

## **PLANNING**

Date: Monday 18 January 2021

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely

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.

During the Corona Virus outbreak, meetings will be held by virtual means. The [live stream can be viewed here](#) at the meeting start time.

### *Membership -*

Councillors Morse (Chair), Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

## **Agenda**

### **Part I: Items suggested for discussion with the press and public present**

#### **1 Apologies**

To receive apologies for absence from Committee members.

#### **2 Minutes**

To approve and sign the minutes of the meeting held on 14 December 2020.

(Pages 5 -  
28)

#### **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. 19/1375/OUT - Hill Barton Farm, Hill Barton Road, Exeter**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 29 - 58)

#### 6 **Planning Application No. 20/1200/FUL - Flying Horse, Dryden Road, Exeter**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 59 - 74)

#### 7 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 75 - 96)

#### 8 **Appeals Report**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 97 - 100)

#### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 22 February 2021** at 5.30 pm.

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** **(HELD AS A VIRTUAL MEETING)**

Monday 14 December 2020

### Present:-

Councillor Morse (Chair)  
Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

### Also Present

Director City Development, Housing & Supporting People, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (HS), City Development Consultant, Democratic Services Officer (MD), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

89

### **MINUTES**

The minutes of the meeting held on 26 October and 16 November 2020 were taken as read, approved and signed by the Chair as correct.

90

### **DECLARATIONS OF INTEREST**

Members declared the following interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Morse	Min. No. 92 - disclosable pecuniary interest
Councillor Bialyk	Min. No. 93 - disclosable pecuniary interest
Councillor Foale	Min. No. 93 - non pecuniary interest
Councillor Ghusain	Min. No. 93 - non pecuniary interest
Councillor Hannaford	Min. No. 93 - non pecuniary interest
Councillor Harvey	Min. No. 93 - non pecuniary interest
Councillor Wright	Min. No. 93 - non pecuniary interest

91

### **PLANNING APPLICATION NO. 20/0938/FUL - LAND AT CORNER OF RETREAT DRIVE AND EXETER ROAD, TOPSHAM**

The Assistant Service Lead (City Development) presented the application for the construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping and associated infrastructure

The Assistant Service Lead (City Development) provided a description of the site and the development and went through the site location plan, views of the site including aerial views, and photographs showing the relationship with the Chasee development and the M5 motorway bridge, including a photo from the motorway itself. He ran through the footprint and floor plans with CGI images also shown. He provided detail of previously approved schemes including a residential scheme and a smaller office development. The current proposal covered a larger footprint than the previous office application.

He referred to the following key issues:-

- the principle of development;
- the Topsham Gap;
- the scale, design, impact on character and appearance and impact on amenity of surroundings, the design being acceptable to the Design Review Panel and with a Green Wall to be provided;
- parking for 46 car parking spaces, 46 cycle spaces, 10 co-bikes and 2 co-cars;
- access and impact on local highways and parking provision;
- sustainable public transport links; and
- landscaping and sustainability and ecology, the scheme to be developed to being BREEAM excellent standard.

He also referred to the following:-

- consultee responses from Devon County Council, Environmental Health, the Flood Authority, Highways England and the RSPB and associated conditions requested;
- 44 objections had been received including from the Topsham Society and the Ministry of Defence;
- two further representations (one from the Topsham Society) including reference to road surfacing, increased traffic and parking and the scale of the development. The initial objections had been summarised in detail in the officer report; and
- the applicant was not obliged to make public the comments of the Design Review Panel but it, together with all other representations received, were published on the website.

The following responses were given to Members' queries:-

- the applicant had reduced the height of the building taking away much of the top floor so there would be little significant impact from the motorway; and
- on a previous appeal the Inspector had considered the principle of development and had concluded that the site was suitable for a substantial building.

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

- the site was a recreational-amenity space for the adjacent Chasse development but has been subject to repeated applications;
- the Topsham Society highlight that the proposal is vast, equivalent to the Ashfords Building on Honiton Road. Whilst that faces a dual carriageway, the application site is in a quiet, private residential tree lined road and intrudes deeply into this quiet and small scale setting;
- the building is not proportional to the M5 embankment. It exceeds the height of the motorway by nearly 9 metres;
- it is 6.7 metres higher than the highest eaves of the adjacent Chasse and is over-scaled. It tries to turn a quiet residential area into a Business Park;
- there is a fundamental impact on the character of Retreat Drive";
- the Design Review Panel report is not in the public domain and the Panel was mainly commenting on the building as an object, not in context, and the conclusions are of limited worth;
- parking provision is 30-50% below the City Council's normal standard and is unacceptable for an isolated location where more, not less users, will travel by

- car and overspill into adjoining streets;
- recent residential cramming around Topsham is due to a policy drive to address a housing shortfall but no such driver exists for offices and it is questionable if demand remains in light of Covid-19;
- the current boatyard is small scale, serving a local need whilst the proposal is vast and over scaled; and
- Topsham Society request the rejection of this damaging, merit-less, profit first, proposal.

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

- application has been the subject of extensive consultation and will provide a zero carbon, sustainable work environment with a wide range of potential uses and be within easy walking or cycling distance for a large number of people who will work in the building;
- have consulted with the Planning Member Working Group and the Design Review Panel;
- the aim is to build one of the first Zero Carbon flexible, commercial building in Exeter to cater for a wide variety of employment uses such as a Dentist's or Doctor's consulting rooms, small businesses and general office use as it can be divided into a wide range of space sizes;
- it will be heated by either Ground Source or Air Source Heat Pumps, with extensive PV Solar panels and battery storage to make it carbon neutral;
- the external design breaks the building into smaller individual blocks using a variety of natural materials;
- the Fitness Studio and "Well Being Suite" on the top floor will focus on health and wellbeing of the people who will work in the building with a range of non-work activities and training to be provided. Electric co-bikes will be provided both for employees and local residents, as well a large number of cycle parking bays and a network of Electric Car Charging points; and
- the building will be a front runner in integrating sustainable employment space in a fully flexible zero carbon building and it will allow people to work close to where they live without travel into the City Centre or an out of town business park.

He responded as follows to Members' queries:-

- whilst many offices in Exeter have been designed with large scale open plan space, this development can be subdivided into flexible, smaller units/blocks so can be split up to accommodate the various needs identified;
- the building is screened by trees which are higher than the motorway so the motorway will not be impacted. In addition, the top floor is lower than the adjacent buildings with approved consents;
- the whole building will have an air filtration system which will filter out air pollutants;
- neither Highways England or Devon County Council have expressed concern regarding the design of the building in respect of potential light intrusion onto motorists on the highway. The top floor has few windows on the motorway side; and
- the proposal was changed to a larger footprint as land was purchased from the adjacent boatyard which no longer requires part of its land.

Members expressed the following views:-

- application provides a flexible, multi-use site and will help future proof Exeter's economy and also includes community and medical use in a growing part of the

- city;
- it is a sustainable development as it provides an employment hub and should reduce car journeys for workers in to Exeter;
- it has a previous consent for an office building;
- the sustainable nature of the development is welcome with car parking spaces located underneath the building; and
- it is on a main bus route and is not therefore a remote, inaccessible location. It is easily accessible for cyclists given the flat nature of the approaching roads and with a number of different routes from the city centre.

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

The recommendation was moved and seconded and carried.

**RESOLVED** that planning permission for the construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping 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 23 July 2020 (including dwg. nos. 1420 PL06L (first and second floor plans), Archaeological assessment, Sustainability statement, and Acoustic screening assessment), 11 September 2020 (dwg. nos 1420 PL04E (landscape plan), 1420 PL05N (GF plan)), 10 November 2020 (dwg. nos. 1420 PL07 rev O (3rd and 4th floor plan), 1420 PL08M (SE and NE elevations)), 20 November 2020 (dwg. nos 1420 PL03K (site plan), 1420 PL09K (SW and NW elevations), 1420 PL10H (cross section AA), 1420 PL12F (cross section BB), 1420 PL13F (cross section CC), as modified by other conditions of this consent.  
Reason: In order to ensure compliance with the approved drawings.
- 3) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.
  - (e) Evidence there is agreement in principle from South west Water to connect into their system.
 No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.



Reason for pre-commencement condition: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when the site layout is fixed.

- 4) Pre-commencement condition: Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development. Reason for pre-commencement condition: To protect occupiers of the building, and nearby residents from excessive noise. The details are needed prior to the start of work as the acoustic report may require changes to the design details.
- 5) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) 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, 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 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.
- 6) Pre-commencement condition: Prior to the commencement of development, details of the provision for integral bird boxes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter. Reason for pre-commencement condition: In the interests of preservation and enhancement of biodiversity in the locality. These details are required prior to commencement of the development to ensure that they are delivered in the construction.
- 7) 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) Details of access arrangements and timings and management of arrivals and departures of vehicles
- 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 for pre-commencement condition: In the interests of highway safety and public amenity including the occupants of nearby dwellings.

- 8) Pre-commencement condition: Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the exact location of the tree and materials used on the highway (of the corner of Retreat Drive/Exeter Road). Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and prior to commencement the development, details shall be provided in accordance with the submitted details.

Reason for pre-commencement condition: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9. This information is required before development commences to ensure that the proposals are properly considered and addressed at the earliest possible stage.

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

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is

required before development commences to protect trees during all stages of the construction process.

