12.2014 30.06.2016
18/0076/OUT -	Outline application for mixed use development to provide town centre facilities comprising retail units (food and non-food) (Use Class A1) and restaurant units with ancillary drive-throughs (Use Class A3), together with associated access, access roads, service yards, car parking, infrastructure and landscaping (all matters reserved except access).	Withdrawn	20.08.2018
18/1330/OUT -	Mixed use development to provide town centre facilities comprising uses within Classes A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping (all matters reserved except access).	Withdrawn	23.07.2019

DESCRIPTION OF SITE/PROPOSAL

The site comprises 3.2ha of agricultural land to the east of Exeter. The site is in Pinhoe ward. The site is bounded by housing in Myrtlebury Way to the north, Fitzroy Road and Brewers Fayre/Premier Inn to the east, the A3015 ('Honiton Road') to the south and the Exeter to Exmouth railway line ('Avocet Line') to the west. Existing housing accessed off

Wilton Way lies beyond the railway line to the west. Sowton Industrial Estate lies beyond Honiton Road to the south and the Met Office and Exeter Business Park lie to the north/northeast. An Extended Phase 1 Habitat Survey of the land was carried out in July 2017 and the results were recorded in a Preliminary Ecological Appraisal submitted with application ref. 18/0076/OUT. This concluded that the site has limited habitat value.

The site is within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy. This supersedes the Landscape Setting designation in the Local Plan First Review. The site is within the 'Sowton' character area in the Monkerton & Hill Barton Masterplan Study (November 2010), which recommended it for employment use with business community facilities. The site is in Flood Zone 1. There are no above ground heritage assets in the vicinity. The site is within Local Energy Network Area A and in an area identified as being potentially contaminated.

The application has been submitted in outline with all matters reserved except access. The proposal is to develop a mixed use development comprising uses within some or all of Class A1 (shops), Class A2 (financial and professional services), Class A3 (cafes and restaurants) with associated drive-throughs, Class A5 (hot food takeaways) and Class D2 (assembly and leisure), with associated access, access roads, service yards, car parking, infrastructure, public realm and landscaping. The application is a resubmission of the application that went to committee in July 2019 and was subsequently withdrawn (18/1330/OUT). This was a revision of the application that went to committee in August 2018 and was also withdrawn (18/0076/OUT). Approval is sought for a maximum floorspace of 11,527 sq m (GEA) / 11,004 sq m (GIA) comprising 8,659 sq m A1, 465 sq m A2, 1,021 sq m A3, 116 sq m A5 and 743 sq m D2. The amount of floorspace has been reduced by about 13% compared to application ref. 18/0076/OUT by removing all the mezzanines except for Unit A, which is a specific requirement of the intended occupier, Next Home. The amount of Class A1 floorspace has reduced by approximately 28% in favour of other uses. In addition, the applicants propose that between 1,000 sq m and 2,789 sq m of the A1 floorspace shall be used for the sale of convenience goods, one unit shall be provided for the sale of chemist and related goods (with or without a pharmacy) for a period of not less than 5 years, and a minimum of 116 sq m shall be made available for the provision of Post Office facilities.

Approval is also sought for a Parameters Plan. This is the same plan as the previous application. Block A to the west will comprise A1 uses and Block B to the north will comprise A1, A2, A5 and D2 uses. Three A3 use buildings will be provided to the south. A car park will be provided between the buildings, incorporating footways, zebra crossings, trees and a public open space with seating provision. The plan also shows a cycle hire point adjacent to the public open space. The plan states that 40 electric vehicle charging points will be provided.

The access proposals have been submitted in detail and are the same as the previous applications. The Highway Access Plan shows the redesign of the existing access road to the site off Fitzroy Road. It proposes to widen the carriageway to the north in order to incorporate an island and right turn lane into the residential area to the north. The plan shows a vehicle connection to the north up to the site boundary in order to connect to Myrtlebury Way.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Cover letter (Rocke Associates, 17 October 2019)
- Design & Access Statement REV B (Fletcher Rae, September 2018)
- Retail Assessment (Mango, January 2018)

- Chase & Partners letter 24 January 2018 re Material Changes in the Exeter Retail Development Market
- Economic Impact Assessment (Regeneris, 14 March 2018)
- Transport Assessment (Vectos, December 2017)
- Traffic Distribution Technical Note (Vectos, April 2018)
- Transport Addendum (Vectos, October 2018)
- Flood Risk Assessment (HBS, January 2018)
- Noise Assessment for Planning Application (Inacoustic, 16 March 2018)
- Geophysical Survey Report (Stratascan, April 2010)
- Air Quality Assessment (Ramboll, February 2019)

Additional Information Submitted During Application

- Flood Risk Assessment (HBS, November 2019)
- Mango letter 9 December 2019 re East Devon District Council representations
- Moor Exchange Exeter Air Quality Assessment (Ramboll, December 2019)

REPRESENTATIONS

One representation was received supporting the application. The following issues were raised:

- This area of the city lacks the facilities/shops this development is proposing.
- This will support the local community and create additional jobs.
- There is no reason to decline this proposal based on taking trade away from the City Centre, the shops proposed for this development would not open in the city centre, if anything this will help the City Centre as will generate more visitors to Exeter who are then likely to visit the City Centre.

Five objections were received. The following issues were raised:

- Block B too close to residential properties; its height will block daylight and any windows would invade privacy.
- Noise pollution.
- Air pollution.
- Food outlets will increase vermin.
- Non-residents will be able to access neighbouring residential development reducing security.
- Parking in residential area if car park is full.
- Other proposed retail parks would be more suitable that are not as close to residential areas.
- Concerns Myrtlebury Way will not be suitable for buses and the proposed bus link will be used by other traffic and become a rat-run.
- All the proposed developments are in the city centre already.
- Can the site be retained as a 'green' site?
- Not in keeping with declared climate emergency or the Exeter Local Plan.
- Geared towards private car usage, including drive-throughs.
- Local transport network and the climate cannot afford increase in traffic, pollution and CO2 emissions.
- Proposed facilities are short distance away already, whether by walking, bus or car.
- Peaceful area will be spoiled.
- Proposed facilities are not required.
- More traffic, congestion, pollution and noise.

- Will affect CO2 emissions, atmosphere and ozone layer.
- Height of buildings over viewing back gardens and proximity to hedge line.
- Impact on residential amenity – noise and odours.

One representation was received neither supporting nor objecting. The following issues were raised:

- Great idea provided no vehicle access via Myrtlebury Way.
- Myrtlebury Way not wide enough for two vehicles.
- Myrtlebury Way is a quiet residential street where children play.

CONSULTATIONS

Highways England: No objection – The current proposals are supported by the Transport Assessment prepared by Vectos for the January 2018 application which reflected a greater quantum of development to that now under consideration. The current proposals represent a reduction in floorspace with an increased range and diversity of facilities to address comments made at previous planning committee stages and better reflect the potential requirements of a district centre/community hub.

In terms of the SRN, Highways England is satisfied that the revised quantum and mix of development is unlikely to result in a material change to the traffic impact previously assessed and accepted by us, and the impact of the proposals on the operation of the SRN is therefore not considered to be severe.

Local Highway Authority (DCC): The LPA should refer to the consultation response for the previous application (summarised below).

The revised proposal will generate less traffic than the previous scheme, i.e. reduction of c.140 two-way trips in the weekday PM peak hour and c.190 trips in the peak weekend period. To avoid a highways objection, it is essential that a pedestrian/cycle link is provided through the site to connect with the Persimmon housing site. It is also essential that a bus/pedestrian/cycle only link is provided to the Persimmon site and secured by s106 and/or condition. S278 works the same as the previous application are welcomed. Electric vehicle parking spaces welcomed. Cycle parking/changing facilities should be provided in accordance with Sustainable Transport SPD. Tracking diagrams have not been provided to demonstrate that service vehicles can turn in the service yard, although it looks possible from the plans. A Travel Plan will be required. See conditions/s106 requirements relating to 18/0076/OUT.

Lead Local Flood Authority (DCC): Withdrew initial objection following the submission of additional information. Pre-commencement conditions recommended – detailed design, percolation tests, 12 month groundwater monitoring programme, construction drainage scheme, details of exceedance pathways/overland flow routes, and adoption/maintenance arrangements.

Exeter International Airport: The proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria at this stage, however the maximum allowable height for any construction related equipment in that area is 25m above ground level. To avoid confusion with aeronautical ground lights it is recommended that any proposed lights, especially street and car park lighting are full cut off and mounted horizontally so that light is not emitted above the horizontal. Any developments, especially those close to the approach and take off surfaces must not display high levels of lighting.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. Safeguarding notes attached, which all developers and contractors must abide by during construction and commissioning. Exeter Airport has no safeguarding objections to this development provided that all safeguarding criteria are met and there are no changes made to the current application.

Network Rail: Holding objection – Geotechnical Engineer requires additional details regarding the installation of the substation and communal bin store at the western corner of the site. (These details have been provided and further comments are awaited.)

Natural England: No comments. Refer to standing advice in regard to protected species.

RSPB: Green roofs/living walls should be considered to help insulate the buildings, mitigate the impact on climate change, improve air quality, enhance the appearance and encourage vertebrates and non-vertebrate species. Biodiversity enhancement measures should be considered as part of a Landscape and Environment Management Plan for the site.

South West Water: No objection.

Devon & Somerset Fire & Rescue Service: Submitted drawings appear to meet B5 access and facilities for the Fire Service, but any B5 issues and other fire safety measures will be addressed through the statutory consultation process under the Building Regulations 2010. The developer is recommended of the importance of the consideration of sprinkler protection of the proposed development at the earliest possible stage.

Designing Out Crime Officer, Devon and Cornwall Police: Pedestrian access points should be direct, wide, well-lit and overlooked. Planting abutting pathways should be avoided. CCTV needed to monitor vehicle access point. Vehicular access control needed. Protection from hostile or accidental vehicles should be provided to the front curtilages of the retail units and access to pedestrian walk ways. The area to the rear of units A-D should be secured and access to the service lane needs to be controlled and managed. Security rated fencing along boundary with railway should be considered. Boundary hedge to residential development should be robust with clear ownership and responsibility for maintenance. Remaining borders should be 'controlled' boundaries. CCTV system should be conditioned. Internal planting should be ideally ground covering and reach a max height of 500mm. Trees should have reduced canopy width and height verities to maximise CCTV coverage and reduce conflict with lighting. Confirmation of opening hours required. Extended opening hours can attract anti-social behaviour and need to be managed robustly. If some units intend to open 24 hours, measures required to provide access, but restrict access to remainder of development. Secure cycle parking standards provided. Confirmation needed of the management policies of the site. Retail spaces on the outskirts of the city close to main arterial roads can be targeted by organised crime groups. It is important to maintain an intelligence link with EBAC (Exeter Businesses Against Crime) which is run and controlled by Exeter City Council if possible.

East Devon District Council: The application should consider Cranbrook Town Centre in terms of both the sequential test and impact tests in the NPPF/PPG. Only a cursory assessment has been undertaken. Since the previous application was considered, the Cranbrook Plan DPD has been submitted to the Government for examination. Hearing sessions are currently scheduled for January 2020. Appropriate weight should be given to the document accordingly as a material consideration. Without a detailed assessment of the impacts of the proposals on Cranbrook Town Centre it's considered that a sound decision cannot be made.

Exeter Civic Society: The application is now closer to providing the facilities of a local centre, but not entirely happy with the facilities proposed. Large retail units will harm the vitality and viability of the city centre and other retail centres. Small supermarket, chemist, mother and child outlet, coffee shop/fast food outlets are suitable for a modern local centre. Also support post office, newsagent, takeaway and bank – affordable rental rates should be set to ensure their survival. Large home furnishing store and supermarket will attract car trips. These facilities are already provided for in the area. Drive-throughs not desirable – will attract pass-by trips. A better mix of businesses rather than retail are more likely to result in higher wages. More space should be dedicated to pedestrian circulation and public realm over car parking. The pavement on the north side of Honiton Road should be widened to 3m to allow a shared pedestrian/cycle route. Consideration should be given to doing the same on the south side of the road, as well as improvements to Wilton Way roundabout for cyclists. Cycle access to the site should be improved. Bus link welcomed, but will it be used by bus operators; bus stops and shelters should be provided. The height of the units should be reduced to reduce their impact on the adjoining homes. Tree planting should be provided to protect outlook and mitigate noise.

Exeter Cycling Campaign: Objects – Non-compliance with the adopted Local Plan, particularly CP1, CP8, CP9 and CP17, and Masterplan; negative impact on air quality in an Air Quality Management Area; negative impact on the safety of vulnerable road users, contrary to paragraphs 32 and 35 of the NPPF. The inclusion of a post office, newsagent and gym do not offer enough incentive to encourage local use of the site by occupants of the adjacent residential properties or commercial offices. This development therefore remains an out of town retail park. Extensive parking and drive throughs will significantly increase vehicle movements and will impact on the viability of the city centre. Concerns electric car charging points and electric bicycle hire point are being offered as mitigation rather than considered schemes.

Environmental Health (ECC): Objected originally due to insufficient assessment of air quality impacts, adverse impact on air quality and insufficient mitigation of air quality impacts. Following the submission of a revised report with additional mitigation, no objection subject to conditions (CEMP, Litter Management, Kitchen Extraction, Lighting, Noise, Contaminated Land, Air Quality – Co Bikes facility and additional electric vehicle charging points).

Arboricultural Officer: No arboricultural objections provided there is more substantial planting within and adjacent to the north boundary than as shown on the indicative plan and more space is allowed to ensure the retention of the hedge on or close to the north boundary.

Heritage Officer (ECC): No comments – The archaeology on this site has previously been addressed.

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

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

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

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

- CP1 – Spatial Strategy
- CP8 – Retail
- CP9 – Transport
- CP11 – Pollution
- CP12 – Flood Risk
- CP13 – Decentralised Energy Networks
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure, Landscape and Biodiversity
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure
- CP19 – Strategic Allocations

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

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- S1 – Retail Proposals/Sequential Approach
- S2 – Retail Warehouse Conditions
- S5 – Food and Drink
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- LS4 – Nature Conservation
- EN3 – Air and Water Quality
- EN4 – Flood Risk
- EN5 – Noise
- DG1 – Objectives of Urban Design
- DG3 – Commercial Development

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

- W4 – Waste Prevention
- W21 – Making Provision for Waste Management

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

- DD1 – Sustainable Development
- DD5 – Access to Jobs
- DD13 – Residential Amenity
- DD20 – Accessibility and Sustainable Movement
- DD21 – Parking
- DD26 – Designing out Crime
- DD30 – Green Infrastructure
- DD31 – Biodiversity
- DD32 – Local Energy Networks
- DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

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

1. The Principle of the Proposed Development

This application is a resubmission of an application that was considered by the Planning Committee in July 2019, alongside two other applications for major retail developments on out-of-centre sites. It was formally withdrawn after the committee decided to refuse the application. The reasons for refusal were the scale of the development, particularly the amount of A1 and A3 uses, making it larger than a 'local centre' and thereby conflicting with Policies CP19 and, less specifically, CP8, and dissatisfaction with the level of mitigation proposed to address the impact of the proposals on the Air Quality Management Area (AQMA) at East Wonford Hill. Importantly, the committee did not refuse the application, due to its impact on the vitality and viability of the city centre or any of the district or local centres in the city. This followed officers' advice that the proposals complied with the national retail policy tests set out in the NPPF (2019).

An application for a slightly bigger scheme comprising A1 and A3 uses only was turned down by the Planning Committee in August 2018 and subsequently withdrawn by the applicants. This followed an application to provide a District Centre in 2014 that was refused and dismissed at appeal by the Secretary of State in 2016. The Secretary of State's decision is a material consideration.

The applicants had changed the previous application to incorporate a wider mix of uses to serve the residential and business communities on the eastern side of the city. These communities are poorly served at present, as there is no existing centre or hub in this area providing these sorts of facilities. There is a clear pattern in the distribution of the existing local and district centres across the city, in that they are generally located along the main arterial routes leading to/from the city centre. For example, there are five centres along the B3212 to the northeast. However, there are only two to the east – Magdalen Road and Heavitree, albeit Waitrose has also been developed along this corridor helping, in part, to fulfil a local convenience need. Nevertheless, it's clear that the application site would fit in with this spatial pattern and fill a gap in provision in this part of the city where there has been significant housing and employment growth over recent years.

Members did not refuse the previous application due to the proposed mix of uses, but were concerned specifically with the scale of the development, in particular the amount of A1 and A3 floorspace. Officers had acknowledged that the scale of the proposal did not fit in with the definition of a 'local centre' in the Core Strategy, but had weighed this in the 'planning balance' against the significant economic and social benefits of the scheme, and come to the conclusion that the application should be approved. The applicants continue to point out that notwithstanding other planning issues, this restriction does not apply to the other out-of-centre sites, resulting in a perverse situation where one of these sites could be approved in retail policy terms, but the application site cannot even though it is clearly the most sustainable in terms of access by non-car modes to/from the new residential community. The fact these other sites have been promoted for major retail development recently is a material consideration that arguably outweighs the policy conflict of the proposal not being a local centre, as per the definition in the Core Strategy.

Members should also consider that the Core Strategy was adopted in 2012. The NPPF states that policies in local plans should be reviewed to assess whether they need updating at least once every five years... and should take into account changing circumstances affecting the area (paragraph 33). Officers therefore consider that a more flexible approach is appropriate in meeting the needs of the new community, as a local centre that meets the Core Strategy definition has failed to be delivered and does not look likely to be delivered in the future. In terms of scale, the proposal probably sits somewhere between a local centre and district centre when considering the sizes of existing centres in the city.

Members will also recall that the Monkerton & Hill Barton Masterplan was approved for development management purposes for this area in 2010. This document envisioned a local centre and district centre within the strategic allocation area, but neither have materialised. This proposal could therefore be seen as helping to fulfil the masterplan vision of providing at least one mixed use centre for the allocation area. The recently published National Design Guide (MHCLG, October 2019) states that well-designed places have a mix of uses including local services and facilities to support daily life (p.34). If this proposal is turned down, there is a risk that no mixed use hub will be provided for the new community or the extensive business community in the area.

The above material considerations should be taken into account by Members when reassessing the proposal against Policies CP19 and CP8. In terms of the other key issues affecting the principle of the development, to recap, the proposal is considered to pass the sequential test, as the only sequentially preferable available site at the Bus and Coach Station (BCS) is not considered viable for retail development following developers pulling out of a scheme to redevelop it for retail and leisure purposes in 2017. The Council's retail consultant, Avison Young, calculated the impact of the proposal on the City Centre as 2-3% for both convenience and comparison goods, and the impact on St Thomas District Centre as 4-5% for convenience goods and 7% for comparison goods. These impacts are not considered significantly adverse and are lower than the impacts of the 2014 application, which the Secretary of State concluded were acceptable. Furthermore, the proposal will not have an impact on any investment projects in centres in the city. As a reminder, Avison Young carried out a cumulative impact assessment of the three applications that went to committee in July 2019, which concluded that only one of the proposed schemes should be permitted to avoid significant adverse impacts on Exeter City Centre and St Thomas District Centre. Officers continue to consider that the current proposal is the most sustainable, due to its wider mix of uses and better accessibility to the residential community by non-car modes. The cumulative impact assessment is attached.

