

PLANNING

Date: Monday 10 February 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, Sparkes 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 meetings held on 6 and 13 January 2020. (Pages 5 - 38)

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. 19/0733/FUL - 7-9 and 10 Blackboy Road, Exeter**

To consider the report of the Service Lead City Development. (Pages 39 - 56)

6 **Planning Application No. 19/0962/FUL - Land off Pulling Road, Pinhoe, Exeter**

To consider the report of the Service Lead City Development. (Pages 57 - 72)

7 **Planning Application No. 19/1460/OUT - Land off Pennsylvania Road, Exeter**

To consider the report of the Service Lead City Development. (Pages 73 - 84)

8 **Planning Application No. 19/1621/FUL - Whipton Barton House, Vaughan Road, Exeter**

To consider the report of the Service Lead City Development. (Pages 85 - 106)

9 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Service Lead City Development. (Pages 107 - 128)

10 **Appeals Report**

To consider the report of the Service Lead City Development. (Pages 129 - 134)

11 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 3 March 2020

at 9.30 a.m. The Councillors attending will be Ghusain, Harvey and Mrs Henson.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 16 March 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 6 January 2020

Present:-

Councillor Lyons (Chair)

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

Apologies

Councillor Ghusain

Also Present

Chief Executive & Growth Director, Director (BA), Service Lead City Development, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MD), Highways Development Management Officer and Democratic Services Officer (Committees) (HB)

1

MINUTES

The minutes of the meeting held on 28 October 2019 were taken as read, approved and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

Councillor Williams declared an interest and left the meeting during consideration of Minute No 5.

3

PLANNING APPLICATION NO. 19/1461/OUT - LAND NORTH OF HONITON ROAD AND WEST OF FITZROY ROAD EXETER

The Principal Project Manager (Development) (MD) presented the application for a mixed use development to provide town centre facilities comprising uses within some or all of Class 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).

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

- Network Rail had withdrawn its holding objection and listed issues asking for consideration to be given to additional conditions. It was suggested that consideration of these should be delegated to the Service Lead City Development, subject to prior consultation with the Chair;
- representation from Crown Estates;
- a letter from the asset manager for the owners of Princesshay suggesting alterations to some conditions. In light of the report of the Council's retail consultant, these suggestions were not considered necessary; and
- a letter objecting on the grounds that an out of town centre would take away business from existing town centres.

The Principal Project Manager (Development):-

- described the scheme in detail setting out the changes from the previous proposals notably the wider mix of uses and explaining the background in the context of the Core Strategy adopted in 2012, the Monkerton/Hill Barton Master Plan and National Design Guidance 2019;
- explained that the scheme offered significant economic and social benefits to the area given the proximity of the adjacent business area and a new residential community, the absence of a local centre having being delivered to date in the area and that elements of the scheme included those which would be a found in a local centre and a gap in the provision of a mixed use hub along the Heavitree Road corridor;
- referred to letters of support from Exeter Science Park Ltd. and SW Comms; and
- advised that the application was the most suitable out of the three out-of-centre sites considered for major retail development in July 2019.

Martin Ridgway spoke in support of the application. He raised the following points:-

- the floor area has been reduced and the range of uses improved to include a chemist, foodstore, gym, bank, restaurants and a newsagent with the design potentially setting a new benchmark for centres to promote sustainable access for locals residents, workers and visitors;
- the site is close to two of Exeter's largest employers, the Met Office and Devon & Cornwall Police, who between them employ nearly 3,500 staff but whose facilities are limited;
- it will minimise adverse air quality, deliver a truly "eco-friendly" development and ensure good accessibility;
- it will meet the needs of the existing and growing number of residents along with the wider business community and growth in East Exeter shows a requirement for a new services hub;
- the scheme connects into the District Heating Network;
- a CIL payment in excess of £1.9 million scheduled which can be used towards further local sustainable features; and
- transport related benefits include four new pedestrian/cycle links into the site, reduction in parking numbers, electric vehicle charging points increased to 45, a new link for a bus "only" connection into the adjoining residential development and widening of Honiton Road for a bus stop relocation and a new Toucan crossing.

He responded as follows to Members' queries:-

- because of the strong interest from many operators and the number of conditions, it was anticipated that the desired mix of uses would be met;
- a "green wall" would be one of the options at design stage;
- the proposal incorporated both reduced car parking provision as well as reduced floor area; and
- approaches in respect of a health centre provision could be considered.

During discussion the following points were raised:-

- concern regarding the impact on the air quality of the Heavitree Road corridor and whether a bus service would be extended to the adjoining residential area; and

- support for the mixed use identified notwithstanding Local Plan policy requiring a small “local centre” as the development would benefit the residential and business communities it adjoins.

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 the Service Lead City Development being granted delegated authority and subject to prior consultation with the Chair to agree additional conditions sought by Network Rail, planning permission for mixed use development to provide town centre facilities comprising uses within some or all of Class 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) be **APPROVED**, subject also to 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. Electric Bike Hire Facility

The reserved matters details shall show the location of an Electric Bike Hire Facility on the site. The Electric Bike Hire 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 quanta 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.

Informative

- (1) The developer is encouraged to provide bio-diversity enhancements including a "green wall".

4 **PLANNING APPLICATION NO. 19//1168/FUL - LAND ADJACENT TO 2A
NEWCOURT ROAD, TOPSHAM**

The Chair reported the deferral of this item to the next meeting of this Committee on 13 January 2020.

5 **PLANNING APPLICATION NO. 19/1215/FUL - HICKLING COTTAGE,
TADDYFORDE ESTATE, EXETER**

Councillor Williams declared an interest and left the meeting during consideration of this item.

The Assistant Service Lead City Development presented the application for the change of use of ancillary residential accommodation outbuilding to new separate dwelling house.

Dr Judith Proud spoke against the application. She raised the following points:-

- representing residents living within the Taddyforde Estate Conservation Area;
- the building is inappropriate as it represents new build within the Estate which is already developed to capacity and the proposal is short on space internally and externally and not compliant with the Council's adopted space standards, both internally and externally;
- legitimate planning process has not been followed as the intention was always to build a separate dwelling. Residents are concerned about the scale of the building compared with the small single garage and Hickling Cottage itself, the amenities of the building and the lack of windows overlooking the Cottage;

- the applicant has been resident in the building a fact which is being used, inappropriately to support the application; and
- the description of the proposal as ancillary residential accommodation outbuilding is misleading.

In response to a Member, she advised that there had been 13 objections to the proposal to use as a separate residence.

Gill Baker spoke in support of the application. She raised the following points:-

- the building already exists and is not a new build, it does not impact on the Conservation Area and previous applications are not relevant;
- proposal does not set a precedent for any future garden developments;
- proposal meets City Council criteria and no policy reasons for not allowing the development;
- provides a better mix of development in Taddyforde and allows the applicant to remain in this area as well as freeing up a large family home currently uninhabited to re-enter the market; and
- amenities conform to general standard of one bedroom properties.

She responded as follows to Members' queries:-

- a planning statement was produced which follows the Council's checklist;
- the internal measurement of 56 square metres accords with that for a one bedroom property even though this is a two storey building; and
- the application meets the standards for outside amenity space of 55/56 square metres. The garden also benefits from being north facing.

The Assistant Service Lead City Development advised that:-

- there had been two previous applications for an annexe and that this was the first application for a detached dwelling;
- the application met the nationally set space standards for a two storey dwelling; and
- although the external space did not quite meet the Council's guideline, the quality was of a high standard with adequate garden size for this type of dwelling and was an appropriate level of amenity.

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 the change of use of ancillary residential accommodation outbuilding to new separate dwelling house be **AGREED**, 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).

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

The report of the Service Lead City Development was submitted.

RESOLVED that the report be noted.

7 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

8 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 28 January 2020 at 9.30 a.m. The Councillors attending will be Councillors Mitchell, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.09 pm)

Chair

PLANNING COMMITTEE

Monday 13 January 2020

Present:-

Councillor Lyons (Chair)

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

Also Present

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

9

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

10

PLANNING APPLICATION NO. 19/1100/RES - PINHOE QUARRY, HARRINGTON LANE, EXETER

The Principal Project Manager (Development) (MD) presented the application for the approval of reserved matters of appearance, landscaping, layout and scale relating to the residential development comprising 380 dwellings, flexible retail and community space and the associated infrastructure, garaging, parking, landscaped open space, equipped children's play and public realm. (Pursuant to planning permission reference 10/2088/OUT granted on 6th February 2012).

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

- following discussions with the County Council as the Lead Local Flood Authority the County Council required an increase in the size of sewer drainage pipes which would need a separate discharge of condition application under the outline consent; and
- request from the applicant for an additional condition to detail boundary treatment.

Russell Smith spoke in support of the application. He raised the following points:-

- planning agent on behalf of Galliford Try Partnership and Waltco Properties Ltd.;
- applicant has increased the number of affordable housing units;
- presentations on the scheme were made to two meetings of the Planning Member Working Group and to the Design Review Panel, the latter commenting on the high standard of design; and
- surface water drainage ponds will have very shallow sides to secure safety of children and the suggested fencing of the ponds will be addressed as part of the discussions on the boundary treatment.

He responded as follows to Members' queries:-

- on street parking will assist in respect of visits to the shop;

- cycle parking incorporated into individual dwellings together with communal cycle parking for apartments;
- high quality passivhaus design; and
- road network designed to accommodate an extension of the bus service through the estate.

A Member thanked Galliford Try Partnership and Waltco Properties Ltd. for their engagement with the Pinhoe Village Action Group.

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 the completion of a satisfactory legal agreement securing the Habitats Mitigation contribution, planning permission for the approval of reserved matters of appearance, landscaping, layout and scale relating to the residential development comprising 380 dwellings, flexible retail and community space and the associated infrastructure, garaging, parking, landscaped open space, equipped children's play and public realm. (Pursuant to planning permission reference 10/2088/OUT granted on 6th February 2012) be **APPROVED**, subject also to the following conditions:-

- 1) All conditions imposed on notice of outline approval ref 10/2088/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13th August and 24th November 2019, and the specific drawings referred to on the Clifton Emery Design Register of Drawings ref 170304 S 04 L and Hydrock Document Issue Record ref C-07799 A (both of which were received on the 20th December 2019) as modified by other conditions of this consent. Notwithstanding the above, the following drawings are not approved:
Proposed Drainage Layout (C-07799-C020P03)
Exceedance Flood Route Layout (C-07799-C021P03)
Reason: In order to ensure compliance with the approved drawings and taking into account the advice of Devon County Council as Lead Local Flood Authority.
- 3) No individual dwelling hereby approved shall be occupied until it has been provided with cycle parking/storage facilities in accordance with details which shall previously have been submitted to and approved in writing by, the Local Planning Authority.
Reason: To ensure adequate facilities are provided in the interests of encouraging the use of sustainable modes of transport by residents of the development.
- 4) Prior to the construction of any culvert or footway/cycleway that runs over or adjacent to the water course, a detailed Approval In Principle for the culvert or footway/cycleway shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).
Reason: To ensure the integrity of adjacent structures and land.

- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any dwelling within the development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
 Part 1, Class A extensions and alterations
 Part 1, Classes B and C roof addition or alteration
 Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house
 Part 1 Class F hard surfaces
Reason: In order to protect residential and visual amenity and to prevent overdevelopment.
- 6) Notwithstanding the fact that condition 20 of outline permission ref 10/2088/01, relating to the submission of a Construction Environmental Management Plan (CEMP), was discharged by virtue of application no. 13/3923/32 the approved CEMP only related to the Quarry re-profiling works and not the subsequent residential development. Consequently, prior to the commencement of the residential development works comprised in this application a further CEMP relating specifically to those works shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be carried in accordance with the approved details.
Reason - In the interests of local amenity.
- 7) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

11

PLANNING APPLICATION NO. 19/1406/FUL - LAND WEST OF RINGSWELL AVENUE, EXETER

The Principal Project Manager (Development) (MD) presented the application for the construction of 60 dwellings (Use Class C3), means of access, public open space and associated infrastructure.

The Principal Project Manager (Development) highlighted the changes to the previous scheme with the removal of a through route to create two cul-de-sacs and an additional access, thereby reducing the number of properties accessing onto Ringswell Avenue.

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

- LiveWest, a Registered Provider of affordable homes, had a strong commitment to Exeter and provided a range of homes and re-invested profits to ensure they can continue building affordable homes. The brownfield site would deliver 60 homes, all of which would be affordable;
- this site benefited from permission for 48 dwellings, all of which were to be

accessed from Ringswell Avenue. This access was of local concern at the time of the previous application and a second point of access had been provided to reduce the dependency on Ringswell Avenue together with a central pedestrian/cycle zone. As a result there were no neighbour objections;

- a range of one to four bed homes were proposed, including a wheelchair accessible home. The design incorporated high quality materials with key design features. LiveWest had been mindful to consider neighbours, the Council's Design Guide and National Space standards. Landscaping and ecology had been incorporated with three high quality areas of public open space provided. Generous parking is provided, and visitor spaces will ease congestion. The site will provide increased permeability for cycling and walking in the area, creating links to Honiton Road. The Highway Authority has no objection to the proposal; and
- a high-quality proposal will deliver significant benefits including making best use of brownfield land; providing affordable homes and public open space for the wider community and facilitating pedestrian/cycle links to Ribston Avenue and Warwick Road.

He responded as follows to Members' queries:-

- there had been a reduction in the number of four bed houses from the original scheme which meant that more units can now be provided;
- engineering assessments had shown that the turning heads were sufficient to enable vehicles to reverse out of the cul-de-sacs and that generous off street parking places was proposed together with bays on the carriageways;
- the number of properties accessing onto Ringswell Avenue had been reduced from 48 to 29;
- street lighting would be provided within the development and discussions were being held with the County Council in respect of a financial contribution towards the provision of lighting along the proposed footway leading to Warwick Road; and
- the two electric car charging points would not be located within the seven visitor spaces

During discussion the following points were raised:-

- importance of providing additional external lighting;
- concern that the visitor parking spaces could be used by residents themselves;
- additional number of smaller properties welcomed; and
- concern regarding the use of Lower Hill Barton Road by construction vehicles.

In respect of the latter point, Members were advised of a condition requiring a Construction Environmental Management Plan and that ward Members would be consulted on the detail of the plan.

The recommendation was for approval, subject to the conditions as set out in the report and an additional external lighting condition.

The recommendation was moved and seconded.

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

- affordable housing provision;
- open space - provision/maintenance;

- contribution to footpath connection to Warwick Road (£20,624);
- a Traffic Regulation Order contribution relating to an extension of existing 20mph zone into development site;
- Education contribution (320,624) and
- Travel Plan contribution (£500/dwelling).

planning permission for the construction of 60 dwellings (Use Class C3), means of access, public open space and associated infrastructure be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 9th October, 9th December and 17th December 2019 (including dwg. nos. P1823:01, P1823:02 Rev A, P1823:05, P1823:06, P1823:07, 0588-SBL-AM Version 1.0, P1823:09 Rev A, P1823:10 Rev A, P1823:11 Rev A, P1823:12, P1823:prelim, P1823:20, P1823:21, P1823:22, P1823:23, P1823:24, P1823:25, P1823:26, P1823:27, P1823:28, P1823:29, P1823:30; P1823:31, P1823:32, P1823:33, P1823:34 Rev A, P1823:35, P1823:36, P1823:37, P1823:38, P1823:39, P1823:40, P1823:41, P1823:42 Rev A, P1823:43, P1823:44, P1823:45, P1823:46, P1823:47, P1823:48, P1823:49, P1823:50, P1823:51, P1823:52, P1823:53, P1823:54, P1823:55, P1823:56, P1823:57, P1823:58, P1823:59, P1823:60, P1823:61, P1823:62 Rev A, P1823:63, P1823:64, P1823:65, P1823:66, P1823:67, P1823:68, P1823:69, P1823:70, P1823:71, P1823:72, P1823:73, P1823:74, P1823:75, 643/01, 643/02, 643/03, C-07226-C003 Rev E, C-07226-C002 Rev E and C-07226-C005 Rev D) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) No development above slab level shall take place until a schedule of materials to be used in the construction of the external doors & walls, roofs and windows has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason - In the interests of the visual amenities of the area.
- 4) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the Ecological Appraisal by Green Ecology dated September 2019 document ref 0588-EcIA-DM except as modified by drawing no. 0588-SBL-AM Version 1.0 and agent email dated 17th December 2019 in respect of the location, number and type of swift bricks to be incorporated within the development. Any licences required from Natural England in respect of the mitigation measures set out in the Ecological Appraisal shall be obtained prior to the commencement of the development.
Reason - To ensure that the development is implemented in a manner that minimises the direct ecological impact of the construction of the development and incorporates features that contribute to ecological enhancement of the site post development.

- 5) The landscaping scheme comprised in red bay design landscape consultants drawing nos. 643/01, 643/02 and 643/03 shall be fully implemented in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of the development.
Reason - To ensure that the landscaping of the development is carried out in an appropriate manner in the interests of the character and appearance of area and the ecological enhancement of the site.
- 6) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason - To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the recommendations contained in the Arboricultural Impact Assessment Report by Aspect Tree Consultancy document ref 04921 AIA 20.08.2019 and Aspect Tree Consultancy drawing no 04921 TPP Rev B 2019. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 8) Pre commencement condition: No development shall take place 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 buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 9) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring

and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. Explicitly there shall be no use of Ringswell Avenue by any vehicular traffic associated with the construction of the development, including that related to construction workers employed on the site.

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

- 10) No development above slab level shall take place until the applicant has submitted a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

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

- 11) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Residential Flood Risk Assessment Report (Report Ref. RIN-HYD-PH1-XX-RP-D-5001, Rev. P3, dated 24th September 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the life time of the development.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

Reason for being a pre-commencement condition: A plan needs to be

demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

- 13) 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. **Reason** for being a pre-commencement condition: 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.
- 14) No part of the development hereby approved shall be brought into its intended use until details of the extension of the shared use path on Ringswell Avenue fronting the development site have been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any individual dwelling. **Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF.
- 15) Prior to continuation of construction work above DPC level of any dwelling comprised in the development hereby approved a scheme of provision of electric car charging points within the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details. **Reason** - To promote and facilitate the use of sustainable modes of transport and thereby minimise potential air pollution associated with the use of private motor vehicles by future occupants of the development.
- 16) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays. **Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

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

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**PLANNING APPLICATION NO. 19/1168/FUL - LAND ADJACENT TO 2A
NEWCOURT ROAD, TOPSHAM**

The Service Lead City Development presented the application for a single storey dwelling.

The Service Lead City Development reported the following:-

- change to previous schemes that had been refused on grounds of inappropriate design with a large flat roof and a large amenity space at the front of the property;
- revisions including pitched roof and changes to the amenity space

David Williams spoke against the application. He raised the following points:-

- 10 applications to date had been refused on valid grounds;
- the amenity space, cannot be regarded as being of good quality as the patio area to the rear of the proposed dwelling is heavily shaded to the south and does not therefore meet the Policy DG4 allowance that smaller houses may have reduced amenity areas if they are sunny south facing gardens;
- the rear garden is below the minimum requirement for private amenity space;
- the plot is completely overlooked by 2A as it was formally the front garden of that property;
- the view lines shown on the plan are inaccurate and the actual view line needs to bisect the southern boundary at the corner of the outbuilding of No.2. By adding the correct view line it goes through the proposed house thus restricting the view of 2A from the bottom of Newcourt Road; and
- the latest application by moving to a pitched roof from the previous flat roof design will exacerbate the impact of the aforementioned view.

The Chair reported a statement from the applicant, Richard Carr, who had been unable to attend to speak at the meeting.

- sale of land in 2006 by the then owners of 2A Newcourt Road was with the expectation that a dwelling would be built at some time;
- the Inspector's report concluded that a modest sized bungalow within the location was potentially acceptable;
- a traditional design is proposed with a pitched roof and local materials of natural slate, render and brickwork;
- the private outside amenity space meets the requirement of the planning department;
- the access provides good visibility up and down Newcourt Road and no concerns have been raised by the Highways Engineer;
- the building has been designed to retain the view from the front elevation of No 2A as seen when coming up Newcourt Road and also prevents overlooking; and
- the land is an ideal site for an infill development and improves an untidy waste land.

During discussion the following points were raised:-

- concerns regarding the size of the amenity space and whether the times of construction could be changed because of the narrowness of Newcourt Road and use by schoolchildren; and
- plot size would be suitable for a single person or small family for which there was likely to be a market.

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 single storey dwelling be **APPROVED** subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 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/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_Read_y_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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**PLANNING APPLICATION NO. 18/0878/FUL - LAND BETWEEN 106 HAMLIN
GARDENS AND 65 CARLYON GARDENS, EXETER**

The Service Lead City Development presented the application for the construction of a new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

The Principal Project Manager (Development) reported that the Planning Committee had originally approved the application subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the affordable housing but that it was necessary to bring the matter back to Planning Committee to change the resolution to provide for the provision of affordable housing to be dealt with by way of a condition instead given that it was a Council own build project. The details of the scheme remained unchanged.

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 the construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in

order to discuss forthcoming work and its environmental impact.

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

- 4) Pre-commencement Condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
Reason for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works 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.
- 5) Pre-commencement condition: - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.
Reason for pre-commencement condition: 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, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 8) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no., and the cycle parking shall be maintained at all times thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.
- 11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.
- 12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.
Reason - To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.
- 13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design

Consultants Ltd (Project Ref 4291).

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

- 14) The development shall not begin until a scheme for the provision of affordable housing (as defined in Annex 2 National Planning Policy Framework) as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be provided;
 - ii) the timing of the construction of the affordable housing;
 - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

Reason – To ensure that the scheme provides appropriate affordable housing in accordance with Policy CP7 of the Council's Adopted Core Strategy.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. The Councillors attending will be Mitchell, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.07 pm)

Chair

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COMMITTEE DATE: 10 February 2020

APPLICATION NO: 19/0733/FUL

APPLICANT: Urban Centric (Blackboy) Ltd

LOCATION: 7-9 & 10 Blackboy Road, Exeter

PROPOSAL: Retention of the Sorry Head public house and demolition of the vehicular servicing centre and redevelopment with a four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (72 bedspaces) above, one wardens flat and associated private amenity space, secure cycle storage and landscaping.

REGISTRRTATION DATE: 28.05.2019

HISTORY OF SITE

Planning permission was granted in July 2015 for a new retail unit with residential accommodation above on the site of the former garage/workshop (ref 15/0492/FUL). This application did not include the Sorry Head public house.