- 10) Pre-commencement condition: 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 demolition and construction is managed sustainably.
- 11) 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.
- 12) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning General Development Order 2015 (or any Order revoking or re-enacting that Order) and the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order, the site shall not be used for residential use without the formal consent of the Local Planning Authority.  
Reason: To enable the Local Planning Authority to retain control over the use, to consider residential amenity, and to prevent the loss of commercial units in this area.
- 13) 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 development shall take place 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.
- 14) 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.

- 15) No part of the development hereby approved shall be brought into its intended use until the vehicular access point, vehicular turning head and footway/cycleway adjacent to Retreat Drive as indicated on Drawing Number "1402/PL05 Rev O" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 16) No part of the development hereby approved shall be brought into its intended use until a 3m effective width footway/cycleway adjacent to Exeter Road as indicated on Drawing Number "1402/PL05 Rev O" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9
- 17) No part of the development hereby approved shall be brought into its intended use until the Parking bays for a two Co-Cars and space for a 10 Co bikes and associated docking station (together with electricity supply to both elements) as indicated on Drawing number "1402/PL05 Rev O" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9
- 18) No part of the development hereby approved shall be brought into its intended use until the secure sheltered cycle parking spaces as indicated on Drawing number "1402/PL05 Rev O" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9
- 19) A comprehensive Framework Travel Plan/Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The approved travel plan measures will be implemented to the satisfaction of the Local Planning Authority.  
  
A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.  
  
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.
- 20) Prior to installation, details of the green wall shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the green wall shall be fully implemented as part of the development and retained thereafter.  
Reason: In the interests of enhancement of biodiversity, and sustainable development.

**PLANNING APPLICATION NO. 20/0691/FUL - CLIFTON HILL SPORTS  
CENTRE, CLIFTON HILL, EXETER**

Councillor Morse declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access.

The Principal Project Manager (Development) set out a detailed description of the application and went through the site location plan, views of the site including aerial views, site levels and photographs of the existing site and its context with adjacent buildings, layouts, floor plans, and sections. His presentation covered additional revised plans received after the publication of the report.

The Principal Project Manager (Development) highlighted the following key issues:-

- the principle of development;
- transport;
- heritage conservation and environment;
- design and affordable housing;
- impacts on existing occupiers; and
- economic benefits and CIL/Section 106.

The Principal Project Manager (Development) referred to the following:-

- a Tree Preservation Order had been made for the site;
- two additional representations received, one regarding the impact on the green space and the access to the properties to the rear of Clifton Hill and the other to the inadequate mitigations measures for the loss of landscaping;
- additional comments received since the publication of the update sheet from the Arboricultural Consultant reinstating his preference for compensatory landscaping on the south west boundary, and on site landscaping scheme mitigation measures still being considered inadequate;
- an updated plan condition, and a proposed additional condition 26 in the update sheet and a new condition 27 to reflect the comments of the Arboricultural Consultant to refer to a revised Arboriculture Method Statement to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development;
- a viability report in respect of the proposed affordable housing being provided by Plymouth City Council; and
- corrections to the report to show the number of units as 42 not 44 by the removal of two five-bed houses for a total of 11 not 13 such houses and therefore 31 not 33 houses in total on pages 92 and 112, to refer to flats being four storey on page 92, and to delete co-living on page 114.

The Principal Project Manager (Development) concluded by highlighted the following key elements:-

- the site is a brownfield site within the urban area in a sustainable location close to a range of services;

- the principle of housing is acceptable as leisure provision in the area was still considered adequate, with the St Sidwell's Point shortly to be opened;
- the development would make a positive contribution to the Council's five year housing land supply which was deficient;
- there was a presumption in favour of sustainable development;
- cycle parking and parking on the site was acceptable;
- reduction in the number of units by two was made for privacy reasons;
- the proposal is acceptable in its design and general visual impact, including its impact on the Conservation Area and the Locally Listed Building and supported by the Design Review Panel;
- the proposal is not considered to be of any significant harm to residential amenity of nearby residential properties;
- the private amenity space was well related to dwellings and the dwellings have a positive relationship with green spaces immediately adjacent to the benefit of amenity of occupiers;
- the scheme will provide 11 affordable dwellings, being 26% of buildings on the site, through seven two bed and one four bed flats considered to be a good offer with a viability assessment to be provided by Plymouth City Council;
- the proposals, through replacement planting on-site and contributions to the improvement of off-site green spaces including tree planting off site, are considered to adequately compensate for the loss of trees on site, the latter to be achieved through a proposed Grampian condition;
- £70,000 contribution to opens space enhancements;
- secondary educational contributions of £138,000; and
- no material considerations which it was considered outweigh the above and would warrant refusal.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- conditions included a requirement for the properties to be single dwellings in accordance with Use Class 3 and also would not therefore become Houses in Multiple Occupation (HMO);
- three parking spaces would be allocated for the 11 unit block of flats, near to the listed brick office to include disabled parking with secure cycle shelter for 12 cycle parking spaces;
- to enable all parking spaces on the site to be provided with EV charging points a two metre squared enclosure would be provided to serve as a sub-station;
- the amendment to the additional proposed condition 27 in the update sheet in order to reflect the recent receipt of a method statement - for the final details of the statement to be subject to approval in writing by the local planning authority;
- the distances between the main house and annex varied between 7 and 13 metres;
- 17 trees were to be removed to be replaced with 22 on-site and with a Grampian condition to provide additional trees off site in consultation with the Arboricultural Officer;
- one of the dwellings amenity space fully met the Residential Design Guide Standards. 14 met the standards set by precedent elsewhere, and a further 15 would meet the standard if guidance on split amenity space was set aside; and
- there were other schemes with an amenity space below the standard 55 metres in the city. Reduced garden sizes could be more appropriate for smaller rather than larger homes and this approach was considered appropriate in light of the five year housing supply and the proximity of amenities including Belmont Park, and Clifton Hill green space.

Councillor Atkinson, having given notice under Standing Order No. 44, spoke on the item. She was speaking in a personal capacity as a local resident living at the other end of Belmont Road, and had participated in the community engagement process. She raised the following points:-

- pleased that the Council did not pursue the sale of the land to a private developer to maximise the capital receipt from such a sale;
- the development greatly enhances the local community and will provide much needed family homes and social housing;
- Exeter City Living (ECL) had engaged fully with the community and key individuals and stakeholders with a public consultation event attended by over 80 local residents with a dedicated project web site;
- the development would be built to Passivhaus standards to provide low energy and low carbon solutions. In 2019, only 127 Passivhaus homes were completed in the UK and only 10 in 2020, all in Exeter;
- carbon emissions would be reduced therefore contributing to the Council's ambition to achieve Net Zero Carbon by 2030. The hot water strategy used ground source heat pump technology despite this technology being significantly more expensive. It was a climate ready proposal;
- it provided a high quality green infrastructure, likely to be the first certified development delivered in the Exeter in its support for bio diversity;
- close access to the Belmont Park and green space next to the site;
- all houses built to recognized standard for the healthy living environment;
- 11 social rented homes for the over 60's identified as a specific need during public consultation and there would be a diverse mix of family homes for children and apartments for older people;
- developer will invest £70,000 in openspace enhancement and for the upgrade of Belmont Park; and
- highways works include sustainable transport measures, a cycle hub station and a car club space with charging infrastructure.

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

- thank ECL for updating ward councillors and public consultation;
- welcome many aspects including Passivhaus standards, much needed residential accommodation close to the city centre, provisions for the wildlife, access to back of Portland Street homes retained and return of profits to the Council;
- as a City Council's own development delivery company, a higher standard should have been set to fully meet Council policies;
- although the intention was to 'build with nature', 17 trees are to be removed and the proposed tree planting does not adequately mitigate for this loss, a view shared by Tim Arkell, a local Tree Warden, with the Arboriculturalist, engaged by the developers stating that the proposed development will have a moderate adverse impact;
- the landscape design should be reviewed by the developer. Many of the trees proposed for mitigation are small and short lived varieties with plans for tree planting to be judged on their resilience after 10 or 50 plus years;
- proposals do not meet the recommendations in the Residential Design Guide which sets a minimum garden size of 55 square metres for dwellings;
- the development does not provide 10% level open space with play space and residents are likely to use Belmont Park and the green space at the back of the development. The former is heavily used and the latter a wildlife haven;
- the Green Street may not live up to the images provided;

- the development will be overly dense, negatively impact the trees on the site and provide insufficient garden and open outside space; and
- request that the application be deferred for further revisions.