East Devon District Council has raised concerns once again that the application has not considered Cranbrook Town Centre in either the sequential test or impact tests, and stated that the Cranbrook Plan Development Plan Document (CPDPD) carries more weight than

before because it was submitted to the Secretary of State for examination in August 2019. Cranbrook Town Centre was not considered before because the CPDPD is not adopted and does not form part of Exeter City Council's development plan in any case. It is therefore a material consideration for applications in Exeter, opposed to having the backing of policy. Whilst it has now been submitted for examination granting it some additional weight as a material consideration, the policy concerning Cranbrook Town Centre (CB22) has received objections meaning very little weight can be afforded to it. Officers therefore do not consider that the situation has materially changed since the last application was determined. Officers also consider that more weight should be given to meeting the needs of the residential and business communities in Exeter, as discussed above.

As discussed, officers consider that a more flexible approach should be taken to considering the proposals against Policies CP19 and CP8, however the significant economic and social benefits of the scheme are considered to outweigh this conflict in any case. The Secretary of State weighed the sustainability benefits of the 2014 application to see if they indicated the application should be approved against Policies CP19 and CP8. The SoS concluded they did not based on the proposed scheme having moderate economic benefits – reduced from significant due to the risk to the retail/leisure project on the BCS site at the time, moderate social benefits and limited harm environmentally. The current proposal is considered to have significant economic and social benefits, and limited harm environmentally, although the applicants are continuing to review how the latter can be improved. The economic benefits come in the form of jobs, business rates and CIL, while the social benefits come from the mix of uses that will be provided to meet the needs of the local community. These benefits should be considered in the context of the threat of online retailing to traditional forms of retail. For example, the jobs generated will range from part-time 'Saturday' jobs for young people to shop managers, compared to the 'warehouse' jobs generated by online distribution centres. The social benefits include the health benefits (physical and mental) of being able to walk or cycle somewhere to purchase goods, interacting with other people, versus ordering something online from home. Needless to say, the proposed gym (D2 use) offers health benefits too.

The same retail control conditions are recommended as the previous application. In terms of Unit A intended to be occupied by Next Home, the Next Home store that recently opened on the edge of Plymouth was consented with a condition permitting the sale of clothing, footwear and clothing fashion accessory goods from up to 40% of the net sales area, not 60%. The remainder of the net sale area is used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and ancillary goods. A small ancillary café is also permitted. In the absence of any evidence confirming why 60% is necessary for the particular occupier, officers consider the same percentage restriction should be applied to the proposal.

In conclusion, the benefits of the proposal are considered to outweigh the conflict with Policies CP19 and, less specifically, CP8 of the Core Strategy for not fitting the definition of a local centre. Officers consider that a more flexible approach should be taken in assessing the proposal against these policies given the age of the Core Strategy and fact that a local centre meeting this definition has not been delivered and does not look likely to be delivered in the future. The proposal will provide a mixed-use hub for the area where there is clearly a gap in provision when comparing the spatial distribution of other centres in the city. This will help fulfil the vision of the masterplan and takes into account the guidance on good design in the recently published National Design Guide. If the proposal is turned down, there is a risk that no mixed use hub will be provided for the new community or business community in the area. The application site is also considered to be the most sustainable out of the three out-of-centre sites that were considered for major retail development at the July 2019 special planning committee.

2. Access and Impact on Local Highways

Vehicular access to the site will be via the existing vehicular access off Fitzroy Road. The access road will be widened to the north in order to incorporate a right turn lane to a new vehicle connection to be provided on the north boundary with the purpose of connecting to Myrtlebury Way. This vehicle connection is intended to be bus/pedestrian/cycle only. It must be provided in accordance with Policy CP19 requiring a green infrastructure framework for the Monkerton/Hill Barton area and the Monkerton & Hill Barton Masterplan, showing movement connections between the sites for permeability.

The applicants previously raised concerns over the management of the link, suggesting barriers or another means of control should be used to stop private vehicles using it as a rat-run. However, Stagecoach stated that physical barriers or bollards will not be acceptable. They advised it should be designed as a short section of bus lane in both directions with appropriate signage and CCTV. It will be blocked with a concrete barrier until such a time as a bus service requiring its implementation is inaugurated. Officers consider this link is fundamental to any development on the site and it should be secured in accordance with Stagecoach's comments prior to the occupation of the development by a suitably worded condition.

A condition should also be added securing the three pedestrian access points shown on the plans from Honiton Road prior to the occupation of the development. The Local Highway Authority has also strongly recommended securing provision of a pedestrian/cycle connection through the site from Honiton Road to the path to the north, or they will raise a formal objection. This was previously discussed with the applicants and should also be secured by condition to enhance sustainable travel.

The Local Highway Authority has no objections to the traffic generated by the proposal, subject to the following highway improvement works: widening approximately 100m along Honiton Road frontage, relocating the eastbound bus stop, Toucan crossing, amending traffic signals and moving the stop line of Honiton Road (eastern arm) forwards. These works should be secured by condition/s278 agreement.

The Local Highway Authority has also recommended conditions for a comprehensive Framework Travel Plan and Construction Method Statement, including access arrangements and timings and management of arrivals and departures of vehicles.

3. Parking

The Parameters Plan shows a large car park on the site comprising 393 spaces, including 26 disabled and 12 parent and child. It states that 40 electric vehicle charging points will be provided. It also shows a cycle hire point adjacent to a public open space with seating. The application form states that 16 motorcycle and 72 cycle spaces will be provided.

The indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail, 1 space per 20 sq m for non-food retail and 1 space per 22 sq m for D2 uses. This means that approximately 607 car parking spaces should be provided if the maximum floorspace applied for and both foodstores shown on the plans are delivered, following the indicative standards in the SPD. As far as this raises concerns about potential over-spill parking on surrounding roads or in the Park & Ride car park, parking accumulation calculations were carried out for the previous proposal subject to application ref. 18/0076/OUT, which confirmed that a maximum of 167 spaces will be required during weekdays and 218 spaces on Saturdays. This shows that there is scope to reduce the amount of car parking on the site. As 'layout' is a reserved matter, this issue will be dealt with at reserved matters stage.

Stagecoach previously raised concerns regarding the implications for the Park & Ride site. It is therefore proposed to add a condition requiring a car park management strategy to ensure that appropriate restrictions are in place to prevent permanent parking in the car park, which may lead to overspill parking in the Park & Ride car park.

The Sustainable Transport SPD requires a minimum of 4 + 4% of the total capacity of the car park for disabled users. It also states that retail facilities should be future-proofed to provide charging points for electric vehicles. A condition should be added securing disabled spaces and electric charging points accordingly.

The Sustainable Transport SPD includes minimum cycle parking standards for staff and visitors/customers, as well as design guidance on security. It also states that where more than 20 people are to be employed, showers, lockers and space to dry clothes must be provided in accordance with Policy T3(c). Conditions should be added securing these facilities in the development accordingly.

4. Impact on Air Quality

Officers considered that securing the sustainable travel connections discussed above, a Travel Plan, electric vehicle charging points and cycle parking that exceeds the minimum standards was sufficient air quality mitigation for the last application. However, Members were not satisfied with this.

Environmental Health objected to the application initially because the Air Quality Assessment was no longer robust and up-to-date. Based on an updated assessment submitted during the course of the application, Environmental Health consider the proposals will result in a 'moderate' adverse impact at two locations and a 'slight' adverse impact at a further three.

The applicants have put forward mitigation in the form of: the new bus link, toucan crossing on Honiton Road, 45 electric vehicle charging points (increased from 40 agreed on the last application) and provision of a location for Co-bikes to install its electric rental bikes. They also point out the sustainable location of the site in relation to neighbouring housing and businesses.

Environmental Health state that the mitigation is not quantified or costed, therefore cannot be matched against the quantum of the increased air pollution. However, in addition to the mitigation agreed on the last application, five more electric vehicle charging points are proposed, as well as a location for a Co-bikes facility. Therefore, they have removed their objection, subject to conditions securing these mitigation measures.

5. Impact on Amenity of Surroundings

Persimmon on behalf of the Hill Barton Consortium objected to application ref. 18/0076/OUT, due to the impact of the proposal on the amenity of the adjoining dwellings in terms of noise, air quality, external lighting, outlook and daylight from scale and massing. Whilst layout and scale are reserved matters, the applicants have sought approval for the submitted Parameters Plan showing the location of the buildings on the site and their maximum heights. The minimum separation distance between the dwellings and the building to the west on the Parameters Plan is 20m, whilst the minimum distance between the dwellings and building to the north is 22m. Paragraph 7.24 of the Residential Design SPD requires a minimum distance equal to twice the height of the blank/largely blank wall between buildings, where habitable room windows face onto a blank or largely blank wall of another building. Therefore, if the layout remains the same, the maximum height of the building to the west

would have to be 10m and the maximum height of the building to the north would have to be 11m.

It was proposed to add a condition to deal with this issue for application ref. 18/0076/OUT, but the applicants suggested it was unnecessary as both layout and scale are reserved matters. This demonstrates that Members should not place too much stock in the submitted plans for this outline application. The physical relationship of the proposals to the dwellings to the north will be an important material consideration at the relevant reserved matters stage and will be fully assessed by officers at that stage.

A condition should be added to secure shadow path diagrams as part of the reserved matters to ensure there will be no adverse impact on the neighbouring residential properties from extensive and prolonged overshadowing.

The applicants have submitted a noise assessment, which takes into account the provision of a 3m high acoustic barrier along the north boundary that the applicants had understood would be provided by Persimmon. However, Persimmon consider the acoustic barrier must be provided by the developers, as the noise impact will be caused by the retail development. The assessment was undertaken for both daytime and night-time periods. It concludes that no mitigation will be required for the plant, as it will be 'low impact', delivery vehicles will result in no greater than negligible impact by day and minor impact by night, and customer vehicles will result in no impact. Environmental Health have raised no objections regarding noise, subject to the imposition of conditions to: prohibit deliveries between the hours of 11pm and 6am, provision of an acoustic fence along the north boundary prior to occupation of the development (details to be agreed with the LPA) and noise not exceeding 5dB above background noise levels to be demonstrated following first occupation and maintained thereafter. These conditions should be added accordingly.

Given the visual impact of the acoustic fence, officers consider that landscaping should be provided adjacent to it within the site to soften its appearance and this should be a specific requirement of a detailed landscaping scheme for the site to be conditioned. This will also help mitigate the visual impact of the development from the housing provided it is taller than the fence. Details of the location and design of the waste storage facilities for the retail units on the site should also be provided as part of the reserved matters and conditioned in the interests of the amenity of the area, in particular the neighbouring residential properties. A Waste Audit Statement should also be conditioned in accordance with Devon County Council's SPD.

Details of external lighting should be conditioned, including isoline drawings of lighting levels and mitigation where necessary, to protect the amenity of the neighbouring residential properties and protect wildlife (as well as safeguard Exeter Airport). Environmental Health have also recommended conditions for a Construction Method Statement, litter management plans (for the food uses) and kitchen extraction details (for the food uses), in the interests of the amenity of the area. They have also recommended a condition for a contaminated land investigation, as the site is in an area identified as being potentially contaminated.

6. Impact on Trees and Biodiversity

A tree survey has not been submitted, however there are no trees on the site except for a few within the embankment along the west boundary with the railway line. These are indicated as either being retained or replaced, together with additional tree planting along the south boundary, on the Parameters Plan. There are also trees within the hedgerow to the north, although this hedgerow is on the neighbouring site. There is an opportunity to provide new tree planting as part of a landscaping/green infrastructure scheme for the site in accordance with Policies CP16, CP17, CP19 and DG1. Landscaping details will be required

for the reserved matters and a condition should be added securing a detailed landscaping scheme. A tree/hedgerow protection condition should also be added where these are to be retained, including those on the neighbouring site.

An ecology report has not been submitted with the application, but a Preliminary Ecological Appraisal was submitted with application ref. 18/0076/OUT that concluded that the site has limited ecological value. The only features with some habitat value are the hedges, particularly the northern hedge, although this hedge is not within the site. The report recommends mitigation measures to protect and enhance biodiversity in accordance with the NPPF. The recommended measures in the report include: minimising light-spill from security or road lighting; planting a new native species hedge between the site and the grounds of the adjoining hotel; installing ten open-fronted and hole bird nest boxes on buildings to the north of the site; and provision of green open spaces and landscaped areas within the development. A limited amount of monitoring is also recommended to ensure the mitigation and enhancement measures are carried out in accordance with the landscape plan or a Landscape and Ecological Management Plan (LEMP). These measures should be taken into account at reserved matters stage and a Wildlife Plan condition should be added.

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

7. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The proposed surface water drainage strategy incorporates soakaways beneath the car park and service yard to the west. The Lead Local Flood Authority is Devon County Council. They have no in-principle objection, subject to the imposition of pre-commencement conditions securing the detailed design of the system and various technical details.

8. Sustainable Construction and Energy Conservation

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

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with. To be consistent with the previous appeal scheme, this should relate to the shell only.

CIL/S106

The proposed development is CIL liable, as it is for out of city centre retail (A1-5) development. The rate for permission granted in 2020 is £186.38 per sq m. This is charged on new floorspace. The application has been submitted in outline with all matters reserved except access, therefore the total liability will depend on the scale of development approved at reserved matters stage. However, based on the maximum retail floorspace applied for, the total liability will be up to £1,912,445.18. As the CIL liability will be more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences
4. Outstanding liability (up to £1,512,445.18) within 2 years after the date on which development commences

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

A s106 legal agreement is not considered necessary.

RECOMMENDATION

APPROVE with the following conditions:

1. Standard Time Limits – Outline Planning Permission

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

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

2. Reserved Matters

Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 15049_PL01 ('Proposed Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:

- Highway Access Plan (PHL-01 B)
- Proposed Site Parameters Plan (15049_PL06 F)

Reason: To ensure compliance with the approved drawings.

4. Shadow Path Diagrams

Shadow path diagrams of the buildings on the site shall be submitted to, and agreed by, the Local Planning Authority as part of the submission of reserved matters. These shall illustrate the shadow paths at the winter solstice and spring/autumn equinox (sunrise, midday and sunset).

Reason: To ensure there will be no overshadowing of neighbouring dwellings that will harm residential amenity, taking into account paragraphs 7.21-7.23 of the Residential Design SPD.

5. Cycle Parking

The reserved matters details shall show the location and design of cycle parking facilities for the staff and customers of the retail units in accordance with chapter 5 of the Sustainable Transport SPD, including showers, lockers and space to dry clothes for staff. The cycle parking facilities shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

Reason: To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD.

6. Disabled Car Parking Spaces and Electric Charging Points

The reserved matters details shall show the location and design of disabled parking spaces and charging points for electric vehicles in accordance with chapter 6 of the Sustainable Transport SPD. A minimum of 45 electric charging points shall be provided for in accordance with the Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019). The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

Reason: To accord with the minimum car parking standards for disabled users in the Sustainable Transport SPD, and to enable charging of plug-in and other ultra-low emission vehicles in accordance with the Sustainable Transport SPD, paragraph 110 of the NPPF, section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

7. Co Bikes

The reserved matters details shall show the location of a Co Bikes facility on the site. The Co Bikes facility shall be implemented and made fully operational prior to the occupation of any unit on the site, and shall be maintained at all times thereafter.

Reason: To provide appropriate air quality mitigation in accordance with section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

8. Waste Storage Facilities

The reserved matters details shall show the location and design of waste storage facilities for the retail and restaurant units hereby permitted. The waste storage facilities shall be designed to accord with the Waste Audit Statement required by condition 11 below. The waste storage facilities for each unit shall be provided as approved prior to the occupation of the unit.

Reason: To ensure adequate waste storage facilities are provided for the uses and located in the interests of the amenity of the area.

Pre-commencement Details

9. Bus/Pedestrian/Cycle Link to North Boundary

Prior to the commencement of the development hereby permitted, a detailed plan of the bus/pedestrian/cycle access to the north boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the access designed as a short section of bus lane in both directions and also the location and design of appropriate signage and CCTV to ensure that it is used by buses, pedestrians and cyclists only. It shall also show the location of a temporary concrete barrier to prevent the access from being used by other vehicles until such time that a bus service requiring its implementation becomes operational. The plan shall be accompanied by details of the implementation of the access and the management and maintenance of the access, including responsibility for CCTV monitoring and enforcement, for the lifetime of the development. The bus/pedestrian/cycle access shall be constructed in accordance with the approved detailed plan prior to the occupation of the development and its shall be implemented, managed and maintained in accordance with the approved details at all times thereafter.

Reason: To provide a connection to the highway constructed on the adjoining site for sustainable travel in accordance with Policies CP16, CP17 and CP19 of the Core Strategy promoting a sustainable movement network, taking into account the advice of Stagecoach, and to prevent a severe impact on the local highway network and unsafe access through use by other vehicular traffic. These details are required pre-commencement as specified to ensure that an acceptable access and highway connection are designed for the site before the development is built.

10. Pedestrian/Cycle Connections

Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of the three pedestrian and/or cycle connections to the south boundary and a pedestrian/cycle route from the south boundary to the north boundary at the point where the pedestrian/cycle link on the adjoining site meets the boundary shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle connections and route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

Reason: To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

11. Waste Audit Statement

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

12. Contaminated Land

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:

13. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Moor Exchange Honiton Road, Exeter Flood Risk Assessment Revision E (Ref. 23-20-18-1-6075/FRA, November 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

14. Programme of Percolation Tests

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

15. Groundwater Monitoring Programme

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

16. Surface Water Drainage Management System (Construction)

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

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk or negatively affecting water quality downstream, or negatively impacting on surrounding areas and infrastructure. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

17. Exceedance Pathways and Overland Flow Routes

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

18. Adoption and Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. District Heating Network

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

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

is demonstrated that it is not viable or feasible to construct the building in accordance with the CIBSE Heat Networks Code of Practice, this information must be provided to the Council prior to commencement of the development because it will affect the construction of the building.

20. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum (shell only). Prior to commencement of development of each building on the site the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

21. Construction Method Statement

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

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

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

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

22. Tree/Hedgerow Protection Measures

No development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the

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

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

Pre-specific Works

23. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

Reason: To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

24. External Lighting

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

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife, and to safeguard Exeter Airport.

Pre-occupation

25. Wildlife Plan

Prior to the first occupation or use of the development hereby permitted, a Wildlife Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall demonstrate how the development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, taking into account the recommendations of the submitted Preliminary Ecological Appraisal (Sunflower International, July 2017). Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

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

26. Acoustic Fence

Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the north boundary of the site to provide an acoustic, visual and security barrier in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The design of the fence shall make provisions for the connections to be secured under conditions 9 and 10.

Reason: In the interests of the amenity of the neighbouring residential properties.

27. Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. It shall include soft landscaping to soften the impact of the fence required by condition 26 above. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good sustainable design in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

28. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including those shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') and the movement forward of the stop line (and associated works such as the movement of the signal heads) on the Honiton Road westbound arm of the Fitzroy Road signalised junction. The works shall be implemented prior to the occupation/use of the development and maintained at all times thereafter.

Reason: To prevent a severe impact on the local highway network and to ensure that safe and suitable access is provided for vehicles in accordance with paragraph 108 of the NPPF.

29. Travel Plan

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

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

30. Car Park Management Plan

No part of the development shall be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Car Park Management Plan shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there is no overspill parking in the Honiton Road Park & Ride car park to the detriment of its use by people using the Park & Ride service to travel to the City Centre in the interests of sustainable travel.

31. Car Parking Provision

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

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

32. Litter Management

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, a Litter Management Plan for the unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be implemented as approved by the occupier of the unit.

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

33. Kitchen Ventilation

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of the surroundings.

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

Post Occupancy

34. Delivery Hours

There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 6am.

Reason: In the interests of the amenity of the neighbouring residential properties.

35. Noise Levels

Notwithstanding condition 26 above, total noise from the development hereby permitted shall not exceed a rating noise level of 5dB above background noise levels, measured in accordance with BS4142:2014. Compliance with this condition shall be assessed at 1 metre from the façade of residential receptors, or an alternative suitable proxy location as agreed in writing with the Local Planning Authority. This noise level shall be demonstrated to the Local

Planning Authority by measurement and reported to the Local Planning Authority following the first occupation of all the units and maintained thereafter.

Reason: In the interests of the amenity of the neighbouring residential properties.

36. Restriction on D2 Use

The Class D2 floorspace hereby permitted shall be used as a gym and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

37. Restriction on Permitted Development

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

- Part 3, Class A – restaurants, cafes, or takeaways to retail
- Part 3, Class B – takeaways to restaurants and cafes
- Part 3, Class C – retail, betting office or pay day loan shop or casino to restaurant or café
- Part 3, Class D – shops to financial and professional
- Part 3, Class E – financial and professional or betting office or pay day loan shop to shops
- Part 3, Class F – betting offices or pay day loan shops to financial and professional
- Part 3, Class G – retail or betting office or pay day loan shop to mixed use
- Part 3, Class J – retail or betting office or pay day loan shop to assembly and leisure
- Part 3, Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
- Part 3, Class M – retail, takeaways and specified sui generis uses to dwellinghouses

Reason: To control the uses on the site in the interests of the amenity of the area and development plan policies, including maintaining a mix of uses to meet the aspiration of providing a local centre within the Monkerton/Hill Barton strategic allocation area in accordance with Policy CP19 of the Core Strategy, and ensuring acceptable access and traffic impacts in accordance with paragraph 108 of the NPPF.

Retail Controls

38. Quantum of Development

The overall floorspace to be comprised in the development hereby permitted, and the quantum per Use Class, shall not exceed the gross maxima set out in the Schedules below:

Development Parameter	Quantum
Maximum Floorspace (sq m GEA)	11,527
Maximum Floorspace (sq m GIA)	11,004

Use Class	Maximum (sq m GIA)
A1 (Shops)	8,659

A2 (Financial and professional services)	465
A3 (Restaurants and cafes, including drive-throughs)	1,021
A5 (Hot food takeaway)	116
D2 (Gym)	743

Reason: To define the terms of the permission.

39. Net Sales Area

The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 7,552 sq m, of which no more than 2,789 sq m and no less than 1,000 sq m shall be used for the sale of convenience goods (including post office goods).

Reason: To ensure that the trading impacts of the proposal are acceptable and that a foodstore is delivered as part of the development to meet the community needs of the locality.

40. A1 Block ('Block A')

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site ('Block A') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 7,897 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit with a maximum floor area of 4,275 sq m (GIA) and a maximum net sales area of 3,329 sq m; no more than 40% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods; the remainder of the net sales area shall be used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and any other goods which are ancillary and directly related to the main goods permitted (the sales areas for such ancillary goods shall be no more than 5% of the total permitted net sales area);
- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) retailing; up to 20% of the net sales area may be used for ancillary comparison goods sales;
- d) Additional units of not less than 929 sq m (GIA) of which one can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods – no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of shops to meet the needs of the community and to respect the retail hierarchy of the city.

41. A1/A2/A5/D2 Block ('Block B')

The reserved matters to be submitted pursuant to this planning permission for the A1/A2/A5/D2 mixed use block to the north of the site ('Block B') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,086 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate A1 retail units of not less than 116 sq m (GIA) each, of which a maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;

- b) At least one A2 unit;
- c) At least one A5 unit;
- d) At least one D2 (gym) unit.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of uses to meet the needs of the community and to respect the retail hierarchy of the city.

42. A3 Uses

Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of three freestanding units as shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan').

Reason: To ensure that the complexion of development is in accordance with the purposes prescribed in the application and to provide a mix of uses to meet the needs of the community.

43. Chemist

For a minimum period of 5 years following the date of its first opening, the development hereby authorised shall include provision of no less than 530 square metres (GIA) predominantly for the sale of chemist and related goods (with or without a pharmacy).

Reason: To ensure that the complexion of the development is in accordance with the purposes prescribed in the application and to provide a mix of shops to meet the needs of the community.

44. Prevention of Amalgamation or Sub-division of Units

Further to any approval of reserved matters pursuant to this planning permission, there shall be no subsequent amalgamation or sub-division of units without the prior approval in writing of the Local Planning Authority.

Reason: Any changes will require further consideration by the Local Planning Authority to ensure that the impacts are acceptable.

45. Dual Representation

Unless otherwise agreed in writing by the Local Planning Authority, none of the approved A1 retail floorspace shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies A1 retail floorspace within the City Centre or any of the District or Local Centres as defined on the Exeter Local Plan First Review Proposals Map, or any subsequent development plan document defining the city, district and local centre hierarchy, unless a scheme which commits the retailer to retaining their presence as a retailer within that Centre, for a minimum period of 5 years following the date of their occupation of A1 retail floorspace within the development, or until such time as they cease to occupy A1 retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be carried out as approved.

Reason: To protect the vitality and viability of the centres in Exeter and ensure that the A1 retail floorspace serves the local community.

Retail Development Proposals in Exeter

Assessment of Cumulative Impact Issues

May 2019

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1. Assessment of Cumulative Impact Issues

1. This report has been prepared by Avison Young ('AY') for Exeter City Council ('ECC') in relation to issues surrounding the impact of multiple retail development projects on the eastern side of Exeter. At the present time, ECC has registered, and is determining, the following four applications:
 - Moor Exchange, Honiton Road (11,004sq m of Class A and D retail and leisure floorspace, including 8,659sq m of Class A1 retail floorspace)
 - Western Power Distribution depot, Moor Lane (circa 6,900sq m of Class A1 retail floorspace and 1,062sq m of Class A3 food and beverage floorspace)
 - Devon and Cornwall Constabulary HQ site at Middlemoor (14,103sq m of retail and leisure floorspace, including 11,473sq m of A1 non-food floorspace, a foodstore of 1,951sq m, 1,905sq m of Class D2 health and fitness and 862sq m of Class A3)
 - Redevelopment of the existing B&Q Warehouse at Avocet Road (14,865sq m of retail floorspace, including 14,074sq m of Class A1 floorspace and 790sq m of Class A3 floorspace).
2. ECC has also recently granted planning permission for a non-food unit of 1,230sq m gross within the Tesco Extra car parking area at Russell Way, Digby. This permission is subject to restrictions over the range of goods which can be sold and a copy of the decision notice issued by ECC is contained at Appendix I¹.
3. AY has provided separate advice on retail planning issues associated with each of the above five proposals, including their individual relationships with the sequential and impact tests.
4. One element of the impact test is an assessment of the effect of retail and leisure proposals on the vitality and viability of defined 'town centres'. Given their location, each of the four undetermined proposals will be subject to this assessment and, in the first instance, the individual impacts associated with each proposal, along with commitments², will be examined. National planning policy, at paragraph 27 of the NPPF, indicates that proposals which are likely to have a significant adverse impact upon the vitality and viability of town centres should be refused. The advice provided by AY to date has concluded that each proposal, on its own and with current commitments, is not likely to have a significant adverse impact upon the health of any defined 'town centre' in Exeter.
5. However, given that ECC will need to make a decision on each of these remaining four undetermined applications, it will also have to consider the cumulative effects associated with granting planning permission for more than one proposal. There is no specific national guidance on the assessment of cumulative impact, including whose responsibility it is to undertake such an assessment, although it is common for local authorities to take the lead. To date, none of the four applicants has provided any assessment of cumulative impact issues.
6. The Middlemoor application was presented to ECC's planning committee in October 2018 with a recommendation for refusal of permission primarily for highways/accessibility reasons. We understand that since that time little progress has been with the application and it has been agreed with ECC that there is currently no need to include the Middlemoor proposal in the cumulative impact assessment.

¹ See Condition No.24

² i.e. retail and leisure development proposals committed via a planning permission

7. This report therefore provides a cumulative assessment of different combinations of the B&Q, Moor Exchange and WPD proposals (in addition to the committed Tesco non-food store³). It concentrates upon the two centres which are forecast to receive the highest levels of impact: Exeter city centre and St Thomas district centre (including Exe Bridges Retail Park).
8. The individual financial impacts associated with each of the four undetermined proposals (and committed Tesco scheme) are outlined in Table 1 below:

Table 1: solus impacts of current / forthcoming retail floorspace proposals in Exeter

	Moor Exchange*	Tesco Non-Food Unit	WPD	B&Q
<i>Convenience</i>				
City Centre	-2% (-3%)	-	-2% (-4%)	-1% (-2%)
St Thomas	-4% (-5%)	-	-5% (-6%)	-2% (-3%)
<i>Comparison</i>				
City Centre	-2% (-3%)	-1% (-2%)	-2% (-3%)	-4% (-5%)
St Thomas	-7% (-7%)	-2% (-2%)	-6% (-6%)	-14% (-14%)

* impact assessment for Moor Exchange updated to take into account the changes made to the amount of Class A1 retail floorspace in the latest planning application.

9. The above summary shows that the B&Q redevelopment scheme is likely to have the highest comparison goods impact on the city centre and St Thomas district centre, followed by the current Moor Exchange proposal. Moor Exchange and WPD have the highest direct impacts upon the city centre and St Thomas due to the potential inclusion of reasonable sized foodstores within these schemes.
10. In order to estimate the cumulative impact of more than one of the above proposals, one option could be to simply add the individual impacts of the salient proposals together. However, this is likely to over-estimate the direct financial impact on certain centres as it does not take into account the 'cross competition' between the proposed developments⁴. Therefore, there is a need to amend the solus impacts to take into account the possibility that the proposed schemes will compete with each other for trade and not just existing stores and centres.
11. For the purposes of this note, we have assessed the following scenarios:
- Moor Exchange & WPD
 - ME & B&Q
 - WPD & B&Q
 - ME & B&Q & WPD

³ And other pre-existing commitments taken into account by the applicants and AY in our original assessments

⁴ i.e. the solus impact assessments only assume that the relevant proposed development is in place and not any of the other proposed schemes.

12. The outcome of our assessment in relation to the above scenarios is contained in Tables 2 and 3 below. Table 2 provides our estimate of the likely financial loss of trade from both centres whilst Table 3 translates these levels of financial impact into proportionate impact levels.

Table 2: cumulative financial impacts of current retail floorspace proposals in Exeter (together with commitments)

	ME & WPD	ME & B&Q	WPD & B&Q	WPD & B&Q & ME
<i>Convenience</i>				
City Centre	-£3.1m	-£2.1m	-£2.5m	-£3.4m
St Thomas	-£1.3m	-£0.8m	-£1.0m	-£1.4m
<i>Comparison</i>				
City Centre	-£26.8m	-£43.4m	-£42.5m	-£49.7m
St Thomas	-£1.0m	-£1.7m	-£7.1m	-£1.9m

Table 3: proportionate cumulative impacts of current retail floorspace proposals in Exeter (together with commitments)

	ME & WPD	ME & B&Q	WPD & B&Q	WPD & B&Q & ME
<i>Convenience</i>				
City Centre	-5.9%	-4.3%	-4.9%	-6.4%
St Thomas	-8.5%	-5.6%	-6.8%	-9.1%
<i>Comparison</i>				
City Centre	-4.2%	-6.1%	-5.9%	-6.9%
St Thomas	-11.8%	-19.1%	-18.2%	-21.8%

13. Table 2 above indicates that approving more than one of the current three proposals will lead to significantly higher levels of impact on the city centre and St Thomas district centre. The scenario with the lowest level of combined impact is Moor Exchange plus WPD although even this will see a likely impact on the district centre's comparison goods turnover of over 10% and an impact on the city centre's comparison goods sector of 4%. There is also a noticeable rise in the level of trade loss for the convenience goods sectors in both centres, particularly for St Thomas given the presence of a Marks & Spencer Simply Food store.
14. The scenarios which involve the redevelopment of the B&Q store attract the higher levels of financial and proportionate impact and are likely to see the district centre lose around one fifth of its comparison goods turnover and increase the combined impact on the city centre's comparison goods sector by around half (from the combined impact of the Moor Exchange and WPD proposals).
15. Should all three schemes be permitted, the city centre's convenience and comparison goods sectors will see the loss of £1 in every £14 spent in the centre whilst £1 in every £11 spent in the convenience goods shopping will be lost from the district centre.
16. There is little doubt that these levels of financial trade loss from St Thomas district centre are significant and are likely to lead to a large impact upon the health of the centre. Permitting more than one proposal would

also in our opinion significantly increase the chances of loss of retailers from the district centre, focused upon Exe Bridge retail park.

17. The financial impacts upon the city centre also start to become material when more than one scheme is approved with large levels of trade loss from the comparison goods sector leading to a clear and significant loss of viability at a time when high street comparison goods stores are struggling in their own right due to the effects of completion from out of centre stores and spending via the internet.
18. In addition to the financial impacts above, there is a need to consider the wider impacts of the proposals and the current characteristics of the health of Exeter city centre. This will include the scale of the proposals on a cumulative basis, the scale of trading overlap, the potential for retailer relocations and the potential for any of the proposals to attract retailers who would otherwise have sought representation in the city centre.
19. The above three proposals would create an additional 30,000sq m of new Class A1 retail floorspace which is equivalent to x% of the retail floorspace in the city centre. This creates the very real potential for a significant level of competition for the city centre as out of centre sites on the eastern side of the city are able to offer a similar level of choice in shopping facilities, particular for comparison goods shopping. In addition, whilst there are some restrictions in the sale of goods in each of the three schemes, they would still have the ability to sell a wide range of convenience and comparison goods significantly reducing the need to visit the city centre for a wide range of shopping needs.
20. In relation to the potential for retailer relocations, ECC has previously considered imposing a short term restriction on the ability for existing retailers in the city centre to close their stores and relocate to these proposals. Such a restriction is, in our opinion, only every a minor and short term fix to the potential loss of retailers as (A) it still allows a retailer to open an additional store and divert trade away from its city centre store (in which is likely to be a larger and more attractive unit), and (B) will only last for a short period of time before retailers are able to close their city centre store. Moreover, such a restriction would not stop retailers who are not currently represented in the city centre from occupying an out of centre site rather than space in the city centre.
21. Therefore, for all of the above reasons we recommend to ECC that it should not grant planning permission for more than one of the B&Q, Moor Exchange and WPD proposals as doing so is likely to lead to significant adverse impacts upon the health of and existing investment in Exeter city centre and St Thomas district centre.

Appendix I

Tesco decision notice



City Development
Civic Centre
Paris Street
Exeter
EX1 1NN

Mr Mark Scoot
Amethyst Planning Ltd
Maypool House
Maypool
Brixham TQ5 0ET

Tesco Stores Ltd
C/o Agent

01392 265223
www.exeter.gov.uk/planning

Town and Country Planning Act 1990 and its orders

OUTLINE PLANNING PERMISSION GRANTED

LOCATION: Tesco Stores Ltd, Russell Way, Exeter, Devon EX2 7EZ

PROPOSAL: Outline application for development of a non-food retail unit (Use Class A1), with associated deliveries yard, car parking and landscaping on part of the existing Tesco car park (all matters reserved except access).

APPLICATION NUMBER: 17/1962/OUT

The Local Planning Authority grants outline permission for the above development subject to the following conditions:-

1. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.
2. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Reason: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
3. The development hereby permitted shall be carried out on the land outlined in red on drawing number AP02 C ('Location Plan'). Access to the site shall be provided via the existing access points to the west and new access proposals to the north as shown on drawing number 41739/5501/SK05 A ('Redevelopment of Tesco Vale Overflow Car Park Preliminary Design of Shared Use Foot/Cycleway Improvement').

Reason: To ensure compliance with the approved drawings.

4. The development hereby permitted shall comprise one single retail unit with a gross floor area not exceeding 1,230 sq m.

Reason: To ensure the development reflects the submitted documents upon which the application was assessed and to ensure there is sufficient space for parking and safe access.

5. No tree works shall be carried out other than the works set out in the submitted Arboricultural Impact Assessment (Aspect Arboriculture, December 2017) (Ref. 9358_AIA.001) unless an updated Arboricultural Impact Assessment has been submitted as part of any reserved matters application that has been approved by the Local Planning Authority.

Reason: To protect trees on the site in the interests of the amenity of the area.

Pre-commencement Details

6. Prior to the commencement of the development hereby permitted, the design and location of the new bus shelter on the site shall be submitted to and approved in writing by the Local Planning Authority. The bus shelter shall be provided on the site as approved prior to the occupation of the development.

Reason: To maintain a suitably designed bus shelter on the site to serve the development and surrounding developments in the interests of sustainable travel. These details are required pre-commencement as specified to ensure that sufficient space is provided for the bus shelter in the development and that its design is acceptable.

7. Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum. Prior to commencement of development of the building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

8. No part of the development hereby permitted shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A sustainable drainage system shall be utilised unless evidence is submitted demonstrating this is not feasible or practicable for the site. The scheme shall include a detailed plan showing the size and location of all parts of the surface water

drainage system, and confirm any outfall and discharge rates. Model outputs shall be submitted to demonstrate that all components of the system are designed to the 1 in 100 year (+40% allowance for climate change) rainfall event. The scheme shall also include the arrangements for ongoing maintenance and the management responsibilities for all parts of the site's surface water drainage system. The development shall not be occupied until the surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter in accordance with the approved details. (Any soakaways shall be designed in accordance with Building Research Establishment Digest 365, and evidence that trial holes and infiltration tests have been carried out in the same location as the soakaways must be provided. If soakaways are proposed then groundwater will need to be monitored in accordance with Devon County Council's Flood and Coastal Risk Management Team's Groundwater Monitoring Policy.)