DESCRIPTION OF SITE/PROPOSAL

The application site is located on the northern side of Blackboy Road approximately 90 metre from the roundabout with Western Way, Sidwell Street and Old Tiverton Road. The site lies between 6a Blackboy Road a long established rug shop with two storeys of residential accommodation above and 11/12 Blackboy Road a launderette with a two/three storeys of residential above. Spinning Path runs alongside the site to the east fronted by residential properties and leading towards Moose Hall which has recently been converted to flats. The site is located opposite a six storey student accommodation block.

The originally submitted application sought to demolish the Sorry Head public house and adjacent former garage/workshop site and replace with a retail unit and purpose built student accommodation to the rear and above. However following concerns raised about the loss of the public house, identified as a positive building in the conservation area, the revised scheme seeks to incorporate the existing building into the new commercial and student development. The commercial unit would provide approximately 252 sq metres of retail space fronting onto Blackboy Road and include an ATM.

This site is identified as being located in a local shopping district centre in the Exeter Local Plan First Review (although the former garage building is excluded). The student accommodation proposes to provide of 72 bedspaces in the form of 3 cluster flats (18 bedspaces in total); 2 townhouses (13 bedspaces in total), 41 studio flats and a warden's flat within an existing detached building to the rear of the site which is proposed to be renovated.

The scheme's street elevation has been designed into three distinct elements; the retention of the existing public house with extended roof; a new central four storey building with the main retail display window below and a three/four storey building situated alongside 6 Blackboy Road. The new buildings are to be constructed of a combination of brick, render and timber shiplap cladding with a single ply membrane roofing to the flat roof areas and roofing tiles to the pitch roofs. The windows are double glazed and dark grey in colour. The

existing public house façade is proposed to be retained with a new roof in place of its current stepped arrangement

Access to the student accommodation will be achieved via an entrance directly through the former public house onto Blackboy Road. Covered bins and recycling facilities are provided within the site. In addition, the scheme indicates that an external storage area for bins for the benefit of residents in Spinning Path. The scheme provides space for 50 cycle stands (13 stored internally and 32 externally) on site for student use. Seven cycle spaces are provided for the retail unit to the front. Access to the retail unit and ATM are directly from Blackboy Road.

The overall height of the building has been reduced to the rear from the original submission following concerns regarding its impact on the amenities of residents living in Old Tiverton Road. This has resulted in the overall number of bedspaces being reduced from 88 to 72. In addition, the roof has been amended to a flat roof design to reduce its overall height from these properties. The proposed building varies in terms of its distance from properties in Old Tiverton Road from between 18 metres and 21 metres. Obscure windows are shown within the rear elevation to minimise potential issues of loss of privacy. In addition, the distance between the rear of the flats above the laundrette and the proposed townhouses is shown at between 12 and 17 metres with some angled and obscurely glazed windows within the new build. The revised scheme has also responded to previous concern about the proximity to existing properties in 3 to 6a Blackboy Road by setting in the upper floor to provide greater separation.

The site is located within the Belmont Conservation area. The Sorry Head public house is identified as making a positive contribution to the conservation area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Transport Statement, Noise Survey and Plant Noise Limits, Sound Insulation Assessment & Contamination, Geotechnical Desk Study Report and Bat & Bird Nesting Assessment.

REPRESENTATIONS

25 objections (including Devon Buildings Group) were received in response to the originally submitted scheme. Principal issues raised:-

1. Noise disturbance from within courtyard;
2. Loss of natural light/sunlight/outlook to neighbouring properties;
3. Building too high onto Blackboy Road and will dominate the streetscene;
4. Retail element too close to residential properties;
5. Poor consultation from developer;
6. Too many students already in the vicinity;
7. Increased parking congestion in the area;
8. The Sorry Head pub should be retained;
9. Loss of outlook from properties in Old Tiverton Road;
10. Architectural design too modern out of character within the conservation area;
11. Loss of privacy;
12. Potential lack of monitoring for students bringing cars;
13. Noise/disturbance/parking problems increased with Unite Building opposite;
14. Increased problems of student congregation along Blackboy Road late night/early morning;
15. Potential anti-social activity from people associated with the retail use as experienced at Tesco store on Sidwell Street;

16. Loss of heritage asset which contributes to the city and the conservation area;
17. Unnecessary to remove Sorry Head pub as it is a positive contribution to the area;
18. Flat roof dormer windows unattractive and out of character within the surrounding developments;
19. Sorry Head should be used for another purpose rather than demolished;
20. Site should be for more social housing rather than student accommodation in the area;
21. Layout poorly designed for disabled users;
22. Potential for student bins to overflow onto Spinning Path;
23. Buildings too close existing properties;
24. Potential damage to party wall.

Additional emails/letters of objection following re-consultation on the revised scheme.

10 objections received (including the Devon Buildings Group and Exeter Cycling Campaign).

Principal issues raised:-

1. Too many students in the area already;
2. Development should be available for all not just for students;
3. Lead to more damage to properties and cars from increased students in the area;
4. Overdevelopment;
5. Not confident that the original building will remain;
6. Submitted information regarding student numbers incorrect;
7. Loss of parking bay will put further pressure on parking in the area;
8. Noise disturbance from delivery vehicles serving the retail units;
9. Retention of the façade only will undermine the integrity of this historic building;
10. Continuous roof ridge line would reduce its visual interest;
11. Existing building would be engulfed by the new development and appear awkward;
12. Monolithic flat roof new build would be unsuitable for this conservation area location;
13. Insufficient analysis provided in regard to the existing interior and rear of the building;
14. Retention of the pub building will still result in the loss of its use and as a music venue;
15. No enhancement of the adjacent area of public realm;
16. Impact on residential amenities for existing residents in respect of loss of outlook, privacy, overbearing and proximity;
17. Insufficient details in respect of the treatment of the warden flat;
18. Development must be car free;
19. Further details required of the proposed secure cycle parking within the site.

CONSULTATIONS

The County Head of Planning Transportation and Environment originally commented that principle of a retail unit and student accommodation in this location is acceptable. The majority of trips to the store are expected by foot, and the adjacent parking area provides suitable facilities to accommodate any residual car trips to the site. The student accommodation block is promoted to be car free which is also acceptable.

Pedestrian access is directly onto Blackboy Road which is acceptable. Access for cyclists is primarily taken from an at grade access to the east of the building facing onto Spinning Path (a private road). However, the number of spaces provided falls below the standard set out in the Sustainable Transport SPD. In addition, the applicant is not providing any cycle parking for the proposed A1 use. The applicant should be providing secure, sheltered, cycle parking that equates to the quantum set out in the Sustainable Transport SPD for both uses.

Loading

To provide for deliveries, servicing of the building and assist with student pick up/drop off the applicant have proposed a loading bay adjacent to the proposal. The loading will be achieved by marking a loading zone on the public highway. Tracking diagrams have been provided showing that when the loading bay is in use a vehicle is able to pass.

However, in order to achieve this, the applicant has amended the angle of the existing echelon parking. Making the angle steeper will make it more difficult for vehicles to get in and out of the bays, contrary to paragraph 108 of the NPPF, especially as the road narrows. The Highway Authority have suggested that in order to accommodate the loading bay, that a parallel space is moved and to lose the last echelon space (within the existing car parking layout). This would lose the need to change the angle of the existing echelon spaces, however, the Highway authority have yet to receive amended plans or indeed amended vehicle tracking.

Nevertheless, the loading bay will need to be accompanied by a Traffic Regulation Order (TRO) at a cost of £3,000 and this provides an opportunity to review the specific parking arrangements in the vicinity and potential for flexible uses of the layby.

Management

The proposed loading bay provides space for student pick up/ drop off at the end of term. Combined with the on-street and off-street parking immediately opposite the site, this is felt to provide adequate provision. The applicant is advised that the peak periods of student drop off and collection should be carefully managed to make best use of these spaces. These arrangements can be agreed through either a Travel Plan or a management plan.

Construction

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this, and the applicant is advised to meet to agree suitable working arrangements prior to commencement.

Summary

The proposals are in a sustainable location; within walking & cycling distance to the City Centre and is well served by buses along the frontage to the site. National Policy is for the presumption of sustainable development and for safe & suitable access to be achieved.

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on cycle parking and loading arrangements (reconfiguration of the car park immediately in front of the proposed site). In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

17th January 2020

Since the response, the applicant has provided more information in response the highway authority's concerns raised.

It is noted that this is a revised scheme with the number of bedrooms reduced from 88 beds to 72. The principle of a car free scheme is acceptable with the access arrangements remaining the same. However, the applicant has submitted more information on loading and cycle parking.

Loading arrangements

As per the Highway Authority advice, the applicant has removed one of the echelon spaces from the existing carpark and have revised tracking diagrams showing that when the loading bay is in use, a vehicle is able to pass. However, there is some doubt over the existing parallel space that is to be relocated has been made slightly smaller – the loading details are

acceptable in principle, but a relevant condition is attached to secure the details of the parallel space. The loading bay will still need advertising at a cost of £3000 towards a TRO.

Cycle Parking

The applicant has now provided cycle parking (7 Sheffield stands located behind the existing bus stop) for the A1 use and is welcomed. However, there is a lack of clarity as to what cycle parking will be provided for the student accommodation use and therefore an appropriate condition is recommended.

The Council's Environmental Health officer require further information in respect of noise as the development also has the potential to impact on existing neighbours, because of noise from mechanical plant and equipment and noise from patrons & occupants. It is considered that appropriate conditions will be needed in respect of noise levels and also contamination issues arising from the site's previous workshop use. In addition a condition will be needed for a construction and environmental management plan.

Devon and Cornwall Police Designing Out Crime officer raises no objection but makes a number of detailed comments in respect of access control measure to ensure safe movement for pedestrians and cyclists of the student block; surveillance including the installation of CCTV; secure boundary treatment; need for appropriate lighting; secure fitted street furniture, bike and bin stores and measures put in place to prevent ram-raiding of the ATM.

In addition, given the location of the site, levels of anti-social and crime are relatively high and therefore effective and ongoing onsite management and maintenance is needed. A twenty four hour a day seven days a week dedicated management presence, whose responsibilities include security and matters, will help reduce crime and anti-social behaviour.

RSPB comment that no ecological report is included in the documentation but there is a distinct possibility that bats or birds might be nesting/roosting in the existing buildings. It is strongly recommended that an ecological report is submitted to enable an ecological mitigation plan to be formulated. In addition, it is considered that given the proposed elevations there would be opportunity for at least 24 bird boxes to be installed.

A bat and nesting bird assessment has been submitted which concludes that there are no bat roosts within the buildings and although no nesting birds were recorded the building could provide nesting opportunities. This could be addressed via condition.

South West Water raise no objection to the scheme and confirm that the proposed drainage strategy for both foul and surface water is acceptable and that the diversion of public sewers within the site will be required.

NHS has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

City Council's Heritage Officer commented on the original scheme stating that it did not preserve the character and appearance of the Belmont Conservation Area, by virtue of the demolition of the Sorry Head buildings, which have been identified as making a positive contribution to the character and appearance of the conservation area. The new building as currently proposed also does not enhance the conservation area, in that the introduction of heavy dormers visually jars when compared with those of the adjoining buildings on the same frontage. As such it does not comply with the duty under s. 72 of the 1990 Act nor with Local Plan policy C1. The harm caused to the significance of the conservation area needs to be outweighed by a sufficient amount of public, not private, benefit to be acceptable in NPPF

policy terms. No evidence has been provided of such public benefit to outweigh the harm caused by the loss of the Sorry Head buildings. The benefit of filling in the gap site and redeveloping the modern sheds can be achieved without incurring harm through demolishing the older Sorry Head buildings.

Following the submission of the revised scheme which seeks to retain the Sorry Head public house the Heritage officer has revised his comments

He welcomes that at least the front part/range of the Sorry Head buildings are being largely retained, although some concern is expressed about the amount of new build at second floor level in particular and whether the present structure is sufficient to accommodate this without large parts having to be rebuilt, and in effect resulting in the near demolition of the building. A structural engineer's assessment should be required as to these issues and the practicalities involved.

Although the rear wing is of some significance, it is of two or three parts, and therefore if the principle of redeveloping/wrapping around the rear of the former pub is acceptable it would be difficult to retain these within a new scheme. If the application is granted then a more detailed record of these buildings and of the pub range at the front is required by condition. In terms of the interior of the retained buildings, the Heritage Statement makes mention of the retention of features within the pub ground floor – these should be annotated as such on the scheme drawings to be approved. Consideration should also be given to trying to retain some of the historic joinery such as door architraves that still survive in this building, to at least retain a modicum of character internally.

The front elevation on to Blackboy Road now looks considerably better than the previous rendition, with the new build appearing less top heavy in terms of the dormers, and including the gradation in height of the windows. Consideration should also be given to replacing the crude UPVC windows on the front elevation of the Sorry Head with something more elegant and sustainable than plastic, and retaining the features referred to in the Heritage Statement.

Should the application gain consent the standard archaeological condition should be attached to ensure the recording of the buildings prior to and during any stripping out, and before demolition, and the completion of the programme of archaeological work necessary in respect of potential buried remains on the site.

Disability Access Champion (Living Options) comment that the development needs to ensure that it complies with Part M of the Building Regulations.

PLANNING POLICIES/POLICY GUIDANCE

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

3. Plan making
4. Decision-making
11. Making effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

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

- CP2 Employment
- CP5 Meeting Housing Needs
- CP15 Sustainable Construction
- CP17 Design and Local Distinctiveness

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

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities
- H5 Diversity of Housing
- E3 Retention of Employment Land or Premises
- S1 Retail Proposal/Sequential Approach
- S3 Shopping Frontages
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C1 Conservation Area
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation

Development Delivery Development Plan Document (Publication Version)

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

- DD1 Sustainable Development
- DD12 Student Accommodation

Purpose built student accommodation will be permitted provided the proposal:

- a) respects, and contributes positively towards, the character and appearance of the areas;*
- b) does not result in unacceptable harm to the amenity of neighbouring residents;*
- c) provides sufficient internal and external space for future occupiers;*
- d) makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;*
- e) reduces the need to travel and would not cause unacceptable transport impacts; and*
- f) is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.*

- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD25 Design Principles
- DD28 Heritage Assets

Exeter City Council Supplementary Planning Documents

Sustainable Transport (March 2013)

Student Accommodation Development in Residential Areas (February 2008)

Belmont Conservation Appraisal and Management Plan (May 2007) states that the former garage site is identified as building that does not make a positive contribution to the character of the area. Former Sorry Head pub identified as making a positive contribution to the character of the area.

Blackboy Road Local Centre.

OBSERVATIONS

The application raises a number of issues which require careful consideration both in terms of the loss of the existing uses, the proposed uses and the built form given the context of the site. The proposal will result in the loss of existing commercial land and premise to be replaced with a retail and student use. In addition, the overall scale, height and footprint of the building will be increased from the site's current built form. This requires an assessment in terms of potential overdevelopment of the site within a designated conservation area; its relationship with existing buildings; impact on residential amenity for existing residents; the treatment of the existing public house.

Loss of employment use

The Local Plan First Review Policy E3 seeks to resist the loss of employment premises where it would harm business or employment opportunities in the area. Clearly the demolition of the existing workshop building could potentially conflict with this policy and therefore it cannot be automatically assumed that the principle of the change of use is appropriate. It is accepted that the site is in a periphery location to the main area of employment use and has been largely unused and vacant for some time. It is therefore considered that an alternative and more appropriate use should be sought for this site. It is accepted that given its close proximity to existing residential properties the garage/workshop use has the potential to have a detrimental impact on residential amenity. Consequently it is considered important that the site is put to efficient use and therefore it is relevant to consider alternative uses for the site particularly uses also deemed appropriate by development plan policies, which include retail and student accommodation.

Principle of retail use

The Sorry Head public house and frontage to the former garage are located within the Sidwell Street/Blackboy Road local shopping centre. Planning permission has previously been granted for a retail unit on the site of the former garage, which would strengthen this local centre and therefore be compliant with retail policies for the city. It was considered at the time that the loss of employment site would be compensated by this expansion of the retail function within the area. The increased footfall created by the extended retail function in this location would therefore be beneficial to the other smaller retail operators in the area. Accordingly it is considered that the principle of the retail use in place of the garage/workshop and is acceptable.

Principle of student use in this location

The principle of student accommodation in locations accessible to the University campus are supported by the Core Strategy, Local Plan Policy and the publication version of the Development Delivery Development Plan Document subject to certain criteria as set out in Policy DD12. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that *'75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'*. Policy H5 of the Local Plan encourages student accommodation to be located so as to limit the need to travel to the campus by car. Whilst a number of objections have raised concern regarding the provision of additional purpose built student accommodation in the area, the University's plans for growth means that significantly more additional bedrooms will still be needed and therefore opportunities for new purpose built accommodation should be welcomed on appropriate sites. This site is well served by public transport and its location would comply with the objectives of the development plan. Indeed it is considered that accommodating more students throughout the city in purpose built student accommodation provides a greater opportunity for effective management of student residents to address real and perceived problems associated with student behaviour. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

Impact on Conservation Area/ Streetscene

The application site is located within the Belmont conservation area. Under the Planning (Listed Building and Conservation Area) Act 1990 S72 where any application which affects a conservation area, there is a statutory requirement to pay special attention to the desirability of preserving or enhancing its character and appearance. In addition, under paragraph 192 of the NPPF it states that *'...in determining planning application, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the*

positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; c) the desirability of new development making a positive contribution to local character and distinctiveness’.

A large part of the application is either open in appearance or occupied by a workshop building in poor condition and consequently there is no issue in principle with redeveloping this part of the site in a manner that would enhance the character of the conservation area, as well as creating a more continuous frontage to the street scene. The application site does contain the former Sorry Head public house, which is identified in the adopted Belmont conservation area appraisal as making a positive contribution to the character and appearance of the conservation area. As such there is a clear policy presumption against the intention of the original application for its demolition. The current proposal which seeks its retention is therefore to be welcomed.

The scheme seeks to ‘repair’ the streetscene in this location. The workshop building represents an inappropriate use in terms of the vehicular traffic attracted to an area of high pedestrian movement but also in respect of its impact on the character and appearance of the conservation area location. The existing workshop building and open yard is utilitarian in appearance and the opportunity to create an appropriate street frontage is a positive benefit of the scheme. The retention of the Sorry Head pub’s frontage and ground floor layout provides a template against which the remainder of the development has been designed. As a consequence it is important that the opportunity to enhance the existing building is taken as part of this scheme. A suitable condition is therefore considered necessary to ensure that all the necessary structural measures are in place to safeguard the identified areas of the building for retention during the construction period. The Heritage officer has recommended a condition requiring the detailed recording of the building and site during construction and where appropriate internal features of the building should be retained. The scheme provides the opportunity for a replacement roof and windows which should be natural slate and timber respectively to take account of its conservation area location. Whilst some concern has been raised about the existing stepped roof arrangement being increased in height to align with the higher existing ridge height this is considered logical as it will create a better frontage relationship with the adjacent proposed four storey building.

The previous scheme proposed to remove the public house and effectively fill the resulting gap with a large building. The retention of the Sorry Head will enable an important building in the conservation area to be renovated and visually improved and has also dictated the design approach taken which better reflects the existing character and appearance of this section of Blackboy Road. The proposed three distinct units does provide the necessary visual interest the conservation area demands and therefore is considered acceptable. It is accepted that frontage buildings will screen what are essentially new flat roof buildings to the rear. However it is acknowledged that the rear roof design is used partly to reflect the contemporary nature of the proposed building but also to reduce the impact of the building on the occupants of neighbouring residential properties. It is therefore considered that the new buildings are complementary to the streetscene and coupled with the renovation of the existing public house create an appropriate scheme which will enhance the character and appearance of the conservation area.

Impact on neighbouring properties

The scheme seeks to maximise the full extent of the site and consequently brings the resultant building in close proximity to existing residential properties. The site already contains a varied collection of buildings predominantly single storey but with some two storey structures and extended height single storey workshops. Given its long established urban setting the existing relationship between buildings would not normally be considered appropriate if assessed against current planning guidelines. However the presence of existing buildings, as the current context of the site, is a material planning consideration.

The original submission indicated a four storey building to the rear of the site. Concern was raised about this relationship with properties in Old Tiverton Road and the adjacent Moose Hall in respect of a detrimental impact on residential amenity. Amended plans were received which not only reduced the overall number of storey to three but proposed a flat roof, included obscurely glazed windows facing toward the properties in Old Tiverton Road and set the building into the site and away from the rear boundary. It is considered that the proposed changes made are beneficial and do help to address the impact the residents of Old Tiverton Road would have experienced if the original scheme had been constructed. It is acknowledged that the outlook from these properties will significantly change as a result of a large and more dominant structure rather the relatively low lying building which currently exist. However it is considered that the changes made are significant to these resident's amenities and therefore the impact is therefore, on balance, acceptable.

The relationship between the rear of the properties above the existing laundrette and computer repair units have also been assessed against the townhouses proposed to the north east part of the site. Given that habitable room windows have been omitted to these proposed town houses on the northern side facing Old Tiverton Road they are inevitably proposed to face the rear of the existing flats in Blackboy Road. The distances retained are between 12 and 17 metres which fall below the normal requirement of 22 metres as specified in the Council's Residential Design SPD. It is accepted that these existing flats are already faced with windows serving residential flats located within a building to the rear of the Sorry Head pub but these are limited and currently only at two storey level. The new proposal would result in a significant increase in bedroom windows facing towards these flats and increase to three storeys in height. The present of existing buildings and the high density context of the site does allow some relaxation of the distances between buildings increased and the latest plans do show angled windows within some of the townhouses to take account of the proximity to existing flats in Blackboy Road and therefore deemed to be acceptable.

To the south west corner of the site the proposed building would extend 10 metres beyond the adjacent property 6a Blackboy Road. The former workshop building does occupy the entirety of the boundary and therefore already these building have some detrimental impact on this property and the other properties in Blackboy Road which extend round the alleyway to Old Tiverton Road and therefore face towards the new building. Although there are no windows facing toward these existing properties in Blackboy Road the originally submitted building would create a dominating impact on these resident's amenity. Consequently the revised plans has stepped the block closest to these properties further into the site at the upper levels to create a more acceptable relationship. On balance the proximity to these properties is considered acceptable.