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

- thank the Council for saving the green space on the Clifton Hill site in spite of potential revenue generation by the sale. Newtown residents saw greater value in its contribution to the city's environment, offsetting air pollution and supporting carbon reduction, and in a ward where health and wellbeing outcomes are challenging and leisure and amenity at a premium;
- thank ECL for working with residents to address concerns;
- new family homes and affordable and social housing are needed in light of forthcoming student and co-living accommodation in Newtown;
- positive aspects include a Passivhaus environmental design, the Green Street, retention of the locally listed old brickworks building, the limited parking allocation and focus on cycling and pedestrian travel, excellent public consultation and the conditioned financial contributions to the green space and Belmont Park;
- anxiety remains in Portland Street about the proximity and height of the development particularly the annexes;
- the tree issue has been highly emotive with Tim Arkell providing helpful technical comments. Existing trees were not initially acknowledged as being a constraint to development and the majority will be removed. Trees bordering the site will be damaged by construction impacts. The retained Yew Tree at the front of 29 Clifton Hill will be damaged by construction activities;
- the Clifton Emery Softworks Plan shows 24 new trees but 11 are large shrubs and the quantum of mitigation for tree loss remains well below the standards used by other Local Planning Authorities;
- no compunction to provide off-site tree planting as mitigation and no guarantee of additional planting on the green space or of funding for their management;
- Members need to be assured that the remaining trees will be protected and should request a detailed report on tree protection; and
- all outstanding concerns should be addressed prior to determining the application

Keith Lewis spoke against of the application. He raised the following points:-

- Civic Society supports the re-development of this site for residential use but feel it fails to accord with the City Council's residential design guide;
- the design of many homes is very unusual, with limited outside space, poor use of the site, and many homes with annexes which could result in secondary occupations. A condition is required to ensure the homes remain as single family dwellings;
- the applicant advises that the lack of garden space is offset by the proximity of Belmont Park, but a recommendation for a crossing point across Clifton Hill has not been pursued;
- it is unacceptable that block eight for eleven flats and block three for four homes are located close to mature trees to the south east of the site which will need to be significantly lopped and boundary walls are within the root protection area. The blocks could be moved away from the trees. The City Council's Arboriculture Officer has objected to the proximity of buildings to the trees;
- submitted plans do not explain the three major revisions made; and
- the application is a poor reflection on the City Council and ECL and should be



refused or recommended for significant amendments.

Responding to a Member, he advised that the membership of the Exeter Civic Society totalled 240.

Emma Osmundson spoke in support of the application. She raised the following points:-

- speaking on behalf of Exeter City Living Ltd (ECL) as its Managing Director, ECL being a public sector owned developer building a number of developments across the City offering a range of social homes for Exeter families, all designed to provide healthy places for people to live, with low energy demand and sympathetic to surroundings, whilst displaying character and individuality;
- the development is of high quality design and layout to deliver 42 dwellings comprising a mix of 1, 2, 4 and 5 bedroom homes. Many of the homes have been designed with multi-generational living in mind;
- the South West Design Review Panel are supportive of the design;
- includes a Green Street through the centre of the development of biocultural benefit to residents connecting Belmont Park with the open green space on Clifton Hill which, in addition to providing a healthy corridor, will improve surveillance to the area, which currently experiences anti-social behaviour;
- the new trees planted have been selected for their future climate resilience and for promoting wildlife and biodiversity. The new development has been designed in order to obtain Building with Nature accreditation which is the UK's first green infrastructure benchmark - likely to be a first for Exeter;
- extensive community consultation undertaken. Appropriate setback distances from the site boundaries have been maintained to protect residential amenities of adjoining properties;
- no objections from statutory consultees including Devon County Highways and the Environment Agency;
- the proposals accord with City Council affordable housing policy, taking into account vacant building credit and delivers 26% affordable housing, all as social rent; and
- the development will contribute towards the Council's five year housing land supply.

She responded as follows to Members' queries:-

- comments of the Tree Officer have been satisfactorily resolved. Some trees had to be removed to develop the site and necessary mitigation measures undertaken. Those trees to be removed have low arboriculture impact, and will be replaced by 22 new, climate resilient trees with an additional 17 fruit trees in the private gardens;
- special protection during construction will be provided for the Yew Tree at the entrance of the site being some 300 years old;
- advised less than 20% of root zone excavation of trees
- trees will be planted above the stone wall planters in the Green Street with an irrigation system to provide longevity for the trees;
- a service charge provision, with a sinking fund, is provided to enhance the landscaping including the Green Street and the trees, particularly those on the south west boundary, will be maintained on a five year cycle;
- adopting Building With Nature Accreditation Standard to ensure bio-diversity across the site and on target to meet accreditation;
- ECL has to act in a value for money way and has looked to optimise the site

having regard to the constraints. Whilst a private developer would look to a minimum return of 25%, ECL has focussed on the key elements of affordable family homes and quality green space including the Green Street so accepted a reduced return on investment in the development. A private developer would be likely to reduce open space and not integrate two service roads in the development;

- accommodation is in proximity to trees as a degree of density was necessary to ensure viability and with regard to the Council's Climate Change strategy solar shading can be achieved in the summer;
- design incorporates climate mitigation measures and enhanced biodiversity with a green corridor connecting the open space with Belmont Park;
- the latest Tree Warden comments have been addressed satisfactorily;
- mix of dwelling driven by viability with six different iterations examined. Current demand suggests a requirement for larger family homes including five bed properties. Original scheme did have more four bed homes, amenity space constraints resulting in a slight reduction in the number of properties but more five bed homes. The annexes meet modern day aspirations of multi-generational living, such as home working, older generation downsizing and young people moving back in.

Members expressed the following views:-

- welcome mix of dwellings meeting people's needs and avoiding uniformity and taking account of bio-diversity. Additional mitigation measures would have been welcome but not possible to meet all requirements. Provides good quality development with regard to carbon neutral goals;
- welcome the thorough consultation undertaken by the developer;
- development is very close to city centre amenities and the tree mitigation measures reflects City Council policy of planting 10,000 trees in 10 years;
- confident views of the Arboricultural Officer will be taken into account
- to meet the Net Zero Carbon 2030 target different design homes are necessary include higher density developments with the buildings themselves also higher and reduced parking;
- this higher density reflects the existing character of Newtown and could not have gone anywhere else;
- good provision of affordable housing; and
- welcome the principle of the development focussing on high quality, affordable homes and not seeking to maximise profit.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report, together with an amended condition 2, additional condition 26 and a new condition 27 and the completion of a viability appraisal report in respect of affordable housing provided by Plymouth City Council.

The recommendations, as amended, were moved and seconded and carried.

**RESOLVED** that,

A) Subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:

- affordable housing for social rent comprising seven two-bed and four one-bed flats one of which is disabled accessible standard;
- open space enhancement contributions totalling £70,000;
- secondary education contribution of £138,791;

- highways works, sustainable transport measures, including cycle hub station and car club space with charging infrastructure, and Traffic Orders

(All Section 106 contributions will be index linked from the date of resolution.)

the Service Lead (City Development) be authorised to **APPROVE** planning permission for the demolition of existing sport facility and rifle range and redevelopment of the site to provide 42 new dwellings, associated car parking, amenity space and access, subject also to the receipt of a satisfactory viability appraisal report in respect of affordable housing from Plymouth City Council and to the following conditions (and their reasons) which may be amended:

- 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. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority.
- 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
  - Updated Revised General Arrangement Plan 190908 L 02 02 revision F received 4/12/2020
  - Updated Revised Boundary Treatment Plan 190908 L 02 03 revision E received 4/12/2020
  - Updated Revised Refuse Strategy 190908 L 02 04 revision D received 4/12/2020
  - Updated Revised Vehicular Parking Strategy 190908 L 02 05 revision D received 4/12/2020
  - Revised Floor Plans Block 01 Drg 100 rev A received 17/11/2020
  - Revised Sections Block 01 Drg 110 rev A received 17/11/2020
  - Revised Elevations Block 01 Drg 120 rev A received 17/11/2020
  - Revised Floor Plans Block 02 Drg 200 rev A received 17/11/2020
  - Revised Sections Block 02 Drg 210 rev A received 17/11/2020
  - Revised Elevations Block 02 Drg 220 rev A received 17/11/2020
  - Revised Floor Plans Block 03 Drg 300 rev A received 17/11/2020
  - Revised Sections Block 03 Drg 310 rev A received 17/11/2020
  - Revised Elevations Block 03 Drg 320 rev A received 17/11/2020
  - Revised Floor Plans Block 04 Drg 400 rev A received 17/11/2020
  - Revised Sections Block 04 Drg 410 rev A received 17/11/2020
  - Revised Elevations Block 04 Drg 420 rev A received 17/11/2020
  - Updated Revised Floor Plans Block 5-7 Drg 501 rev A Received 3/12/2020
  - Revised Floor Plans Block 5-7 Drg 502 rev A received 17/11/2020
  - Revised Sections and Visualisation Block 5-7 Drg 510 rev A received 17/11/2020
  - Revised Elevations Block 5-7 Drg 521 rev A received 17/11/2020
  - Revised Elevations Block 5-7 Drg 522 rev A received 17/11/2020
  - Revised Floor Plans Block 8 Drg 800 rev A received 17/11/2020
  - Revised Sections and Visualisation Block 8 Drg 810 rev A received 17/11/2020
  - Revised Elevations SW Block 08 Drg 821 rev A received 17/11/2020
  - Revised Elevations NE Block 08 Drg 822 rev A received 17/11/2020
  - Revised Floor Plans Block 09 Drg 900 rev A received 17/11/2020
  - Revised Sections Block 09 Drg 910 rev A received 17/11/2020
  - Revised Elevations Block 09 Drg 920 rev A received 17/11/2020
  - Boundary Test Sections Sk004 1-3 rev B received 17/11/2020

Boundary Test Sections Sk004 4-5 rev B received 17/11/2020  
Boundary Test Sections Sk004 6-8 rev B received 17/11/2020  
Boundary Test Sections Sk004 9-10 rev B received 17/11/2020  
Revised Street Elevations 020 rev A received 17/11/2020  
Revised Street Elevations 021 rev A received 17/11/2020  
Updated Revised Softworks Plan revision E received 4/12/2020  
Updated Revised Softworks Schedule revision C received 4/12/2020  
As modified by other conditions of this consent.  
Reason: In order to ensure compliance with the approved drawings.