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

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

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

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

11. No development or tree works shall take place until an Arboricultural Method Statement (including Tree Protection Plan) has been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 - 'Trees in relation to design, demolition and construction - Recommendations' (or any superseding British Standard) and include the location and design of tree protective fencing. No materials shall be brought onto the site or any development commenced until the developer has erected tree protective fencing around all trees and shrubs to be retained in

accordance with the approved Arboricultural Method Statement. 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment. The approved Arboricultural Method Statement shall be adhered to throughout the construction of the development.

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

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

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

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

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

13. 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.

Pre-Tree Works

14. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to

September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

Reason: To minimise the impact of the development on biodiversity during its construction in accordance with Policy LS4 of the Exeter Local Plan First Review and paragraph 170 of the NPPF. These details are required pre-commencement as specified to ensure that nesting birds are not harmed by the development.

During Construction

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

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

Pre-specific Works

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

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

Pre-occupation

17. Prior to the first occupation or use of the development hereby permitted, staff cycle parking facilities shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The facilities shall accord with the relevant parts of Chapter 5 of the Sustainable Transport SPD. The facilities shall be maintained at all times thereafter.

Reason: To encourage cycling to the site as a sustainable mode of travel and to accord with the provisions of the Sustainable Transport Supplementary Planning Document.

18. Prior to the first occupation or use of the development hereby permitted, customer cycle parking shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with the relevant parts of Chapter 5 of the Sustainable Transport SPD. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling to the site as a sustainable mode of travel and to accord with the provisions of the Sustainable Transport Supplementary Planning Document.

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

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

20. Prior to the first occupation or use of the development hereby permitted, the shared use foot/cycleway improvement works shown on drawing number 41739/5501/SK05 A ('Redevelopment of Tesco Vale Overflow Car Park Preliminary Design of Shared Use Foot/Cycleway Improvement') shall be completed. The works shall be maintained at all times thereafter.

Reason: To enhance access to the site by sustainable modes.

21. Prior to the first occupation or use of the development hereby permitted, the footpath extension shown on drawing number 41739/5501/SK04 ('Redevelopment of Tesco Exeter Overflow Car Park Proposed Footpath Extension') shall be completed. The footpath extension shall be maintained at all times thereafter.

Reason: To enhance access to the site by sustainable modes.

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

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

Post Occupancy

23. The retail unit hereby permitted shall not be subdivided into more than one retail unit without the prior approval in writing of the Local Planning Authority.

Reason: Any changes will require further consideration by the Local Planning Authority to ensure that the impacts are acceptable.

24. The premises shall only be used for the sale of bulky comparison goods consisting of building and DIY products, garden products and plants, furniture, carpets, floor coverings, large electrical and gas appliances, vehicle accessories and parts, boating equipment (excluding boats) and any other goods which are ancillary and directly related to the main goods permitted (the sales area for such ancillary goods shall be no more than 5% of the total permitted net sales area).

Reason: To ensure the application passes the sequential test and in the interests of protecting the vitality and viability of the centres in Exeter in accordance with Policy CP8 of the Core Strategy and Chapter 7 of the NPPF.

25. Cumulative noise levels from all mechanical building services plant on the site shall not exceed a rating noise level of 52dB between the hours of 7am and 11pm, and 39dB

between the hours of 11pm and 7am, measured in accordance with BS 4142:2014. These levels shall be achieved at 1 metre from the window of the nearest noise sensitive receptor. The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the Local Planning Authority thereafter. **Reason:** To protect the amenity of residents living in Etonhurst Close and Lewis Crescent. This takes into account the information in the submitted Noise Impact Assessment.

26. There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 7am.

Reason: To protect the amenity of residents living in Etonhurst Close and Lewis Crescent. This takes into account the information in the submitted Noise Impact Assessment.

INFORMATIVES

1. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
2. In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.
3. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Signed 
City Development Manager

Dated: 14th May 2019

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:

<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Planning Inspectorate customer support team

0303 444 5000

enquiries@pins.gsi.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice.

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

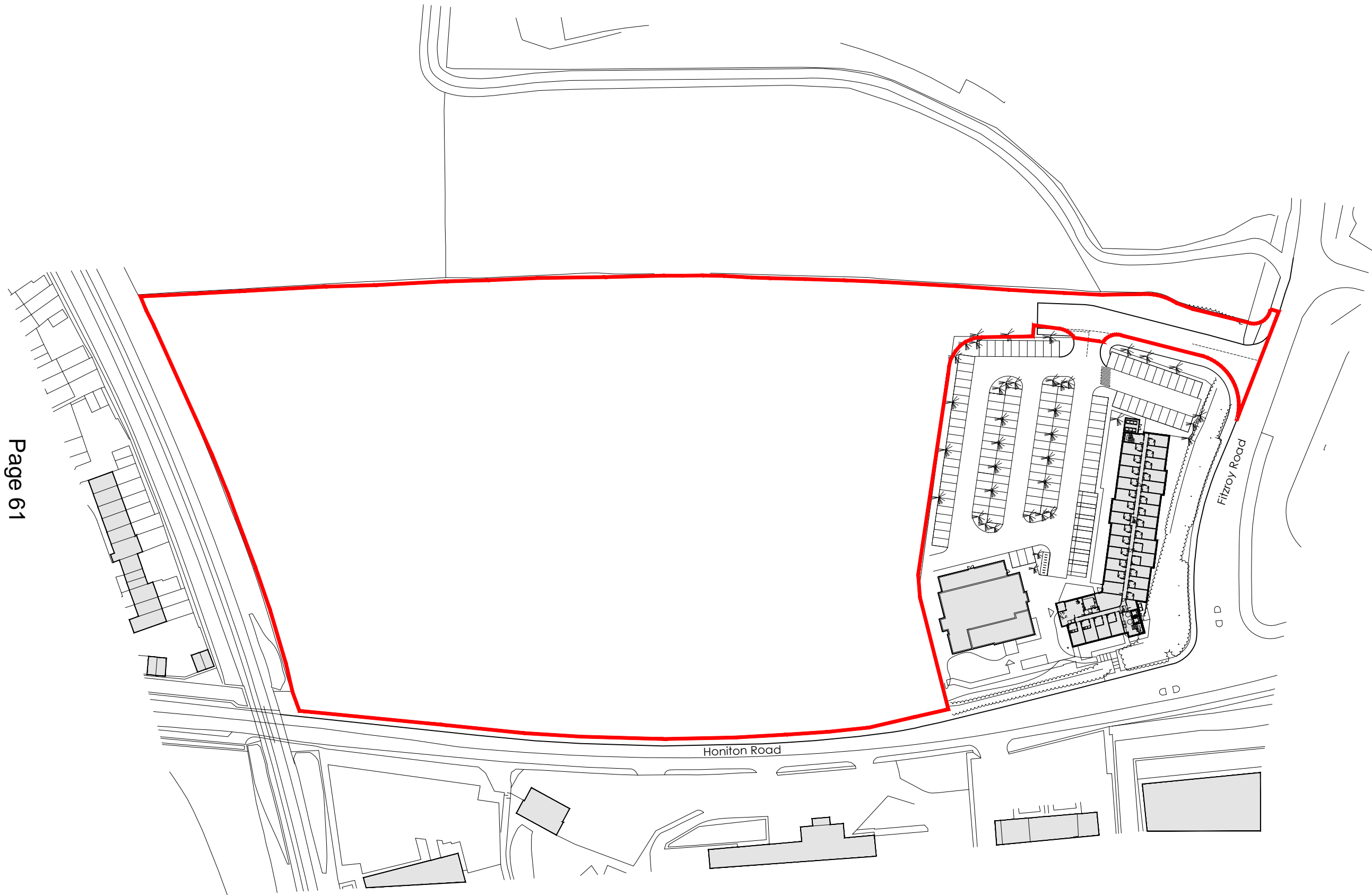
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.



General Notes

All site dimensions shall be verified by the Contractor on site prior to commencing any works.

Do not scale from this drawing.

Only work to written dimensions.

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Revision

Scale 1:1250@A3
Status PL
Drawn by KC
Date 30.04.15

Client

Consolidated Property Group LLP

Project

Honiton Road, Exeter

Drawing Description

Proposed Location Plan

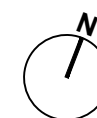
Drawing No. 15049_PL01

Rev.

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OFFICER'S REPORT AND RECOMMENDATION (19/1168/FUL)

Land Adjacent to 2A Newcourt Road
Topsham
Exeter
EX3 0BT

SITE HISTORY

There have been four previous refused application for a detached dwelling at this site, refs. 01/1065/FUL; 03/0287/FUL; 07/0735/FUL and 19/0621/FUL.

APP/Y1110/A/07/2055116 - 07/0735/FUL – Appeal Dismissed

The application ref. 07/0735/FUL, which sought permission for a single storey dwelling, was dismissed at appeal (APP/Y1110/A/07/2055116). The Inspector concluded, that the development would result in harm to the character and appearance of the area and the poor living conditions that it would offer for the occupiers of the dwelling. One of the chief concerns raised was the relationship of the development with 2A Newcourt Road, whose front elevation dominates the view northwards along Newcourt Road.

APP/Y1110/W/19/3232228 - 19/0621/FUL – Appeal Dismissed

The most recent application ref 19/0621/FUL, was also dismissed at appeal (APP/Y1110/W/19/3232228). The main issues were the effect of the proposal on the character and appearance of the area including the effect on the nearby Topsham Conservation Area; and whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to amenity space. The site, although not within the Topsham Conservation Area, is located on the boundary.

The Inspector stated that, in line with the previous appeal, due to the variety of relationships between buildings and the road, and the position of the development site, a dwelling in this location would not appear unduly cramped and would not cause harm to the character of the area in this regard.

The Inspector stated that the contemporary design with its hard, straight lines and flat roof would be at odds with the traditional buildings which surround it in close proximity, which is emphasised by the modern palette of materials. As a result the proposal would appear as an incongruous addition in the street scene, which would fail to respect, and therefore cause harm to the character and appearance of the area. Furthermore the Inspector noted that the dwelling at 2A Newcourt Road is prominent on the approach along the road from the junction with Denver Road and provides a focal point which is typical of the traditional built form of the area. The proposal would introduce a new visually jarring focal point, eroding the character and appearance of the area.

The proposal was deemed to fail to respond sympathetically to its context and as such, would harm the character and appearance of the area and to the conservation area, with no identifiable public benefit to outweigh the harm.

The proposed dwelling would have areas of private amenity space, including a grassed area and a small patio to the front and side of the property, which the Inspector considered to be fairly narrow and close to the road. Located next the road, those using the garden would not have an acceptable level of privacy and would feel exposed and overlooked, this would be further impacted by the first floor windows of 2A Newcourt Road. The Inspector noted that although planting or alternative boundary treatments could be used to achieve some level of privacy, due to the small size of the garden any boundary treatment to achieve an acceptable level would have detrimental impacts to the light levels and outlook of the proposed dwelling. The position of the gardens also means that they would be substantially shaded for much of the day and would be of poor quality.

In response to third party comments, the inspector concluded that development of this scale would not have an unacceptable impact in terms of highway safety, noting the low speed of the road and sufficient visibility from the access, despite the fairly frequent movement of cars at the time of the visit.

DESCRIPTION OF SITE/PROPOSAL

The application site comprise a small area of vacant green space which was formally part of the front garden of 2a Newcourt Road. The site has been separated from the property for some time.

The site is bounded by Newcourt Road to the west and to the east, a 7 metre strip of garden (leased by 2a Newcourt Road) separates the site from the railway line (East line, Exeter to Exmouth). There is an existing five-bar gate access to the site in the northwest corner.

The site is located on the boundary of the Topsham Conservation area, therefore, although not located within the conservation area, the site impacts on its setting. The significance of the conservation area is the result in part from its traditional character and appearance, including the use of traditional materials. A mixture of dwelling types are present within the area, however the properties, including a couple of new properties within the area have a largely traditional character and appearance, and all appear to have pitched roofs. To the southeast and northwest of the site are a number of locally listed buildings, including 2 Newcourt Road.

This application seeks permission for the construction of a two bedroom, single storey, detached dwelling. With two car parking spaces to be located to the north of the property. In the first proposal submitted, the amenity space was located forward of the proposed dwelling, screened by a fence.

Following the end of the consultation period and the outcome of the appeal (ref. 19/0621/FUL) the proposed plans and the footprint of the dwelling was amended to create amenity space to the rear of the property and minor alterations to the design, as follows. The proposed property will cover an area of approximately 77 square metres and is proposed to have a natural grey slate pitched roof.

The property is proposed to be finished in white render with dark grey metal windows. The separation between the dwelling and the boundary will be within 6 metres to the north, 1.5 metres to the south, 2 metres to the east and 3.5 metres to the west.

An area (approx 36 square metres) of non-private amenity space is proposed between the front elevation and the boundary and to the northeast corner of the site. In addition, the south east

corner of the proposed dwelling has been removed to create an enclosed east/southeast facing garden to the rear of the property, 23 square metres.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement

REPRESENTATIONS

Outcome of re-consultation period on revised drawings

Objections, 9. Principal issues raised:

- The issue of increased pressure on parking and in the road outside remains the same;
- Little change in floor area of development;
- the revised/new application appears to be the same in all relevant areas, to those already refused;
- Concern over impact on congestion during construction;
- No direct access to the site;
- Design at odds with character of the area, including historic buildings
- Site area insufficient to accommodate additional dwelling;
- Detrimental visual impact on the character, architecture and appearance of the area, with an unsatisfactory relationship with 2A Newcourt Road and the adjacent listed building, contrary to Policy DG1 of the Exeter Local Plan;
- Siting of the dwelling in close proximity to the railway line, would create inadequate amenity space and would be detrimental to the residential environment, contrary to Policy DG4 of Exeter Local Plan.

1 Letter of representation. Comments are summarised below:

- Concern regarding the impact of the proposed development on 2a Newcourt Road within the street scene;
- Concern regarding consultation with Network Rail;
- Implications of the DCC New Street Order;
- Contrary to previous refusal reason of application reference 03/0287/FUL;
- Concern over loss of hedge.

Outcome of first public consultation period.

Objections: 11. Principal issues raised:

- Detrimental visual impact on the character, architecture and appearance of the area, with an unsatisfactory relationship with 2A Newcourt Road and the adjacent listed building, contrary to Policy DG1 of the Exeter Local Plan;
- Siting of the dwelling in close proximity to the railway line, would create inadequate amenity space and would be detrimental to the residential environment, contrary to Policy DG4 of Exeter Local Plan;
- Overlooking from front windows to houses opposite;
- Devon County Council New Street Order, requires land being developed to be set back to allow for future street widening;
- Access dangerous to pedestrians and cyclists, and poses a risk for vehicle collision;
- Disruption during the construction of the dwelling particularly in relation to parking;

- Potential for second line of railway track to be installed on area of garden behind the property;
- Should be kept as open space;
- Negative impact on neighbouring properties;
- Gable close to adjoining property, impact on amenity of neighbouring property;
- Overdevelopment.

CONSULTATIONS

Environmental Health Officer (Exeter City Council) recommends a condition to control construction hours and an informative regarding the smoke control area.

Highways Officer (Devon County Council) has referred the officer to the Devon County Council Highways Standing Advice.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (2019)

- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 16. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy

Objective 9

- CP3 Housing development
- CP4 Housing density
- CP17 Design and local distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 Design and location of development
- AP2 Sequential approach
- H1 Housing land search sequence
- H2 Housing location priorities
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Car parking standards
- C1 Conservation areas
- C3 Buildings of local importance
- DG1 Objectives of urban design
- DG2 Energy conservation
- DG4 Residential layout and amenity

Exeter City Council Supplementary Planning Document

Residential Design SPD 2010

Conservation Area Appraisals

Topsham Conservation Area Appraisal (2009)

Exeter City Council Development Delivery DPD (Publication Version) 2015

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 Parking
DD25 Design principles

OBSERVATIONS

Principle of development

The Inspectors for the appeal decisions for the site (ref APP/Y11110/A/07/2055116 and APP/Y11110/W/19/3232228), stated due to the variety in relationships between the road and the position of the proposed dwelling would not appear unduly cramped, concluding that the introduction of a modest sized bungalow within this location is potentially acceptable. Infill development within established residential areas, including this site, represents an important contribution to the housing supply within the city.

To accord with policy CP4 of the Exeter Core Strategy and Policy H1 of the Exeter Local Plan, residential development should achieve the highest appropriate density compatible with the protection of local amenities and the character and quality of the local environment. It is considered that the principle issues raised by this proposal are the impact on the street scene, the design and scale of the proposed dwelling and the impact on the street scene and setting of the Topsham Conservation Area and the amenity of the occupants.

Design, impact on the street scene and setting of conservation area

The land has traditionally formed part of the curtilage of 2a Newcourt Road. Due to the orientation of 2A Newcourt Road, which sits at an angle to the road, is visually prominent and is designed to dominate the view northwards along Newcourt Road. The proposed dwelling has been positioned to ensure that the line of vision to 2A Newcourt Road is retained and ensuring there is minimal disturbance to this view and therefore retain the character and sense of place provided by this view.

Local Planning Authorities have a duty within section 72 of Planning (Listed Building and Conservation Area) 1990 which requires special attention to desirability of preserving or enhancing the character or appearance of the conservation area, including its setting. The dwelling site is just located outside the boundary of the Topsham Conservation Area and is located within close proximity of a number of locally listed properties. The development site is therefore considered to impact the setting of the conservation area and to a degree the setting of the locally listed buildings and as such this must be considered.

A mixture of dwelling types are present within the area, however the properties, including a couple of new properties within the area have a largely traditional character and appearance, and all appear to have pitched roofs. To the southeast and northwest of the site are a number of locally listed buildings, including 2 Newcourt Road.

The previous application (19/0621/FUL) sought to construct a single storey flat roofed dwelling with a contemporary appearance, which was considered to be a visually incongruous addition to the street. By contrast this application proposes single storey bungalow with pitched tile roof and rendered walls and is considered to be a more modest and traditional design which uses materials sympathetic to its location.

The proposal is therefore not considered to cause substantial harm to the setting of the conservation area and is more sympathetic to its context. The proposal is therefore considered compliant with Policies CP4 and CP17 of the Core Strategy and Policies H2, C1 and DG1 which seek for development to complement or enhance character and local identity, use materials that relate well to the area and retain local distinctiveness.

Amenity space, external and internal

In accordance with Policy DG4 of the Exeter Local Plan, private garden space should not normally be smaller than 55 square metres, however in considering garden size, the orientation and the scale of buildings may be taken into account, with smaller houses with a sunny south facing garden potentially allowing for a smaller garden. The proposed dwelling would have areas of amenity space, including a grassed area to the front of the property (36 square metres) and private garden to the rear of the property (23 square metres), which would have a combined area of 59 square metres. A paved area for parking would also be situated to the north of the dwelling.

The area of garden to the front of the property, is fairly close to the road and would not be considered private due to overlooking from pedestrians and vehicles using the road. The garden are to the rear by comparison, would be predominantly south facing, well screened and provides good quality outdoor amenity space over an area of 23 square metres. Although the private garden to the rear of the property is below the minimum requirement for private amenity space, it is considered in this instance that due to the modest size of the dwelling and the southeast orientation of the amenity space, the area of amenity space in this instance is considered acceptable.