Given the proximity of the retail compound area and the student's outside communal area there is a potential for noise and disturbance to nearby residential properties. It is accepted that the previous vehicle workshop potentially had a detrimental impact on adjacent properties although this would mainly be within the building. Consequently it is considered that a condition should be imposed regarding a management plan specifically towards the retail and student use.

Highway/servicing/security arrangements.

The County highway officer initially had concerns about details provided in respect of the loading arrangements and cycle parking provision for both the retail units and the students. These issues have been resolved to the highway officer's satisfaction subject to a financial contribution towards a traffic regulation order and suitable conditions being imposed. The scheme would generate a total of 50 on site cycle parking bays for students which would meet the Council's standards in respect of the Council's Sustainable Transport SPD. The

applicant has indicated that the refuse storage would be contained within the site with a management regime provided to ensure that bins are returned to their onsite location following refuse collection. In addition, following comments made by the Council's refuse manager the applicant has indicated that an area will be made available for bin storage for residents of Spinning Path, as it is understood that there is currently a lack for space available which has resulted in bins being left on Blackboy Road.

The Police liaison officer has raised no objection to the scheme but has highlighted specific measures which need to be addressed such as on site management, secure boundary treatment, lighting and CCTV provision. In addition local residents have raised concern about the potential for anti-social behaviour from increased students in the area.

It is considered that the requirement of the cycle parking, management of student movement at the start and end of term, bin storage collection and potential for noise, disturbance and anti-social behaviour from the student occupants can be contained within a student management plan imposed with a planning condition.

Summary

The application represents an opportunity to redevelop an underused site which in part presents a negative impression within the conservation area. The principle of both retail and student use in this location is considered acceptable and would accord with the local plan policies. In addition, the principle of a three/four storey building in this location would be in character with the surrounding buildings. The revised plans contains several amendments made by the applicant to address the various issues raised by the case officer and neighbour/consultation responses. The retention and renovation of the Sorry Head public house was an important and necessary change from the original submission. It is considered that this has informed the resultant frontage design and the creation of three distinct units does represent an appropriate approach to elevating the streetscene in this location. Further changes have been required during the course of the application given the objective to maximise the potential of the site whilst recognising the resultant close proximity to existing predominately residential neighbouring properties. It is now considered that the scheme has taken sufficient account of the adjoining properties to be acceptable. Accordingly it is considered that subject to suitable conditions this application should be approved.

The application will received a payment from CIL in respect of the additional building works created for out of centre retail use and student accommodation.

DELEGATION BRIEFING

8 October 2019 - Planning permission had previously been granted for a retail use but had not been implemented. This application proposes a retail use on the part of the ground floor with the remainder of this four storey building used for purpose built student accommodation. Since the original application was submitted revised plans have been submitted which has lessen in height from four to three storey to address the impact the development would have on the neighbouring properties in Old Tiverton Road. To date the 25 objections had been received which included concerns regarding the impact on Belmont Conservation Area; impact on nearby listed buildings and general heritage aspects; and massing and height impacting adversely on the privacy of neighbours. Members noted that the application would eventually be considered by the Planning Committee.

RECOMMENDATION

Subject to a financial contribution of £3,000 towards a Traffic Regulation Order APPROVE subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details received by on 17 January 2020 (dwg no. AS18.64 L.02.00 rev 05; L.02.00 rev 05; L.02.01 rev 05; L.02.02 rev 05; L.02.03 rev 05; L.02.04 rev 05; L.04.00 rev 04; L.04.02 rev 04; L.04.01 rev 04; L.03.03 rev 01 & L.03.02 rev 01) the Local Planning Authority on as modified by other conditions of this consent.

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

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

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

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

- a) the site access point(s) of all vehicles to the site during the construction phase.
- b) the parking of vehicles of site operatives and visitors.
- c) the areas for loading and unloading plant and materials.
- d) storage areas of plant and materials used in constructing the development.
- e) the erection and maintenance of securing hoarding, if appropriate.
- f) wheel washing facilities.
- g) measures to control the emission of dust and dirt during construction.
- h) no burning on site during construction or site preparation works.
- i) measures to minimise noise nuisance to neighbours from plant and machinery.
- j) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) no driven piling without prior consent from the LPA.

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

For the avoidance of doubt, this condition allows for the submission and approval of separate Construction Method Statements for the demolition and construction phases of the proposed development, and for development to proceed on each phase following the approval of the Construction Method Statement for that phase.

Reason:- In the interests of the occupants of nearby buildings.

5. 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 buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with such as to provide reasonable confirmation that no unacceptable risks remain.

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

6. Pre commencement condition - Prior to commencement of the development a noise assessment shall be undertaken and submitted for approval in writing by the LPA. This assessment shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as future site users. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the

applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

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

7. 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 both on-site work, and subsequent assessment, 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. For the avoidance of doubt, this condition does not preclude strip-out of the existing buildings prior to approval of the written scheme, or demolition of the buildings following approval.

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

8. Pre-commencement condition: 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 the development, excluding demolition, any works required to facilitate demolition and ground reprofiling work, the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be prepared by a licensed BREEAM assessor which shall set out the evidence to confirm that the minimum standard can be achieved. 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 twelve 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 for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

9. Prior to the first occupation of the development hereby permitted a student management scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include securing student only occupation; employment of a warden/student liaison representative to manage student behaviour; on-site CCTV management, lighting and restriction of student parking within the area. The plan shall be implemented in accordance with the agreed details thereafter unless other agreed in writing by the local planning authority.

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

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

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

11. No part of the development hereby approved shall be brought into its intended use until the seven cycle spaces, as indicated on *Drawing No. 19091 - 010 Rev C* have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To provide adequate facilities for sustainable transport

12. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the student element of the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport

13. No part of the development hereby approved shall be brought into its intended use until details of the parallel space within the existing car park as indicated on *Drawing No. 19091 - 010 Rev C* have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the parallel space lining have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

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

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

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 111 of the NPPF.

15. 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) natural slate and timber windows within the public house front elevation;
- d) onsite external lighting;
- e) boundaries treatment within rear courtyard;
- f) boundary treatment retail and student refuse area;
- g) refuse storage facility on Spinning Path;
- h) recording and retention of internal architectural features within the public house;
- i) refuse management plan for the retail unit.

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

15. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of programme of works including where necessary structural reports for the demolition and construction process in respect of the Sorry Head public house which shall be implemented and adhered to all times unless otherwise agreed in writing.

Reason: To protect the structural element of the building identified for retention.

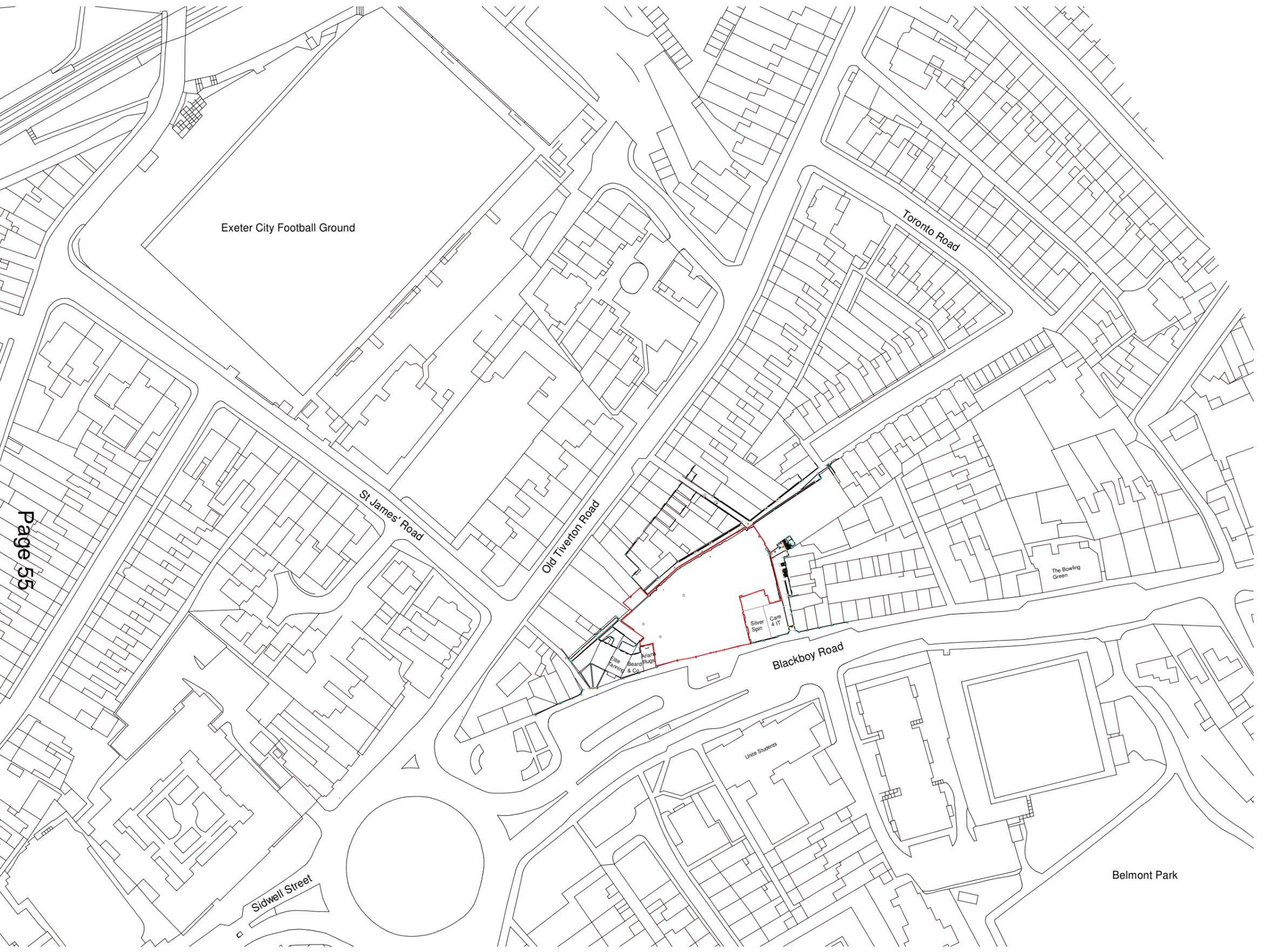
INFORMATIVES

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

2. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

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

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PA00 ISSUE FOR PLANNING 23.05.19 SD



Client
Urban Centric (Blackboy) Ltd

Job Title
Student Development,
7-9 and 10 Blackboy Road

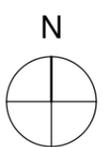
Drawing Title
Site Location Plan

Scale
1 : 1250 @ A3

Project Number Drawing Number Rev
AS18.64 L.01.00

Status
PLANNING

Application Boundary



VISUAL SCALE 1:1250 @ A3

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COMMITTEE DATE: 10 February 2020

<u>APPLICATION NO:</u>	19/0962/FUL
<u>APPLICANT:</u>	Verto Homes
<u>LOCATION:</u>	Land off Pulling Road, Pinhoe, Exeter
<u>PROPOSAL:</u>	Residential development for 40 dwellings with associated access, landscaping, open space and infrastructure
<u>REGISTRRTATION DATE:</u>	09.08.2019

DESCRIPTION OF SITE/PROPOSAL

The application site (1.56 ha) is located on land to north of existing properties in Pulling Road and Bourne Rise. Further to the north three properties are located, accessed from a private drive off Church Hill. An open field lies to the east of the site with further properties overlooking the site from Church Hill. The site comprises of an undulating field used for horse grazing. The site slopes distinctly from north to south. The site is bounded to the north, west and south by mature trees and hedgerows. Access to the site is currently achieved from a track to the north east corner of the site that leads onto Church Hill.

The application seeks to develop the site for 40 dwellings with a new access off Pulling Road. The dwellings are proposed to be zero carbon smart homes with a mix of apartments (including 1 wheelchair accessible flat), terrace (3 units), semi-detached (16 units) and (19 units) detached properties, the majority of which are 3 and 4 bedroomed. The majority of the dwellings will be two storey with nine being split level three storey which take account of the sloping nature of the site. The majority of the house types incorporate brick, timber, some zinc cladding with natural slate/zinc roofing within a contemporary design. The scheme's density is approximately 25 dwellings per hectare.

A new access is proposed off Pulling Road. This will be created by extending the existing turning head off Pulling Road following the demolition of the existing garage of No. 8 Pulling Road. The construction of the access will include the creation of a new culvert over the existing stream ditch. The narrowness of the access will means that access/egress of the site will be a one way priority system. The arrangement does allow for emergency and refuse vehicles to use the access. A restricted footway is provided at the entrance of the site due to the limited space available. The layout indicates that an emergency access is proposed to the north east corner of the site. In addition a new pedestrian access is proposed to the north-west corner of the site to link in with the Pinhoe Quarry development beyond the existing mature treeline to the west.

The development proposes a total of 82 car parking spaces to serve the 40 dwellings through a combination of onsite spaces, garages and a total of 8 visitor's spaces. Cycle parking is proposed to be provided within each of the plots.

The application proposes an area of open space to the west of the site adjacent to an existing mature tree line. No formal provision of open space children's play area is proposed within the site because the proposed development is less than 50 dwellings and therefore is not a requirement under Local Plan Policy DG5, although the applicants have offered to pay a commuted sum toward this provision off site.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Planning Statement, Design and Access Statement, Ecological Impact Assessment, Flood Risk Assessment, Landscape and Visual Impact Assessment; Statement of Community Involvement; Transport Statement; Tree Survey; Tree Constraints Plan; Arboricultural Impact Assessment; Tree Protection Plan and Utilities Plan.

REPRESENTATIONS

26 letters/emails of objection received. Principal issues raised:-

1. Too much development already in Pinhoe;
2. Infrastructure cannot cope with further development in the area;
3. Loss of habitat;
4. Potential for flooding in the area;
5. Loss of green space;
6. Increased traffic leading to congestion;
7. Impact on wildlife such as badger, foxes, bats, sand lizards, dormice, slow worms etc;
8. Poor access arrangement;
9. Noise from heat pumps;
10. No construction traffic should use private drive to the north;
11. Restrictive access into the site;
12. Construction traffic will affect existing hedgerow/trees;
13. Loss of privacy from increased vehicular and pedestrian activity adjacent to existing property;
14. Noise and dust from construction traffic;
15. Contribute to parking problems within Pulling Road;
16. Impact on existing drainage/sewerage system;
17. Light pollution from vehicles;
18. Noise, light, pollution from resident's vehicles;
19. Lack of affordable housing;
20. No permission for emergency access over private land as shown on plan;
21. Lack of privacy from vehicles using emergency track adjacent to existing neighbour's gardens;
22. Impact on existing trees;
23. Need for additional screening from the site to the south;
24. No children's play area proposed on site;
25. Lack of secure cycle parking;
26. Poor pedestrian/cycle permeability.

CONSULTATIONS

The County Head of Planning Transportation and Environment comment that the submitted Transport Assessment suggest that trip rates to the proposed development would create 24 two-way AM peak hour vehicle trips & 23 two-way PM peak trips.

In order to bring development forward in the Pinhoe area (as the network is congested, with specific interest on the impact of the Pinhoe Double Mini-roundabouts), a strategy (Pinhoe Area Access Strategy - PAAS) was created to ensure that planned development (identified in the two local plans {ECC and EDDC}) in the Pinhoe area would be supported with appropriate and effective transport infrastructure measures.

Since the PAAS was written, a number of the planned developments have now come forward and much of the identified transport infrastructure delivered. There has also been additional development beyond that initially planned for and the designation of a Village Green on part of Eastern Fields prevents the Exhibition Way Link Road, one of the key mitigation measures.

Consequently, to improve the choice of sustainable modes, provide additional route choice and enhance public realm and safety, a PAAS addendum has been populated.

To make this application acceptable in highway terms a contribution is sought from the developer to enable DCC to carry out the measures identified in the addendum. This approach is consistent with the approved Home Farm development (ECC Planning Ref: 16/1576/OUT) which had previously been approved by ECC with this S106 request. It is also consistent with the Pinn Court Farm application (EDDC Planning Ref: 12/0795/MOUT) which also was granted consented at appeal subject to S106 obligations.

Therefore, to act as a fair and reasonable approach a pro-rata sum from the Home Farm Development is taken. The Home Farm development secured £390k from 120 homes and therefore for 40 homes (as per this application) a contribution of £130k is required to fund measures identified in the PAAS addendum.

Access

Vehicular access to the site is via Pulling Road and is shown on Drawing Number 100 Rev E; this shows that priority system is being proposed over a culvert. Vehicles approaching the Pulling Road side have priority over vehicles exiting the proposed site, with the drawing showing forward visibility of 50m which is ample enough for one vehicle to see another on approach. The applicant has also proved that a refuse vehicle can pass by an estate vehicle whilst stationary on either side of the give way system. In order to achieve this, changes to Pulling Road are required – this involves partial narrowing of the footways on the Pulling Road side – this is acceptable in principle.

The second point of access is an emergency access onto Church Hill; this will be closed at all times for vehicles except for when is absolutely necessary. The visibility out onto Church Hill is substandard, but given the very limited movements, this does not form a reason for refusal. The primary point of pedestrian access is also via Pulling Road using the culvert. It is recognised and has been discussed with the developer that there is a pinch point at the culvert where the footway narrows down to 1.2m (the absolute minimum as per Manual for Streets), but as this is only for a short section and widens out at a later point this is acceptable. It is noted that due to the widening works to allow refuse lorries through, one side of Pulling Road footway also narrows down to 1.2m; it is acknowledged that there is a pedestrian crossing point proposed further down Pulling Road.

The above access points have been through a Road Safety Audit and is therefore acceptable. These access works should be secured under the appropriate Highways Act. Finally, the applicant is providing a footway link to the north of plot 21, connecting into Pinhoe Quarry (ECC Planning Ref: 19/1100/RES) adding to the sustainability to the site.

Internal Roads and layout

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance.

The applicant has liaised with the Highway Authority numerous times to discuss the internal layout and consists of a 4.8m carriageway and a 2m footway throughout the scheme. To the north-eastern parcel of the scheme a shared space approach has been taken which is acceptable given the number of units accessing this section of development.

The applicant has provided visibility splays on the submitted drawings (2.4 x 25m) for the internal layout which is acceptable given the likely speeds that are likely to occur in a residential development. A Traffic Regulation Order is required to extend the 20mph zone that is already in place on Pulling Road.

The rest of the vehicular layout is broadly acceptable for a residential development and has been through a number of iterations with the applicant. There are however a few elements of the design which are overly highway focused for residential streets. Options to provide a

lower speed environment that better encompasses the manual for streets philosophies should be refined through the Section 38 process.

On Site Facilities

The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. Many of the onsite parking spaces are located immediately outside of the respective properties (rather than being placed in parking courts) which should minimise on street parking and is welcomed.

It is not clear if secure covered cycle parking has been provided for all of the dwellings (including flats) proposed the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided.

Travel Planning

In accordance with paragraph 111 of the NPPF and the Sustainable Transport SPD, the development will be required to have a Travel Plan each. A Travel Plan should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car-based travel. Note a financial contribution is not sought from this development as the proposals fall below the 50 dwellings which triggers a S106 request.

Construction

The proposals will require demolition/construction work adjacent in a sensitive area of the highway. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this, and the applicant is advised to meet to agree suitable working arrangements prior to commencement. As mentioned previously, the submitted application includes a new culvert which is to support a new highway. To ensure the safety of users of the highway, the applicant is advised, prior to the construction of the culvert, a detailed AIP shall be checked and approved by the DCC structures team.

Summary

The additional traffic impacts in the Pinhoe Area are a fundamental concern, however with the PAAS strategy in place together with the S106 contributions to be made to DCC to provide suitable infrastructure, the impacts of the development can be mitigated. Subject to these conditions being attached in the granting of any permission the highway authority would raise no objection to the proposed developments.

The applicant is reminded that the Highway Authority will expect blacktop and imprint on the adoptable areas. Although not a reason for refusal any area of block paving is acceptable in principle, but the applicant is reminded that blocks will be replaced with black top (when required for maintenance etc).

The Council's Environmental Health officer raise no objections subject to a condition in respect of unexpected contamination which may be found at the site during construction.

RSPB recommend one integral bird/bat box per residential unit in line with the biodiversity requirements of the Residential Design Guide SPD.

South West Water comment that they are able to provide clean water from the existing public water main and foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The applicant will be required to contact to SWW for more information.

Devon County Flood Risk Management Team raise no in principle objections from a surface water drainage perspective subject to pre-commencement conditions. Comment is made that the applicant has put forward a feasible surface water drainage solution. Due to the layout of the site attenuation tanks are deemed an acceptable form of surface water management as it is understood that the drainage strategy is restricted.

NHS has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

Devon County Education officer has identified that a development up to 39 family type dwellings will generate an additional 9.75 primary pupils and 5.85 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecast that there is enough spare primary capacity for 6.00 pupils and therefore we will request primary education contributions against the remaining 3.75 pupils expected to be generated from this development. The primary contribution sought would be £60,071 (based on the DfE new build rate of £16,019 per pupil). The contributions will be used towards new primary provision at Monkerton.

We have forecast that there is enough spare secondary capacity for 1.35 pupils and therefore we will request secondary education contributions against the remaining 4.50 pupils expected to be generated from this development. The secondary contribution sought would be £109,174 (based on the DfE new build rate of £24,261 per pupil). The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development.

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £9,750 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early year's provision at Monkerton.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

PLANNING POLICIES/POLICY GUIDANCE

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

3. Plan making
4. Decision-making
11. Making effective use of land

- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

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

- CP1 Spatial Strategy
- CP4 Residential Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing
- CP12 Flood Risk
- CP14 Renewable Energy
- CP15 Sustainable Construction
- CP16 Green Infrastructure
- CP17 Design and Local Distinctiveness

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

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities
- H5 Diversity of Housing
- LS1 Landscape Setting
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C2 Listed buildings
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation
- DG4 Residential Layout and Amenity
- DG5 Provision of Open Space and Childrens Play Areas
- DG6 Vehicular Circulation and Car Parking in Residential Development
- DG7 Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version)

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

- DD1 Sustainable Development
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD25 Design Principles
- DD29 Landscape Setting Areas

'Development within the Landscape Setting Areas will only be permitted where:

- a) there is no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and*
- b) it does not contribute towards the urbanisation of these areas; and...'*

Exeter City Council Supplementary Planning Documents

- Sustainable Transport (March 2013)
- Affordable Housing
- Residential Design Guide (2010)

OBSERVATIONS

Principle of development

The application site lies in an area designated as landscaping setting with Exeter Local Plan which seeks to resist development which would harm the local distinctiveness and character. However Members will be aware that the Council cannot currently demonstrate a five year supply of deliverable housing site. A consequence is that the relevant Local Plan policy LS1 has been given limited weight by Inspectors at recent appeal decisions relating to residential schemes within areas of landscape setting. This is due to the policy being out of date effectively seeking to limit development to the existing urban area rather than providing sufficient site specific landscape assessment which ensures that the character of the area is maintained. However full planning weight is attached to Core Strategy policy CP16 which seeks to protect and enhance the character and local distinctiveness of areas identified within the key diagram (within which this site is located). However as evident from the appeal decision at the nearby Home Farm Inspectors consider that the objective of Policy CP16 does not seek to prevent all development within the areas shown on the key diagram as it needs to be balanced against the needs to bring forward deliverable housing site. In summary, the impact of the development on the landscape character of the site in this particular instance needs to be balanced against the need for housing to meet the five year housing supply.