- 3) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological monitoring on-site, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 4) 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 building operations are carried out in a sustainable manner.
- 5) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure sheltered cycle parking (including electric bicycle parking) 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 provide adequate facilities for sustainable transport
- 7) A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the LPA. The scheme must be based on the findings in South West Geotechnical Ltd.'s Geotechnical and Geo-Environmental Assessment (report no.: 12072 V3, date: October 2020) (including any additional data obtained after that report was submitted) and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. Following completion of measures identified in the approved remediation scheme and prior to occupation of the development, a verification report must be produced that demonstrates the effectiveness of the remediation carried out and provides confirmation that no unacceptable risks remain, and is subject to the approval in writing of the LPA.

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 LPA. An investigation and updated 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 verification report must be produced and approved in writing by the LPA.

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.

- 8) Pre-commencement condition: No development shall take place until a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a. There shall be no burning on site during demolition, construction or site preparation works;
  - b. Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
  - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The CEMP 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.

The CEMP should include details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. 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.

- 9) The following additional details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall subsequently be implemented on site:
- Details of the boundary treatment on the boundary with the rear of properties on Portland Street.
  - Details of the alternative arrangement of substation, covered and secure cycle spaces, car parking spaces and landscaping details adjacent the retained - Brick Office building.
  - Details of works to the Brick Office building.
  - A detailed specification and method statement for all works within the identified root protection zones of the retained trees.
- Reason: In the interests of controlling these details which are not submitted in detail as part of the application.
- 10) No part of the development hereby approved shall be brought into its intended use until the access points onto Clifton Hill, as indicated on Drawing No. 190908 L 02 02 Rev D 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
- 11) No part of the development hereby approved shall be brought into its intended use until a club car parking and a club-bike docking station (together with electricity supply to both elements) as indicated on Drawing No. 190908 L 02 02 REV D, or such other location as may subsequently be agreed in writing, has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
- Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.
- 12) 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.
- 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
- 13) Any gates that provide access to rear gardens must be capable of being

locked from both sides. All external doors and accessible windows should as a minimum standard comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and/or Secured by Design (SBD) standards as set out in Secured by Design Homes 2019.

Reason: In the interests of reducing opportunities for crime.

- 14) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
Reason- To protect controlled waters.  
Reason - The proposed development site is located on a historic landfill site. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters.
- 15) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. 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.
- 16) Notwithstanding the submitted plans 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.
- 17) 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.
- 18) 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.
- 19) No building hereby permitted shall be occupied until surface water drainage

works broadly in accordance with the Preliminary Drainage Strategy (Drawing No. PDL 101 Rev C dated 16.11.2020) have been implemented, and any connection to the Surface Water Sewer having been put in place, in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of sustainable drainage.

- 20) The development hereby approved shall only be undertaken in accordance with the recommended mitigation measures set out in the Unexploded Ordnance Risk Assessment dated 5th February 2020.

Reason: In the interests of human health.

- 21) 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 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 dwellinghouse.

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

- 22) Prior to occupation of the dwellings with which they are associated each of the parking spaces and garages shown on the approved plans shall be fitted with electric vehicle charging points.

Reason: In the interests of sustainable development and air quality.

- 23) Before commencement of construction of the superstructures of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO<sub>2</sub> 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.

- 24) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

- 25) The dwellings hereby permitted shall each only be occupied as single unit of accommodation within Use Class C3 (dwelling houses).

Reason: For the avoidance of doubt and to prevent the creation of an additional separate dwellings or the occupation as Houses in Multiple Occupation without that being considered by the Local Planning Authority.

- 26) Prior to commencement of any works on site (including any ground clearance, tree works or demolition) a detailed scheme of off-site replacement tree planting, together with a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme thereafter.

Reason for the pre-commencement condition: In the interest of further mitigating the impacts of development on trees and protecting the amenity of the area.

- 27) The development hereby permitted shall only be carried out in accordance with an Arboriculture Method Statement that shall have been submitted to and agreed in writing by the Local Planning Authority prior to commencement of development on site.

Reason: To ensure the protection of the retained trees during the carrying out of the development and protecting the amenity of 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) 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).

- 3) 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 (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 5) Movement of waste off-site - The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/uploads/system/uploads/attachment\\_data/file/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf)

and further **RESOLVED** that,

- B) the Service Lead City Development be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed within six months of the date of this Committee or such extended time as agreed by the Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for Affordable Housing, Open space contributions, highways works, sustainable transport measures and Traffic Orders the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP5, CP7, CP9, CP10, Exeter Local Plan First Review 1995- 2011 saved

policies, L4, T1, T3, DG5, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

93

**PLANNING APPLICATION NO. 20/1421/FULL - THE COTTAGE, REDHILLS, EXETER**

Councillor Bialyk declared a disclosable pecuniary interest and left the meeting during consideration of this item and for the other items on the agenda.

Councillors Foale, Ghusain, Hannaford, Harvey and Wright declared non-pecuniary interests and left the meeting during consideration of this item.

The Assistant Service Lead (City Development) presented the application for a first floor extension to form a new bedroom. He provided a description of the site and referred to the following key issues of the principle of development, scale, design, impact on character and appearance and impact on amenity of surroundings.

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

The recommendation was moved and seconded and carried unanimously.

**RESOLVED** that planning permission for a first floor extension to form new bedroom 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, these drawings are as follows:

- Amended Location Plan - Date Received: 05/11/2020
- Amended Site Plan - Date Received: 05/11/2020
- Proposed Ground Floor Plan - Date Received: 26/10/2020
- Proposed Floor Plan - Date Received: 05/11/2020
- Proposed Rear Elevation - Date Received: 05/11/2020
- Proposed Front Elevation - Date Received: 26/10/2020
- Proposed Side Elevation - Date Received: 26/10/2020

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

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

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

## Informatives

- 1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.
- 2) 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.

94

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

The report of the City Development Manager was submitted.

**RESOLVED** that the report be noted.

95

### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.33 pm and closed at 8.33 pm)

Chair

## Planning Committee Report 19/1375/OUT

- 1.0 Application Number:** 19/1375/OUT  
**Applicant:** Salter Development  
**Proposal:** Outline application for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration).  
**Site address:** Hill Barton Farm, Hill Barton Road, Exeter.  
**Registration Date:** 20/11/2019  
**Link to application, drawings/plans:**  
<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYR4E5HBLCB00>  
**Case Officer:** Paul Jeffrey  
**Ward Members:** Cllrs Harvey, Cllr Oliver and Cllr Wood (Pinhoe Ward)

REASON APPLICATION IS GOING TO COMMITTEE – Major application contrary to development plan policy

- 2.0 Summary of Recommendation:** DELEGATE to REFUSE permission.
- 3.0 Reason for the recommendation:** as set out in Section 18 at end

The application fails to provide an acceptable level of affordable housing and no Section 106 Agreement has been submitted to meet the requirements for highway and education financial contributions or secure an acceptable provision of public open space.

**4.0 Table of key planning issues**

Issue	Conclusion
Principle of development	Site lies within the Monkerton and Hill Barton Strategic Residential Allocation of the Core Strategy. Site previously granted outline consent for residential development but this permission has now lapsed.
Affordable Housing	Applicant has proposed a 10% level of on-site affordable housing.
Access/Impact on Local Highways and parking provision	Existing highway problems identified but subject to suitable conditions and meeting obligations within the Section 106 Agreement no objections are raised by the County Highway officer.

Scale, design, impact on character and appearance	Although the layout is not acceptable as currently submitted it is only illustrative at this stage. It is anticipated that a future reserved matters application could address any design concerns and result in a scheme which will be appropriate in context of the character of existing development in the locality.
Impact on Heritage Assets	No significant heritage assets impact affected, subject to a suitable condition being imposed.
Impact on Trees and Biodiversity	Limited impact. Scheme to incorporate appropriate mitigation and enhancement
Flood Risk and Surface Water Management	Devon Flood Team have consider that subject to suitable conditions being imposed the proposed approach is considered acceptable.
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition
Economic benefits	Affordable housing and financial contribution towards highways/ education provision, and jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

## 5.0 Description of Site

The application site (4.65ha) is located to the west of the Met office beyond the recently approved scheme for 47 units by Persimmon Homes. Access to the site is from Hill Barton Road through recently constructed residential estates, which form part of the Hill Barton development. Vehicular access to the site is achieved via a new road from the reconfigured roundabout on Hill Barton Road. The site is located within an area identified for housing as part of the Monkerton and Hill Barton Strategic Allocation in the Core Strategy. The site is currently open undulating land under arable cultivation and hedges along the boundaries.

## 6.0 Description of Development

The proposal relates to the development of the site for 200 dwellings comprising a mix of terraced, semi-detached, detached properties and apartments of 1, 2, 3, 4 and 5 bed units. The illustrative layout indicates that all dwelling are proposed to be either two or two and a half storeys in height and three storeys for the apartments with parking for each dwelling located within either garages or

parking spaces to the front or side of the property and within parking courts. The original submission proposed a total of 150 open market houses and 50 affordable units (35 social rent and 15 intermediate rent which represents a 25% affordable housing provision). However following a recent viability appraisal the applicant has concluded that the scheme can only generate a 10% level of affordable housing on site. The application is also for a new access road through the Hill Barton estate, which will serve this development and future residential schemes as identified in the Monkerton and Hill Barton Masterplan.

The application is for outline permission with all matters reserved except for access. However the application is accompanied by a detailed layout with a design and access statement, which provides a detailed breakdown of the proposed house types and location. However it should be noted that as the application is in outline these details can only be considered for illustrative purposes only and thus there is no guarantee that this scheme would be built as designed.