The addition of the garden space to the rear of the property has the additional benefit of creating greater separation between the gable and the garden of the neighbouring property (2 Newcourt Road) and as such improves the relationship with the garden of the adjoining property.

The proposed dwelling will provide two bedrooms (one double and one single) and has an internal area of approximately 65.9 square metres, this exceeds the national space standards, for 2 bedroom, 3 person single storey dwelling. Secure cycle storage has also been provided in compliance with Policy T3 and the Sustainable Transport SPD.

Although, it would be preferable for the bin storage to be located within the envelope of the building, the separate bin store, in this case, located to the rear of the dwelling the proposed store will not have a detrimental impact on the street scene and therefore in this case the external bin store is considered acceptable.

Highways impacts

The Highways Officer has referred the officer to standing advice for this application. As a small development, it is considered that there will not be a significant level of trip generation from the site and the plans provided indicate that the proposed access does not

pose an unacceptable impact on highway safety in the area. This view was shared by the Inspector in relation to the most recent appeal for site, (APP/Y1110/W/19/3232228) for which the highway arrangements have remained the same.

Concerns have been raised by objectors regarding the potential for disruption during construction, although a degree of disruption would be expected during the development, any consent granted will be conditioned for the submission of a Construction Environmental Management Plan (CEMP) to mitigate the worst of this impact.

Concerns have been raised regarding the proximity to the rail line. No comments have been received from Network Rail regarding the proposal, the Inspector for the 2007 appeal, (APP/Y1110/A/07/2055116) also concluded that due to the light use of the branch line and limited speeds, the disturbance from passing trains would be minimal and acceptable.

Concerns have been raised with regards overlooking from the proposed bungalow to the row of terraces opposite. As a result of the distance between the proposed dwelling and the properties opposite (at the shortest point, there will be a 16 metre separation between the proposed dwelling and the houses opposite) and the single storey nature of the bungalow, the proposed dwelling will not result in unacceptable overlooking between the two properties.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that an AA is required. This AA has been carried out, and concludes that the development could have an impact, primarily arising from the recreational activity of future occupants of the development. If approved, this impact must 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, which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

Conclusion

For the reasons outlined above the proposed development is considered to be compliant with Objectives 1 and 9 and Policies CP4 and CP17 of the Exeter Core Strategy, Policies H1, H2, T3, C1, DG1 and DG4 of the Exeter Local Plan First Review, the Residential Design Guide SPD and the Sustainable Transport SPD. Officer recommendation is therefore for approval.

DELEGATION BRIEFING

03 December 2019 - An original application for a bungalow had been dismissed at appeal on grounds of inappropriate design with a large flat roof and a large amenity space at the front of the property enabling a view into the house from the road and poor amenity space. A revised design with a pitched roof and putting forward a more traditional bungalow had also been rejected because of the amenity space retained at the front.

A third design put forward moved the main amenity space to the rear covering 23 square metres but with some amenity space retained at the front. The design was improved with a pitch roof maintained. Thirteen objections had been received in total to the current application, 11 objections to the first revision and 3 to the second revision. Objections were received on grounds of design, overdevelopment of the site, amenity and the impact on the highway, although the Highways Officer had not objected and the Inspector concluded impact on highway acceptable.

Members supported report to the Planning Committee with a recommendation for approval.

RECOMMENDATION

APPROVE with conditions:

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 23 June 2019 (including dwg. nos. MW2-03 Rev 1 01; MW-04 Rev A) as modified by other conditions of this consent.

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

3) 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; and
- k) No driven piling without prior consent from the Local Planning Authority.

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

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to ensure the construction phase is managed in a way that reduces any harmful impacts on the locality.

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 without the express consent in writing of the Local Planning Authority

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

INFORMATIVES

1) The applicant should be aware that this development is within a Smoke Control Area, which places controls on the emissions of smoke from domestic fires and solid fuel boilers.

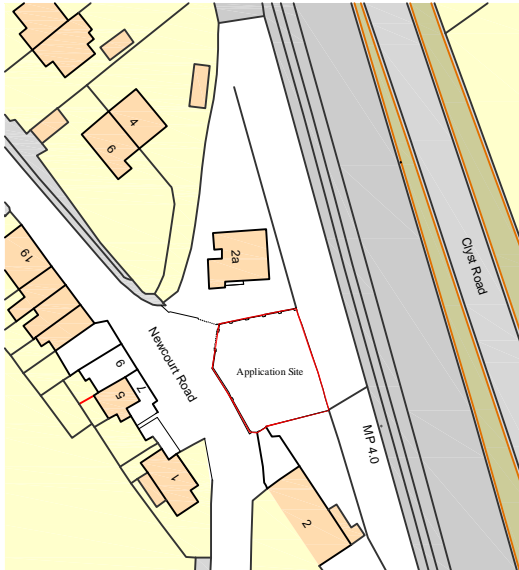
Advice on controlling the emissions from and health impacts of wood burning is available from https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Ready_to_Burn_Web.pdf. It is recommended that all new stoves meet the EcoDesign Ready standard. In addition, careful design of the flue may be required in order to prevent the appliance causing a nuisance by fume or odours. For further advice, please contact the Environmental Protection Unit on 01392 265148.

2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

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

4) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

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Proposed dwelling

Location

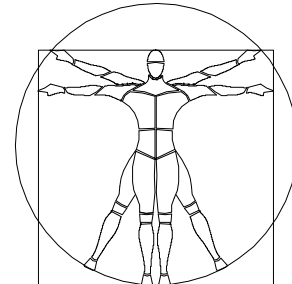
Land adjacent to
2a Newcourt Road
Topsham EX3 0BT

Drg. No: MW-01

Location Plan

Scale 1:1250 on A5

Date: 22-03-19



DESIGNS4PLANNING LTD

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OFFICER'S REPORT AND RECOMMENDATION (19/1215/FUL)

Hickling Cottage
Taddyforde Estate
Exeter
EX4 4AT

SITE HISTORY

Reference	Proposal	Decision	Decision Date
17/1508/FUL	Proposed replacement of existing outbuilding - Revised Design	PER	15.11.2017
16/0851/FUL	Proposed replacement outbuilding – Revised Design	PER	08.02.2017
15/0181/FUL	Proposed replacement outbuilding	REF	07.07.2015
96/0183/FUL	Erection of ground floor and first floor rear extensions	PER	15.04.1996

DESCRIPTION OF SITE/PROPOSAL

The proposal relates to a two storey detached outbuilding within the grounds of Hickling Cottage. It was granted consent in November 2017 under Planning Ref 17/1508/FUL and replaced a garage. The principle of an outbuilding on this site had already been established by an earlier consent in February 2017 (under Ref. 16/0851/FUL).

The building is located within the Taddyforde Conservation Area and is adjacent to a narrow arched entrance leading onto New North Road. It is characterised by white rendered walls and a slate-covered pitched roof with gable fronting the road. There is a small roof feature at ground floor level. There is a paved terrace at first floor level. Inside, the building contains a kitchen, bathroom, lounge and bedroom area at first floor level. There is a further room on the ground floor, currently being used as a workshop although the plans indicate it might be used as the bedroom in the future to create more living room space upstairs.

Because the applicant did not apply for planning permission for a separate dwelling under these previous applications, the Local Planning Authority confirmed through informatives on the permissions that the proposals had been considered as annexes to Hickling Cottage. It was confirmed that occupation of the outbuilding as a separate residential unit would constitute a change of use and therefore require planning permission. Consequently, planning permission is now sought to change the use of the annexe to a separate dwellinghouse.

REPRESENTATIONS

13 letters of objection have been received. The main points raised are:-

- An informative was included on the previous permission that the outbuilding could not be used as a separate dwelling. The Council should adhere to this line.
- The applicant always intended to use the building as a separate dwelling. The Council should not allow this to succeed.
- The loss of the garage has removed off-street parking from Hickling Cottage. This proposal will add to parking pressure on the Taddyforde Estate, has the potential to cause a pinch-point for access to the rest of the estate and harm the setting of the conservation area.
- Granting permission here would set a precedent for the overdevelopment of the Taddyforde estate.
- There is insufficient garden space for the two properties.
- It is not a proper house and not big enough to be used as a different house.

CONSULTATIONS

None received.

PLANNING POLICIES/POLICY GUIDANCE

Exeter Local Development Framework Core Strategy

CP16 – Protected Sites and Species

CP17 – Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

H1 – Search Sequence

H2 – Location Priorities

C1 – Conservation Areas

T3 – Encouraging Use of Sustainable Modes

DG1 – Objectives of Urban Design

DG4 – Residential Layout and Amenity

Residential Design Supplementary Planning Document

Technical Housing Standards – Nationally Described Space Standard

OBSERVATIONS

The building has already been granted planning permission and has been built in accordance with the approved plans. It should be noted, however, that a minor alteration has occurred at first floor level on the front elevation, where two windows have been replaced with one, but this is an improvement on the approved design and so it is unlikely that the Council would have objected to this.

The main consideration here is whether the use of the building as a single dwelling is acceptable. The aforementioned planning permission from 2017 contained an informative, but not a condition, that stated that “the outbuilding hereby approved may only be occupied or used in association with the occupation of the main dwelling”. This confirmed that the Local Planning Authority had not been asked to assess the scheme as a separate dwelling. That said, it is difficult to see any significant difference between the use of this building as an annexe and as a

separate dwelling. The building is detached from Hickling Cottage and has an internal layout which makes it capable of self-contained independent living. Were an owner of Hickling Cottage to rent the annexe to a tenant, that occupier could live there without having any need to make use of facilities within Hickling Cottage itself. The comings and goings, and associated activities (including parking), would be the same for that occupier regardless of the status of the building as either an annexe or a separate dwelling.

This situation has many similarities with a previous case at 299 Topsham Road. The Council had granted planning permission for a flat over a detached garage block, within the grounds of 299 Topsham Road, subject to a condition that it could only be used as an annexe and occupied by relatives or staff of the occupiers of the main property (Ref. 03/0804/FUL granted 21 July 2003). In 2006, the Council subsequently received an application to use the flat as a separate residential unit (Ref. 06/1797/VOC). The Council refused permission in December 2006 and sought to argue that a new dwelling in this location would be unacceptable. However, at appeal, the Planning Inspectorate disagreed and granted consent stating:-

“The building itself has already been permitted; what is at issue here is the manner of its occupation. ... The living accommodation is effectively self-contained and any occupant would be dependent on the main dwelling only for certain shared external facilities, such as access and car parking. As matters stand, a staff member could occupy the annexe ... and lead a largely independent existence, entering the main dwelling only as required for work. Such an occupant could be reasonably expected to own a car and to make some use of the external space for purposes such as parking, rubbish storage, drying clothes etc. It seems to me that the annexe would be used in a very similar way if it were occupied independently of the main house. Overall, I consider that such a change in occupation would have a barely perceptible effect on its environment.” (Paragraph 7 of Planning Permission Ref. APP/Y1110/A/07/2035507 granted 5 December 2007).

Given this, if the Council were to seek to support the status quo, it is difficult to see how it would defend its position successfully on appeal, especially given that there are no obvious conflicts with the development plan or national planning policy. The building would meet the Government's minimum internal space standards for a 1 bedroom dwelling. The Council has already accepted that the building would not harm the character and appearance of the conservation area, the street scene or any neighbouring residential amenities.

The only apparent conflict might be with the external garden area. The Council would normally want to see a minimum of 55 sq.m. provided. Because of the shape of this plot, it is difficult to be precise about exactly what areas of land should and should not be included. There is certainly 40 sq.m in the main terrace part of the garden but the applicant and his agent have stated that a case could be made for 55 sq.m. In reality, the answer is likely to be somewhere between these two figures. Overall, however, it is considered that to refuse permission on this one point would provide a weak case to defend at appeal.

In conclusion, therefore, for the reasons given above, it is recommended that planning permission is granted for this scheme.

DELEGATION BRIEFING – 3 December 2019

Members discussed the application but resolved that there should be a site visit prior to determination at Planning Committee.

MEMBERS' SITE VISIT – 17 December 2019

Members visited the property and had full access to all parts of the building.

RECOMMENDATION

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:-

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

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

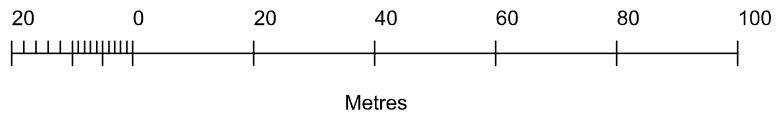
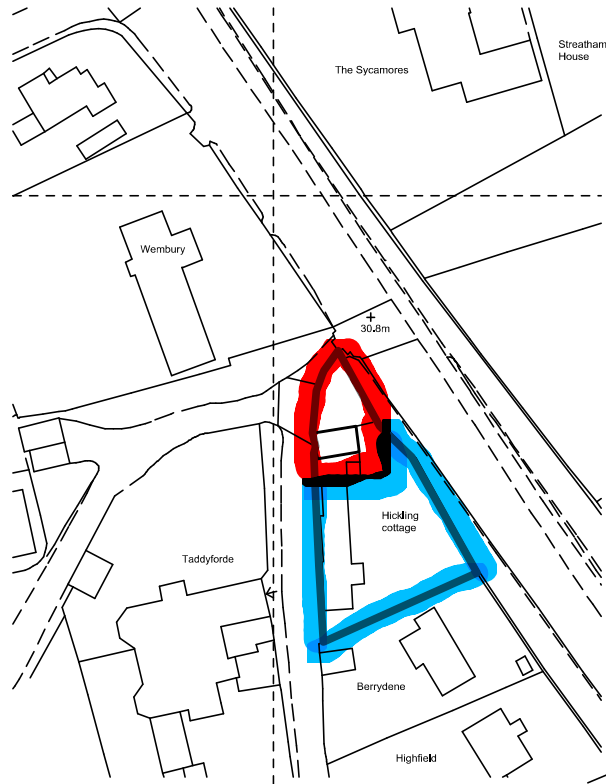
2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 26 September 2019 (drawings nos. 05 and 06) as modified by other conditions of this consent.

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

INFORMATIVES

1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

2) 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 fund 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).



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Through the Woods

alan@throughthewoods.co.uk mobile: 07736.777.533
 Beenleigh Copse Farm, Diptford, Devon, TQ9 7NF

site :	Hickling Cottage, Taddyforde Estate, Exeter, EX4 4AT	
drawing title:	Location Plan	
project number:	drawing number:	revision:
006-HIC-	01	
scale:	date:	
1:1250	September 2017	

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 6 January 2020

Report of: Service Lead City Development

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 Assistant City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to Planning Committee meeting.

2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

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

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

3.2 The decision type uses the following codes:

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

**ANDY ROBBINS
CITY DEVELOPMENT MANAGER**

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**All Planning Decisions Made and Withdrawn Applications
between 16/10/2019 and 18/12/2019**

Alphington	
Delegated Decision	
Application Number: 19/0929/VOC	Delegation Briefing: 15/08/2019
Decision Type: Permitted	Date: 12/11/2019
Location Address: Lidl Powlesland Road Exeter Devon EX2 8TT	
Proposal:	Variation of planning permission ref. 98/0848/OUT (Granted 22 June 2000) and 02/0439/FUL (Granted 24 June 2002) to allow deliveries from Monday to Saturday between the hours of 0500 and 2300hrs rather than 0700 and 2300hrs
Delegated Decision	
Application Number: 19/0976/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 23/10/2019
Location Address: Unit 1 23 Marsh Green Road East Exeter Devon EX2 8PQ	
Proposal:	Replacement of four fascia signs, one bollard sign, one pylon sign and one directional sign.
Delegated Decision	
Application Number: 19/1021/FUL	Delegation Briefing: 05/09/2019
Decision Type: Permitted	Date: 23/10/2019
Location Address: Livery Stabling Land At Crabb Lane Alphington Exeter EX2 9JD	
Proposal:	Construction of a stable block to serve full livery enterprise and change of use from agricultural to mixed agricultural and equestrian.
Delegated Decision	
Application Number: 19/1127/FUL	Delegation Briefing: 05/09/2019
Decision Type: Permitted	Date: 25/10/2019
Location Address: Unit 4 - 5 Stone Lane Retail Park Marsh Barton Road Exeter Devon EX2 8LH	
Proposal:	Provision of external garden centre within rear service yard; alterations to external elevations and car park layout; and associated development
Delegated Decision	
Application Number: 19/1181/FUL	Delegation Briefing: 05/09/2019
Decision Type: Refuse Planning Permission	Date: 23/10/2019
Location Address: 10 Myrtle Close Exeter Devon EX2 8UX	
Proposal:	Two storey side extension with full length rear dormer and new rear decking

Delegated Decision			
Application Number:	19/1228/FUL	Delegation Briefing:	26/09/2019
Decision Type:	Permitted	Date:	29/10/2019
Location Address:	13 Franklyn Drive Exeter Devon EX2 9HR		
Proposal:	Extension and loft conversion		
Delegated Decision			
Application Number:	19/1237/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/10/2019
Location Address:	6 Matford Way Exeter Devon EX2 8FN		
Proposal:	Discharge of condition 18 (travel plan) of planning application 10/0200/OUT granted 11 March 2011 and in relation to Plot H condition 5 of reserved matters consent 18/1677/RES		
Delegated Decision			
Application Number:	19/1266/FUL	Delegation Briefing:	03/10/2019
Decision Type:	Permitted	Date:	20/11/2019
Location Address:	Sainthill House Cowick Lane Exeter Devon EX2 9JG		
Proposal:	Single storey extension on the south east gable of the cottage.		
Delegated Decision			
Application Number:	19/1267/LBC	Delegation Briefing:	03/10/2019
Decision Type:	Permitted	Date:	20/11/2019
Location Address:	Sainthill House Cowick Lane Exeter Devon EX2 9JG		
Proposal:	Single storey extension on the south east gable of the cottage.		
Delegated Decision			
Application Number:	19/1306/FUL	Delegation Briefing:	03/10/2019
Decision Type:	Permitted	Date:	25/10/2019
Location Address:	3 Cowick Court Exeter Devon EX2 9FE		
Proposal:	Single storey rear extension		
Delegated Decision			
Application Number:	19/1383/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	21/11/2019
Location Address:	Vospers Motorhouse Ltd 5 Matford Way Exeter Devon EX2 8FN		
Proposal:	Free-standing 7 metre high totem sign.		
Delegated Decision			
Application Number:	19/1418/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	28/10/2019
Location Address:	4 Trusham Road Exeter Devon EX2 8QH		
Proposal:	1no internally illuminated flexible faced sign and other fascia and totem advertisements.		