It is clear that the impact of 40 dwellings and associated infrastructure will result in a significant change to the character of this landscape on this site. The applicant has provided detailed a detailed landscape scheme which seeks to supplement the existing trees and hedgerows around the site which are indicated to remain. In particular the mature trees are to be retained to the south and west of the site. More limited additional planting is proposed within the internal layout of the housing and consequently it is considered the resultant development will appear significantly urbanised in contrast to its present state, which is heightened to a certain extent by the stepped nature of the site. Notwithstanding the applicants attempts to integrate the development within the area through additional planting it is inevitable that development will have a significant impact on the character of the area.

As previously stated the landscape designation itself cannot be relied upon to resist development in principle given the limited weight attached to Local Plan Policy LS1. Consequently it is necessary to consider the context within which the application site is located. Recent approvals and development at Pinhoe Quarry and Home Farm respectively will and have resulted in an extension of the urban area in this location. The site will be set within the context of these two major residential schemes and within the existing established development to the south. It is considered that its contribution to overall landscape character of area in strategic terms is now diminished. In light of recent appeal decisions it would be difficult to argue that the landscape quality of this site should be afforded greater weight than the provision of housing in this instance. Accordingly it is considered that the principle of residential development in this location is acceptable.

Zero Carbon development

The applicants are promoting zero carbon housing for the whole scheme. This will take the forms of solar pv panels, highly insulated air tight construction, mechanical ventilation and heat recovery, air and ground source heat pumps, smart home integration and double/triple glazed windows. The properties will not incorporate fossil fuel heating eg gas boiler and will contribute towards meeting carbon neutral target which is a City Council aim. The applicants are seeking to achieve an exemplar scheme for future residential development in the city by demonstrating that sustainable and zero carbon construction is deliverable at larger scales. In addition, the applicant has stated its intention to achieve a net gain in ecological habitat, improvements to footpath to adjacent site in Pinhoe Quarry and provide electric pool cars and bike availability for future residents of the site. Verto Homes have stated that they have

won a number of awards in the industry for their sustainable construction methods. The promotion of zero carbon dwellings exceeds the development plan requirements for sustainable construction however it is clearly to be welcomed as an approach to carbon neutrality and adds further weight to planning balance to this site's appropriate for residential development. A consequence of the applicant's approach has however inevitably led to an increase in the building cost per dwelling (estimated at approximately £27,700) and this has been reflected in the provision of affordable housing proposed.

Affordable Housing provision

The applicant has offered 15% on site affordable housing. A policy compliant scheme requires a 35% provision of affordable housing. The applicant's offer would equate to 6 affordable housing on site out of a total of 40. This figure has been reached following the submission of a viability report which has been assessed by the Council's independent viability consultant. Whilst originally the report stated that 5 affordable units could be justified the applicant have further increased this number to 6 in an attempt to achieve a percentage closer to the 35%. Clearly there is still a shortfall of 8 dwellings to meet the 35% requirement which would equate to 14 units. The NPPF recognises that the submission of viability assessment is justified where the applicant wishes to demonstrate that they are not able to comply with the development plan policies. In this instance it is accepted that the zero carbon nature of the housing provision whilst welcomed does come at a cost to the provision of affordable housing. The viability assessment forms part of the planning balance for this case and is stated in the NPPF as being a matter for the decision maker.

Educational Contribution

Given the recent changes to the Community Infrastructure Levy Devon County Council as the Education Authority are seeking financial contributions in accordance with their Education Infrastructure Plan 2016-2033. The details are contained within Education officer's response brut essential a financial contribution of £178,995 has been requested to cover the provision for primary (£60,071) secondary (£109,174) and early year's provision (£9,750). It is currently considered that this educational contribution should be delivered via the 106 agreement. However if it is subsequently agreed by the City Council that the education contribution will be met from CIL payments then the affordable housing provision should be revisited.

Highway issues

Local residents have raised significant concerns regarding the traffic generation to the site and wider impact on the Pinhoe area. The highway officer has been involved in detailed discussions with the applicant regarding the access off Pulling Road which has now resulted in an acceptable if compromised arrangement. The scheme has been through a road safety audit are therefore in overall terms is considered acceptable. The highway officers considers that the provision of a footway link to the north of plot 21 is to be welcomed and adds to the sustainability of the site. Whilst visually the main vehicular access will appear slightly contrived, in technical highway terms it does represent an acceptable and safe arrangement for vehicular, pedestrians and cyclists. The slope of the site has been challenging for the internal road layout but suitable parking areas and footways are now proposed and is considered acceptable. The highway officer recommends that a payment towards a traffic regulation order is required to extend the 20mph limit that is already in place on Pulling Road. In addition conditions are required to secure cycle parking, a travel plan, a construction and environmental management plan and the need to provide the detailed access arrangement onto Pulling Road before development commences. The plans indicate that an emergency access is to the north east of the site however it is clear that this should be used on restricted limited basis given the proximity to residential gardens and the poor visibility out onto Church Hill. This can be control with a planning condition.

In response to concerns about the wider impact on 40 dwellings on the existing highway network in the Pinhoe area. The highway officer has stated that to make this scheme acceptable in highway terms a financial contribution of £130,000 is required to progress work identified in the Pinhoe Area Access Strategy. Whilst this has been clearly influenced the viability of the scheme in terms of a policy compliant affordable housing provision the issues raised by the highway officer are fundamental to acceptability of the scheme in traffic terms. This money will be paid through a 106 agreement.

Layout and impact on neighbouring properties

The scheme proposes dwellings with a distinctive appearance which include asymmetrical roofs to allow the roof to accommodate solar pv panels. The scheme proposals a variety of different external materials including brick, timber and natural slate with zinc feature cladding. The overall design approach for the proposed buildings is contemporary in contrast to the surrounding existing traditional housing of this area of Pinhoe. However it is considered that the variation of house designs and the materials used would create sufficient visual interest across the site to help break up its appearance which as previously stated is an area of landscape setting. It is therefore considered that the contemporary building design approach is acceptable in this location.

It is understood that the sloping nature of the site has required changes to the original road gradient and this has also impacted on the layout of the development. The proposed gardens in many instances are split level to take account of the slope within the site. Whilst this has result in relatively small gardens it is acceptable that they meet the minimum garden standards and are therefore appropriate in this location. In addition the layout has responded to the existing mature vegetation which exists to the south and west of the site. It is considered that the presence of the mature trees does provide a suitable setting for the development and helps to visually accommodate the proposed number of units on the site. The overall layout does appear as a logical combination of visual interest within the streetscene and level of amenity provision for future residents to be acceptable.

The applicant has indicates a limited area of public open space to the west side of the site. It is accepted that as the development is less than 50 dwelling there is no policy requirement to provide 10% open space. The applicant has indicated that they will provide a pedestrian link to the north into the adjacent Pinhoe Quarry site, which is to be welcomed. In addition, the applicant has offered a financial contribution towards off site play equipment to compensate for the lack of play provision within the site.

The proposed layout would result in limited impact on existing neighbouring properties. Whilst the access arrangement will inevitably result in increased traffic generation in Pulling Road and particularly for 8 Pulling Road given the technical highway matters have been resolved it is not considered that, on balance, permission could be withheld on this issue. Residents had raised concern about limited vegetation to the south of the site and the possibility for car headlights shining into their garden and the detrimental visual impact from the new buildings on higher ground backing onto their properties. However revised landscape plans indicate that additional planting is proposed in the gap between the existing vegetation and therefore it is considered that this issue have been suitably addressed. Residents to the north of the site have raised concerns about the potential use of the emergency vehicular access alongside their existing gardens. The applicants have indicated that this route will be used strictly in an emergency situation only and it is considered that a condition should be imposed to ensure that this is adhered to.

Summary

The site lies within an area of landscape setting as designated within the Local Plan however the context of the site's location situated to the north of existing residential development in Pinhoe and between two development sites under construction is a significant consideration.

Given the Council's lack of deliverable housing sites to meet its 5 year housing supply it is unlikely that a refusal in principle could be sustained. In addition, whilst the scheme would achieve a provision of only 15% affordable housing, the applicant have submitted a viability report which states that the combination of zero carbon dwelling, a highway and educational contribution have result in the policy compliant level of 35% provision being unachievable. The conclusions of the viability assessment has been accepted by the Council's independent viability assessor. The fundamental issue remains that the construction of zero carbon dwellings results in a reduction in affordable housing provision. However this is considered an acceptable compromise which will result in both additional dwellings to meet the 5 year housing supply and a housing product which meets the overall aims of the Council commitment toward being carbon neutral. Accordingly it is considered that the application is acceptable.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement in respect of affordable housings, a financial contribution towards highway (£130,000), educational contribution (£178,995) and open space/children play facilities in the area to be agreed APPROVE subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 15 January 2020 (dwg nos.) as modified by other conditions of this consent.

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

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

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

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

a) the site access point(s) of all vehicles to the site during the construction phase.

b) the parking of vehicles of site operatives and visitors.

c) the areas for loading and unloading plant and materials.

d) storage areas of plant and materials used in constructing the development.

e) the erection and maintenance of securing hoarding, if appropriate.

f) wheel washing facilities.

g) measures to control the emission of dust and dirt during construction.

h) no burning on site during construction or site preparation works.

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

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

k) no driven piling without prior consent from the LPA.

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

Reason:- In the interests of the occupants of nearby buildings.

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

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

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

6. A detailed scheme for landscaping, including the planting of trees and/or shrubs (including the transplanting of a memorial tree), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit 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.

7. 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.

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

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

9. 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 5837:2005 - 'Trees in Relation to 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: To ensure the protection of the trees during the carrying out of the development.

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

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

11. Prior to the construction of any culvert supporting a new highway, a detailed Approval In Principle for the footbridge shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).

Reason: To ensure the integrity of adjacent structures and land

12. No part of the development hereby approved shall be brought into its intended use until the priority access on Pulling Road, including localised widening of Pulling Road and associated footways, as indicated on *Drawing No. 100 Rev E* have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.

13. No part of the development hereby approved shall be brought into its intended use until the footpath linking the site to Pinhoe Quarry have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

15. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To ensure that adequate facilities are made available for cycle provision.

16. Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority.

Reason - To ensure that all occupants of the development are aware of the available sustainable travel options.

17. The north-east access to be used solely for emergency access and for no other purpose.

Reason: To safeguard the amenities of neighbouring occupants.

18. Pre-Commencement Condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a technical report which demonstrates a net zero carbon emissions. The measures necessary to achieve this 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.

19. Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

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

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

INFORMATIVES

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

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

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

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

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revision:	A	1.07.19	Boundary line amended	mw
date:				author:
note:				

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project title:	land at pulling road, pinhoe
document title:	planning support drawings
contents:	site location plan
client:	verto homes
scale:	1:1250 @A4
author:	mw
checked:	iclr
date:	may 2019
dwg. no:	947-941-0100
rev:	A

PLANNING

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COMMITTEE DATE: 10 February 2020

APPLICATION NO: 19/1460/OUT

APPLICANT: AAH Planning Consultants

LOCATION: Land of Pennsylvania Road, Exeter

PROPOSAL: Outline application for residential development for up to 26 dwellings (all matters reserved except access).

REGISTRATION DATE: 07.11.2019

DESCRIPTION OF SITE/PROPOSAL

The application site (1.1 hectares) is located on the eastern side of Pennsylvania Road, north of two properties in Whitethorn Park and to west of the detached dwellings of Rolleston House and The Pool House. The site is undulating but has a distinctive slope from north to south which is characteristic of this part of Exeter. The western, northern and eastern sides of the site has existing mature hedgerow with the southern boundary more open in appearance. The site is currently used as grazing land. The current access to the site is from an agricultural field gate slightly set back from Pennsylvania Road.

This outline planning application proposes to develop the site for residential development for up to 26 dwellings. All matters are reserved except access. The illustrative layout indicates a combination of mainly terraced and semi-detached properties. The new access would be created from Pennsylvania Road and sited opposite the entrance to the picnic site located on the opposite side of the road. The new access would involve the removal of a significant section of hedgerow onto Pennsylvania Road to achieve the required visibility splays. No footway access along Pennsylvania Road is currently shown to be achievable.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Planning Statement, Design and Access, Affordable Housing Statement, Transport Statement, Interim Travel Plan, Flood Risk Assessment, Archaeological Assessment, Contamination Study, Geophysical Survey Report and Preliminary Ecological Appraisal.

REPRESENTATIONS

39 objections have been received. Principal issues raised:-

1. Increased traffic generation leading to congestion and unacceptable pollution levels;
2. Insufficient infrastructure to serve proposed housing ie shops, schools, GP surgeries;
3. Contrary to development plan policies, site not designated for housing;
4. Detrimental impact on wildlife ie bats, dormice, badgers, hedgehogs, deer etc;
5. Adverse visual impact on the landscape/skyline;
6. Narrow/busy/dangerous road access to the site for pedestrian, cyclist and horse riders;
7. Lack of footway to the site;
8. Potential for the housing to be used by students;

9. Loss of existing green space/trees/hedgerows;
10. Loss of agricultural land;
11. Set a precedent for further housing development in the area;
12. Unsustainable location difficult to access for pedestrian/cyclist due to steepness of slope to the site;
13. Adverse impact on the setting of the Roman camp and Iron Age fort located to the north of the site;
14. Water supply would be affected by the development;
15. Creation of suitable visibility splay will result in the removal of significant section of hedgerow;
16. Urbanisation of the area;
17. Existing bus services have been reduced in recent years, not a sustainable location;
18. Drainage problems from the surface water runoff;
19. Erode the visual character and appearance of the surrounding area;
20. Fails to protect the biodiversity of the area;
21. Danger to neighbouring grazing horses;
22. Loss of privacy through overlooking due to elevated position of the site;
23. Contrary to the objectives of the NPPF in respect of economic, social and environmental to achieve sustainable development;
24. Questionable transport analysis;
25. Create light pollution both visually detrimental and adversely impacting on wildlife.

CONSULTATIONS

The County Head of Planning Transportation and Environment comment that submitted Transport Statement suggest that trip rates to the proposed development would result in 15 two-way AM and PM peak hour vehicle trips. It is noted that most of the trips will be Southbound (towards Exeter). The site itself is located on the edge of Exeter which gives tendency for the development to become car dependant but given the level of traffic generation from the site is expected to be modest, traffic generated cannot be a reason for refusal. However, the applicant must make every effort should be made to promote sustainable transport to justify the trip rates used.

Access

A new vehicular access is to be created off Pennsylvania Road; Pennsylvania Road is subject to 30mph and to ensure safe & suitable access, appropriate visibility splays should be abided to. Upon site visit, visibility was obscured by vegetation. There are doubts as to whether visibility stands (2.4 by 43m with no obstructions over 600mm), can be met. The access will provide a 5.5m carriageway and 2m footways into the site which is acceptable in principle, but it is desired that the radii into the site is tightened to ensure slow speeds into a residential development. However, if the applicant wants to proceed with the proposed access arrangement, visibility splays need to be confirmed. This is to ensure safe and suitable access can be achieved.

Upon site visit there is no footway connecting the site to the public highway. The most convenient and direct route to Stoke Valley Road is on Pennsylvania Road, which has no footway at all (and is located on a bend).

The applicant had originally intended to connect into the existing Public Right of Way (PROW) from Stoke Valley Road and the applicant has quoted that *“this is currently surfaced and could be upgraded to include street lighting if required”* - however this route is not highway (HMPE) and it is unknown if the applicant has approached the land owner to see if any improvements are feasible. If the PROW route can be

brought up to an appropriate standard, then more details are required, including the tie into both the site and the public highway (Stoke Valley Road).

The latest submitted plans indicate that a footway is to be provided on Pennsylvania Road/Whitethorn Park/Stoke Valley Road, catering for pedestrian access. This shows that a 1.8m footway is to be provided from the site to Stoke Valley Road. This would provide continuous access to the existing footway network and provide access to bus stops on Stoke Valley Road. However, the applicant has yet to confirm if this is achievable on Public Highway (HMPE) or whether there is sufficient space to fit a footway given the constraints of the existing carriageway width. It is noted the applicant is proposing footway improvements to Whitethorn Park, which is not on Public Highway (in parts).

It is also noted that a pedestrian improvement is provided to the north of the site – there might be a desire for pedestrians to use this footway to cross to the road to access the picnic area opposite, however no provision for this has been made.

Given the absence of information to see if a suitable pedestrian can be achieved to the site, this is contrary to Paragraph 109/110 of the NPPF and CP9 of the ECC Core Strategy. Hence, given the above concerns, more information on pedestrian access is required. Should a footway be deliverable, it is expected that a Road Safety Audit Stage 1 is to be provided to ensure its suitability in principle.

Travel Planning

In accordance with paragraph 111 of the NPPF and the Sustainable Transport SPD, the development will be required to have a Travel Plan. This should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car-based travel.

Construction

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles.

Summary

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on the vehicular access point and pedestrian access. In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

Devon County Flood Management Team comment that the applicant has produced a surface water drainage strategy which is compliant with DCC SUDS Guidance (2017). The strategy will present a betterment to the existing surface water runoff regime by attenuating flows in the form of an attenuation pond and restricting discharge. Due to the gradient of the site infiltration at this site is not recommended. The site is split into two catchments with some of the site draining to the east and some to the west. This should be assessed at the detailed design stage and a drainage strategy put in place to ensure that surface water is draining to both of these catchments and no additional volumes will be entering into either catchment. Consequently there are no in-principle objections to the above planning application at this stage, assuming that their specified pre-commencement planning conditions are imposed on any approved permission:

Devon and Cornwall Police Designing Out Crime Officer has no objection in relation to the application, based on the indicative site layout although detailed comments are made in respect of any future layout following the submission of a reserved matters application.

RSPB comment that the installation of bird nest boxes and bat boxes should meet the Biodiversity Requirements of ECC's Residential Design Guide SPD and it is strongly recommend that installing at least thirty integral swift boxes is made a condition of the consent if granted.

Wales and West Utilities raise no objection however comment that their apparatus may be at risk during construction works and should the planning application be approved then the applicant should contact Wales and West Utilities directly to address their requirements. Should diversion works be required these will be fully chargeable.

Environmental Health Officer raises no objections subject to conditions regarding the need for a construction method statement and dealing with unsuspected contamination within the site.

NHS has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

City Council's Heritage Officer comments that the assessment, including the geophysical survey that it contains, provides sufficient supporting information on the archaeological aspects to enable this application to be determined. There is no need in this instance for a field evaluation to be done prior to determination. The survey has not identified any remains on this site that affect the principle or layout of this proposed development. The site is set far enough away from and downslope from the nearby Roman signal station (a scheduled monument) so as not to materially affect the setting of the latter, which is somewhat compromised on this side by the existing miscellaneous stable buildings already. Further archaeological work to identify and record any more ephemeral remains that may be present on this site is necessary but can be secured by condition if planning permission is granted.

Devon Wildlife Trust comment that the proposals do not provide sufficient evidence to satisfy the requirements of National Planning Policy Framework (para. 170) and National Planning Policy Framework (para. 179). The site is part of a wider ecological network, comprising hedgerows, grassland and woodland, in this part of Exeter. As recognised by the applicant's Preliminary Ecological Appraisal (para. 4.1) it is part of the Exeter Biodiversity Network. The applicant's proposal would appear to harm this ecological network rather than making it more resilient.

There are inconsistencies in the Preliminary Ecological Appraisal which obscure the value of the eastern, western and northern hedgerows. The executive summary of this report states that these hedgerows are 'species-poor', yet para. 4.2 describes the western and eastern boundary hedgerows as mature and species-rich. Para. 4.3 describes these hedgerows as providing suitable habitat for dormice and connected to the wider off-site hedgerow network in the local area which links to areas of mature woodland.

The executive summary of the Preliminary Ecological Appraisal states that further surveys are required to determine the importance of the hedgerows and that a survey for dormice may be required.

It appears that a large section of the western hedgerow will be removed to create a visibility splay for the proposed road access. It is unclear how this is to be mitigated. Para. 62 of the Preliminary Ecological Appraisal states that 'the western boundary should be planted up extended into the Site as a buffer between the proposed development and the CWS across Pennsylvania Road'. More information is required to clarify what is proposed and whether it will mitigate the loss of hedgerow. The application gives no confidence that there would be a net gain for biodiversity as a result of this proposal.

Disability Access Champion (Living Options) comment that the development needs to ensure that it complies with Part M of the Building Regulations.

Exeter City Council's Place Making Officer comment that:-

The site is in the Landscape Setting policy area that covers the Stoke Hill to Beacon Hill ridge that defines the northern edge of Exeter. However, the consultant's report assumes that the policy has been deleted based on an appeal finding on a different site elsewhere in Exeter. The findings of an appeal inspector regarding the policy in this area might not necessarily be the same as demonstrated by the appeal site to the north of the West of England School for the Partially Sighted especially given the strategic importance of these hills to the setting and character of the City.

It should also be noted that reference in the report to the deletion of the Landscape Setting designation (Core Strategy para 10.39) applies to the growth areas to the east and south-west of Exeter not the hills to the north.

In addition, the site is an integral part of a site of Local Interest for Nature Conservation between Pennsylvania Road and Stoke Hill which links with the Duryard Valley Park (Site of Nature Conservation Interest) and the remainder of the Landscape Setting area to the east: no reference to this is made in the report. The proposal is contrary to the Exeter Fringes Landscape Sensitivity and Capacity Study finding that this site, as an integral part of Zone 3, has high Landscape Sensitivity and low Housing Use Capacity.