A section of public open space is indicated as located alongside the cycleway to the south of the site and on two smaller areas located within the site. It is proposed that the main area of open space for the Hill Barton estate development will be provided as part of a separate planning application for the remainder of the development to the north within the ridge park, as identified in the masterplan. This application has yet to be submitted.

A new railway station has been identified to the south of the site beyond existing housing development within the Hill Barton Estate. This is to be safeguarded as part of this development, which accords with previous permissions approved for the Hill Barton development.

## **7.0 Supporting information provided by applicant**

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Affordable Housing Statement
- Utilities Statement
- Statement of Community Involvement
- Ecological Impact Assessment
- Tree/hedgerow schedule
- Noise Assessment
- Archaeology Summary Note
- Phase I Environmental Desktop Report
- Flood Risk Assessment

## 8.0 Relevant Planning History

Outline planning permission ([12/0472/OUT](#)) was approved for up to 750 dwellings, a local centre (A1, D1, D2) public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) on 29 November 2013.

Planning permission was granted for 47 dwellings ([19/0699/FUL](#)) at Planning Committee in October 2020 for the adjacent site including a Section 106 Agreement to secure 35% affordable housing, highways and education contributions.

## 9.0 List of Constraints

Smoke Control Area.  
Potential Contaminated Land.  
Aerodrome Safeguarding Area.  
Met Office Safeguarding Area.

## 10.0 Consultations

**All consultee responses can be viewed in full on the Council's website.**

**Highways England** comment that due to the location of the Hill Barton site, located 0.8 kilometre from the M5 motorway, and nature of the development proposals, the applications have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), and particularly M5 Junction 29.

A Transport Assessment Addendum dated September 2019 prepared on behalf of HB Land Ltd which considers an amended split in development quantum. Whilst the combined development remains at 550 dwellings, the Addendum document refers to revised application proposals comprising: a full application for 51 (*now 47 units*) dwellings (Persimmon Homes), a full application for 200 dwellings (*Salter developments ref 19/1375/OUT*), and an outline application for 299 dwellings (*to be submitted shortly*).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 (*the Salters Development 19/1375/OUT*) and 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals are considered to have no greater impact than that of the previously permitted scheme proposals.



Whilst the current applications for development at the Hill Barton site remain within the quantum of development permitted by the 2013 outline consent, it is indicated that a forthcoming application will seek to increase the number of permitted dwellings on the site. Any future application will need to demonstrate the relative impact of increased housing on the A30 Honiton Road/Moor Lane signalised roundabout and Junction 29 of the M5, to demonstrate that the increase in development would not have a significant impact on the safe and efficient operation of the SRN. This may necessitate the preparation of additional capacity assessments to demonstrate junction performance in the development opening year.

Highway Agency recommends that on the basis that the current application remains within the quantum of development permitted by the 2013 outline consent, the current proposals are considered to have no greater impact than that of the previously permitted proposals.

Highways England recommends that a planning condition be attached to any consent the planning authority is minded to grant in respect of application reference 19/1375/OUT to the effect that:

*No dwelling for which planning permission is hereby granted shall be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England).*

*Reason: in the interest of the safe and efficient operation of the M5 motorway.*

**County Head of Planning, Transportation and Environment (Highways)** comment that the application is for the construction of up to 200 dwellings including access at Hill Barton, Exeter. The wider development area received outline planning permission for 750 dwellings (ECC Planning Ref: 12/0472/OUT). Outline consent was granted for this site in 2013. This application has since lapsed; permission has been partially implemented, with approximately 300 residential dwellings delivered to date and therefore it is now understood that the remaining parcels of the remaining site are coming forward in piecemeal.

With 300 dwellings delivered at the site to date, it has been proposed that 550 dwellings may come forward, an increase of up to 100 dwellings over the original outline planning application, giving a total of up to 850 dwellings at Hill Barton

*Trip Generation* - The previous trip rates have been used in the submitted transport that has been submitted which looks at the impact of the total quantum of development that may come forward. Trip rates of 0.3 outbound and 0.1 inbound have been used in the AM peak with the PM peak rates being reversed giving a two-way trip rate of 0.4 trips per dwelling in each peak period. For this application, consisting of up to 200 dwellings this results in 80 two trips. Given

the previous lapsed consent allowed up to 750 dwellings, the trip generation for this specific site cannot be used as a reason for refusal.

*Access* - Primary pedestrian, cyclist, and vehicular access will be via the Hill Barton Roundabout, which provides a connection to Hill Barton Road. To supplement the primary vehicular access, an emergency access to Woodland Road will be delivered, giving resilience to the site's access strategy; however, this does not form part of this application.

*Vehicular Access* - Access from the Hill Barton Roundabout to the site does form part of this application though; some of the access roads have been built under the first phase of Hill Barton are in situ. However, associated highway infrastructure has been approved (new spine roads) as part of planning application number 19/0699/FUL, where primary points of vehicular access to this development is taken from.

Two points of primary vehicular access are proposed; one to the west of the site and the other to the north. These access points meet visibility splays (2.4 x 43m) and can be seen on Drawings "PHL-901 Rev D" and "PHL-902 Rev C". The junction type for both accesses are raised and have tight radii, allowing for better pedestrian/cycling crossing facilities and to slow vehicles down upon entry into the any reserved matter parcel. Both access points indicate a 4.8m vehicular carriageway width, sufficient for two cars to pass.

In addition to the primary access points, the indicative site plan shows there will be dropped kerb access points serving driveways on the spine roads surrounding the site. The adjacent application has introduced speed calming measures by the way of raised tables at crossing points to this parcels (as shown on Drawing PP01 HB) reducing the speeds of vehicles on the link road, but the applicant is reminded that any driveway (forming part of a reserved matters submission), must meet appropriate visibility standards and appropriate access points.

*Pedestrian and Cycle Access* - The Hill Barton Master plan shows that direct links to adjoining sites must be made and one key link was a footway/cycleway from Membury Crescent to the application site. Many site visits have been made and it is clear to see there is a height difference and therefore the applicant has been unable to make this connection.

To compensate for this loss, the applicant has introduced a new crossing point from Myrtlebury Road to the application site. With this, there will be a 3m footway/cycleway to the western access point together with a 0.5m no build zone. This zone provides a 3m effective width footway/cycleway (as per the DfT guidance) into the site and such infrastructure should carry on through any reserved matters parcel. This is shown on Drawing "PHL-901 Rev D"

The red line encompasses a new footway to the north of the site and is shown on Drawing "PHL-903 Rev D". This provides a 2m wide footway along the frontage connecting into existing infrastructure. Similarly, to Drawing "PHL-901 Rev D", "PHL-903 Rev D" shows a 3m footway/cycleway together with a 0.5m no build zone. For the same reasons as above this is acceptable and should carry on through the site.

Drawing "PHL-903 Rev D" shows a future potential crossing point at the top of the site (within the red line boundary); the site layout shows a cycleway ending at a footway with no details of how this connects into adjacent parcels. Continuous cycleways linking up parcels is a key element of good planning and therefore more details prior to any forthcoming parcel is required and conditioned. The relationship between the cycle crossing and any junction will need to be considered.

Finally, the applicant should be joining pedestrian and cycle facilities provided as part of planning application number 19/0699/FUL and the existing Hill Barton allocation. The applicant has provided an indicative plan (Drawing PP01 HB) showing indicative connection points to adjacent parcels. It is expected that these connections are at least 3m effective width in any forthcoming reserved matters, meeting DfT guidelines.

*Bus Access* - As a strategic site, this site as per the previous outline consent will need to be served by bus; this is in order to alleviate the impacts of the development and justify the low trip rates used. Discussions with Stagecoach have led to believe that a bus route is feasible that runs adjacent to this parcel of Hill Barton.

Bus tracking diagrams were produced as part of planning application number 19/0699/FUL; this showed that forward visibility will have to be considered with this application. The diagrams showed an adoptable verge that is required to protect forward visibility and to ensure safe and suitable access can be achieved for vehicles using the spine road. This adoptable verge is required and will have a direct implication on a reserved matters submission.

In addition to this, there is no indication regarding the positioning of bus stops. It has been recommended that a strategy for the whole site is undertaken to position these, but this remains absent as part of this application; therefore, a condition is imposed to secure details of the type and exact positioning of the bus stop.

*Oberon Road* - As acknowledged in the Transport Assessment and through the previous consent, a link to accommodate all vehicles is required. It is once again reminded that the applicant builds any road to the red line boundary. This does fall outside of the Red Line boundary of this application, but to provide permeability through the whole site, such a connection should be made.

*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 is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document.

As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval. The applicant should provide appropriate footway/cycleway connection points and infrastructure through the site itself to then enable a coherent approach to adjacent estates.

*Transport Contributions* - As highlighted in the previous outline consent a series of mitigation measures are required in order to make any application at Hill Barton acceptable in highway terms. Consideration has been taken into account as some S106 monies have been invoiced as part of the original outline consent (750 dwellings), but as this has now lapsed new S106 items are required to take the application up to 850 dwellings.

All calculations have been based upon an extra 550 dwellings being delivered on this site. To act as a fair and reasonable approach, a per dwelling sum has been derived and in agreement with parties of other parcels within the strategic development, any shortfall will be subsidised by later parcels.

As set out in the Hill Barton and Monkerton Masterplan, sustainable transport is required to provide a choice of routes to help distribute traffic away from busy parts of the local road network and provide convenient connections to key services and facilities including schools, jobs and shops. Key to this provision is the need for walking and cycling improvements in the area, the provision of a bus service through the site and travel planning.