Delegated Decision	
Application Number:	19/1463/FUL
Decision Type:	Permitted
Location Address:	St Andrews Church Alphington Road Exeter Devon EX2 8HP
Proposal:	Refurbishment and replacement of windows and external redecoration work.
Delegation Briefing:	07/11/2019
Date:	03/12/2019
Delegated Decision	
Application Number:	19/1475/FUL
Decision Type:	Permitted
Location Address:	7 Tower Walk Exeter Devon EX2 8FW
Proposal:	Single storey rear extension replacing conservatory
Delegation Briefing:	14/11/2019
Date:	16/12/2019
Delegated Decision	
Application Number:	19/1487/FUL
Decision Type:	Permitted
Location Address:	54 Cowick Hill Exeter Devon EX2 9NG
Proposal:	Proposed extension to rear of dwelling
Delegation Briefing:	14/11/2019
Date:	10/12/2019
Delegated Decision	
Application Number:	19/1519/LPD
Decision Type:	Was lawful use
Location Address:	13 Broadway Exeter Devon EX2 9LU
Proposal:	Hip-to-gable extension, rear dormer and a front roof light.
Delegation Briefing:	
Date:	13/11/2019
Delegated Decision	
Application Number:	19/1536/CAT
Decision Type:	Permitted
Location Address:	Ewhurst Little Johns Cross Hill Exeter Devon EX2 9PL
Proposal:	T1 - Beech - Reduce by 50%T2,3,4 - Reduce - 3 Poplar trees
Delegation Briefing:	
Date:	16/12/2019
Delegated Decision	
Application Number:	19/1548/LPD
Decision Type:	Was lawful use
Location Address:	26 Parkway Exeter Devon EX2 9NF
Proposal:	Construction of rear dormer and new gable-end wall.
Delegation Briefing:	
Date:	13/11/2019
Delegated Decision	
Application Number:	19/1554/ADV
Decision Type:	Permitted
Location Address:	11 Hennock Road Central Marsh Barton Trading Estate Exeter Devon EX2 8NP
Proposal:	6m high DS Totem sign.
Delegation Briefing:	
Date:	02/12/2019

Delegated Decision	
Application Number:	19/1651/LPD
Decision Type:	Was lawful use
Location Address:	98 Cowick Lane Exeter Devon EX2 9HE
Proposal:	Loft conversion with flat roof dormer to rear elevation and Velux roof windows to front elevation. Replacement of existing polycarbonate conservatory roof with grey fibre cement tiles to match existing extension roof. Removal of rear door, blocking up at low level and installation of new white uPVC window.

Duryard And St James

Committee Decision	
Application Number:	19/0360/FUL
Decision Type:	Permitted
Location Address:	Land Adjacent To 17 New North Road Exeter Devon
Proposal:	Demolition of existing garages and construction of 1 building to form 5 new apartments with associated landscaping.

Delegated Decision	
Application Number:	19/0899/FUL
Decision Type:	Refuse Planning Permission
Location Address:	14 And 15 St James Road Exeter Devon EX4 6PY
Proposal:	Creation of two dwellings

Delegated Decision	
Application Number:	19/1039/FUL
Decision Type:	Permitted
Location Address:	31 - 35 Old Tiverton Road Exeter Devon
Proposal:	3 no. satellite dishes to first floor terrace area for use by retail store.

Delegated Decision	
Application Number:	19/1139/FUL
Decision Type:	Permitted
Location Address:	31 - 35 Old Tiverton Road Exeter Devon
Proposal:	1 No. external condenser, 1 No. internal refrigeration pack and 2 No. external AC units.

Delegated Decision	
Application Number:	19/1246/LBC
Decision Type:	Permitted
Location Address:	36 Old Tiverton Road Exeter Devon EX4 6LJ
Proposal:	Alteration to scheme granted Listed Building Consent under Ref. 18/1623/LBC, granted 26 February 2019, to allow use of gravel rather than block paving on driveway

Delegated Decision	
Application Number: 19/1260/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 24/10/2019
Location Address: East Park University Of Exeter Streatham Campus Exeter EX4 4QN	
Proposal: Amendment to discharge of condition 7 (CEMP) of outline planning permission 16/1232/OUT previously approved under discharge of condition application 18/1369/DIS dated 13 November 2018.	
Delegated Decision	
Application Number: 19/1290/FUL	Delegation Briefing: 03/10/2019
Decision Type: Permitted	Date: 25/10/2019
Location Address: Hillsborough Lodge Lower St Germans Road Exeter Devon EX4 4PW	
Proposal: Widen existing gate/opening by 1m, existing brick pier re-built to match existing	
Delegated Decision	
Application Number: 19/1328/FUL	Delegation Briefing: 24/10/2019
Decision Type: Permitted	Date: 18/11/2019
Location Address: 74 Velwell Road Exeter Devon EX4 4LD	
Proposal: External alterations and refurbishment of residential dwelling.	
Delegated Decision	
Application Number: 19/1361/PDJ	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 01/11/2019
Location Address: The Courtyard 48 New North Road Exeter Devon EX4 4EP	
Proposal: Prior approval for change of use from office (B1a) to residential (C3) to provide 14 no. self-contained flats (re-submission of 17/1471/PDJ).	
Delegated Decision	
Application Number: 19/1382/PDPV	Delegation Briefing:
Decision Type: Prior Approval Required and Granted	Date: 20/11/2019
Location Address: University Of Exeter Prince Of Wales Road Exeter Devon EX4 4PX	
Proposal: Installation of Solar Panels on Cricket Centre and Innovation Centre	
Delegated Decision	
Application Number: 19/1392/FUL	Delegation Briefing: 24/10/2019
Decision Type: Permitted	Date: 19/11/2019
Location Address: Caroline House Streatham Rise Exeter Devon EX4 4PE	
Proposal: Re-ordering and extension to the existing detached house including replacement of garage.	

Delegated Decision	
Application Number: 19/1549/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/12/2019
Location Address: 78 Longbrook Street Exeter Devon EX4 6AP	
Proposal: T1 - Holly tree. Fell	
Delegated Decision	
Application Number: 19/1706/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2019
Location Address: 9 Howell Road Exeter Devon EX4 4LG	
Proposal: Rear garden; T1 - Reduce hard the mature standard Bay tree. Approx 2 feet of leaf area to be removed.G4 - Pollard the smokey bush and variegated bush to approx 1m from ground height.T2 - Re-pollard the Crab apple and Common apple.Front garden;T5 & G6 - Trim all shrubs to previous pruning points and reduce Laurel by approx 1 foot and Beech hedge reduce top to height of gate pillar.	
Exwick	
Delegated Decision	
Application Number: 19/0702/FUL	Delegation Briefing: 01/08/2019
Decision Type: Permitted	Date: 31/10/2019
Location Address: 1-7 Loweswater House Windermere Close Exeter Devon EX4 2QD	
Proposal: Replace existing timber windows with brown uPVC windows	
Delegated Decision	
Application Number: 19/1251/ECC	Delegation Briefing: 12/09/2019
Decision Type: Permitted	Date: 17/12/2019
Location Address: 1-11 13-30 Flowerpot Lane 1-4, 7-8 10-14 Hayes Barton Court Exeter Devon EX4 1DH	
Proposal: Replacement windows, rainwater goods, fascia, front and rear doors, associated works and repairs	
Delegated Decision	
Application Number: 19/1281/FUL	Delegation Briefing: 10/10/2019
Decision Type: Permitted	Date: 05/11/2019
Location Address: 89 Buddle Lane Exeter Devon EX4 1JP	
Proposal: First floor side and rear extension, single storey rear extension and new porch.	

Delegated Decision	
Application Number:	19/1534/TPO
Decision Type:	Permitted
Location Address:	Northmore House Cleve Court Canterbury Road Exeter Devon EX4 2EQ
Proposal:	T1 - Sycamore - Reduce 30%T2 - Norway Maple - Reduce limb by 30%T3 - Lawson Cyress - Reduce height 30%

Delegated Decision	
Application Number:	19/1591/FUL
Decision Type:	Permitted
Location Address:	58 Old Bakery Close Exeter Devon EX4 2UZ
Proposal:	Rear conservatory.

Heavitree

Delegated Decision	
Application Number:	19/1227/LPD
Decision Type:	Was lawful use
Location Address:	115 Hamlin Lane Exeter Devon EX1 2SE
Proposal:	Certificate of lawfulness for construction of a single storey rear extension.

Delegated Decision	
Application Number:	19/1285/LBC
Decision Type:	Permitted
Location Address:	6 Mont Le Grand Exeter Devon EX1 2PD
Proposal:	Widen entrance to front drive.

Delegated Decision	
Application Number:	19/1288/NMA
Decision Type:	Permitted
Location Address:	Land At Heavitree Pleasure Grounds Whipton Lane Exeter EX1 3DN
Proposal:	Non material amendment sought to planning permission ref. 18/0519/FUL (granted 05/06/2018) for clerestorey fenestration on south elevation: change to modulation; flue added on south elevation through roof; column added to west elevation roof overhang; standing seam copper roof amended to standing seam zinc.

Delegated Decision	
Application Number:	19/1289/LBC
Decision Type:	Permitted
Location Address:	6 Mont Le Grand Exeter Devon EX1 2PD
Proposal:	Remove existing garage and rebuild new garage adjacent to existing.

Delegated Decision	
Application Number: 19/1309/FUL	Delegation Briefing: 03/10/2019
Decision Type: Permitted	Date: 29/10/2019
Location Address: 95 Fore Street Heavitree Exeter Devon EX1 2RN	
Proposal: Change of use from hairdressing salon (Use class A1) to a dog grooming salon (Sui Generis).	
Delegated Decision	
Application Number: 19/1352/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 18/11/2019
Location Address: 61 Lonsdale Road Exeter Devon EX1 3DP	
Proposal: Rear extension (depth 6m, height 3.8m, height to eaves 2.15m)	
Delegated Decision	
Application Number: 19/1450/FUL	Delegation Briefing: 31/10/2019
Decision Type: Permitted	Date: 12/12/2019
Location Address: Heavitree Bowling Club Whipton Lane Exeter Devon	
Proposal: Installation of water tank for irrigation system	
Delegated Decision	
Application Number: 19/1455/FUL	Delegation Briefing: 07/11/2019
Decision Type: Permitted	Date: 13/12/2019
Location Address: 2 Bicton Place Exeter Devon EX1 2PF	
Proposal: Summer house in rear garden (Retrospective).	
Delegated Decision	
Application Number: 19/1657/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 04/12/2019
Location Address: Baxter Cottage 66A Polsloe Road Exeter Devon EX1 2NG	
Proposal: Minor crown reduction of two lime trees located close to the front boundary wall of the application address by 1.5m	
Delegated Decision	
Application Number: 19/1671/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 03/12/2019
Location Address: 11 Woodstock Road Exeter Devon EX2 5HJ	
Proposal: Hip-to-gable extension, rear dormer and roof lights to the front.	
Mincinglake And Whipton	
Delegated Decision	
Application Number: 19/1202/FUL	Delegation Briefing: 17/10/2019
Decision Type: Permitted	Date: 11/11/2019
Location Address: The Edge Stoke Hill Exeter Devon EX4 9JN	
Proposal: Single storey extension.	

Delegated Decision			
Application Number:	19/1387/FUL	Delegation Briefing:	07/11/2019
Decision Type:	Permitted	Date:	03/12/2019
Location Address:	16 Mile Lane Exeter Devon EX4 9AA		
Proposal:	Single storey rear extension and raised deck.		
Delegated Decision			
Application Number:	19/1456/FUL	Delegation Briefing:	07/11/2019
Decision Type:	Permitted	Date:	03/12/2019
Location Address:	Vranch House Pinhoe Road Exeter Devon EX4 8AD		
Proposal:	Extension to existing school for single storey therapy suite and two storey equipment store.		
Delegated Decision			
Application Number:	19/1644/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	17/12/2019
Location Address:	8 Mile Lane Exeter Devon EX4 9AA		
Proposal:	Construction of timber framed single storey extension to existing bungalow		
Delegated Decision			
Application Number:	19/1645/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	18/12/2019
Location Address:	6 Pinwood Lane Exeter Devon EX4 8NQ		
Proposal:	Single storey rear extension to existing dwelling.		
Newtown And St Leonards			
Delegated Decision			
Application Number:	19/0281/FUL	Delegation Briefing:	28/03/2019
Decision Type:	Refuse Planning Permission	Date:	30/10/2019
Location Address:	Land Adjacent To 4 The Quay Exeter EX2 4AP		
Proposal:	Siting of 5 tables and benches on grassed area north-west of Bierkeller.		
Delegated Decision			
Application Number:	19/1008/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	18/12/2019
Location Address:	11 Marlborough Road Exeter Devon EX2 4TJ		
Proposal:	Amendment to alter and move approved side garage (16/1187/FUL).		

Committee Decision	
Application Number: 19/1047/FUL	Delegation Briefing: 29/08/2019
Decision Type: Refuse Planning Permission	Date: 15/11/2019
Location Address: Land Off St Leonards Road Exeter EX2 4ND	
Proposal: 7 no. new build dwellings, associated landscaping, amenity and vehicular access.	
Delegated Decision	
Application Number: 19/1120/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2019
Location Address: Tithebarn Green Monkerton Exeter	
Proposal: Removal of Condition 21 (public art) pertaining to outline planning permission ref: 12/0802/OUT, granted 29/11/2013 for the development of site to provide up to 930 dwellings, link road, employment area (B1(a) use class), park and ride facility, local retail area and community facility, health and fitness centre, creche, public and private open space and car and cycle parking	
Delegated Decision	
Application Number: 19/1274/FUL	Delegation Briefing: 17/10/2019
Decision Type: Permitted	Date: 08/11/2019
Location Address: 24 Lyndhurst Road Exeter Devon EX2 4PA	
Proposal: Reinstate original chimneys.	
Delegated Decision	
Application Number: 19/1314/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 06/11/2019
Location Address: 28 College Road Exeter Devon EX1 1TG	
Proposal: Garden building.	
Delegated Decision	
Application Number: 19/1321/FUL	Delegation Briefing: 17/10/2019
Decision Type: Permitted	Date: 08/11/2019
Location Address: 28 Jennifer Close Exeter Devon EX2 4RB	
Proposal: Single storey rear extension - amendment from approved design 19/0974/FUL from pitched roof to flat roof.	
Delegated Decision	
Application Number: 19/1354/LBC	Delegation Briefing: 17/10/2019
Decision Type: Permitted	Date: 08/11/2019
Location Address: County Hall Topsham Road Exeter Devon EX2 4QD	
Proposal: Install a solar PV array on a flat roof with associated cabling.	

Delegated Decision	
Application Number: 19/1381/PDPV	Delegation Briefing:
Decision Type: Prior Approval Required and Granted	Date: 20/11/2019
Location Address: University Of Exeter South Cloisters St Lukes Hall Heavitree Road Exeter Devon EX1 2LT	
Proposal: Installation of Solar Panels	
Delegated Decision	
Application Number: 19/1474/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 22/11/2019
Location Address: 3 Spicer Road Exeter Devon EX1 1SX	
Proposal: Discharge of Condition 7 (CEMP) in respect of planning application 18/0362/FUL	
Delegated Decision	
Application Number: 19/1488/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 20/11/2019
Location Address: 90 Polsloe Road Exeter Devon EX1 2HW	
Proposal: Use as a family and community resource centre (Use Class D1) since 1989 until October 2018.	
Delegated Decision	
Application Number: 19/1564/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 10/12/2019
Location Address: 1 Cheeke Street Exeter Devon EX1 2DD	
Proposal: Discharge of Condition 14 relating to BREEAM.	
Delegated Decision	
Application Number: 19/1631/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 03/12/2019
Location Address: 29 Codrington Street Exeter Devon EX1 2BU	
Proposal: Construction of rear dormer to extend second floor bedroom of existing dwelling.	
Delegated Decision	
Application Number: 19/1669/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 02/12/2019
Location Address: 1 Veitch Close St Leonards Exeter Devon EX2 4AF	
Proposal: Ash(T1), Fell due to the presence of Ash Dieback disease.	

Delegated Decision	
Application Number: 19/1694/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 06/12/2019
Location Address: Belmont Chapel Western Way Barnfield Exeter Devon EX1 2DB	
Proposal: 3 No. Belmont Chapel signs in various locations.	
Delegated Decision	
Application Number: 19/1697/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2019
Location Address: Exeter Mobility Centre Wonford Road Exeter Devon EX2 4DU	
Proposal: T3 Plane - Crown raise to 4m above ground level over the road way only, MDC 50mmT6 Oak - Remove 2 low damaged limbs, MDC 250mm & 300mmT3 - Minor pruning to allow access for larger vehiclesT6 - The low limbs have been repeatedly hit by high sided vehicles causing significant and potentially expensive damage	
Delegated Decision	
Application Number: 19/1725/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 16/12/2019
Location Address: 80 Athelstan Road Exeter Devon EX1 1SB	
Proposal: Single storey rear extension	
Delegated Decision	
Application Number: 19/1734/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2019
Location Address: Exeter School Victoria Park Road Exeter Devon EX2 4NS	
Proposal: T9 Holly- Section/fell to ground level- In decline. T1 Holly adjacent to T9- Section/fell to ground level as tree is getting soarse. (School happy to re plant)- Due to location directly behind goal area, showing signs of decline. T4 London plane- Re pollard to previous cuts at approx 9m from ground level. - To maintain pollard cycle within trees crown. T2 Monterey pine- Raise crown off building by reducing 2 x primary limbs by up to 2.5m- To prevent direct damage to building from over hanging branches. T3 Oak tree by netball courts Crown raise to achieve a ground clearance of 3m as tree overhangs rugby pitch. Reduce limb on eastern side of tree by approx 2.5m to reduce end weight as limb has a split near the main stem.	
Pennsylvania	
Delegated Decision	
Application Number: 19/1023/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 02/12/2019
Location Address: Skirmish Paintball Games Stoke Woods Pennsylvania Road Exeter Devon EX4 5BW	
Proposal: Retention of building for occupation to provide overnight security, ancillary to the commercial use for paintball games and associated activities	

Delegated Decision			
Application Number:	19/1169/FUL	Delegation Briefing:	05/09/2019
Decision Type:	Refuse Planning Permission	Date:	30/10/2019
Location Address:	6 Elliott Close Exeter Devon EX4 5ED		
Proposal:	Single storey front extension and extension to bay window.		
Delegated Decision			
Application Number:	19/1223/PD	Delegation Briefing:	
Decision Type:	Permitted	Date:	18/10/2019
Location Address:	15 Thompson Road Exeter Devon EX1 2UB		
Proposal:	Single storey rear extension.		
Delegated Decision			
Application Number:	19/1345/FUL	Delegation Briefing:	24/10/2019
Decision Type:	Permitted	Date:	03/12/2019
Location Address:	16 Higher Kings Avenue Exeter Devon EX4 6JP		
Proposal:	Single storey rear extension		
Delegated Decision			
Application Number:	19/1402/FUL	Delegation Briefing:	07/11/2019
Decision Type:	Permitted	Date:	03/12/2019
Location Address:	60 Rosebank Crescent Exeter Devon EX4 6EH		
Proposal:	Single storey side and rear extension.		
Delegated Decision			
Application Number:	19/1464/FUL	Delegation Briefing:	14/11/2019
Decision Type:	Permitted	Date:	10/12/2019
Location Address:	Morrison Supermarket Prince Charles Road Exeter Devon EX4 7BY		
Proposal:	Proposed new car park canopy for new Click and Collect service.		
Delegated Decision			
Application Number:	19/1692/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	13/12/2019
Location Address:	1 Pennsylvania Park Exeter Devon EX4 6HB		
Proposal:	Self seeded Sycamore - fell because of excessive shading, particularly to basement flat and low amenity value. Also close proximity to another tree of same species and similar size and close proximity to the building, which may become an issue as the tree matures.		