The Landscape and Visual Appraisal states that the site has a high level of containment afforded by boundary hedgerows etc. However, the photographic viewpoints chosen to show the boundaries of the site have been taken when the existing trees and hedges appear to be in full leaf. Comparable winter views following complete leaf fall would be needed to provide a more representative assessment of the site.

Viewpoint 1, as indicated on Figure 4, is within an area where the potential visibility of the proposed development site is assessed as being low. However, no explanation is given as to whether there is a viewpoint slightly further north along the bridle path where the potential visibility is given a high rating.

Development of this site would have adverse impact on the character and appearance of the area because of the following:

The site is an integral part of the hills that contains the urban extent of Exeter, provides a setting for the city as well providing a rural backdrop to the existing residential areas to the south of the ridgeline.

Development of the site would mean extending residential development beyond the built-up area potentially resulting in an adverse skyline impact and an unacceptable harmful effect on the character and appearance of the area.

The loss of this parcel of farmland would be to the detriment of the wider landscape and the rural character of the area, of which it is an integral part and could create a detrimental precedent that would lead to piecemeal development of the area.

Devon County Education Officer has considered the application in accordance with Devon County Council's Education Infrastructure Plan 2016-2033. Devon County Council has identified that a development up to 30 family type dwellings will generate an additional 7.5 primary pupils and 4.5 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested.

We have forecast that there is enough spare primary capacity to accommodate 4.74 pupils at the local primary schools and therefore we will request primary education contributions against the remaining 2.76 pupils expected to be generated from this development. The primary contribution sought would be £44,212 (based on the DfE new build rate of £16,019 per pupil), or £1,474 per dwelling. The contributions will be used towards new primary provision in Exeter.

We have forecast that there is enough spare secondary capacity to accommodate 1.04 pupils at the local secondary schools and therefore we will request secondary education contributions against the remaining 3.46 pupils expected to be generated from this development. The secondary contribution sought would be £83,943 (based on the DfE new build rate of £24,261 per pupil), or £2,798 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £7,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will go towards new early year's provision in Exeter.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution.

PLANNING POLICIES/POLICY GUIDANCE

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

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

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

- CP1 Spatial Strategy
- CP4 Residential Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing

- CP9 Strategic Transport Measures
- CP12 Flood Risk
- CP14 Renewable Energy
- CP15 Sustainable Construction
- CP16 Green Infrastructure
- CP17 Design and Local Distinctiveness

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

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities
- H5 Diversity of Housing
- LS1 Landscape Setting
- LS4 Local Nature Conservation Designation
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation

Development Delivery Development Plan Document (Publication Version)

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

- DD1 Sustainable Development
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD25 Design Principles
- DD28 Heritage Assets
- DD29 Landscape Setting Areas

'Development within the Landscape Setting Areas will only be permitted where:

- a) there is no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and*
- b) it does not contribute towards the urbanisation of these areas; and...'*

Exeter City Council Supplementary Planning Documents

- Sustainable Transport (March 2013)
- Affordable Housing
- Residential Design Guide (2010)

OBSERVATIONS

The proposed development is located in an area of landscape setting and of local interest for nature conservation in the Exeter Local Plan and therefore Policies LS1 and LS4 are applicable. The site is identified on the key diagram included with the Core Strategy and therefore Policy CP16 is applicable. The principle of development for housing within the Landscape Setting is contrary to the Statutory Development Plan. Policy LS1 of the Local Plan First Review states that proposals should maintain local distinctiveness and character and be reasonably necessary for the purposes of agriculture, forestry the rural economy, outdoor recreation or the provision of infrastructure. Policy CP16 of the Core Strategy protects the strategic green infrastructure identified on the key diagram in order to protect and enhance current environmental assets and local identify and to provide a framework for sustainable forms of development. The policy goes on to state that it will protect the

hills to the north and north-west of the city from development which would harm its character and local distinctiveness. Within the text of the Core Strategy it states in paragraph 4.10 to *'steering development away from the hills to the north and north west that are strategically important to the landscape setting and character of the city'* In addition the Development Delivery Document Plan Document Policy DD29 only permits development where there is *'no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and (development) does not contribute toward the urbanisation of these areas'*. In paragraph 127 of the NPPF it states that planning decisions should ensure developments are sympathetic to local character and history including the surrounding built environment and landscape setting.

The Landscape Sensitivity and Capacity Study identified the site as having a high landscape sensitivity forming a strong backcloth to the northern hillside setting of the city. The study states that the area has no capacity for housing because of its prominence, rural character and intrinsic sensitivity. The Study states that development in this location would result in harm to the character and distinctiveness of this rural area and therefore the proposal could not be supported. In addition, the site is within the Exeter Slopes and Hills designation as stated within the Devon Landscape Character Area Assessment *'...despite the proximity to Exeter this landscape has a strongly rural character...'*

It is accepted that the Council cannot currently demonstrate a five year supply of deliverable housing sites. Consequently paragraph 11 d) of the National Planning Policy Framework applies. It states that, in these circumstances, permission should be granted unless the applications of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The site is considered contrary to Local Plan policy LS1 and Core Strategy policy CP16. Recent appeal decision has given Policy LS1 limited weight as being out of date when balanced against the need for housing. However Policy CP16 is given full weight. This Policy aims to protect the character and local distinctiveness of identified areas of landscape setting and the hills to the north of the city have been identified as playing an important role in forming an attractive green setting for the city. It is considered that the urbanisation of this site would have an adverse impact of the landscape character of the area, which has been identified as being of intrinsic value to the local and wider context of the site. Consequently given the importance the landscape of this site it does not outweigh the benefit of additional housing to meet the Council's shortfall of deliverable houses.

The site is located within an area of local interest for nature conservation and therefore Local Plan Policy LS4. Devon Wildlife Trust have raised significant doubt about the findings of the ecological assessment and conclude that the development would harm the ecological network of the area rather than making it more resilient. The proposed new access into the site would involve the removal of a substantial section hedgerow which would significantly alter character and appearance of this section of Pennsylvania Road and its biodiversity value. The scheme is therefore contrary to Policy LS4.

Notwithstanding the incomplete information identified by the highway officer concern remains over the sustainability of the site's location for residential development. The site is not currently served by a footway and there remains doubt as to whether this is indeed achievable. Consequently non-vehicular access is gained along the road up a

steep slope on a bend. It appears that the majority of travel would be by car and therefore contrary to the aims of sustainable travel.

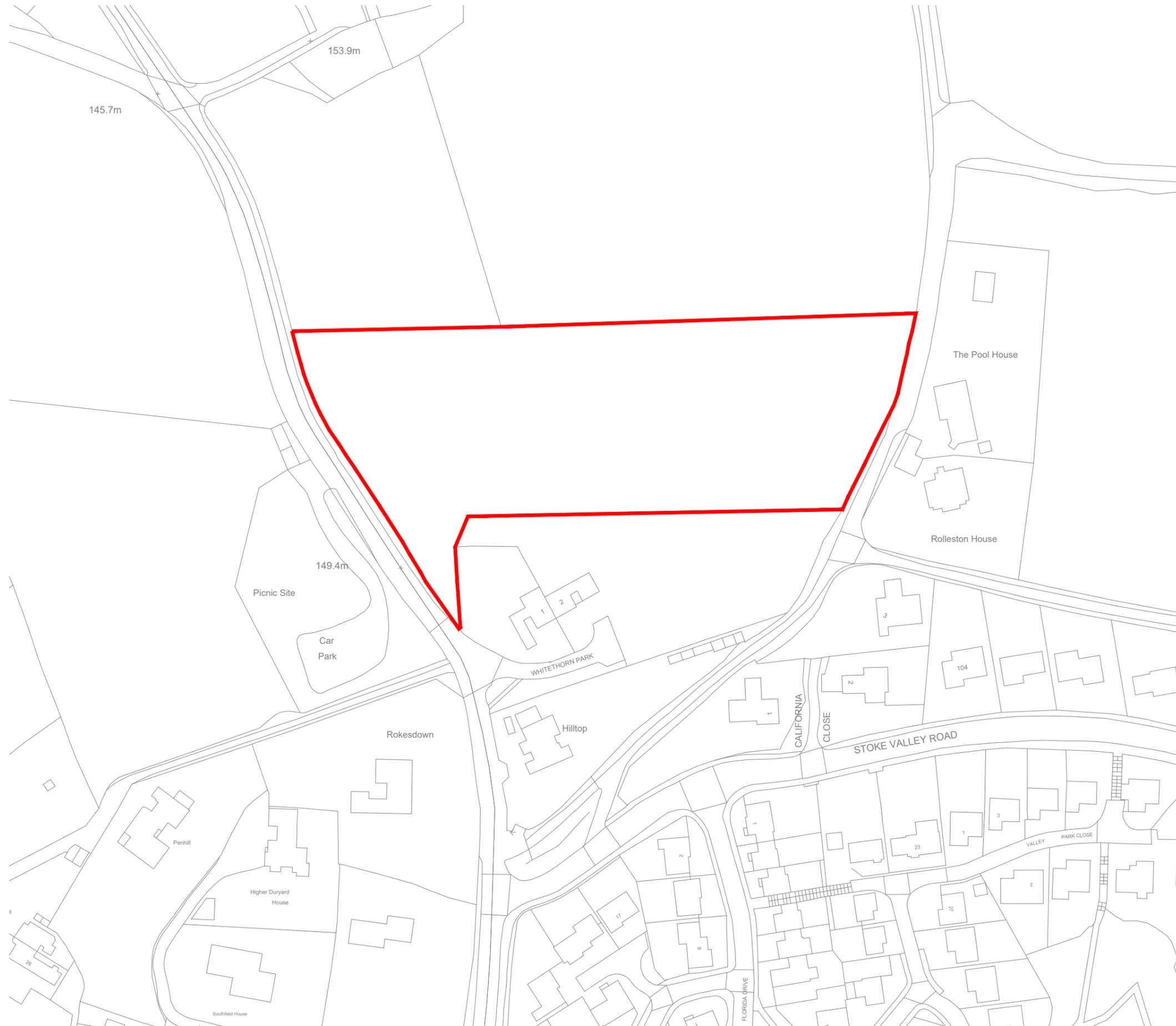
In summary, it is considered that the development of the site for housing would have a detrimental impact on the character and appearance of the area which has been identified as important for landscape setting. In addition, the creation of the vehicular access would have a significant impact on the visual and ecological value of the site. The highway officer has highlighted concerns regarding the achievability of accessing the site other than by vehicular traffic. Whilst the positive benefits of 26 dwelling (including the 35% affordable housing) is recognised this does not outweigh the negative impact the development would create. Accordingly the application should be refused.

RECOMMENDATION

REFUSE for the following reasons:-

1. The development is contrary to Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy. The development would result in harm to the character and local distinctiveness of this rural area evidenced in the Exeter Landscape Sensitivity and Capacity Study and the Devon Landscape Character Area Assessment by reason of it contributing to the urbanisation of the area and detracting from the rural green hillside setting.
2. The development is contrary to Policies LS1 & LS4 of the Exeter Local Plan First Review and CP16 of the Exeter Core Strategy. The creation of vehicular access for the site to serve the residential units in this location would result in the loss of a substantial section of hedge bank fronting onto Pennsylvania Road detrimental to the visual landscape character and appearance of the area and harmful to the biodiversity of the area located with a site of local interest for nature conservation.
3. In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding pedestrian access to and from the site, 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 and Policy CP9 of the Exeter Core Strategy.

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SITE LOCATION PLAN

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Project
**Pennsylvania Road
 Exeter**
 Drawing Title
Site Location Plan

Date 08.06.19	Scale 1:1250 @ A3	Drawn by AS	Check by TP
Project No CAL010419	Drawing No 01		Revision -



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COMMITTEE DATE: 10/02/2020

APPLICATION NO: 19/1621/FUL

APPLICANT: Exeter City Living Ltd

LOCATION: Whipton Barton House, Vaughan Road

PROPOSAL: Demolition of existing buildings and construction of 92 apartments, access and parking, landscaping and associated infrastructure/highway works.

REGISTRATATION DATE: 18 November 2019

PLANNING HISTORY OF SITE

78/0217/01 Sheltered Accommodation comprising 24 two-storey flats, 10 bungalows and ancillary accommodation.

DESCRIPTION OF SITE

The roughly triangular site is bounded by Vaughan Road to the East, Hill Lane to the West and Pinhoe Road to the North. The topography slopes down towards the north East corner of the site.

The existing site of approximately 0.91 Hectares includes areas of adjacent highways and has a gross developable area of 0.72 Hectares. It currently contains one two-storey family dwelling with a garden and a range of single story, flat roofed buildings, providing 11 units of sheltered accommodation that are occupied. There is a two storey block of sheltered residential accommodation and ancillary facilities which is now vacant. The sheltered accommodation is arranged as buildings setback from the roads in lawns and landscaping that includes mature trees.

Adjoining development to the east and south is residential in a mix of predominantly two and three storey buildings. Whipton Barton Junior School is to the southwest and the Whipton Village Local Centre is to the North directly across Pinhoe Road. Rennes House, a, eleven-storey residential block of flats to the south with the recently completed four storey Chester Long Court immediate adjoining it.

There are bus stops on Pinhoe Road and Vaughan Road with frequent services and Polsloe Bridge Rail Station is 800m west along Pinhoe Road.

DESCRIPTION OF PROPOSAL

The proposal, following demolition of the buildings on site, is for a development of 92 apartments in three and four storey blocks arranged round the perimeter of the site, with a communal garden and play area at it's centre. The scheme includes 33 one bed units and 59 two bed units, with 8 of these unit being to a wheelchair accessible design.

The material palette is predominantly brick for external walls with aluminium windows and flat roofs behind parapets. The landscape scheme includes private spaces and communal

space including gardens and children's play spaces. The gardens will incorporate a sustainable drainage system (SUDS) which will collect rainwater and use on site.

There will be a number of public pedestrian routes into and through the site linking the central green space to Vaughan Road, Pinhoe Road and Hill Lane. It is intended that the central space is open to the public as well as residents.

Car parking on site will be limited to 46 spaces including; 5 disabled spaces and 5 for electric car club cars on Vaughan Road and Hill Lane. Charging points will be installed for electric vehicles. Secure cycle parking and visitors stands will be provided on site and electric hire bikes will be sited on Pinhoe Road.

The intention is to employ Passivhaus construction techniques throughout to reduce energy demand and carbon emissions.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by:

- Plans, Elevations and Sectional Drawings
- Design and Access Statement
- Biodiversity Assessment and Report
- Wildlife and Bat Survey
- Air Quality Assessment
- Flood Risk Assessment
- Foul Sewage & Utilities Assessment
- Landscape details
- Noise Impact Assessment
- Tree Survey and Arboricultural Implications

REPRESENTATIONS

The application has been advertised by site notices, press notice and neighbour letter. One public letter of support has been received and three letters of objection. The objections contain the following comments:

- Existing trees and landscape character not properly assessed.
- Trees did not inform layout
- New ecological green space will be isolated by the development.
- Landscape scheme detail considered flawed.
- Insufficient space and conditions for new street trees to prosper.
- Insufficient long lived, large canopied tree proposed.
- Off-site compensatory planting should be considered.
- Trees on site should be subject of preservation order.
- Loss of trees will result in worse air quality on Pinhoe Road
- Carbon emissions should be offset by new tree planting.
- Climate crisis should mean fewer flats and retain more trees.
- Too many apartments on small site.
- Insufficient parking provision in an area already short of parking spaces.

Representations have also been received on behalf of three organisations.

Royal Devon and Exeter NHS Foundation Trust: The Royal Devon and Exeter NHS Trust (represented by Shakespeare Martineau), has requested a contribution of £118,621.00 from

the development 'towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of accommodation on/in the development' to cater for the 'unanticipated additional population growth', to be paid in full prior to the commencement of the construction of the development. In the absence of such a contribution the Trust objects to the application.

Exeter Cycling Campaign: Pleased to support this application, the low proportion of car parking, placing of cycle parking in the centre of the site and the pass-through route. The upgrade of Pinhoe Road crossing from Pelican to Toucan and installation of shared bike spaces should be secured legally.

RSPB: Mitigation and Compensation Measures included in the ETUK's Wildlife Survey Report and the plans showing the layout and elevations of the proposed development. We are disappointed that what is proposed falls so far short of the Biodiversity Requirements of the City's award winning Residential Design Guide or the Government's most recent Guidelines. We recommend that an absolute minimum of forty eight integral boxes grouped in suitable locations are made a condition of this consent if granted. Current thinking on "Biodiversity Gain" leads us to conclude that accommodation for bats should be considered in addition to swift bricks not as an alternative to. We are beginning to see the results and are confident that at any one time the occupancy rate will be at an acceptable level, mostly by sparrows followed by swifts and other species i.e. starlings, blue and great tits and recently house martins, during the life time of the building it is likely they will all be used at one time or another

CONSULTATIONS

Devon County Council (Education) has considered the application above and would like to provide an education response. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033. Regarding the above planning application, Devon County Council has identified that a development up to 59 family type dwellings will generate an additional 14.75 primary pupils and 8.85 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contributions to mitigate its impact are be requested. When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. The primary contribution sought would be £7,048. The contributions will be used towards new primary provision at Monkerton. We have forecast that there is enough spare secondary capacity to accommodate 2.03 pupils at the local secondary schools. The secondary contribution sought would be £165,460. The contributions will be used towards new secondary provision at South West Exeter. In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £14,750. This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will go towards new early years provision at Monkerton. The amounts requested are based on established educational formulae and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 unless the agreement involves other issues or if the matter becomes protracted.

Police Designing Out Crime Officer. On the whole the internal layouts have been designed well. There are aspects that give me some cause for concern which I cannot support as they have shown to contribute to crime, disorder and the fear of crime. Communal entrances are recessed and obscured. Apartment blocks must not have trades button access for mail delivery or utility readings. Minimum standards for doorsets recommendations are made, requirements for the visitor door entry system are made in detail.

Ground level 'private open space' (p26 DAS) denoted as rear gardens for ground floor plots. If deemed private space, then a more robust boundary treatment is needed than that shown in imagery. The 'proposed groves of trees' area at the north east corner of the development would benefit from a low-level demarcation boundary. A buffer zone such as planting with dense ground covering plants can offer protection to ground floor windows and blank gable ends. Communal areas require appropriate boundary treatments. Whilst the surrounding apartment blocks will provide significant surveillance opportunities over the central courtyard/communal open space, the 'covered seating pavilions', 'covered lockable cycle spaces' and tree canopies will greatly hamper such surveillance and should be redesigned.

The car parking areas are afforded good surveillance. Cycle parking should be secured in external containers specifically designed for the secure storage of cycles.

Measures should be in place to prevent conflict between vehicles and pedestrians. Dedicated pedestrian routes should be clearly defined with excessive permeability avoided. This has been implemented effectively. The gates providing access to the communal garden via Vaughan Road and the parking area should be appropriately secured so they are restricted to use by residents only.

The future and ongoing management and maintenance of the development is essential to creating and ensuring a safe and pleasant place for residents and legitimate users. This remains the case. Management and maintenance policies should be in place with clear responsibilities for residents and prospective management companies outlined.

The number of potential climbing aids providing access to private balcony areas and flat roofs across the development is alarming. Alternative designs should be considered in order to negate this risk.

Access to the communal terrace areas in Blocks C1 & C2 must be restricted to residents. Clear way finding, rule setting measures and signage should be in place throughout the scheme to direct and inform visitors and residents.

Research shows an effective lighting scheme affects 6 out of the 7 Crime Prevention through Environmental Design principles. Lighting should be installed to the relevant levels as defined in BS 5489:2013. Parking areas, communal entrances/exits, designated paths should all be effectively lit, and bin and cycle stores should be lit at night using vandal resistant light fittings and energy efficient LED lights.

The mobility scooter store should be adequately secured with floor to ceiling dividing walls, no windows and doorset to recommended standards.

The County Head of Planning Transportation and Environment

Trip Generation: A transport statement has been submitted with the application, gauging the likely traffic generation of the existing and proposed development. The TRICS database has

been used to compare the sites which is acceptable in principle. The resultant vehicle trip rates and associated traffic generation indicate that there will be a net increase of 19 two-way trips in the AM Peak and a net increase of 3 two-way trips on the PM Peak. Notwithstanding this, the application site is a brownfield site and is in a sustainable location. There are buses running along Pinhoe Road/Vaughan Road and is located adjacent to an "on Road cycle route". It is also in close proximity to the E3 cycle route. Henceforth, given the above, the vehicular impact of the development cannot be deemed as severe and cannot form a reason for refusal. Nonetheless, due to its location in relation to the City Centre every effort should be made to promote sustainable transport to justify the trip rates used.

Vehicular Access: It is proposed that the primary access for vehicles will be from Vaughan Road itself. Due to the position of the proposed access points, the existing bus stop and parking bays will be relocated. Vehicular access will be via a priority junction; visibility splays of 2.4 metres x 25 metres can be achieved to the centre and to the back of the carriageway, in accordance with speeds of 20 mph. The proposed access arrangements are shown indicatively on drawing SK03 and SK08; however, it is recommended that instead of a bellmouth junction, a dropped kerb access should be implemented for both access points (giving priority to pedestrians and cyclists) – a condition is recommended to secure the details of such access points. The applicant has not liaised with Stagecoach regarding the relocation of the bus stop, however in principle a suitable location can be found. Discussions with the applicant have led to either: A bus stop to be located to the south of the southerly access point with footway widening around the bus stop to cater for pedestrians (as the footway narrows); this is indicatively shown on drawing SK03 or a bus stop to the north of the of the southernly access point – these details have yet to be submitted, but appropriate width of footway/cycleway is required around the back of the bus stop. A condition is recommended to secure the details and construction of the bus stop are required. It is recommended that the applicant consults Stagecoach before details are submitted to establish the principle of the relocation of the bus stop.

A raised hump is proposed on Vaughan Road to act as a crossing point. This is welcomed as it slows vehicles down and provides an opportunity for cyclists to re-join the existing cycle lane on Vaughan Road. Consideration was given to moving the hump to the south, to provide a better transition to the cycle lane however, there is an existing driveway access that prevents this. It is reminded that the hump needs to be constructed with suitable gradients to accommodate buses (1:16). The new hump will require a TRO. As mentioned previously, the existing crossing point and refuge island on Vaughan Road is to be relocated due to the northernly access point. The applicant has advised that the vehicular carriageway widths and pedestrian refuge island is to remain as per existing and is therefore acceptable in principle. Nevertheless details will need to be submitted forming a S278.