Summary of the transport contributions are below. These have been based upon recent S106 requests in the Monkerton Area and have been agreed by the applicant.

	Per Dwelling
Pedestrian/Cycle Improvements in the surrounding area	£450
Bus Services	£981.82
Travel Planning	£500
Total	£1931.82

The developers have requested a flat rate per dwelling, and therefore it is recommended that the contribution is classed as a “transport contribution” where the above S106 request sum per dwelling can be used flexibly, serving a useful purpose and mitigating the development impact. This is a consistent approach to the previous consent. It is expected that 200 houses worth of S106 money is to be contributed from the applicant.

In addition to this a Traffic Regulation Order (£3,500) is required to facilitate Double Yellow Lines through the estate; this is to help and enable buses to run through the site. It is acknowledged that this amount is not enough to implement TRO’s for the whole site and therefore similar requests will be made from forthcoming parcels.

*Construction* - To minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed. This includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition.

In summary, it is considered that this standalone application is not considered a severe impact on the highway. Much emphasis has been put on the accessibility of the site and its relation to other parcels/philosophies set out in the Hill Barton Masterplan and it is believed that the site has maximised permeability at this stage and is acceptable subject to appropriate conditions/S106 contributions.

**Devon County Flood Team** comment that they have no in-principle objections assuming that appropriate conditions are imposed on any approved permission:

Following the previous consultation response (FRM/EC/1375/2019; dated 17th January 2020), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in a final e-mail dated 22nd September 2020.

The applicant must consider above-ground features at the next stage of planning. Multiple features will provide a SuDS Management Train to treat surface water. Above-ground features can also be designed to be attractive and useable. Annotated cross-sections for these features should be submitted. The applicant should consider green roofs, living walls and rainwater harvesting where possible, such as for apartment blocks and community building's. The applicant must assess the topography and layout of any Public Open Space. If it is likely that Public Open Space will drain into the surface water drainage system for larger rainfall events, then this should be accounted for within the surface water drainage system. At the next stage of planning, the applicant will need to provide further details to confirm the maintenance of the surface water drainage system.

Before the layout of the sites are fixed, the applicant will need to assess the exceedance flows. The site layout should be designed around the exceedance flows to ensure that exceedance flows are managed safely.

**Met Office** comment that their assessment of the proposal has been carried out on the basis of the proximity of the proposed development to the Met Office satellite reception facility. No objection is raised subject to the inclusion of suitably worded planning conditions to address the following issues:- namely the developer to agree to minimise the risk of interference to the Met Office satellite reception facility; a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers and removal of permitted development rights in respect of mobile base stations. They wish to be consulted on the discharge of all reserved matters relating to this outline scheme.

**Royal Devon and Exeter NHS Foundation Trust** have submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £257,873 (based on the submission for 200 dwellings) towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

**Police Designing Out Crime Officer** comment that they cannot support as they have shown to increase the potential for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB.

*Rear Service Alleyways* - A main concern is the number of open alleyways that provide access to the rear of plots. Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the houses. Therefore it is vital that this issue is addressed. The example highlighted below is of particular concern as the paths service a very high number of plots, access to the rear is unrestricted, there are multiple open access points and to some extent poor lines of sight.

Guidance recommends that such alleyways should service no more than four houses; must be gated at the entrance to the path as close to the building line as possible with a coded or key operated lock, with a self-closer installed. They must not be easy to climb or remove from their hinges; provide good lines of sight and are adequately lit at the gates.

Unless the rear service alleyways on the development are either designed out or redesigned with the above attributes, the police liaison officer cannot support this application.

*Rear Parking Courts:* Vehicle parking will clearly be through a mixture of solutions. From a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Generally the parking

arrangement in the development have been allocated effectively with spaces that are well overlooked and in close proximity to dwellings.

The exception to this is the four rear parking courts. Rear parking courts are generally discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance. If parking courts are considered for residential parking then these must be very well designed. They should only serve a small number of units and surveillance opportunities should be maximised and supported by appropriate lighting.

The apartments adjacent to the two larger parking courts (rear of plots 1-12 & 125-136) must have active rooms overlooking the space. The court must be well-lit and the boundary treatments of the rear gardens abutting the space should be a 1.5m fence/wall supplemented by a 0.3m trellis in order to improve surveillance opportunities.

The two other rear parking courts serve fewer plots however, they must still be afforded appropriate lighting and the abutting gardens the same boundary treatment outlined above. Automated gates could also be considered.

However overall it appears that the layout will provide overlooking and active frontages to the new internal streets and public open space which is welcomed.

**ECC Environmental Health** recommends conditions relating to a Construction and Environmental Management Plan, land contamination, noise and air quality mitigation (in particular given the proximity of the Met Office) and external lighting.

**ECC Principal Project Manager (Heritage)** comments that the archaeological remains, as identified by works to date, as set out in the report submitted with this application, are present within the application site. They are not a constraint on the principle or layout of the proposed development, but should be fully excavated and recorded in lieu of their destruction, as the remains on adjoining sites (e.g Rougemont Park, and phase I of the Persimmon developments) have been, in line with NPPF policy, saved local plan policy C5, and draft policy DD28, and the adopted SPG.

These works can either be secured by approving a written scheme as part of the application documents, if the applicant submits one up front, or by attaching a pre commencement condition (the standard C57/A38) to a planning permission requiring the submission and approval of a written scheme of archaeological work before commencement of development related activity on site.

The scope of work required has been discussed with the applicant's archaeological advisor which would include a) some further trial trenching to fill in the gaps in the coverage to date b) extensive areas of topsoil stripping and full excavation and recording, in areas of known prehistoric and Roman remains, together with any further areas required as a result of the trial trenching.

All to be undertaken before the commencement of any other development related ground works on the site, including for temporary haul roads or site compounds and c) the normal completion of the analysis, conservation, reporting and archiving of the results and finds, with scope dependant on the significance of the latter. And full discharge or signing off of the works on completion by ourselves, re. compliance with the planning permission/condition.

It is crucial that the archaeological work is sorted out and undertaken before construction ground works commence, including any works to create temporary haul roads or any new site compound areas.

**DCC Education (Children's Services)** has identified that a development up to 200 family type dwellings will generate an additional 42.5 primary pupils and 25.5 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter.

When factoring in both approved but unimplemented housing developments, as well as outstanding local plan allocations, DCC has forecast that with the opening of Monkerton Primary School from September 2020, local primary schools and early years providers have sufficient spare capacity for the pupils expected to be generated by this development. DCC therefore do not need to request primary or early years contributions against this application.

However, DCC has forecast that local secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contributions towards additional education infrastructure to serve the address of the proposed development in order to make the development acceptable in planning terms and to mitigate its impact. The contributions sought are detailed below:

It is set out in DCC's Education Section 106 Infrastructure Approach, that Special Education (SEN) contributions are sought on larger developments or developments that form part of a larger allocation. As such DCC will request SEN contributions against this development. Approximately 1.5% of the school population require SEN provision. Therefore this development is likely to generate 1.02 pupils who will require a specialist place. DCC will therefore request for additional primary and secondary SEN provision that will be required as a result of the development. The SEN request total of £24,746 (based on the DfE new build secondary rate of £24,261 per pupil) is equivalent to 0.64 primary pupil and 0.38 secondary pupils. This equates to a per dwelling rate of £145.56.

We have forecast that there is enough spare secondary capacity to accommodate 5.98 pupils at the local secondary schools. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 19.14 pupils expected to be generated from this development. The secondary contribution sought would be



£464,355 (based on the DfE new build rate of £24,261 per pupil). This equates to a per dwelling rate of £2,731.50. 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 total contributions to educational provision will be £146.56 per unit for special education and £2,731.50 per unit for secondary) based on 200 dwellings this would provide a total of £575,612.

**RSPB** comment that they are disappointed that the scheme does not meet the requirements of the Residential Design Guide which specified 1 bird box per unit rather than the 1 bird box every 3 dwelling which is proposed by the applicant.

**Exeter Cycling Campaign** support the proposed cycle routes through the development and links to adjacent routes. In particular the proposed connection to the south and the proposed route along the eastern boundary appear to be well integrated with cycle routes through the development.

## 11.0 Representations

6 emails of objections have been received, raising the following issues:

1. Inadequate transport infrastructure;
2. Existing parking on roads leads to limited visibility into the estate;
3. Need for train station to serve the Hill Barton estate;
4. Insufficient recreational and green space;
5. Too dense/overdevelopment of the site;
6. Increased traffic will create a safety risk close to existing children's play area;
7. Detrimental impact on landscape;
8. Loss of natural light due to close proximity of dwellings;
9. Loss of vegetation/hedgerows;
10. Constraints and opportunities plan misleading;
11. Limited ability for tree planting;
12. Proposed pedestrian links within the site appear fragmented

## 12.0 Relevant Policies

### Government Guidance

National Planning Policy Framework (NPPF) (February 2019)

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

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

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Network

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

CP19 – Monkerton/Hill Barton Area

**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

H3 – Housing Sites

H5 – Diversity of Housing

H6 - Affordable Housing

H7 – Housing for Disabled People

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network

T10 – Car Parking Standards

C5 – Archaeology

LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

EN6 – Renewable Energy

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG4 – Residential Layout and Amenity

DG5 – Provision of Open Space and Children's Play Areas

DG6 – Vehicle Circulation and Car Parking in Residential Development  
DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention

W21 – Making Provision for Waste Management

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

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

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD22 – Open Space, Allotments, and Sport and Recreation Provision

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets

DD30 – Green Infrastructure

DD31 – Biodiversity

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

**Exeter City Council Supplementary Planning Documents**

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

**Other documents**

Monkerton and Hill Barton Masterplan Study November 2010.