Pinhoe

Delegated Decision

Application Number: 19/0347/DIS Delegation Briefing:
Decision Type: Condition(s) Fully Discharged Date: 30/10/2019
Location Address: Tithebarn Green Phase 5 & 6 Monkerton Exeter
Proposal: Discharge conditions 2 (Construction Surface Water Drainage Management System - Detailed Design), 3 (Waste Audit Statement), 4 (Landscape Details), 6 (Bird Boxes), 7 (Play Area) and 8 (Visibility Splays) of 18/0789/RES - Approval of details relating to appearance, landscaping, layout and scale for 219 dwellings, pursuant to planning permission Ref: 12/0802/OUT APPLICATION.

Delegated Decision

Application Number: 19/1184/FUL Delegation Briefing: 03/10/2019
Decision Type: Refuse Planning Permission Date: 25/10/2019
Location Address: 11 Sheridan Road Exeter Devon EX4 8EY
Proposal: First-floor side extension.

Delegated Decision

Application Number: 19/1201/FUL Delegation Briefing: 26/09/2019
Decision Type: Permitted Date: 12/11/2019
Location Address: Sequoia Old Pinn Lane Exeter Devon EX1 3RF
Proposal: Single storey side garage

Delegated Decision

Application Number: 19/1370/FUL Delegation Briefing: 17/10/2019
Decision Type: Permitted Date: 08/11/2019
Location Address: 8 Causey Gardens Exeter Devon EX1 3SJ
Proposal: Single storey extension.

Delegated Decision

Application Number: 19/1429/LPD Delegation Briefing:
Decision Type: Was lawful use Date: 22/10/2019
Location Address: Sycamores The Grove Exeter Devon EX4 9HT
Proposal: Side extension using materials to match existing.

Delegated Decision

Application Number: 19/1596/LPD Delegation Briefing:
Decision Type: Was lawful use Date: 13/12/2019
Location Address: 50 Park Lane Exeter Devon EX4 9HP
Proposal: Construction of flat roof, single storey side and rear extensions together with the creation of a first floor roof dormer.

Prory

Delegated Decision

Application Number: 17/1509/VOC Delegation Briefing: 12/10/2017
Decision Type: Permitted Date: 11/12/2019
Location Address: Wonford House Hospital Dryden Road Exeter Devon EX2 5AF
Proposal: Variation of condition 2 of pp. 16/1573/03 (Construction of 10-bed Psychiatric Intensive Care Unit with new landscaping and alterations to existing access and car park) to lower the level of the building by 600mm.

Delegated Decision

Application Number: 18/0325/DIS Delegation Briefing:
Decision Type: Condition(s) Fully Discharged Date: 13/12/2019
Location Address: Wonford House Hospital Dryden Road Exeter Devon EX2 5AF
Proposal: Discharge conditions 4 (CMS), 5 (Drainage - Construction), 6 (Drainage - Permanent), 7 (Service Runs) and 8 (Local Energy Network) of pp. 17/1539/FUL - Construction of new 3-storey Mother & Baby Unit comprising a secure perinatal ward, treatment & therapy spaces and staff offices with associated clinical & non-clinical facilities.

Delegated Decision

Application Number: 18/0383/DIS Delegation Briefing:
Decision Type: Permitted Date: 13/12/2019
Location Address: Wonford House Hospital Dryden Road Exeter Devon EX2 5AF
Proposal: Discharge condition 3 of pp. 17/1539/FUL - Construction of new 3-storey Mother & Baby Unit comprising a secure perinatal ward, treatment & therapy spaces and staff offices with associated clinical & non-clinical facilities.

Delegated Decision

Application Number: 18/1219/DIS Delegation Briefing:
Decision Type: Condition(s) Fully Discharged Date: 13/12/2019
Location Address: Wonford House Hospital Dryden Road Exeter Devon EX2 5AF
Proposal: Discharge conditions 14 (Materials) and 15 (Building Details) of pp. 17/1539/FUL - Construction of new 3-storey Mother & Baby Unit comprising a secure perinatal ward, treatment & therapy spaces and staff offices with associated clinical & non-clinical facilities.

Delegated Decision

Application Number: 19/1183/FUL Delegation Briefing: 19/09/2019
Decision Type: Permitted Date: 29/10/2019
Location Address: 47 Laburnum Road Exeter Devon EX2 6EF
Proposal: Change of use to mixed use for residential (Class C3) and dog grooming parlour (Sui Generis) and siting of log cabin in connection with the commercial use.

Delegated Decision	
Application Number: 19/1344/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 28/10/2019
Location Address: 31 Hoker Road Exeter Devon EX2 5HR	
Proposal: Conservatory to rear elevation, depth 3.2m, height 3m.	
Delegated Decision	
Application Number: 19/1403/FUL	Delegation Briefing: 31/10/2019
Decision Type: Permitted	Date: 11/12/2019
Location Address: 52 Masterson Street Exeter Devon EX2 5GR	
Proposal: Loft conversion with rear facing Velux windows	
Delegated Decision	
Application Number: 19/1693/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 06/12/2019
Location Address: 40 Attwyll Avenue Exeter Devon EX2 5HN	
Proposal: Single storey rear extension	
St Davids	
Delegated Decision	
Application Number: 19/0168/FUL	Delegation Briefing: 31/10/2019
Decision Type: Permitted	Date: 03/12/2019
Location Address: National Grid Property Isca House Haven Road Exeter Devon EX2 8DS	
Proposal: 25 metres of security fencing on boundary facing Exeter Canal	
Committee Decision	
Application Number: 19/0315/OUT	Delegation Briefing: 21/03/2019
Decision Type: Permitted	Date: 16/12/2019
Location Address: Exeter College Further Education Hele Road Exeter Devon EX4 4JS	
Proposal: Outline application for the redevelopment of the Exeter College Hele Road Campus (including demolition of some existing buildings) to deliver upgraded, purpose-built educational facilities, together with the provision of associated landscaping, pedestrian access improvements and associated infrastructure (With all matters reserved) (Exeter College Masterplan).	
Committee Decision	
Application Number: 19/0458/ECC	Delegation Briefing: 12/09/2019
Decision Type: Permitted	Date: 29/10/2019
Location Address: Exeter City Council Green Waste Facility Water Lane Exeter Devon	
Proposal: Solar panel array and battery storage, relocation of green waste facility, and ground levelling with associated access, fencing, hardstandings and ancillary works.	

Delegated Decision	
Application Number: 19/0540/FUL	Delegation Briefing: 23/05/2019
Decision Type: Permitted	Date: 04/12/2019
Location Address: Georges Meeting House 38 South Street Exeter Devon EX1 1ED	
Proposal: Alterations in beer garden including pergola and fixed seating	
Delegated Decision	
Application Number: 19/0541/LBC	Delegation Briefing: 23/05/2019
Decision Type: Permitted	Date: 04/12/2019
Location Address: Georges Meeting House 38 South Street Exeter Devon EX1 1ED	
Proposal: Alterations in beer garden including pergola and fixed seating	
Delegated Decision	
Application Number: 19/0884/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 27/11/2019
Location Address: Holloway Street Opp 26 Exeter EX2 4AY	
Proposal: Double-sided digital advertising panel in bus shelter	
Delegated Decision	
Application Number: 19/0981/LBC	Delegation Briefing: 08/08/2019
Decision Type: Permitted	Date: 17/10/2019
Location Address: 46 High Street Exeter Devon EX4 3DJ	
Proposal: Maintenance to internal and external areas, including replacement of flat roofs, timber and plaster repairs to front elevation, window replacement to rear and ad-hoc repairs to internal areas.	
Delegated Decision	
Application Number: 19/1259/PDJ	Delegation Briefing: 19/09/2019
Decision Type: Prior Approval Required and Granted	Date: 06/11/2019
Location Address: Former BBC Radio Devon 1 Walnut Gardens Exeter Devon EX4 4DH	
Proposal: Prior approval under Class O for the conversion of existing office (Class B1) to residential (Class C3).	
Delegated Decision	
Application Number: 19/1261/PDJ	Delegation Briefing: 19/09/2019
Decision Type: Prior Approval Required and Granted	Date: 06/11/2019
Location Address: Beech Hill House Walnut Gardens Exeter Devon EX4 4DH	
Proposal: Prior approval under Class O for the conversion of existing offices (Class B1) to residential use (Class C3).	

Delegated Decision			
Application Number:	19/1307/FUL	Delegation Briefing:	31/10/2019
Decision Type:	Permitted	Date:	25/11/2019
Location Address:	4 Colleton Mews Exeter Devon EX2 4AH		
Proposal:	Replacement UPVC windows		
Delegated Decision			
Application Number:	19/1396/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	04/11/2019
Location Address:	21-22 Queen Street Exeter Devon EX4 3SH		
Proposal:	Display of advertisements shown in plans following approval of change of use Ref 19/1070/FUL.		
Delegated Decision			
Application Number:	19/1423/SO	Delegation Briefing:	
Decision Type:	EIA Not Development	Date:	28/10/2019
Location Address:	The Harlequin Centre Paul Street Exeter Devon EX4 3TT		
Proposal:	Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for demolition of shopping centre and development of two buildings comprising Co-Living accommodation (approx. 320 bedrooms) and hotel (approx. 120 bedrooms), together with associated parking, landscaping and public realm improvements.		
Delegated Decision			
Application Number:	19/1443/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	16/12/2019
Location Address:	Bendene Townhouse 15 - 16 Richmond Road Exeter Devon EX4 4JA		
Proposal:	Discharge of condition 3 (materials) and 4 (archaeology) of planning application 18/0137/FUL granted 24 January 2018		
Delegated Decision			
Application Number:	19/1498/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	10/12/2019
Location Address:	Snayle Tower Bartholomew Terrace Exeter Devon EX4 3BW		
Proposal:	The reduction of one Rowen, one maple and one magnolia by 30%		
Delegated Decision			
Application Number:	19/1545/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/11/2019
Location Address:	21-22 Queen Street Exeter Devon EX4 3SH		
Proposal:	Written scheme of archaeological work for an archaeological watching brief.		

Delegated Decision	
Application Number: 19/1592/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 27/11/2019
Location Address: 25 South Street Exeter Devon EX1 1EB	
Proposal: Discharge condition 3 (Written Scheme of Investigation for Archaeology Works) for 19/0183/FUL and 19/0184/LBC	
Delegated Decision	
Application Number: 19/1629/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 17/12/2019
Location Address: 157 Fore Street St Davids Exeter Devon EX4 3AT	
Proposal: Change in design of the shop front and changes to internal layout arrangements on the ground floor	
Delegated Decision	
Application Number: 19/1634/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 11/12/2019
Location Address: Honiton Inn 74 Paris Street Exeter Devon EX1 2JY	
Proposal: Non material amendment to planning applications 16/1210/FUL granted 12 April 2017 17/1658/VOC granted 12 April 2019 for the construction of electrical substation.	
Delegated Decision	
Application Number: 19/1638/TPO	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 02/12/2019
Location Address: 12 North Street St Davids Exeter Devon EX4 3QS	
Proposal: To attend site and reduce crown by 2m on three (3) overgrown trees to be symmetrical by cuttingback to create a 2m clear zone between trees and building, balance canopies and lift lower growth to 3m from ground level. All waste generated will be removed from site to licenced facilities	
Delegated Decision	
Application Number: 19/1652/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 04/12/2019
Location Address: Fever And Boutique 12 Mary Arches Street Exeter Devon EX4 3AZ	
Proposal: 2 sets of halo illuminated fascia text.	
Delegated Decision	
Application Number: 19/1711/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2019
Location Address: Attwills Almshouses New North Road Exeter Devon EX4 4JT	
Proposal: T1 Elder reduce to 2.5m (currently overgrown), T2 Pine remove secondary limb overhanging building, T3 Dead, remove, T4 Lawson Cypress crown lift to approximately 4.5m and reduce branches overhanging building, T5 Sycamore reduce branches overhanging building.	

St Loyes

Delegated Decision

Application Number: 19/0381/FUL Delegation Briefing:
Decision Type: Withdrawn Returned Date: 29/10/2019
(unlikely to be det.)
Location Address: 88 Honiton Road St Loyes Exeter Devon EX1 3EE
Proposal: Regularisation of existing car wash land use

Committee Decision

Application Number: 19/0770/FUL Delegation Briefing: 11/07/2019
Decision Type: Permitted Date: 22/11/2019
Location Address: Police Headquarters Devon And Cornwall Constabulary Police
Training College Alderson Drive Exeter Devon EX2 7HQ
Proposal: Application for temporary car park for the period of 3 years
providing 287 additional car spaces.

Delegated Decision

Application Number: 19/1025/FUL Delegation Briefing: 15/08/2019
Decision Type: Permitted Date: 03/12/2019
Location Address: 32 Purcell Close Exeter Devon EX2 5QS
Proposal: Two storey side extension including rear dormer

Delegated Decision

Application Number: 19/1224/FUL Delegation Briefing: 10/10/2019
Decision Type: Permitted Date: 04/11/2019
Location Address: 10 Old Pavilion Close Exeter Devon EX2 5UN
Proposal: Single storey rear extension.

Delegated Decision

Application Number: 19/1430/FUL Delegation Briefing:
Decision Type: Withdrawn by Applicant Date: 27/10/2019
Location Address: 13 Coates Road Exeter Devon EX2 5RH
Proposal: Demolition of existing flank elevation garage, and construction of a
two storey extension, materials and appearance to match
extension to the neighbouring property in order to provide larger
kitchen and additional bedroom.

Delegated Decision

Application Number: 19/1453/DEM Delegation Briefing:
Decision Type: Prior Approval Required and Date: 02/12/2019
Granted
Location Address: Police Headquarters Devon And Cornwall Constabulary Police
Training College Alderson Drive Exeter Devon EX2 7HQ
Proposal: Demolition of 3 number existing buildings comprising Torbay
House, Traffic Buildings and fuel station.

Delegated Decision	
Application Number:	19/1722/ADV
Decision Type:	Permitted
Location Address:	The Exeter Arms Hotel Rydon Lane Exeter Devon EX2 7HL
Proposal:	Installation of illuminated and non illuminated signs to the exterior of the building

St Thomas

Delegated Decision	
Application Number:	18/0580/FUL
Decision Type:	Refuse Planning Permission
Location Address:	Land And Buildings At Pocombe Grange House Pocombe Bridge Exeter EX2 9SX
Proposal:	Extension and alterations to existing accommodation to create 1no. additional dwelling unit and construction of 2no. new build dwelling houses, landscaping and associated works

Delegated Decision	
Application Number:	19/1098/ECC
Decision Type:	Permitted
Location Address:	The Haven Alphington Street Exeter Devon EX2 8AU
Proposal:	Retention of use of property as a hostel - Continuation of use under Planning Permission Ref. 13/0203/ECC granted on 16 April 2013

Delegated Decision	
Application Number:	19/1195/ECC
Decision Type:	Permitted
Location Address:	6 Myrtle Road Exeter Devon EX4 1PZ
Proposal:	Complete demolition and reconstruction of dwelling with new two storey rear extension (resubmission of approved application 16/0307/ECC)

Delegated Decision	
Application Number:	19/1196/ECC
Decision Type:	Permitted
Location Address:	3 Myrtle Road Exeter Devon EX4 1PZ
Proposal:	Complete demolition and reconstruction of dwelling with new two storey rear extension (resubmission of approved application 16/0306/ECC)

Delegated Decision	
Application Number: 19/1440/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 27/11/2019
Location Address: Unit 1 The Exebridge Centre Cowick Street Exeter Devon EX4 1AH	
Proposal: 3 no. internally-illuminated replacement signs and 1 no. non-illuminated replacement sign.	
Delegated Decision	
Application Number: 19/1489/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 19/11/2019
Location Address: Westexe Nursery School Cowick Street Exeter Devon EX4 1HL	
Proposal: T1 - Cotoneaster - Prune back to previous growth points + Re-shape. G2 - Cotoneaster - Prune the side growth. T3 - Pittosporum - Prune back. T4 - Crab apple - Reduce in height by 5ft + Re-shape by 4-5ft	
Delegated Decision	
Application Number: 19/1490/ECC	Delegation Briefing: 21/11/2019
Decision Type: Permitted	Date: 16/12/2019
Location Address: 7 Myrtle Road Exeter Devon EX4 1PZ	
Proposal: Complete demolition and reconstruction of dwelling with new two storey rear extension and front porch (resubmission of approved application 16/0306/ECC)	
Delegated Decision	
Application Number: 19/1491/ECC	Delegation Briefing: 21/11/2019
Decision Type: Permitted	Date: 16/12/2019
Location Address: 28 Merrivale Road Exeter Devon EX4 1PX	
Proposal: Complete demolition and reconstruction of dwelling with new two storey rear extension (resubmission of approved application 16/0310/ECC)	
Delegated Decision	
Application Number: 19/1530/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 13/11/2019
Location Address: 11 Berkshire Drive Exeter Devon EX4 1NE	
Proposal: Rear dormer and roof lights to the front (Side gable window is existing).	

Topsham

Delegated Decision

Application Number: 18/0289/FUL Delegation Briefing: 07/11/2019
Decision Type: Permitted Date: 10/12/2019
Location Address: 23 High Street Topsham Exeter Devon EX3 0ED
Proposal: Single dwelling new build to existing car park at rear of 23 High Street, Topsham.

Delegated Decision

Application Number: 18/0290/LBC Delegation Briefing: 07/11/2019
Decision Type: Permitted Date: 10/12/2019
Location Address: 23 High Street Topsham Exeter Devon EX3 0ED
Proposal: Single dwelling new build to existing car park at rear of 23 High Street, Topsham.

Committee Decision

Application Number: 18/1120/OUT Delegation Briefing: 06/09/2018
Decision Type: Permitted Date: 18/12/2019
Location Address: Agricultural Field Adjoining 46 Newcourt Road Topsham Exeter
Proposal: Outline planning permission for development of site to provide 7 residential units (3 open market and 4 self-build plots) with access from Newcourt Road (Appearance, Landscaping, Layout and Scale all reserved for subsequent approval).

Delegated Decision

Application Number: 19/1102/FUL Delegation Briefing: 22/08/2019
Decision Type: Refuse Planning Permission Date: 23/10/2019
Location Address: Quay Gardens Monmouth Avenue Topsham Exeter Devon EX3 0JF
Proposal: Construction of a detached 3 bedroom house with an integral garage

Delegated Decision

Application Number: 19/1182/FUL Delegation Briefing: 07/11/2019
Decision Type: Permitted Date: 29/11/2019
Location Address: The Nab Ferry Road Topsham Exeter Devon EX3 0JW
Proposal: Pontoon in Exe Estuary with access from the rear garden

Delegated Decision

Application Number: 19/1206/FUL Delegation Briefing: 12/09/2019
Decision Type: Permitted Date: 28/10/2019
Location Address: 23 Victoria Road Topsham Exeter Devon EX3 0EU
Proposal: Loft conversion with rear dormer.