Refuse / recycling collections will take place from Vaughan Road as per the existing situation for neighbouring residential properties. It is anticipated that this would be limited to a weekly / fortnightly collection and is acceptable.

All highway works should be progressed through an appropriate agreement with the Local Highway Authority.

Pedestrian and Cycling access: It is proposed that the primary access for pedestrians and cyclists will also be from Vaughan Road. The applicant is proposing public realm improvements to the bottom of Hill Lane where vehicle carriageway is proposed to be converted into footway/cycleway. A TRO is required to advertise the change in use, however the applicant needs to provide details of adoption and the implications of the change in material. It is reminded that the Highway Authority will not maintain block pavements. In

addition to the change of use to Hill Lane, the applicant proposes to “tidy up” the route to the existing signalised crossing such as the removal of the guard railing. It is also recommended that some of the existing bollards are to be removed too. These improvements are shown indicatively on drawing SK06. Discussions with the applicant had included a pedestrian link from the car park to Hill Lane, however the revised plans do not indicate this; this is recommended due to permeability through the site, but the exclusion does not form a reason for refusal.

Finally, there is a Road Safety concern at the Summer Lane junction opposite the existing signalised crossing where there is an accident cluster site; the Highway Authority have suggested that the crossing point should be raised (on the side road), slowing vehicles down into Summer Lane. This mitigation would see better access for any new residents to get to the shops and the bus stop on Pinhoe Road. Details of a raised crossing have yet to be provided and therefore a condition is suggested to secure this. Again, all highway works should be progressed through an appropriate agreement.

Parking: The level of parking proposed is 0.42 car parking spaces per dwelling, which equates to 39 car parking spaces being provided on the site for future resident’s usage. This is below the standards set out in the ECC residential design guide. However, the applicant’s intention of this is to promote sustainable travel, minimising the reliance on a private car; indeed, it is noted shared cars, shared bikes and exceeded cycle parking is provided. The proposal is that 60 out of the 92 apartments are to be affordable which inherently reduces the pressures of private car use. Nevertheless, together with the travel plan, the applicant will be implementing a car park management plan to minimise overspill parking onto residential streets. A total of 108 conventional cycle parking spaces will be provided on the site, including 86 coverable, lockable spaces, 18 of which can be adaptable to cargo bike spaces, and 22 visitor spaces. This is considered to provide suitable storage for residents to encourage cycle trips and exceeds the requirements set out in the ECC Sustainable SPD. This is shown on Drawing RF-083-001 Rev C.

Travel Planning: In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. DCC has been currently adopting a new approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. However, on this occasion the applicant is providing 5 Co-cars (on Vaughan Road and Hill Lane) together with a docking station (capable of taking 10 e-bikes) with 5-e-bikes that is to be provided and situated in the vicinity of Pinhoe Road. The location of the docking station is yet to be decided upon, but there is land within the public highway to accommodate the bikes. The location of the Co-cars on Hill Lane is proposed to be on the existing footway, but to mitigate this, the applicant will offer land through the S38 process to provide facilitate a footway adjacent to the Co-car location. As with the public realm area, it is reminded that the Highway Authority will not maintain block pavements. Underpinning the promotion of sustainable travel, is a comprehensive Travel Plan. A Travel Plan should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car-based travel. To further encourage this, the applicant has provided two financial contributions: £100 per unit towards bus travel tickets and £25 per unit towards the use of Co-Cars provided on site. These contributions should be secured via S106. The uptake of the sustainable measures should be monitored and controlled through the travel plan.

Construction: The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles.

Summary: The proposal is in a sustainable location; within walking & cycling distance to employment hubs and is served by buses along the frontages to the site. National Policy is for the presumption of sustainable development and for safe & suitable access to be achieved. The proposed development provides sustainable measures despite a slight impact on the highway network. No objection subject to S106 and 8 conditions.

Devon County Council as Lead Local Flood Authority have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant has proposed to discharge surface water into the South West Water owned surface water sewer within Pinhoe Road. The applicant has also noted that a private surface water sewer could be constructed towards the east to discharge surface water directly into the watercourse. The applicant will need to consider how this sewer would be maintained and what the risk of damage to this sewer would be. The sewer will need to cross Vaughan Road which will likely contain various services and utilities. The sewer may also need to avoid tree roots. The outfall is shown to be located within a currently fenced area. A gate would need to be constructed within this fencing to provide easier access for maintenance.

It is understood that a small diameter flow control would be required to restrict discharge rates to greenfield runoff rates, therefore we are content with the proposed discharge rate.

ECC Environmental Health: approve subject to recommended conditions regarding noise, contamination, construction environmental management, and air quality.

Design Review Panel considered the scheme prior to submission in autumn 2019. They supported the design proposals, the central space specifically and site wide accessibly, subject to a number of points being addressed. The main points of which were: Need to deliver promised quality in final product, further consider the spaces around the perimeter, engage Secure by Design, provide semi mature trees on day one, Pinhoe Road elevation will create overshadowing to the public realm, the beech tree space would benefit from incorporating more of a public use, splay Vaughan Road route, refuse strategy should be considered early, seek to demonstrate a biodiversity net gain and to consider elements of offsite construction.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2019:

2. Achieving Sustainable Development
5. Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
9. Promoting Sustainable Transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The National Design Guide 2019

Exeter Local Development Framework Core Strategy

- CP3 Housing
- CP4 Housing Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing
- CP9 Transport
- CP12 Flood Risk
- CP14 Renewable & Low Carbon Energy
- CP15 Sustainable Construction
- 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 Location Priorities
- H5 Diversity of Housing
- H6 Affordable Housing
- H7 Housing for Disabled People
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Parking Standards
- EN4 Flood Risk
- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG4 Residential Layout & Amenity
- DG6 Vehicle Circulation & Car Parking in Residential Developments
- DG7 Crime prevention and safety

Exeter Development Delivery Document – Publication Version 2015

- DD1 Sustainable Development
- DD7 Allocated Housing Sites
- DD12 Purpose Built Student Accommodation
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD25 Design Principles
- DD26 Designing out Crime

Exeter City Council Supplementary Planning Documents

- Sustainable Transport SPD March 2013
- Affordable Housing SPD April 2014
- Planning Obligations SPD April 2014
- Public Open Space SPD September 2005
- Residential Design Guide SPD September 2010
- Trees and Development SPD September 2009

OBSERVATIONS

This full planning application seeks consent to redevelop the site for residential use. The key issues are considered to be the principle of residential use on this site; the design massing and layout; environmental impacts; and acceptability in highway terms.

Residential Use

The site is a windfall, brownfield site with a range of locale services close by and good public transport links. There are no above ground heritage assets in the vicinity. The principle of residential accommodation in this location is supported by the Core Strategy and Local Plan policies. The sheltered housing facilities are partially vacant and are considered to represent an underdevelopment of the site. There is no objection to demolition of the dwellings on the site for residential development with a net gain in residential accommodation.

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 recognised that this is a dense development with the provision of 92 new homes. However, this is in line with the NPPF 2019, Core Strategy, and Local Plan policies, provided that there is no detriment to local amenity, the character and quality of the local environment and the safety of local roads and these matters are considered below.

In terms of the overall context for determination of the application it is important to highlight the position in relation to the Council's five year housing land supply and implications for relevant development plan policies. It is accepted that the Council cannot demonstrate a five year housing land supply and is significantly short of being able to do so. This is important when weighing up the planning balance in reaching a decision on applications for residential development.

The new apartment blocks would provide a mix of 1 bedroom and 2 bedroom units with 8 being designed for wheelchair users, which is a greater proportion than the 5% required by Exeter Local Plan Policy H7. The units all exceed the minimum internal housing space standards and have private balconies.

The proposed development is located approximately 4 kilometres from the closest part of the Exe Estuary Special Protection Area and 8 kilometres from the closest part of the East Devon Pebblebed Heaths Special Protection Area and Special Area of Conservation. The proposed development could, by virtue of being located within 10 kilometres of the European sites in question, and by virtue of its impacts in combination with other residential developments in Exeter, have implications for these sites which could be permanent, arising from the operational phase of the development, i.e. from the occupation of the dwellings in question and the likely increased visitor pressures on the protected habitats to which this will give rise. It is proposed that a habitats mitigation contribution is top-sliced from CIL receipts from this development as a contribution towards the costs of implementing the measures listed in Table 26 of the South East Devon European Site Mitigation Strategy. The relevant amount will be top-sliced from CIL receipts in accordance with established 'per dwelling' contributions applicable in the zones in which the development is located. Where any exemption from CIL is sought the payment will be secured through a S106 agreement.

Design

The proposed buildings are arranged as three storey blocks on Hill Lane where there are a mix of bungalows (raised and set back from the highway) and two storey dwellings, and four

storey blocks on the Pinhoe Road and Vaughan Road frontages where there is significant highway and open landscaped spaces adjacent the site and the directly opposing buildings are predominantly three storeys. The proposed buildings all have parapet edged shallow pitch roofs. The context of the buildings should include the eleven storey Rennes House and four storey Chester Long Court to the south. Particularly considering the spaces between buildings on the perimeter of the site to the east and north, the building heights proposed are considered appropriate and the four storey element on the corner of Vaughan Road with Pinhoe Road has the opportunity to create a landmark corner on Pinhoe Road. The blocks on Vaughan Road and Hill Lane are divided in two by pedestrian access routes whereas the block fronting Pinhoe Road forms a continuous frontage with a pedestrian access to the central space located at the west end near the pedestrian crossing. The density of the scheme is greater than the residential development surrounding and to the south but is considered appropriate to the location at a local centre on an arterial transport corridor. The roof design is more reflective of the existing buildings on site, Rennes House and Chester Long Court than other buildings in the area. The external materials proposed are brick, which reflects the dominant material used in the surrounding area, this is welcome as an appropriate material for reflecting the character of the residential development and will help anchor the buildings into their local context. The external materials study submitted with the application is not considered to adequately assess the use of external materials locally, and further work is required before the specific external materials and the manner of their use in the façade are agreed. A condition to secure approval of external material is recommended to be attached to any consent. The proposals are considered to be in accordance with the NPPF 2019, Core Strategy policies CP4 and CP17, and Local Plan policies DG4 and H1.

Landscaping

The existing development sits within the centre of the site with trees and shrubs set in grass lawns which, whilst in part open to the perimeter, do not encourage active public use. The layout of the proposed development with blocks arranged development at the perimeter of the site with a central communal and public space, including a garden and a children's play area, is supported in making good use of the developable site, protecting the space from road noise, and resulting in a space with a high degree of natural surveillance. Exeter Local Plan Policy DG4 directly addresses the need to provide defensible and private space, and the need for residents to feel at ease within communal spaces, when increasing development density. Each dwelling unit benefits from a private balcony or equivalent private space at ground level, and these are orientated to face into the central space. The success of designed permeability allowing public into this area whilst avoiding anti-social behaviour that negatively impacts on users and residents will depend on the degree of ownership that the residents have of the spaces and the use of defensible plant in a means of enclosure. The details of the landscape scheme and means of enclosure are proposed to be reserved by condition for further consideration. The applicant has responded to the points of concern raised by the Police Architectural Liaison Officer through additional information and revisions to the proposals. At the time of writing no updated response has been received and hence it is proposed that matters of detailed design of entrances, means of enclosure and landscaping are reserved by condition.

The proposals involve retention of a beech tree on Pinhoe Road and the removal of 23 existing trees which are likely to have been planted at the time of the construction of the sheltered housing development. The landscape scheme includes 73 new trees and has been revised to increase the proportion of larger longer lived trees in the proposed landscaping scheme. These are planted at key locations within and on the boundary of the

site and will mature to make a substantial contribution to the street scene on Hill Lane, Vaughan Road and Pinhoe Road. Consideration has been given to the need to formally protect existing trees on the site at this stage but given the landscaping scheme proposed and the material considerations that weigh in favour of redevelopment it is not considered appropriate to make such an order at this time.

Notwithstanding the submitted revised landscaping plan landscape details are proposed to be reserved for further consideration as part of any consent so that points of detail can further be considered. The ongoing management arrangements for the landscaped spaces need to be secured and this can be secured by condition or S106 agreement as part of any consent.

Designing Our Crime

The Police Architectural Liaison Officer has been consulted and raised no objection in principle, the internal layout of buildings and natural surveillance of car parking was considered good. However concerns in a number of matters of detailed design were raised: the communal buildings entrances, the need for good defensible space to buildings, concerns about the ability use building elements to climb to upper levels, the need for appropriate boundary treatments for the communal open areas, the need to reduce hidden spaces around the cycle storage and concerns about use of the covered seating areas. The need for clarity of ongoing management and maintenance was also raised and recommendations about the standards of door and windows sets and access for post/meter readings was made. The applicant has revised designs and provided additional information to address these concerns. At the time of writing no further comments on the revised designs have been received. The matters of boundary/enclosure treatments, and the detailed design of communal entrances and cycle stores are therefore recommended to be reserved by condition attached to any consent. As discussed elsewhere matters of landscaping detail and future management are also secured to be approved.

Highways and Parking

Two new vehicular access are proposed both from Vaughan Road one vehicular access and two pedestrian accesses. The vehicular access to the dwelling on Hill Lane which would be demolished is removed. The position of vehicular access points is supported as it avoids additional traffic on Hill Lane, and the route to Whipton Barton Schools. The bus stop on the northbound side of Vaughan Road will be repositioned to allow formation of the southernmost access, this can be achieved within the highway and site requiring no third party land, formal approval of the highway authority following consultation with the bus service operator will be required.

Provision for 5 electric car club cars and parking with charging points are provided by the scheme. Forty six car parking spaces are provided, thirty nine on the site in two parking areas each accessed form Vaughan Road. The remaining seven are on highway in parallel arrangement and five of these are proposed to be dedicated for electric pool car parking and charging. On-site parking spaces will utilise permeable paving where possible as part of an overall SUDS strategy. The ratio of private parking to dwellings is less than 0.5 per unit not counting pool cars.

The proposal include provision of 5 Electric hire bikes and a docking station with capacity for parking and charging 10 electric cycles positioned on Pinhoe Road. Covered and secure cycle parking and storage, including storage for cargo bikes/trailers, is also provided with 118 residents spaces in total. The stores, are located within the communal areas to ensure that they are within areas which are overlooked and well accessed. Eleven Sheffield type

visitor cycle parking hoops, accommodating twenty two cycles, are provided at the Pinhoe Road pedestrian access to the site.

The site is located on a main arterial road into the city centre which is well served by public transport and there are bus stops immediately outside the site. The site is within 800 metres of Polsloe Bridge Station. The site is located adjacent Whipton Village Local Centre and adjacent to Whipton Barton Primary and Junior schools. There are no 'residents only' restrictions on parking on highways in the vicinity of the site.

A Travel Plan and Car Park Management Plan, including financials measures to encourage pool car and cycle and public transport use, is required which will need to be in place before first occupation. These measures can be secured through conditions and S106 agreement.

The proposals include a number of alterations within the public highway. These include street tree planting, raised tables in the highway at access points, improvements to the junction of Hill Lane and Vaughan Road and "tidying up" (including extending the area stopped up to vehicles) at the northern end of Hill Lane. The highways works are all matters acceptable to the Highway Authority and would need to be subject of the appropriate agreements.

Refuse collection from enclosed bin stores located adjacent building entrances at back of highway is proposed from the highways surrounding the site. There is no objection to this from the highway authority.

Overall the proposals are aspirational in terms of reducing private car use, and are considered to be in line with the NPPF 2019 section 9, Core Strategy CP9, and Local Plan policy T3 and the Sustainable Transport SPD.

Sustainability

The buildings are designed to Passivhaus standard and will be highly insulated and air tight, with mechanically controlled ventilation with heat recovery. This will result in carbon emissions below those required by Exeter Core Strategy policy CP15. The compliance with that policy should still be controlled though a condition attached to any consent. The Passivhaus approach will further ensure noise levels internally and internal air quality betterment over traditional construction methods which is particularly welcome in this location adjacent Pinhoe Road. A sustainable drainage strategy that restricts run-off to current rates can be secured by condition.

It is not proposed by the applicant to use the roof spaces for solar heating or photovoltaic electrical generation. Whilst there are significant legislative obstacles to supply to individual residential properties the applicant has been encouraged to look at the potential for the use of rooftops for solar electrical generation and/or battery storage to potentially supply to the electric car and cycle charging, or by private wire to a nearby single electricity user.

Drainage and flood risk

Further to the comments of DCC as Lead Local Flood Authority the applicant has provided clarification additional information. At the time of writing no further comments on the revised information have been received. The matters of site drainage are therefore recommended to be reserved by condition attached to any consent to ensure the details accord with the aims of NPPF 2019 and particularly chapter 14, Core Strategy policy CP12, and Local Plan policies EN4.

Historic Environment

The NE part of the site was occupied by Whipton Barton, a reasonably substantial house with farm/outbuildings dating from at least the 17C, and probably earlier. It may have originated as a medieval manor. At the SW corner of the site lay other buildings, called Stones Cottages. The remainder of the site to the east was orchards and open fields, up until the late 1930s and probably later, though that is not to discount the general potential for earlier remains (Roman and prehistoric). Given the nature of buildings present on the site there is still the potential for buried remains to survive in places. Any buried remains, particularly of Whipton Barton, should be identified and recorded via archaeological site investigation, and the results analysed and reported, in accordance with NPPF 2019 and Exeter Local Plan policy C5, this work can in this instance be undertaken as a condition of a planning permission, when the current buildings are empty/demolished and services are cut off, and before construction work commences on the new build. The standard C57/A38 condition should be attached to ensure this.

Biodiversity/Ecology

A survey has been carried out on the site it identified low numbers of bats using the two storey building as a day roost, a potential for Great Crested Newt using ponds within 500m of the site (Whipton Barton Primary School) and bird nesting. Care during demolition, including method of works, timing of demolition and tree felling, and requirements for licencing by Natural England will be required for the proposed development. The ecologist's report and Conservation Action Statement recommends avoidance, mitigations and compensatory measures including installation of bat, swift and bird boxes. The RSPB has recommended increasing the number of integral swift nesting bricks to 48. These measures can be secured by a condition attached to any consent to ensure the objectives of the NPPF 2019 set out in chapter 15 and Exeter Local Plan Policy DG1 and DG4.

VIABILITY, S106 CONTRIBUTIONS, CIL AND AFFORDABLE HOUSING

Affordable Housing: A Viability Assessment has been carried out to provide independent appraisal of the developer's analysis and also to conduct an independent parallel assessment. The cost analysis contains commercially confidential information, it is available to elected members but is not a public document and it is not repeated in detail here for these reasons. This assessment was carried out by Plymouth City Council on behalf of ECC. It concludes that the scheme does not provide a commercial return, that is to say the return is positive but less than that expected by a commercial developer. The report concludes that whilst the scheme will be required to make a CIL contributions, it will not be able to support affordable housing sought by Core Strategy Policy CP7 or developer contributions. The contributions requested are discussed further below. In planning terms the scheme will therefore be considered as 100% market housing with no planning restrictions on occupation or disposal. Whilst no affordable housing would be secured through the planning system it is understood that it is the applicants intention that 60 of the 92 units would be delivered as affordable housing with third party funding.

The Royal Devon and Exeter NHS Trust (represented by Shakespeare Martineau), has requested a contribution of £118,621.00 from the development 'towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of accommodation on/in the development' to cater for the 'unanticipated additional population growth', to be paid in full prior to the commencement of the construction of the development. They say this contribution will be used directly to provide additional healthcare services to meet patient demand for: A&E attendances, non-elective admissions and short stays, elective admissions, day case admissions, regular attendances, outpatient appointments, outpatient appointment procedures and community nursing visits. If the

contribution is not secured, the Trust will object to the application. Officers have written to the law firm acting on behalf of the Royal Devon and Exeter NHS Trust to explain why the contributions requested on this and other applications are not considered to be justified. Among other matters insufficient information has been provided of what this contribution would be spent on in the first year of occupation of each dwelling in the development and how it meets the 'tests' for planning obligations specified in CIL Regulation 122(2) and NPPF paragraph 56.

Sustainable Travel Plan includes financial provisions and would need to be included in the S106 for that reason. The scheme which includes a parking provision of less than 0.5 spaces per dwelling would not be acceptable without those measures as pressure for private car ownership and hence parking on the uncontrolled local streets, are likely to be higher. The contributions for sustainable transport measures sought (which are in addition to the provision of club cycles and cars) are modest (£11,500 total) in comparison with the capital cost of the development and hence, notwithstanding the viability assessment, it is considered that any consent should necessarily be subject of a S106 agreements to secure those provisions, the impacts of the scheme being unacceptable without them.

Contributions have been requested by DCC to fund education provision in Exeter. It is their position that the scheme would be unacceptable without those contributions, which it should be noted are substantial (£172,508). The independent appraisal of viability carried out to inform consideration of this application satisfies officers that the scheme cannot sustain these obligations. On balance it is considered that the benefits of the scheme taken as a whole outweigh the harm to education provision caused in this instance and that the scheme should not be refused for lack of an education contribution as requested. It is also noted that it is open to the City Council to agree to meet education contribution requests from CIL income from the site.

Community Infrastructure Levy (CIL): The CIL contributions for a 100% market dwellings scheme, net of demolitions, is estimated to be in the region of £900,000 at 2020 CIL rates. This would be discounted for any affordable housing, though Habitats Mitigation requirements which are normally part of CIL would still be required.

The Section 106 Agreement should therefore cover the following matters:

- Arrangements for the ongoing management of communal spaces, landscaping, means of enclosure, access controls and open spaces.
- Travel Plan measures.
- Completion of agreements with the Highway Authority for works in the Highway.
- Habitats Mitigation payments (where any CIL exemption is sought).

SUMMARY

As a windfall site, and mindful of the position regarding a five year housing supply, the opportunity to provide a sustainable housing scheme in an area which is well served by public transport and is in close proximity to local shops, facilities, park and schools is welcomed.

The design has been considered to make best use of the site without compromising the amenity of neighbouring properties. The traditional materials are considered to integrate contemporary design of the buildings with the surrounding character. Whilst the development does involve the loss of established trees the proposed planting and ecological

measures are considered to make acceptable compensation, and the public access to the site is welcome.