**13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text accessible via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in the provision of homes, including affordable housing and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land.

This Recommendation is based on consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

#### **14.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies in discharging their functions must have "due regard" to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

## **15.0 Financial benefits**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) (of the Town and Country Planning Act 1990).

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

### Material considerations

Affordable housing, 10% proposed.

Highway contributions of £1931.82 per dwelling towards pedestrian/cycle improvement, bus service provision and travel planning.

Contributions to educational provision will be £146.56 per unit for special education and £2,731.50 per unit for secondary. Based on 200 dwellings this would provide a total of £575,612.

Proposal will create jobs in construction and related industries.

### Non material considerations

CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is proposed to be £118.93 per sq. metre plus new index linking for 2021. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute

of Chartered Surveyors for the year when planning permission is granted for the development.

## 16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Scale, design, impact on character and appearance
4. Access/Impact on Local Highways and parking provision
5. Impact on Heritage Assets
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Education
10. Met office requirements

### 1. The Principle of the Proposed Development

The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy. The site formed part of a wider area granted planning consent for residential development in 2013 under planning application 12/0472/01. Neighbouring sites have received reserved matters approval and are either built or occupied or under construction. Whilst these development site were determined with the time specified within the outline application, this consent has now expired.

It is accepted that the site meets the principle for housing as sustainable development in accordance with the requirements of the NPPF and adopted local policies. It is accepted that the Council does not have a current 5 year housing land supply, which would normally 'tilt' the determination towards permission unless other material considerations indicate otherwise. Advice is contained with paragraph 11 of the NPPF which sets out the criteria for the determination of sustainable development.

Paragraph 11 applies a clear presumption in favour of sustainable development particularly where proposals include the provision of housing where the authority cannot demonstrate a 5 year housing land supply position. This indicates that permission should be granted. Consequently clear justification to refuse permission can only be warranted if granting permission would "*significantly and demonstrably outweigh the benefits*". It is thus necessary to weigh up the balance of issues and policies in accordance with the requirements of paragraph 11 of the NPPF.

Applications that appear to fulfil the presumption in favour of sustainable development have resulted in several court cases, notably in the Supreme Court ruling of *Suffolk Coastal DC v Hopkins Homes and SSCLG (2016)*. This case confirmed that where a council does not have a 5 year housing land supply, housing policies are deemed to be 'out-of-date'. However, this judgement goes on to state that the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it with the level of weight given to be a matter of planning judgement. The Supreme Court judgement confirmed that for the purposes of applying a tilt in favour of sustainable development, known as the 'tilted balance' (NPPF Para. 11(d)), policies of the development plan will remain applicable, but it will be for the local planning authority to determine the balance of policies for the protection of environment and amenity against the need for housing and the economy. In the absence of a 5 year housing land supply the above case law and NPPF require that the decision be considered with a tilt towards granting of sustainable development, unless other material considerations indicate otherwise. The presumption in favour of sustainable development must therefore be applied unless there are material considerations to suggest otherwise.

It is clear that the scheme as submitted for 200 dwellings would contribute towards the Council's shortfall of deliverable housing sites in the area and generate a Community Infrastructure Levy and provide highway and education financial contributions to support this scheme. However as previously stated an out of date plan does mean that policies can be disregarded particularly where the issues raised correlate with existing national planning policy. Consequently whilst the benefits of the scheme are acknowledged it is not considered that they outweigh the serious shortcomings in providing an appropriate level of affordable housing at the level proposed by the applicant. The report will outline the concerns raised in respect of this proposal.

## 2. Affordable Housing

Core Strategy Policy CP7 and the Affordable Housing SPD requires 35% of the total number of units on sites to be for affordable housing. The submitted application contained an affordable housing statement which concluded that the level of affordable housing should be 25% as previously agreed in the Hill Barton outline application approved in 2013. The applicant has provided example of case law, which states that previous consents are material planning consideration and stresses the importance of a consistent approach by local authorities to ensure the delivery of housing. The applicant has highlighted that since 2013 there has been additional costs in terms of the imposition of CIL, increase in construction costs, uncertainty regarding Brexit and a decline in house prices. However whilst it is accepted that planning history is a material consideration it is also relevant to consider national guidance which has been produced notably the NPPF in 2019. This continues to identify the role of producing a viability assessment to demonstrate the acceptability of a scheme,

which does not accord with the development plan. It states in paragraph 57 that *'...the weight to be given to the viability assessment is a matter for the decision maker, having regard to all the circumstance in the case...'*

The applicant was requested to undertake a viability assessment to justify their submission of 25% affordable housing provision. This would substantiate the applicant's departure from development plan policy in respect for the need for 35% onsite affordable housing provision. If an agreed viability assessment had concluded that a reduced affordable housing provision was warranted to enable the development of the site, this would have been a significant factor in the consideration of the application. However following extensive discussions between both parties, the Council's independent viability assessor has concluded that a 35% affordable housing provision is achievable taking into account all material considerations whilst the applicant's viability consultant has arrived at a 10% level.

These discussion have been carried out with the insistence from the developer that the assessment be based on the layout submitted with the application for 200 houses. This layout has been produced in considerable detail indicating the siting and size of the units. However it should be noted that the proposed application is for outline consent with all matters reserved except for access. Consequently the submitted layout is for illustrative purposes only. Although not for detailed assessment, it is considered that the layout is unacceptable in its current form and therefore amendments would be requested if this did form part of the application. It has therefore been suggested that rather than rely on an unacceptable layout and house types, which has given rise to significantly high abnormal costs due to the engineering works associated with the extensive cut and fill and piling to achieve the applicant's suggested layout, an alternative arrangement be considered. The Council's viability consultant has therefore provided an alternative mix of dwelling types, which retains the same number of units at 200 but reduces the overall floor area by approximately 6.6% in order to assess whether greater profitability and hence an increased affordable housing offer could be achieved. This modelling concluded that a more flexible approach to the layout submitted would indeed provide a greater return whilst still creating the applicant's proposed 200 units on the site.

The Council's viability assessor has concluded that the site can achieve 35% affordable housing, which has taken into account the undulating nature of the site and has accepted that there are particular challenges which has increased the abnormal costs. However it is the applicant's promotion of this layout and house types as the basis for the assessment which has added to these costs and resulted in their viability consultant concluding that only 10% affordable housing is viable for this site. It should be noted that recent residential schemes in the Hill Barton/Monkerton area namely Barratt Homes at Harts Lane (2015), Strongvox at Pilton Lane (2016), Taylor Wimpey development on the west side of Cumberland Way (2018) and in particular Persimmon Homes (2020) on the



adjacent site have all been approved with a policy compliant 35%. Whilst it is accepted that viability modelling should take account of specific land use constraints within a site, it should not include individual requirements such as layout and house type preferred by the applicant. The relevant Planning Practice and RICS Guidance notes that planning consents are not personal; and that viability assessments should be based on “*standardised inputs*” and “*industry benchmarks*”. Viability assessment “*should in general be based around market-rather than client-specific information*”; and should “*disregard either benefits or disbenefits that are unique to the applicant*”. Planning permission is assessed on a land use basis rather than the preferences of a particular developer as sites can be sold on, with planning permission, to a different developer without the need for a new application.

In summary, it is accepted that the site previously has an outline consent which required a 25% affordable housing provision but this has now lapsed. Whilst a decision was taken to reduce the development plan affordable housing provision from 35% to 25% in 2013, it is considered reasonable in accordance with the NPPF to reappraise this figure given the submission of a new outline application. Following the viability appraisal the applicant has now offered an affordable housing provision of 10% a significant reduction from the 25% submitted with the application with their affordable housing statement and less than the policy compliant requirement for 35%. The reduction is based on the applicant’s insistence that the illustrative layout, which is accepted includes significant abnormal cost, forms the basis for the viability assessment. The Council’s assessor has factored these costs into the viability modelling and still concluded that the site could achieve on-site 35% affordable housing provision, meet highway and education contributions and CIL payments.

It is regrettable that an agreement on the level of affordable housing has not been found, as the principle of the site for housing development is established by virtue of the Core Strategy. The viability approach does provide an opportunity for a reduced level of affordable housing to be explored, if this prevents the delivery of housing. However the offer of 10% affordable housing provision is significantly below an appropriate level particularly given the Council’s viability consultant conclusions that 35% should be achievable. Given that up to 300 additional dwellings are anticipated on the remainder of the Hill Barton allocation with similar land use constraints, it is considered that if 10% as proposed is accepted this would create a precedent which other developers would reference. Consequently it is considered that the refusal of the application is warranted.