Delegated Decision			
Application Number:	19/1212/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	05/11/2019
Location Address:	Land At Clyst Road Topsham Exeter		
Proposal:	Discharge of condition 8 (Ground water monitoring programme) of application 17/1148/OUT.		
Delegated Decision			
Application Number:	19/1226/FUL	Delegation Briefing:	03/10/2019
Decision Type:	Permitted	Date:	05/11/2019
Location Address:	Sandylands Old Rydon Lane Topsham Exeter Devon EX2 7JW		
Proposal:	Rear elevation dormers.		
Delegated Decision			
Application Number:	19/1241/FUL	Delegation Briefing:	26/09/2019
Decision Type:	Permitted	Date:	07/11/2019
Location Address:	Royal Devon And Exter Healthcare N H S Trust Newcourt House Old Rydon Lane Topsham Exeter Devon EX2 7JU		
Proposal:	Internal and external alterations to include removal of internal partition walls, replacement of aluminium windows and construction of 2 No. bike sheds.		
Delegated Decision			
Application Number:	19/1242/LBC	Delegation Briefing:	26/09/2019
Decision Type:	Permitted	Date:	07/11/2019
Location Address:	Royal Devon And Exter Healthcare N H S Trust Newcourt House Old Rydon Lane Topsham Exeter Devon EX2 7JU		
Proposal:	Internal and external alterations to include removal of internal partition walls, replacement of aluminium windows and construction of 2 No. bike sheds.		
Delegated Decision			
Application Number:	19/1272/FUL	Delegation Briefing:	17/10/2019
Decision Type:	Permitted	Date:	03/12/2019
Location Address:	3 Dutch Court Topsham Exeter Devon EX3 0JD		
Proposal:	Two storey rear extension, single storey side extension and south-east facing dormer window.		
Delegated Decision			
Application Number:	19/1277/FUL	Delegation Briefing:	03/10/2019
Decision Type:	Permitted	Date:	28/10/2019
Location Address:	12 Monmouth Avenue Topsham Exeter Devon EX3 0AF		
Proposal:	Replacement shed in side garden.		

Delegated Decision	
Application Number: 19/1301/FUL	Delegation Briefing: 03/10/2019
Decision Type: Permitted	Date: 25/10/2019
Location Address: 43 Sand Grove Exeter Devon EX2 7SF	
Proposal: Conservatory to the rear of the property (Revised scheme).	
Delegated Decision	
Application Number: 19/1324/LBC	Delegation Briefing: 10/10/2019
Decision Type: Permitted	Date: 08/11/2019
Location Address: Mount Howe Topsham Exeter Devon EX3 0BG	
Proposal: Proposed home office.	
Delegated Decision	
Application Number: 19/1325/FUL	Delegation Briefing: 10/10/2019
Decision Type: Permitted	Date: 26/11/2019
Location Address: 7 Monmouth Street Topsham Exeter Devon EX3 0AJ	
Proposal: Replacement ground floor rear extension.	
Government Department	
Application Number: 19/1326/LBC	Delegation Briefing: 10/10/2019
Decision Type: Permitted	Date: 26/11/2019
Location Address: 7 Monmouth Street Topsham Exeter Devon EX3 0AJ	
Proposal: Replacement ground floor rear extension.	
Delegated Decision	
Application Number: 19/1329/VOC	Delegation Briefing: 31/10/2019
Decision Type: Permitted	Date: 22/11/2019
Location Address: Aldi Stores Ltd 93 Exeter Road Topsham Exeter Devon EX2 7RQ	
Proposal: Variation of condition no. 14 of planning application Reference No. 14/2083/FUL (Approved on 30/06/2015) to allow the store to receive deliveries between 0500 to 0000 hours Monday to Saturday, and 0800 to 2000 hours on Sundays.	
Delegated Decision	
Application Number: 19/1397/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 01/11/2019
Location Address: Whitfield House Blakeslee Drive Exeter Devon	
Proposal: 3 x Fascia signs; 1 x services sign; 1 x window vinyl; 1 x box sign; 2 x wall signs	

Delegated Decision	
Application Number:	19/1400/FUL
Decision Type:	Permitted
Location Address:	12 The Strand Topsham Exeter Devon EX3 0JB
Proposal:	Install metal railings around edge of flat roof to use as a terrace.
Delegation Briefing:	24/10/2019
Date:	27/11/2019
Delegated Decision	
Application Number:	19/1401/LBC
Decision Type:	Permitted
Location Address:	12 The Strand Topsham Exeter Devon EX3 0JB
Proposal:	Install metal railings around edge of flat roof to use as a terrace.
Delegation Briefing:	24/10/2019
Date:	27/11/2019
Delegated Decision	
Application Number:	19/1405/LBC
Decision Type:	Permitted
Location Address:	The Globe Hotel Fore Street Topsham Exeter Devon EX3 0HR
Proposal:	Change of use from conference room and skittle alley to additional hotel rooms (C1).
Delegation Briefing:	31/10/2019
Date:	02/12/2019
Delegated Decision	
Application Number:	19/1413/FUL
Decision Type:	Permitted
Location Address:	The Globe Hotel Fore Street Topsham Exeter Devon EX3 0HR
Proposal:	Change of use from conference room and skittle alley to additional hotel rooms (C1).
Delegation Briefing:	31/10/2019
Date:	02/12/2019
Delegated Decision	
Application Number:	19/1433/FUL
Decision Type:	Permitted
Location Address:	32 Victoria Road Topsham Exeter Devon EX3 0EU
Proposal:	Proposed kitchen and bay window refurbishment and internal alterations.
Delegation Briefing:	31/10/2019
Date:	22/11/2019
Delegated Decision	
Application Number:	19/1434/LBC
Decision Type:	Permitted
Location Address:	32 Victoria Road Topsham Exeter Devon EX3 0EU
Proposal:	Proposed kitchen and bay window refurbishment and internal alterations.
Delegation Briefing:	31/10/2019
Date:	22/11/2019

Delegated Decision	
Application Number:	19/1492/FUL
Decision Type:	Permitted
Location Address:	29 Greatwood Terrace Topsham Exeter Devon EX3 0EB
Proposal:	Proposed single storey rear extension
Delegated Decision	
Application Number:	19/1618/CAT
Decision Type:	Permitted
Location Address:	64 Altamira Topsham Exeter Devon EX3 0AH
Proposal:	G1 Holm Oaks: Reduce to 9m
Delegated Decision	
Application Number:	19/1668/TPO
Decision Type:	Permitted
Location Address:	Wilson Leisure Site Office Topsham Road Exeter Devon EX2 7DT
Proposal:	Turkey Oak, (T4) remove secondary branches drooping downwards to 5m Sycamore (T16) remove small branches above No. 22 roof Sycamores (T17-22) inspect, deadwood and remove epicormic growth, and lift lower branches to the north over fence Lime (T40-41) remove epicormic growth and deadwood Sycamore(T47) remove epicormic growth Horse Chestnut(T65) remove epicormic growth and remove lower middle branch Ash(T66) remove low branch over patio Ash(T68) dead wood and remove small low branch Turkey Oak (T70) remove epicormic growth and small branch over road Beech(T77) reduce crown back to just below old cuts . this is due to presence of decay in the old cuts Beech(T78) reduce crown back to old cuts Lime (T79) reduce crown back to just below old cuts due to decay in said cuts Eucalyptus (T80) Re-pollard Lime (T87) remove epicormic growth Red Oak (T98) remove epicormic growth Sycamore(T101) remove lowest branches Hornbeam(T102) lift low branches sycamore (T104) remove 2 low branches over alleyway and over neighbour English Oak(T116) remove epicormic growth and inspect English Oak(T117) lift branches over patio and aerial
Total Applications: 156	

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 6 January 2020
Report of: Service Lead City Development
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 **19/0072/FUL - 17 Mount Pleasant Road, Exeter.** The application was for a single-storey extension to the rear of the existing property.

The main issues were the effect of the proposal on i) living conditions of occupiers of the host property with respect to the provision of outdoor amenity space; and ii) the character and appearance of the host property and area.

Whilst the Inspector acknowledged that gardens in the area are generally of a moderate size, this was said to not justify allowing a proposal which would reduce garden space significantly below the recommended 55sqm. It was also stated that given the position of the rear extension, that the remaining outdoor space would be neither good quality nor useable and would be of diminished practical use to occupiers.

However, the inspector disagreed that the proposal would harm the appearance of the original dwelling or townscape as the scale and design would not represent a visually intrusive or unacceptably discordant addition.

In summary, whilst the Inspector did not consider that the proposal would cause harm to the character and appearance of the area, the inadequate remaining garden space was of overriding concern which ultimately resulted in the appeal being dismissed.

- 3.2 **19/0247/FUL – 15 Cowper Avenue, Exeter.** The application was for a single-storey side extension.

The main planning issue in this case was considered by the inspector to be the impact upon the character and appearance of the host dwelling house and wider area.

The Inspector recognised that the open-ended and spacious corner plots in this housing estate form a clearly distinctive and attractive spatial quality to the area. The regimented uniform layout is fundamental to the housing estate design, which has been well maintained with very few and relatively insignificant exceptions affecting the openness of the corner plots – this openness in the urban grain contributes positively to local distinctiveness in the area according to inspector's analysis.

It was concluded that the proposed extension would significantly harm the character and appearance of the host dwelling and the wider townscape/ housing estate. Specifically the inspector in this case noted that the extension with the ridge height set just below the eaves level of the main house lacks subservience - an adverse impact compounded by the inappropriate scale and massing of the extension. The small windows proposed above the ridge but below the main house eaves are considered to represent an incongruous addition further degrading the relationship between the main house and the proposed extension.

The inspector challenged the use of policy DG (b) in this case and noted that whilst it's useful to explore and explain the impact upon accommodation quality in the officer report, it was not relevant or useful as a reason for refusal in this instance. The appeal was dismissed.

3.3 19/0621/FUL – Land Adjacent to 2A Newcourt Road, Topsham, Exeter. The application was for a proposed single-storey dwelling.

The main issues were the effect of the proposal on the character and appearance of the area including the effect on the nearby Topsham Conservation Area; and whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to amenity space. The site, although not within the Topsham Conservation Area, is located on the boundary.

The Inspector stated that the contemporary design with its hard, straight lines and flat-roof would be at odds with the traditional buildings which surround it in close proximity, which is emphasised by the modern palette of materials. As a result the proposal would appear as an incongruous addition in the street scene, which would fail to respect, and therefore cause harm to the character and appearance of the area. Furthermore the Inspector noted that the dwelling at 2A Newcourt Road is prominent on the approach along the road from the junction with Denver Road and provides a focal point which is typical of the traditional built form of the area. The proposal would introduce a new visually jarring focal point, eroding the character and appearance of the area. The proposal was deemed to fail to respond sympathetically to its context and as such, would harm the character and appearance of the area and to the conservation area, with no identifiable public benefit to outweigh the harm.

The proposed dwelling would have areas of private amenity space, including a grassed area and a small patio to the front and side of the property, which the Inspector considered to be fairly narrow and close to the road. Located next the road, those using the garden would not have an acceptable level of privacy and would feel exposed and overlooked, this would be further impacted by the first floor windows of 2A Newcourt Road. The Inspector noted that although planting or alternative boundary treatments could be used to achieve some level of privacy, due to the small size of the garden any boundary treatment to achieve an acceptable level would have detrimental impacts to the light levels and outlook of the proposed dwelling. The position of the gardens also means that they would be substantially shaded for much of the day and would be of poor quality.

The Inspector summarised that aspects of the proposal would be in conformity with the local and national planning policy, however, none of the factors would be sufficient to outweigh the harm as outlined above. The appeal was dismissed.

3.4 18/1643/FUL - Land to the Rear of 327 Topsham Road, Exeter. The application was for construction of a two-storey dwelling, garage and associated external works.

The application was refused on the grounds of the impact on the character and appearance of the surrounding area and privacy of occupants. These reasons, therefore, constituted the main issues of the appeal.

The Inspectorate agreed that proposal would be at odds with the prevailing character of development within Bishop Westall Road and that its position would not respect the established building line and the buildings height, emphasised by a steeply pitched roof, would be out of keeping with the surrounding townscape. As a result, the proposal was considered to have an oppressive, overbearing impact on the street-scene. The Inspectorate held the same view for the proposed garage and stated that this would be clearly visible from the road and side of the new dwelling, exacerbating the over-dominant visual impact of the proposed development.

In terms of design, the Inspectorate shared the Councils view that the detailed design of the new building would relate poorly to the street stating that the street elevation fenestration would not be demonstrative of a main building entrance, as would normally be expected on a street facing elevation, and there would be large areas of blank wall space, lacking in fenestration and visual interest. The proposed window design and materials were also considered unacceptable and it was considered that the proposed amount of unrelieved rendered wall space on the building, together with the proposed standing seam metal roof, comprised a palette of materials that would

not relate well to the prevailing character of the road where traditional brick and tiles are the predominant defining combination of materials.

For privacy, the Inspector disagreed there would be an unacceptable impact considering the 15m distance between habitable room windows. The inspector stated that degree of overlooking from first-floor windows into neighbouring rear gardens is an expected occurrence within urban residential environments and therefore would not constitute a reason for refusal. The appeal was dismissed.

- 3.5 **19/0689/FUL - 21 Riverside Road, Topsham, Exeter.** The application was for a proposed new garage and conversion of existing garage into living accommodation.

The Planning Inspectorate has allowed an appeal for a garage and front extension. The main issues of the proposed development included the character and appearance of the area, the outlook of occupants and the relationship with the neighbouring dwelling.

The proposed garage would be built at an angle, protruding forward of the principle elevation of the property. The garage is required as a result of converting the existing, built in garage, into additional bedrooms and living space.

In allowing the appeal, the Inspector determined the proposal would be a suitable size in terms of scale and massing and stated that whilst the Design Guidance advises side extensions to be set back, it does not preclude other forms of extensions with its main aim being to ensure subservience.

Another reason for refusal was the proposed garages relationship with the original dwelling and how the height compromised a downstairs window effecting outlook of occupants. The inspector disagreed, considering that the 'fairly small and not excessively high' garage related well to the original house and would not harmfully effect outlook as to justify refusing permission.

In summary, the Inspectorate felt the proposal would not have an adverse impact on the character and appearance of the property or area and would not harm amenity.

- 3.6 **19/0823/FUL - 8 Barnardo Road, Exeter.** The application was for a two-storey side extension with small side infill.

The planning inspectorate has dismissed an appeal for a first floor side extension at 8 Barnardo Road.

In determining the appeal, the main issues were (i) the effect of the development on the character and appearance of no.8 and the surrounding area and (ii) the resulting living conditions for occupants of neighbouring no.6.

With regard to character and appearance, the Inspector acknowledged the 1960s properties were not 'renowned for their quality design or quality of build' but stated that the symmetry and order of the dwellings was inherently visually pleasing. As the properties on this side of Barnardo Road followed an obvious rhythm with stepped down, adjoined garages, to extend on top of the garage was considered to result in an additional bulk which would not reflect the typology of the dwellings. Whilst highlighting no.8 and no.6 were somewhat asymmetrical due to changes to the properties, this did not outweigh their reflective qualities and agreed with Officer view that the proposal would adversely affect the character and appearance of the property and area.

In discussing the living conditions of no. 6 as a result of the proposal, the Inspector noted that the nearest windows were obscured glazed and to bathrooms. However, the 4.5m distance that would remain as a result of the development was considered atypically close which would have a significant perceptive effect and result in an unacceptably close inter-relationship between the side elevations. The bulk of the proposal was also considered to likely reduce the level of natural light entering the first floor windows of no.6 given the orientation of the properties. The inspector again agreed with Officer view that the proposal would have an unacceptable impact to neighbouring amenity as it would result in an adverse sense of enclosure and reduction in natural light.

Whilst the isolated design and personal benefits of the proposal were given some credit, this was not considered to off-set or outweigh the poor relationship between the proposal, the streetscene and the adjoining neighbour.

- 3.7 **18/1644/FUL - 42-44 Buller Road, Exeter.** The application was for a change of use and conversion of chapel (Class D1) to a single dwellinghouse (Class C3) and ground floor rear extension.

The planning inspectorate have allowed an appeal to convert 42-44 Buller Road from an evangelical chapel to a residential unit.

In refusing permission, the Council's main concern was that insufficient evidence had been provided to demonstrate that the loss of a community facility was justified. Whilst the Council acknowledged that the building no longer had a future as a place of worship for this specific denomination, and that the church had initially attempted (unsuccessfully) to sell the property to another church group, it was concerned that a marketing exercise had been carried out for only 6 weeks and that the property was then sold to a developer for residential conversion when there was interest in using the building for alternative community uses. In response, the Church argued that, as a charity, it was duty-bound to sell for the highest price. The Inspector accepted this point.

The marketing exercise resulted in 28 tenders being submitted. In the interests of confidentiality, these tenders were not reported in detail. However, it was stated by the agent that the majority sought a change of use to residential, thereby indicating that there was a minority interested in other uses. It emerged through the consultation process that one of those parties was Exeter Drama Company. The Inspector argued that the lack of information on the tenders reduced the weight he could attach to the matter. Furthermore, he gave limited weight to the interest expressed by Exeter Drama Company because he had received contradictory information that suggested both that it had now found alternative accommodation and that it may not have done so. In addition, he noted that he had not been presented with clear and detailed evidence that any community group would be in a position to buy the property, even if it was available.

In broad terms, the Inspector concluded that the property had been marketed appropriately by professional agents. He could not be certain that there was no community use or group that would be able to afford and make use of the building but he was satisfied that "the evidence resulting from the marketing exercise lends moderate support to the proposition that there was not another community group or user available and able to purchase the building for a community use" (Paragraph 9). Whilst he accepted it was not definitive, he also noted that the information before him suggested there was an adequate supply of other community facilities within 1 kilometre of the application site. He added that he had not been presented with substantial evidence that the facility is presently valued by local residents and observed that the building had, in any case, been empty for some time.

In summary, he did not agree with the Council's position and consequently has granted planning permission.

4. New Appeals

4.1 19/0560/FUL, Beech Hill House, Walnut Gardens, Exeter.

Development to build residential accommodation for students (166 bedspaces) with associated accommodation, infrastructure works and landscaping following demolition of existing buildings (*Revised Scheme*).

4.2 19/0809/FUL – 28 Argyll Road, Exeter.

Proposed first-floor extension to front and new dormer to the rear of property, new extension over existing playroom and associated works.

4.3 19/1037/FUL – 85 Newcourt Road, Topsham, Exeter.

Ground and roof extensions to an existing bungalow.

Andy Robbins

Service Lead City Development

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

Background papers used in compiling the report:

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

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

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