The site layout provides for adequate parking, taking into account the sustainable travel measures provided alongside private parking, and bin storage. The scheme has been assessed as being unable to provide financial contributions other than the Community Infrastructure Levy and the highways and sustainable transport requirements, which are considered necessary to make the transport impacts of the scheme acceptable in planning terms. There are a number of material of detailed design which officers consider can be satisfactorily controlled by the recommended conditions.

RECOMMENDATION

APPROVE subject completion of s106 legal agreement securing the obligations listed under 'CIL/S106' above; and with the following conditions which may be varied, removed if satisfied prior to the issue of the decision notice, or switched between the conditions and S106:

- 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 28 and 30 January 2020 (including dwgs listed below) as modified by other conditions attached to this consent.

18/505/010 Ground Floor Site Plan - Rev C
18/505/020 Block A-Ground + First Floor- Rev B
18/505/025 Block B1 - Ground+ First Floor - Rev B
18/505/030 Block B2 - Ground+ First Floor - Rev B
18/505/035 Blocks C1 + C2 - Ground, First + Second Floors - Rev A
18/505/060 Block B1 Elevations - Rev B
18/505/061 Block B2 Elevations - Rev B
18/505/062 Block A Elevations - Rev B
Arb Impact Assessment and Tree Protection Plan Rev A

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

- 3) Notwithstanding the approved plans no development, other than the demolition or stripping-out of the existing buildings, shall commence on site until the detailed matters listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
 - a) Detailed design of the bins stores and entrances into buildings from Vaughan Road, Hill Lane and Pinhoe Road.
 - b) Means of enclosure within the site.
 - c) Cycle stores
 - d) External lighting

Reason: In the interests of visual amenity and the living conditions of future occupiers.

- 4) No development, other than the demolition or stripping-out of the existing buildings, shall take place until details of the proposed finished floor levels and overall heights of the proposed building, as indicated on the approved drawings and set in relation to an agreed fixed point or Ordnance Survey datum, has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

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

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

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

- 6) No development, other than the demolition or stripping-out of the existing buildings, 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 protection of human health and the natural environment.

- 7) 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 monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/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.
- 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 the protection of human health and the natural environment.

- 8) No development, other than the demolition or stripping-out of the existing buildings, shall take place until the applicant has submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

Reasons: In the interests of the living conditions of future occupiers of the site.

- 9) Noise from all building services plant shall not exceed a rating noise level of 39dB (07:00 to 23:00) and 30dB (23:00 to 07:00) (measured at the façade of any noise sensitive property in accordance with BS4142:2014).

Reason: In the interests of protecting the neighbouring occupiers from noise nuisance.

- 10) No development, other than the demolition or stripping-out of the existing buildings, shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.

Reason: In the interests of protecting human health and the natural environment.

- 11) A sustainable surface water management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority before development, other than the demolition or stripping-out of the existing buildings, commences on site. The approved strategy shall subsequently be implemented on site before any building is occupied.

Reasons: In the interests of sustainable drainage.

- 12) No part of the development hereby approved shall be brought into its intended use until details of vehicular access points have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the access points have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

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

- 13) No part of the development hereby approved shall be brought into its intended use until the raised crossing on Vaughan Road and relocated crossing point on Vaughan Road, as indicated on Drawing No. SK08 have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy

- 14) No development, other than the demolition or stripping-out of the existing buildings, shall take place on the application site until details of the relocated bus stop has been provided and made available for use in accordance with detailed drawings which shall previously have been submitted to an approved in writing by the Local Planning Authority in consultation with Devon County Council as the Local Highway Authority and Stagecoach. No apartments comprised in the development shall be occupied until the bus stop location has been fully agreed/relocated in accordance with the approved details

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

- 15) No part of the development hereby approved shall be brought into its intended use until details of a raised crossing at Summer Lane, changes to Hill Lane (i.e. surface materials/street furniture) and the removal of guardrail/bollards on Pinhoe Road have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the crossing, materials and the details to the changes in the vicinity of the signalised crossing on Pinhoe Road have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

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

- 16) No part of the development hereby approved shall be brought into its intended use until details of pedestrian access on Hill adjacent to the Co-Car spaces have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the pedestrian access have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

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

- 17) No part of the development hereby approved shall be brought into its intended use until the 5 Co-Car spaces, e-bike docking stations (including 5 bikes) and the sheltered secure cycle spaces as indicated on Drawing No. RF-083-001 Rev C have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.

- 18) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority. The travel plan shall include provisions for the ongoing monitoring and control of the sustainable measures.

Reason: To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF.

- 19) Before commencement of construction of the superstructure of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations or other equivalent standard as may be agreed in writing by the Local Planning Authority can be achieved. The measures necessary to achieve the 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.

- 20) No development, other than the demolition or stripping-out of the existing buildings, 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.

- 21) Any trees, shrubs and/or hedges on or around the site, other than those shown as being removed on the Arboricultural Impact Assessment and Tree Protection Plan rev A received 28.01.2020 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.

- 22) 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.

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

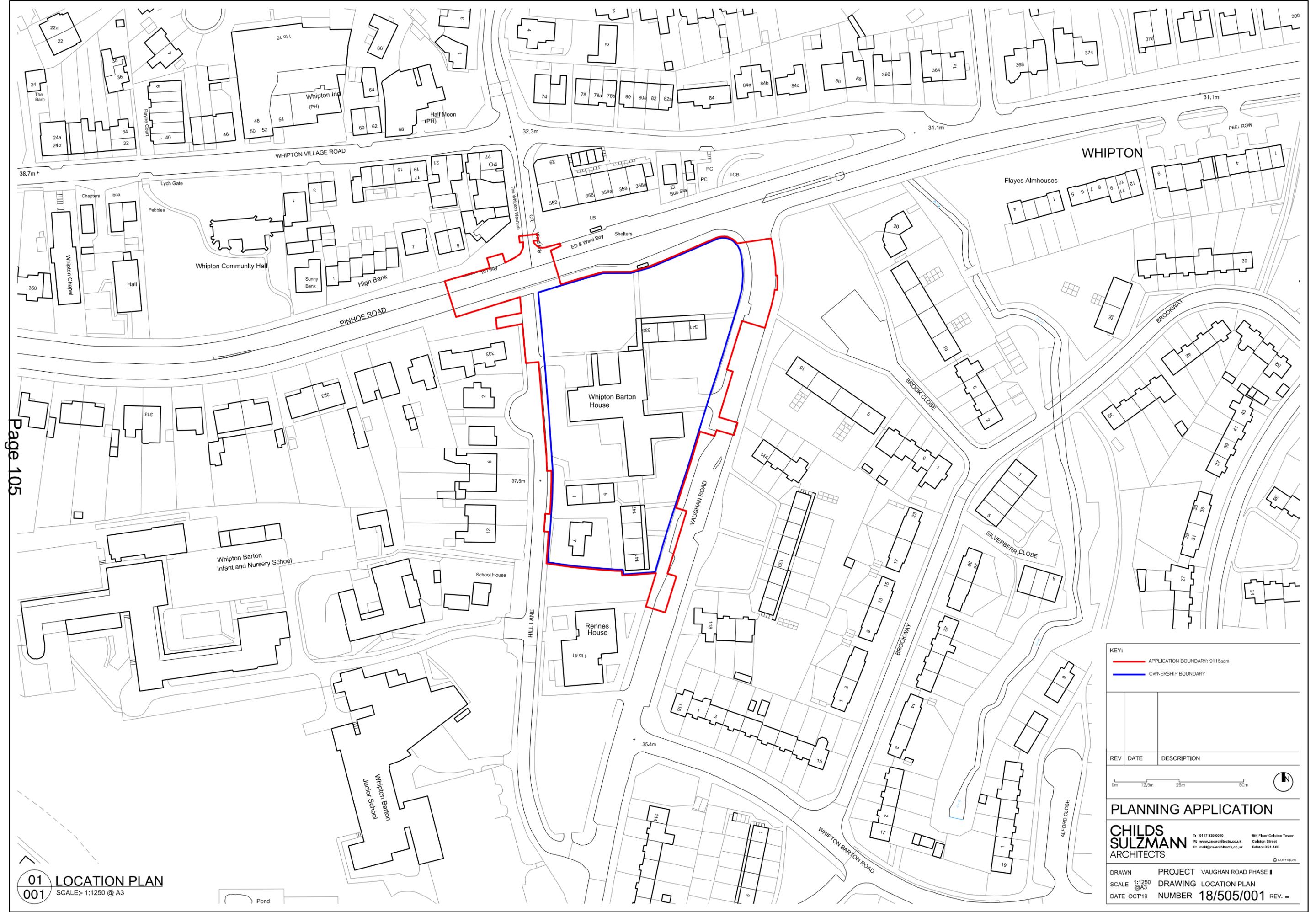
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 24) The development shall only be carried out in accordance with the avoidance, mitigation and compensatory measures in the Conservation Action Statement appended to the Wildlife Survey report version 002, including (unless otherwise agreed in writing) the installation of bat boxes (minimum 4 no.), swift nesting bricks (minimum 48 no. cavities) and sparrow terraces (minimum 4 no.) in the completed development. These shall be retained thereafter unless previously agreed in writing by the Local Planning Authority.

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

INFORMATIVES

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it 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).



KEY:
 — APPLICATION BOUNDARY: 9115sqm
 — OWNERSHIP BOUNDARY

REV	DATE	DESCRIPTION

0m 12.5m 25m 50m

PLANNING APPLICATION

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DRAWN PROJECT VAUGHAN ROAD PHASE II
 SCALE 1:1250 @A3 DRAWING LOCATION PLAN
 DATE OCT'19 NUMBER 18/505/001 REV. -

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REPORT TO: PLANNING COMMITTEE**Date of Meeting: 10 February 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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Delegated Decision	
Application Number:	19/1577/LBC
Decision Type:	Permitted
Location Address:	3 Elm Grove Road St James Exeter Devon EX4 4LL
Proposal:	Three new sliding sash windows and one conservation velux rooflight already fitted (Retrospective).
Delegation Briefing:	12/12/2019
Date:	14/01/2020

Delegated Decision	
Application Number:	19/1633/PD
Decision Type:	Prior Approval Not Required
Location Address:	54 Springfield Road Exeter Devon EX4 6JL
Proposal:	Larger home extension for single-storey rear extension.
Delegation Briefing:	
Date:	09/01/2020

Exwick

Delegated Decision	
Application Number:	19/1493/LBC
Decision Type:	Permitted
Location Address:	Bell House Cleve Lane Exeter Devon EX4 2AR
Proposal:	Replace two external doors.
Delegation Briefing:	12/12/2019
Date:	14/01/2020

Delegated Decision	
Application Number:	19/1582/FUL
Decision Type:	Permitted
Location Address:	27 Norwich Road Exeter Devon EX4 2DN
Proposal:	Single storey rear extension; side extension to rear of the garage and first floor extension over garage.
Delegation Briefing:	12/12/2019
Date:	07/01/2020

Delegated Decision	
Application Number:	19/1622/FUL
Decision Type:	Withdrawn by Applicant
Location Address:	30 Howard Close Exeter Devon EX4 2LX
Proposal:	The proposal is to build 1 no. Detached 2-storey Pitched Roof Detached House within the grounds of 30 Howard Close and for the retention of the existing House.
Delegation Briefing:	
Date:	19/12/2019

Heavitree

Delegated Decision	
Application Number:	19/1129/FUL
Decision Type:	Permitted
Location Address:	72-73 Polsloe Road Exeter Devon EX1 2NF
Proposal:	Demolition and replacement of single storey side extension.
Delegation Briefing:	17/10/2019
Date:	15/01/2020

Delegated Decision			
Application Number:	19/1500/FUL	Delegation Briefing:	14/11/2019
Decision Type:	Permitted	Date:	19/12/2019
Location Address:	5 St Loyes Road Exeter Devon EX2 5HD		
Proposal:	Proposed new dwelling and associated works (revised design to permission 19/0778/FUL)		

Delegated Decision			
Application Number:	19/1561/FUL	Delegation Briefing:	21/11/2019
Decision Type:	Permitted	Date:	07/01/2020
Location Address:	10 Salutory Mount Fore Street Heavitree Exeter Devon EX1 2QE		
Proposal:	Rear extension, replacement double garage and refurbishment of existing villa.		

Delegated Decision			
Application Number:	19/1666/FUL	Delegation Briefing:	12/12/2019
Decision Type:	Permitted	Date:	07/01/2020
Location Address:	63 Polsloe Road Exeter Devon EX1 2EA		
Proposal:	Two story extension and decking area to the rear of the property.		

Delegated Decision			
Application Number:	19/1678/FUL	Delegation Briefing:	19/12/2019
Decision Type:	Permitted	Date:	21/01/2020
Location Address:	6 Mont Le Grand Exeter Devon EX1 2PD		
Proposal:	Replacement garage		

Mincinglake And Whipton

Delegated Decision			
Application Number:	19/1565/FUL	Delegation Briefing:	05/12/2019
Decision Type:	Permitted	Date:	07/01/2020
Location Address:	24 Fouracre Close Exeter Devon EX4 8LS		
Proposal:	Front porch (Retrospective Application).		

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.		

Delegated Decision	
Application Number:	19/1763/NMA
Decision Type:	Permitted
Location Address:	Probus Farm Stud Church Hill Exeter Devon EX4 9JJ
Proposal:	Revised design to retain original roof structure, with modifications, and extension of the kitchen with balcony over and flat roofs to replace low-pitched approved roofs to the Annexe and Gym.

Newtown And St Leonards

Delegated Decision	
Application Number:	19/0897/DIS
Decision Type:	Condition(s) Partially Approved
Location Address:	The Depot Summerland Street Exeter Devon
Proposal:	Discharge of Condition 10 (Noise) of Planning Permission 18/1405/FUL.

Delegated Decision	
Application Number:	19/1008/NMA
Decision Type:	Permitted
Location Address:	11 Marlborough Road Exeter Devon EX2 4TJ
Proposal:	Amendment to alter and move approved side garage (16/1187/FUL).

Delegated Decision	
Application Number:	19/1050/NMA
Decision Type:	Permitted
Location Address:	Former Bus Depot Site Summerland Street Exeter Devon
Proposal:	Amendment to allow occupation, including Class C1 short term let for non-student residential occupation between September 2019 and June 2020, of development permitted as Ref 16/0405/FUL for redevelopment of former bus depot.

Delegated Decision	
Application Number:	19/1286/FUL
Decision Type:	Permitted
Location Address:	5 Victoria Park Road Exeter Devon EX2 4NT
Proposal:	Alterations to roof of front extension.

Delegated Decision	
Application Number:	19/1287/LBC
Decision Type:	Permitted
Location Address:	5 Victoria Park Road Exeter Devon EX2 4NT
Proposal:	Internal alterations and reconfiguration of former annex.

Delegated Decision	
Application Number:	19/1452/FUL
Decision Type:	Permitted
Location Address:	Matworthy Deepdene Park Exeter Devon EX2 4PH
Proposal:	Single storey side and rear extensions, timber cladding and porch to front elevation and raised platform in rear garden.
Delegated Decision	
Application Number:	19/1486/FUL
Decision Type:	Permitted
Location Address:	31 Heavitree Road Exeter Devon EX1 2LG
Proposal:	Change of use for ground floor shop (A1 use) with flat above (C3 use) to HMO (C4 use) and removal of shopfront
Delegated Decision	
Application Number:	19/1513/FUL
Decision Type:	Permitted
Location Address:	13A Lyndhurst Road Exeter Devon EX2 4PA
Proposal:	Single storey rear and side extensions.
Delegated Decision	
Application Number:	19/1514/LBC
Decision Type:	Permitted
Location Address:	13A Lyndhurst Road Exeter Devon EX2 4PA
Proposal:	Single storey rear and side extensions
Delegated Decision	
Application Number:	19/1522/TPO
Decision Type:	Permitted
Location Address:	Barnfield Hill Surgery 10-12 Barnfield Hill Exeter Devon EX1 1SR
Proposal:	Removal of major dead wood over 25mm (leaving where possible dead stubs as habitat with naturalizing cuts) and reduce lateral spread through proper pruning by up to 1.5m and as appropriate away from building , keeping cut size to <75mm.
Delegated Decision	
Application Number:	19/1559/FUL
Decision Type:	Permitted
Location Address:	Barnfield House 2 Barnfield Hill Exeter Devon EX1 1SR
Proposal:	Conversion of nursing home into 9 residential units.

Delegated Decision	
Application Number: 19/1595/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 19/12/2019
Location Address: The Depot Summerland Street Exeter Devon	
Proposal: Amendments to change entrance routing, form additional retail unit, change parapet heights, relocate cycle store, and minor amendments to windows, louvres and doors and lightwell.	
Delegated Decision	
Application Number: 19/1606/FUL	Delegation Briefing: 12/12/2019
Decision Type: Permitted	Date: 07/01/2020
Location Address: 3 Gras Lawn Exeter Devon EX2 4RZ	
Proposal: Proposal to increase the existing rear double door width to 2600mm.	
Delegated Decision	
Application Number: 19/1708/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 14/01/2020
Location Address: Dove Tree House 89-91 Heavitree Road Exeter Devon EX1 2ND	
Proposal: Change style of windows B2, 4, 5, 7, 8 from traditional sash windows (Type A) to traditional style casement windows (Type B - which would match the profile/style of windows A1 & A2 on the other front corner).	
Delegated Decision	
Application Number: 19/1723/LBC	Delegation Briefing: 19/12/2019
Decision Type: Permitted	Date: 20/01/2020
Location Address: 3 Lyndhurst Road Exeter Devon EX2 4PA	
Proposal: Enlargement of an existing internal window opening; infill of two previous internal door openings.	
Delegated Decision	
Application Number: 19/1739/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 07/01/2020
Location Address: 38 Barnfield Road Exeter Devon EX1 1RZ	
Proposal: Cherry - very poorly, half dead - removal and replace with a new fruit tree Unidentified fruit tree - very poorly, half dead - removal and replace with a new fruit tree	
Delegated Decision	
Application Number: 19/1757/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 13/01/2020
Location Address: 4 Premier Place Exeter Devon EX2 4LB	
Proposal: Fell Crab Apple Tree which has become excessive in size, it overpowers and shades my garden and neighbouring properties garden. The root structure has begun to cause damage. I intend to replant with a British Apple Tree.	

Delegated Decision			
Application Number:	19/1780/FUL	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	10/01/2020
Location Address:	125A Topsham Road Exeter Devon EX2 4RE		
Proposal:	Single storey rear extension and rear flat roof dormer.		
Delegated Decision			
Application Number:	20/0036/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	10/01/2020
Location Address:	125A Topsham Road Exeter Devon EX2 4RE		
Proposal:	Replace conservatory with single storey rear extension and construction of rear dormer		
Pennsylvania			
Delegated Decision			
Application Number:	19/0141/FUL	Delegation Briefing:	15/08/2019
Decision Type:	Permitted	Date:	28/01/2020
Location Address:	Pinhoe Road Baptist Church Pinhoe Road Exeter Devon EX4 7HZ		
Proposal:	New entrance foyer, cycle store and alterations to landscaping (revision of approved scheme ref. 14/1478/FUL).		
Delegated Decision			
Application Number:	19/1503/FUL	Delegation Briefing:	21/11/2019
Decision Type:	Permitted	Date:	14/01/2020
Location Address:	7 Elmdon Close Exeter Devon EX4 6HH		
Proposal:	Single storey rear extension and dormer roof extension.		
Delegated Decision			
Application Number:	19/1598/FUL	Delegation Briefing:	05/12/2019
Decision Type:	Permitted	Date:	06/01/2020
Location Address:	14B Sylvan Road Exeter Devon EX4 6EW		
Proposal:	Loft conversion to include a rear dormer and roof lights.		
Delegated Decision			
Application Number:	19/1764/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	13/01/2020
Location Address:	1A Daleside Road Exeter Devon EX4 6EP		
Proposal:	Condition 3 - Samples to be handed in; Condition 4 - Windows and Front Door Quote; Condition 6 - SAP Calculation (reduction shows 18.5% rounded up to 19%)		

Delegated Decision	
Application Number: 19/1550/FUL	Delegation Briefing: 21/11/2019
Decision Type: Permitted	Date: 19/12/2019
Location Address: 31 Well Oak Park Exeter Devon EX2 5BB	
Proposal: Proposed single story rear extension to the kitchen.	
Delegated Decision	
Application Number: 19/1617/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 07/01/2020
Location Address: Royal Devon And Exeter Hospital Barrack Road Exeter Devon	
Proposal: Non-Material Amendment to Planning Permission Ref. 19/0744/FUL (granted 19 July 2019) to relocate substation 0.4 metres south	
St Davids	
Delegated Decision	
Application Number: 18/1442/FUL	Delegation Briefing: 20/12/2018
Decision Type: Permitted	Date: 09/01/2020
Location Address: St Olaves Lookout Smythen Street Exeter Devon EX1 1BN	
Proposal: Conversion of upper floors from ancillary A1 use to three flats, including new rear external staircase and replacement windows (retrospective).	
Delegated Decision	
Application Number: 19/1122/FUL	Delegation Briefing: 17/10/2019
Decision Type: Permitted	Date: 13/01/2020
Location Address: 85 Queen Street Exeter Devon EX4 3RP	
Proposal: Change of use of the rear of the property at ground floor level from retail (A1 use) to retail (A1 use), food & drink (A3 use) and drinking establishment (A4 use).	
Delegated Decision	
Application Number: 19/1166/FUL	Delegation Briefing: 14/11/2019
Decision Type: Permitted	Date: 10/01/2020
Location Address: 231 High Street Exeter Devon EX4 3NE	
Proposal: Installation of new shopfront and entrance	
Delegated Decision	
Application Number: 19/1167/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 10/01/2020
Location Address: 231 High Street Exeter Devon EX4 3NE	
Proposal: Three illuminated fascia signs and one illuminated projecting sign	

Delegated Decision	
Application Number: 19/1268/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 06/01/2020
Location Address: Zinc Mary Arches Street Exeter EX4 3AZ	
Proposal: 2no. internally illuminated fascia signs and 1no. internally illuminated hanging sign (retrospective).	
Delegated Decision	
Application Number: 19/1351/FUL	Delegation Briefing: 14/11/2019
Decision Type: Permitted	Date: 10/01/2020
Location Address: Unit 3 And 4 Michael Browning Way Exeter Devon EX2 8DD	
Proposal: Change of use from B1 and B8 to B2 MOT testing station.	
Delegated Decision	
Application Number: 19/1409/LBC	Delegation Briefing: 31/10/2019
Decision Type: Permitted	Date: 13/01/2020
Location Address: 85 Queen Street Exeter Devon EX4 3RP	
Proposal: Alterations including bar servery, four fixed skylights, stair lift, ventilation grill, accessible toilet, and signage	
Delegated Decision	
Application Number: 19/1444/FUL	Delegation Briefing: 14/11/2019
Decision Type: Permitted	Date: 19/12/2019
Location Address: 1 Bartholomew Street West Exeter Devon EX4 3AJ	
Proposal: Change of use to form HMO with studio and minor internal alterations	
Delegated Decision	
Application Number: 19/1445/LBC	Delegation Briefing: 14/11/2019
Decision Type: Permitted	Date: 19/12/2019
Location Address: 1 Bartholomew Street West Exeter Devon EX4 3AJ	
Proposal: Change of use to form HMO with studio and minor internal alterations	
Delegated Decision	
Application Number: 19/1448/LBC	Delegation Briefing: 07/11/2019
Decision Type: Permitted	Date: 09/01/2020
Location Address: 41 Mount Dinham Exeter Devon EX4 4EB	
Proposal: Refurbishment of listed building, internal alterations. Move window.	

Delegated Decision	
Application Number: 19/1473/FUL	Delegation Briefing: 21/11/2019
Decision Type: Refuse Planning Permission	Date: 10/01/2020
Location Address: 245 High Street Exeter Devon EX4 3NZ	
Proposal: Awnings on shopfront	
Delegated Decision	
Application Number: 19/1501/FUL	Delegation Briefing: 21/11/2019
Decision Type: Permitted	Date: 14/01/2020
Location Address: The City Gate 1 Iron Bridge Exeter Devon EX4 3RB	
Proposal: External plant equipment	
Delegated Decision	
Application Number: 19/1502/LBC	Delegation Briefing: 21/11/2019
Decision Type: Permitted	Date: 14/01/2020
Location Address: The City Gate 1 Iron Bridge Exeter Devon EX4 3RB	
Proposal: Internal alterations to create five additional hotel rooms and external plant equipment	
Delegated Decision	
Application Number: 19/1573/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 20/12/2019
Location Address: 2 Friars Walk Exeter Devon EX2 4AY	
Proposal: Discharge of condition 3 (materials) pertaining to planning and LBC approvals refs. 19/0278/LBC & 19/0533/FUL	
Delegated Decision	
Application Number: 19/1588/LBC	Delegation Briefing: 28/11/2019
Decision Type: Permitted	Date: 29/01/2020
Location Address: Second Floor 65-67 High Street Exeter Devon EX4 3DT	
Proposal: Internal alterations and french doors to balcony	
Delegated Decision	
Application Number: 19/1609/VOC	Delegation Briefing: 12/12/2019
Decision Type: Permitted	Date: 10/01/2020
Location Address: 202 High Street Exeter Devon EX4 3EB	
Proposal: Variation of condition 2 of 19/0804/LBC to affect minor changes to the approved basement, ground floor and first floor layout.	

Delegated Decision	
Application Number: 19/1610/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 10/01/2020
Location Address: 202 High Street Exeter Devon EX4 3EB	
Proposal: Minor alterations to the approved layout at basement, ground, and first floor level (non material amendment to 19/0803/FUL)	
Delegated Decision	
Application Number: 19/1625/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 27/01/2020
Location Address: First Second And Third Floor Broadwalk House Southernhay West Exeter Devon EX1 1UA	
Proposal: Sign 1: Replacement sign on rear of building (facing Princesshay) - Sign 2: Replacement sign on front of building (facing Southernhay).	
Delegated Decision	
Application Number: 19/1656/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 08/01/2020
Location Address: Haven Banks Water Lane Exeter Devon EX2 8BY	
Proposal: T1 - T16 Crown reduce/pollard all trees to previous level	
Delegated Decision	
Application Number: 19/1679/VOC	Delegation Briefing: 02/01/2020
Decision Type: Permitted	Date: 29/01/2020
Location Address: Second Floor 65-67 High Street Exeter Devon EX4 3DT	
Proposal: Variation of condition 2 of 19/0320/FUL to approve amended location of terrace door.	
Delegated Decision	
Application Number: 19/1731/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 21/01/2020
Location Address: 157 Fore Street St Davids Exeter Devon EX4 3AT	
Proposal: Discharge of Condition 3 (Details of shop front) of planning permission 19/0032/FUL.	

Delegated Decision	
Application Number:	19/1791/ADV
Decision Type:	Permitted
Location Address:	Furniture Village Unit 2 Avocet Road Sowton Industrial Estate Exeter Devon EX2 7JF
Proposal:	1no folded aluminium panel with cut vinyl applied, 3no flat dibond panels with digiprint direct to face, 3no internally illuminated econoflex boxes.

St Thomas

Delegated Decision	
Application Number:	19/0984/FUL
Decision Type:	Permitted
Location Address:	84 Dorset Avenue Exeter Devon EX4 1ND
Proposal:	Construction of dwelling with associated works.

Delegated Decision	
Application Number:	19/1421/LPD
Decision Type:	Was lawful use
Location Address:	95 Newman Road Exeter Devon EX4 1PQ
Proposal:	Loft conversion with flat roof dormer to rear elevation and construction of gable end in lieu of hip-end roof.

Delegated Decision	
Application Number:	19/1449/PD
Decision Type:	Prior Approval Not Required
Location Address:	95 Newman Road Exeter Devon EX4 1PQ
Proposal:	Single storey rear extension.

Delegated Decision	
Application Number:	19/1496/ECC
Decision Type:	Permitted
Location Address:	94 Newman Road Exeter Devon EX4 1PJ
Proposal:	Demolition and reconstruction of dwelling with two storey side extension (Resubmission of approved application 16/0461/ECC).

Delegated Decision	
Application Number:	19/1507/FUL
Decision Type:	Permitted
Location Address:	11 Princes Square Exeter Devon EX2 9AN
Proposal:	Demolition of existing conservatory and construction of two storey rear extension.

Delegated Decision	
Application Number: 19/1571/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/12/2019
Location Address: Carousel Court Cowick Street Exeter Devon EX4 1AB	
Proposal:	Row 1, birch and crab apple - reduce by 1 - 2m and re-shape to leave a natural form.T1 and T2, birch - reduce and re-shape by approximately 1m to leave a natural form.
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).
Committee Decision	
Application Number: 19/0543/OUT	Delegation Briefing: 30/05/2019
Decision Type: Permitted	Date: 23/12/2019
Location Address: Land North Of Newcourt Road Topsham EXETER EX3 0BT	
Proposal:	Construction of up to 23 residential dwellings (including market, affordable and age-restricted dwellings), provision of access off Newcourt Road, open space and associated works (outline application with details of access only for approval with scale, layout, appearance and landscaping all reserved for future consideration).
Delegated Decision	
Application Number: 19/0917/FUL	Delegation Briefing: 05/09/2019
Decision Type: Refuse Planning Permission	Date: 23/01/2020
Location Address: 15 Riverside Road Topsham Exeter Devon EX3 0LR	
Proposal:	Remodelling of existing house to include lower ground floor extension, gable extension to the rear, full width extension to the front and loft conversion
Delegated Decision	
Application Number: 19/1099/FUL	Delegation Briefing: 22/08/2019
Decision Type: Refuse Planning Permission	Date: 10/01/2020
Location Address: 26 Highfield Clyst Road Topsham Exeter Devon EX3 0DA	
Proposal:	Amendments to previous application 17/1462/FUL (granted 10.01.2018) to provide an additional storey to annexe building and external cladding of storage container

Committee Decision	
Application Number: 19/1168/FUL	Delegation Briefing: 14/11/2019
Decision Type: Permitted	Date: 23/01/2020
Location Address: Land Adjacent To 2A Newcourt Road Topsham Exeter EX3 0BT	
Proposal: Proposed single storey dwelling.	
Delegated Decision	
Application Number: 19/1398/FUL	Delegation Briefing: 24/10/2019
Decision Type: Permitted	Date: 30/01/2020
Location Address: 10A Follett Road Topsham Exeter Devon EX3 0JP	
Proposal: Demolition of existing lean-to extension and garage. Single storey extension with internal and external alterations.	
Delegated Decision	
Application Number: 19/1399/LBC	Delegation Briefing: 24/10/2019
Decision Type: Permitted	Date: 30/01/2020
Location Address: 10A Follett Road Topsham Exeter Devon EX3 0JP	
Proposal: Demolition of existing lean-to extension and garage. Single storey extension with internal and external alterations.	
Delegated Decision	
Application Number: 19/1485/FUL	Delegation Briefing: 07/11/2019
Decision Type: Permitted	Date: 24/12/2019
Location Address: 19 Ashford Road Topsham Exeter Devon EX3 0LA	
Proposal: Single storey rear and side extensions, new front porch, external and internal alterations.	
Delegated Decision	
Application Number: 19/1505/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 24/01/2020
Location Address: Whitfield House Blakeslee Drive Exeter Devon	
Proposal: Changes to fenestration on retail unit including ATM unit. (Non-material minor amendment to planning permission reference no. 17/0461/FUL granted on 8th February 2018).	
Delegated Decision	
Application Number: 19/1511/FUL	Delegation Briefing: 21/11/2019
Decision Type: Permitted	Date: 24/01/2020
Location Address: 6 Parkfield Road Topsham Exeter Devon EX3 0DR	
Proposal: Demolition of existing conservatory to be replaced with single storey rear extension.	

Delegated Decision	
Application Number: 19/1535/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 18/12/2019
Location Address: Follett Lodge Ferry Road Topsham Exeter Devon EX3 0JN	
Proposal: Yew - Reduce height Fir - Reduce height Sycamore - Fell	
Delegated Decision	
Application Number: 19/1538/FUL	Delegation Briefing: 19/12/2019
Decision Type: Permitted	Date: 23/01/2020
Location Address: Grove Hill House Grove Hill Topsham Exeter Devon EX3 0EG	
Proposal: Interior and exterior remodelling and refurbishments and construction of new garden studio with associated landscaping.	
Delegated Decision	
Application Number: 19/1539/LBC	Delegation Briefing: 19/12/2019
Decision Type: Permitted	Date: 23/01/2020
Location Address: Grove Hill House Grove Hill Topsham Exeter Devon EX3 0EG	
Proposal: Interior and exterior remodelling and refurbishments and erection of new garden studio with associated landscaping.	
Delegated Decision	
Application Number: 19/1576/FUL	Delegation Briefing: 12/12/2019
Decision Type: Permitted	Date: 23/01/2020
Location Address: Mulberry Ferry Road Topsham Exeter Devon EX3 0JW	
Proposal: Demolition of existing garage and construction of a new double garage with an enclosed link to the existing house	
Delegated Decision	
Application Number: 19/1615/LBC	Delegation Briefing: 12/12/2019
Decision Type: Permitted	Date: 08/01/2020
Location Address: 25 The Strand Topsham Exeter Devon EX3 0AX	
Proposal: Modification of existing modern external door to include a glazed panel	
Delegated Decision	
Application Number: 19/1635/LBC	Delegation Briefing: 12/12/2019
Decision Type: Permitted	Date: 14/01/2020
Location Address: 6A Fore Street Topsham Exeter Devon EX3 0HF	
Proposal: Replacement timber casement window to second floor front dormer.	

Delegated Decision

Application Number:	19/1658/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	09/01/2020
Location Address:	Cornerstone Housing Heneaton Square Exeter Devon EX2 7DE		
Proposal:	Reduce Robinia tree by 30% (TPO 532).		

Total Applications: 104

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 10 February 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 **18/1543/OUT - Pocombe Orchard, Tedburn Road, Exeter.** This was an outline application for 5 dwellings on the land off Tedburn Road at Pocombe Orchard.

The main issues were Flood Risk (the Sequential Test in particular) and the impact on character and appearance of the area (Landscape Setting and Valley Park designation). The Inspector found in our favour on both counts and dismissed the appeal.

In regards to the Sequential Test we argued that the test had not been met as housing monitoring indicates that there are a large number of sites which are free from flood risk that have already been identified as being suitable to delivery housing. We went on to argue that if the Sequential Test is not passed, the exception test is not applied and that if the Sequential Test is not passed than the development should be refused. The Inspector agreed and concluded:

'I therefore find that the site does not represent an appropriate location for housing having regard to flood risk. The proposal would therefore be contrary to Policy EN4 of the ELP and Policy CP12 of the CS which, taken together, seek to avoid inappropriate development in areas at risk of flooding. It would also be contrary to the sequential approach to the provision of housing within areas of flood risk set out within the Framework.'

Importantly the Inspector also considered the issue on consistency of decision making and concluded:

'The appellant has drawn my attention to three sites within Flood Zone 3 where the Council deemed the Sequential Test to be met. This includes the adjacent site at Pocombe Grange, which is very similar to the appeal site. However, I must assess this proposal on its own individual merits. To this end, any inconsistency between the Council's approach to these decisions and the proposal would not release me from the requirement to establish the suitability of the appeal site for housing on a sequential basis. For this reason, these permissions have had limited weight in my assessment in relation to this issue.' - This is an important conclusion that could have implications for other cases in the future.

In regards to the impact on the character and appearance of the area we argued that the development would result in harm; an assessment of that harm was undertaken with reference to the reasons why the area was designated, policies L1, LS1 (only limited weight), CP16 and DD29 (very limited weight) and evidence from the Devon Landscape Character Area Assessment and the Exeter Landscape Sensitivity and Capacity Study. The Inspector agreed with our assessment and concluded: *I therefore conclude on this issue that the proposal would have an unacceptable harmful effect on the character and appearance of the area. It would conflict with the design and visual amenity aims of Policies L1 and LS1 of the ELP, Policy CP16 of the CS and the Framework.*

The appeal was dismissed.

3.2 **18/1543/OUT - Beech Hill House, Walnut Gardens, Exeter.** This was an application for a development to build residential accommodation for students (192 Bed Spaces) with associated facilities, infrastructure works and landscaping following demolition of existing buildings.

19/0560/FUL - Beech Hill House, Walnut Gardens, Exeter. This was an application for a development to build residential accommodation for students (166 Bed Spaces) with associated accommodation, infrastructure works and landscaping following demolition of existing buildings (Revised scheme).

The initial application 18/1445/FUL for 192 student bedspaces was refused in October 2018. A second application 19/0560/FUL was refused in April 2019 for 166 student bedspaces. The Inspector considered both schemes at a planning hearing in November 2019 and resolved to allow the more recent smaller scheme with conditions and dismissed the larger scheme. A summary of the Inspector's decision letter is provided below.

The Inspector considered that the main issue was whether the public benefits of the proposals would outweigh any harm to the heritage assets and, if so, whether any adverse impacts of the proposals, having particular regard to: the likely effect upon the living conditions of the occupiers of Nos. 55-61 St. David's Hill and; any imbalance in the local community, would significantly and demonstrably outweigh the benefits.

Benefits

The Inspector considered the benefit of the scheme would be an increase the supply of purpose-built student accommodation (PBSA) within Exeter and on a site that is conveniently located with respect to the University and main services and public transport. The proposals would result in the more efficient use of previously-developed urban land for housing; help address the shortfall in the supply of PBSA within Exeter; have the potential to reduce the pressure on the existing housing stock and to release some houses in multiple occupation by students for use by families. In addition, the scheme would provide economic benefits in terms of support for the construction industry, assisting in the expansion of the University and the increased spend on services and facilities by students. As 'car free' developments, there would be a potential reduction in vehicle traffic to and from the site compared to the lawful use and possible improvements to air quality. The use of solar panels on the roofs of the new buildings would assist in helping to tackle climate change and the drainage strategy indicates that, subject to a reduction in run-off rates from the site, the risk of flooding elsewhere could be reduced.

The Inspector considered that these benefits would be substantial and gave them considerable weight to in his decision.

Heritage Issues

The Inspector considered that whilst the proposals would have a much larger 'footprint' than the existing offices they would not entail the harmful loss of any important open space or disrupt the pattern of building within the street. The new building would be set back from both the street and Walnut House and would not affect the rhythm of building frontages or result in any plot subdivision. It would respect the urban grain and adequate space would be retained around the new building to avoid any cramped effect. The space that would be created between Walnut House would provide a modest enhancement to the setting of this listed building. Consequently the siting and footprint of the building would preserve the character of the conservation area and the setting of Walnut House.

The scale of the proposed building would be greater than Walnut House and the existing office buildings. However, the Inspector considered that the architect had given thoughtful consideration to this matter as part of the overall design. In this regard, the new building would comprise a series of interconnected volumes that would relate to the scale of historic development when seen from within the conservation area and would assist in breaking-up/concealing the overall mass of new building on the site. In both schemes, the upper floor would be stepped back in an attempt to reduce the overall mass of new building on the site.

The Inspector considered that there would be a significant reduction in the size, height and mass of the building proposed under 166 bed scheme. The top floor of accommodation would be removed from the north and south wings and extensively reduced elsewhere. The visual impact of this building would be decreased and a varied roofline created. The new buildings would be lower in height than the roof ridge on Walnut House and no taller than the existing office building (Beech Hill House). Neither development would intrude into the street scene of St. David's Hill. The Inspector considered that the vertical emphasis of the proposed windows and louvered openings would be sympathetic to the character of the conservation area and with the other elements of the design, would provide a high quality contemporary interpretation of traditional building forms. In both schemes the proposed building would sit comfortably alongside Walnut House. There is no evidence to indicate it would harm the significance of this listed building or Nos. 55-61 St. David's Hill.

The Inspector concluded that neither scheme would harm the significance of any listed (including locally listed) buildings and their settings would be preserved. The proposals would accord with the provisions of Local Plan policies C2 and C3.

In the larger scheme, the Inspector considered that the development would conflict with the provisions of Core Strategy policies CP17 and CP4, Local Plan policies C1 and DG1 and, on balance, the aims and objectives of the National Design Guide. The harm to the conservation area that the Inspector identified would not be outweighed by the public benefits of the proposal. In smaller appeal scheme, the negligible/minor harm to the significance and character and appearance of the conservation area arising from the views of the building from the west and the loss of some trees growing within the site would be outweighed by the public benefits of the proposal. This development would accord with provisions of Core Strategy policy CP17, aspects of CP4, Local Plan policy DG1 and the aims and objectives of the National Design Guide.

Living Conditions of Neighbouring Residents

The proposed developments would change the outlook for some neighbouring residents, especially the occupiers of Nos. 55-61 St David's Hill. The mass and height of the new buildings would be apparent from the upper floor rear (west) facing windows in this terrace of houses. However, the Inspector noted that the height and mass of Beech Hill House is also apparent and parts of the former BBC offices can be seen over the top of the rear boundary wall. The proposed buildings would be sited away from the western boundary of the neighbouring terrace and, by virtue of its flat roof profile, massing, contrasting materials and the fall in land across the site, would not appear overbearing or oppressive when seen from Nos. 55-61.

The existing tall boundary wall along the rear of these neighbouring properties is likely to cast shadows across parts of these rear gardens/yards for part of the day. However, for the scheme advanced under the larger appeal scheme, the height and mass of this proposed building would be likely to result in a significant loss of sunlight and could create a gloomy living environment for the occupiers of Nos. 55-61 St. David's Hill. This also weighs against granting planning permission.

In smaller appeal scheme, the impact of this smaller building upon sunlight within these neighbouring rear yards/gardens would not be so great and would be unlikely to seriously erode or harm the living conditions of those living alongside. This proposal would avoid creating a gloomy living environment for neighbours.

The proposals would result in an increase in noise and activity within the site and at the rear of Nos. 55-61 St. David's Hill. However, the existing car park immediately alongside these neighbouring rear gardens/yards would be removed and landscaped, including some tree planting. The development would also largely be 'car free'. If the existing office use intensified or the fall-back was implemented there could be disturbance to neighbours, not least through cars parking and moving within the site. The proposals would eliminate potential disturbance from motor vehicles immediately alongside these neighbouring dwellings. This would be a benefit of the appeal schemes.

Whilst some students can behave in an anti-social way such behaviour is not limited to the student population. There is evidence to suggest that PBSA is less likely to result in this type of behaviour

than student HMOs. Furthermore, it is the appellant's intention to operate the development in accordance with an approved student management scheme. This would assist in managing student behaviour. When considered overall, the proposals would be unlikely to result in harmful noise or disturbance to neighbouring residents.

The larger appeal scheme would be likely to unacceptably harm the living conditions (loss of light) of the residents of Nos. 55-61 St. David's Hill, whereas the impact of the scheme advanced under smaller appeal scheme would not be so great as to justify withholding permission. Whilst there would be much noise and disturbance during the demolition and construction phases, this is the case with most schemes of urban redevelopment. Disturbance would be for a limited period and a planning condition, requiring the development to be undertaken in accordance with an approved construction method statement, would avoid any harmful disturbance to neighbouring residents.

Imbalance in the Local Community

The Inspector noted the concerns of the LPA and some interested parties that the proposed developments would increase the student population within this part of the city. It was also noted that there are other PBSAs and some student HMOs within the conservation area and the smaller St. David's Neighbourhood Area that was referred to by the ward member at the Hearing. The Inspector appreciated that where an imbalance arises in the local population this can lead to social problems and a change in character.

The Inspector did not accept the Council's argument that this matter should be based on an assessment of the site and its immediate surroundings. No figures/details to demonstrate what percentage of housing would comprise student accommodation in the event of the development proceeding. The Inspector concluded that it had not been demonstrated that the numbers of students that would occupy the site would result in an overconcentration of student accommodation within this part of the city, or harm to the character of the area or any imbalance in the local population.

Conclusion

In conclusion, the Inspector found that the public benefits of the larger scheme would not outweigh the harm to the significance and character and appearance of the conservation area or the impact on the neighbouring properties and dismissed this appeal. However for the more recent smaller appeal scheme, the Inspector considered that limited harm to the significance of the conservation area and the impact upon the living conditions of the occupiers of Nos. 55-61 St. David's Hill would not significantly and demonstrably outweigh the substantial benefits of this development when assessed against the policies in the Framework taken as a whole and therefore this appeal should be allowed striking the appropriate balance between accommodating growth within the city. In respect of the memorial tree the Inspector considered that whilst there would be some risk to its health, transplanting is technically possible and subject to an appropriate detailed method statement the tree could continue to flourish. This matter is addressed by way of planning condition.

4. New Appeals

4.1 19/1184/FUL - 11 Sheridan Road, Exeter

First-floor side extension.

4.2 19/1169/FUL - 6 Elliott Close, Exeter

Single storey front extension and extension to bay window.

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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