### 3. Scale, design, impact on character and appearance

This is an outline planning application with all matters reserved for future consideration except access. Consequently the submitted details provided are solely for illustrative purposes. However as stated above the applicant’s approach to affordable housing provision is essentially based on the details

contained with these layout/house type details. Whilst any concerns would normally be raised at the detailed reserved matters stage given the reliance on these drawings by the applicant it is considered necessary to highlight elements of the scheme which are unacceptable

Overall the layout appears car parking dominated leading to long stretches of parking in front of dwellings alongside the main spine and internal road which would detract from the overall character of the streetscene and prevent the layout from creating a sense of place that would provide a distinctiveness or identifiable character. In addition, dwellings which allow minimal space between the parking space and the front and sides of the houses do not allow for sufficient areas of landscaping which can help 'soften' streetscene. In addition, the scheme includes a number of rear parking courts, which has been highlighted by the Police liaison officer as offering a poor design solution and has the potential to lead to anti-social behaviour. These spaces are often positioned away from the dwelling they serve and therefore their usability is questionable. Whilst it is accepted that these elements can provide a design solution for part of the site, as submitted, too many areas rely on these arrangements. Consequently it is considered that the scheme appears as a car dominated layout and is of poor design and would represent a poor level of amenity for future residents. If this design layout approach was progressed, it is considered that the number of units would need to be reduced to provide greater flexibility of parking to housing. The overall arrangement as currently submitted would appear as an overdevelopment of the site

During the viability assessment it was highlight that to achieve the submitted layout considerable engineering works would be required given the undulating nature of the site's topography. Notwithstanding the considerable costs involved with creating a variable sloped area of land into a more level site, it is unlikely that a completely flat site would result. Therefore concern is raised regarding some of the limited gardens areas and 'back to back' distance as indicated on the layout and the impact this would have on the overall appearance of the estate and the individual relationships between dwellings, which could be detrimental to the residential amenity of future residents. Given the layout is for illustrative purpose only, further details of the proposed levels have not been requested however based on the information submitted it remains an issue which requires particular attention due to proposed layout and existing topography.

It is noted that the areas of public open space within the site are very limited and effectively will only provide amenity for the neighbouring properties and not the wider community. Whilst a larger area of open space is shown to the south east this area will create a landscaped setting for the pedestrian/cycle route rather than provide an area where future residents are able to sit or use. Consequently it is considered that the public open space to serve this application falls below the 10% required to be policy compliant, The principal area of public open space is to be create to the north of the site with the ridgeline park in accordance with the

Monkerton and Hill Barton Masterplan. This area is currently being discussed to ensure it provides the strategic area of public open space, which the masterplan envisaged in terms of size and quality. This area will form part of any future planning application, which it is understood will be submitted shortly. Whilst this approach has been accepted within the assessment of previous residential applications on Hill Barton and anticipated in the original masterplan for the area there is concern that there are no guarantees at this stage that it will be provided. Clearly if that area is not forthcoming it would require the inclusion of more open space within the submitted application site, which would lead to further significant changes to the layout.

Accordingly it is considered that the proposed layout as submitted appears overdeveloped and it is considered exceeds the maximum feasible density taking into account site constraints and impact on the local area as defined within Local Plan Policy DG4. Whilst the number of proposed units is not objectionable in itself the design approach as submitted does not allow sufficient opportunity for the necessary space requirements to achieve a well-designed scheme as required by the NPPF and associated design guidance both at a national and local level. However as previously stated the issue regarding these matters would normally be addressed within any subsequent reserved matters application, if the outline consent was approved and consequently do not form a reason for refusal. These comments are therefore intended to demonstrate and support the inappropriateness of the layout as relied upon by the applicant as part of their affordable housing offer and seeks to offer advice for any revised proposal.

#### 4. Access/Impact on Local Highways and parking provision

Development at Hill Barton forms part of wider housing growth at Monkerton/Hill Barton promoted through the Exeter City Council Core Strategy. The land at Hill Barton site previously benefitted from outline planning permission (Local Authority reference 12/0472/OUT) for a mixed-use scheme comprising up to 750 dwellings and a local centre which was granted in November 2013. The outline permission has been partially implemented, with approximately 300 residential dwellings constructed on the site to date. The current application relate to the same site and would in part effectively update the extant permission (12/0472/OUT).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 and recently approved 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals both the Highways England and the County Highway officer considered that the scheme will have no greater impact than that of the previously permitted scheme proposals.

The Highway officer has provided detailed comment in respect of this application and a summary is contained with section 10 of this report. Clearly the site has previously been identified in highway terms as suitable for this scale of development. Local residents have raised a number of highway related issues which the highway officer is aware of and detailed discussions have been held with the developer to achieve an acceptable highway arrangement. Following these discussions agreement between the highway officer and the developer has been reached and subject to conditions the highway arrangement is considered acceptable.

In summary, it is considered that with appropriate conditions this scheme is acceptable in highway terms. In addition, a financial contribution of £1931.82 per dwelling is requested through the 106 Agreement to meet improvements to pedestrian/cycle provision, bus service and travel planning for the wider area. The 106 agreement will also ensure the safeguarding of land for the future rail halt which formed part of the Monkerton and Hill Barton masterplan.

#### 5. Impact on Heritage Assets

The submitted method statement for a programme of archaeological work has been considered and the Heritage Officer is satisfied on the basis of this that there is no archaeological constraints on the principle or layout of the proposed development. There are no other heritage assets that will be affected by the proposal and therefore in this respect the scheme is considered acceptable subject to compliance with the standard archaeological condition.

#### 6. Impact on Trees and Biodiversity

Aside from the boundary hedgerows the site does not contain any significant trees or landscaping features. The other hedgerows forming the boundaries of the site will be retained as part of the development with additional native planting to fill in any gaps.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

## 7. Flood Risk and Surface Water Management

The Devon County Flood Team has raised no objection in principle to the scheme subject to the imposition of suitable conditions. In particular they require the applicant to submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

## 8. Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

## 9. Education

Devon County Council as the educational authority has requested a financial contribution towards meet the increased demands on educational institutions as a result of this development. Contributions to educational provision will be £146.56 per unit for special education and £2,731.50 per unit for secondary. Based on 200 dwellings this would provide a total of £679.108 when indexed linked. This is to be secured via the Section 106 Agreement.

## 10. Met Office requirements

The Met Office has raised a number of concerns regarding the development given the close proximity of the site to their building. They have highlighted the importance of their role in providing essential operational forecast and warning services to UK stakeholders including defence and emergency services, such as flood risk. Consequently they are concerned that the works during the construction phase and following occupation does not impinge of their operational requirement. It is consider that many of these concerns will be addressed by adherence to the approval plans, which the Met Office has confirmed are acceptable in terms of siting and height. Any significance changes to these plans or use of the buildings will require the submission of a separate planning application when any concerns can then be reassessed. However it is considered appropriate to refer to the Met Office specifically in the CEMP and a condition removing permitted development rights for mobile base stations. In addition, an informative could be attached advising that the developer should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement. Were the application therefore to be approved it is considered that concerns can be addressed through conditions/informative.

## **CIL/S106**

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision, transport and education contributions and the provision of open space.

Community Infrastructure Levy: The residential development at the site will be liable for the payment of Community Infrastructure Levy (CIL). The proposed rate for 2021 is £118.93 per square metre (gross internal floorspace) and is applicable to all market housing within the development.

### **Section 106 Agreement:**

#### **Affordable housing**

To be agreed.

#### **Transport**

Safeguard the land for the Monkerton Railway Halt

Financial contributions required as follows:

Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

**Education** The total education sum will be £146.56 per unit for special education and £2,731.50 per unit for secondary). Based on 200 dwellings this would provide a total of £679,108 when indexed linked.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

**Open Space** No more than 75% of dwellings shall be occupied until the public open space (alongside the cycleway has been laid out in accordance with the approved plans. Prior to completion of POS areas, details of management company to be provided.

The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.

## 17.0

### Conclusion

The site is allocated with the Core Strategy for residential development and therefore the principle of development is considered to be acceptable and will provide a significantly level of housing towards the Council 5 year housing supply deficient, which is to be welcomed. It is evident from the objections received from existing local residents that there are concerns about access and parking problems in the area. The County highway officer has provided a detailed response that recognises the issues raised and how these can be addressed through the imposition of planning conditions or through the 106 agreement. This includes financial contribution towards pedestrian/cycle improvement; bus service and the provision of travel planning for individual houses and the safeguarding of land for the future Monkerton railway station. The concerns of the Met Office could similarly be addressed through the imposition of conditions as suggested above.

However as this report sets out, the applicants are only proposing a 10% level of affordable housing, which represents just 20 dwellings if a total of 200 are built. Whilst it is recognised that some abnormal works/costs are likely to be associated with any development of this site, it is considered that the applicant's insistence on a layout and choice of certain house types, which would involve exceptionally high level of abnormal works/costs has contributed to the low level of their affordable housing offer and has led to reduction from their original submission offer of 25%. Were the applicants, or another developer, to take a different approach, the Council's independent viability assessor has concluded that 35% affordable housing should be achievable, whilst also meeting the development's CIL liability and other financial contributions requested by highways and education.

It is important that decisions made in 'viability' cases such as this should be evidence-based, and demonstrate a consistent approach. This development site does have certain topographical challenges, However the applicant has not shown that these are greater than the similar challenges posed on comparable sites in the Monkerton/Hill Barton development area, where other recent and ongoing development show that it is viable to deliver policy compliant schemes. The recent consent granted to Persimmon Homes on adjoining land, and the ongoing development of land to the north of Hollow Lane by Taylor Wimpey, are particular examples of this.

Based on that evidence it is reasonable to conclude that it is possible for the site to deliver a policy compliant development including 35% of the total number of dwellings as 'affordable' homes; and for the applicant to accept that a concession granted against that full policy requirement in the wake of the 2008/9 financial crisis, has now time-expired. Accordingly unless an improved level of affordable housing is forthcoming the officer recommendation is refusal of the application.

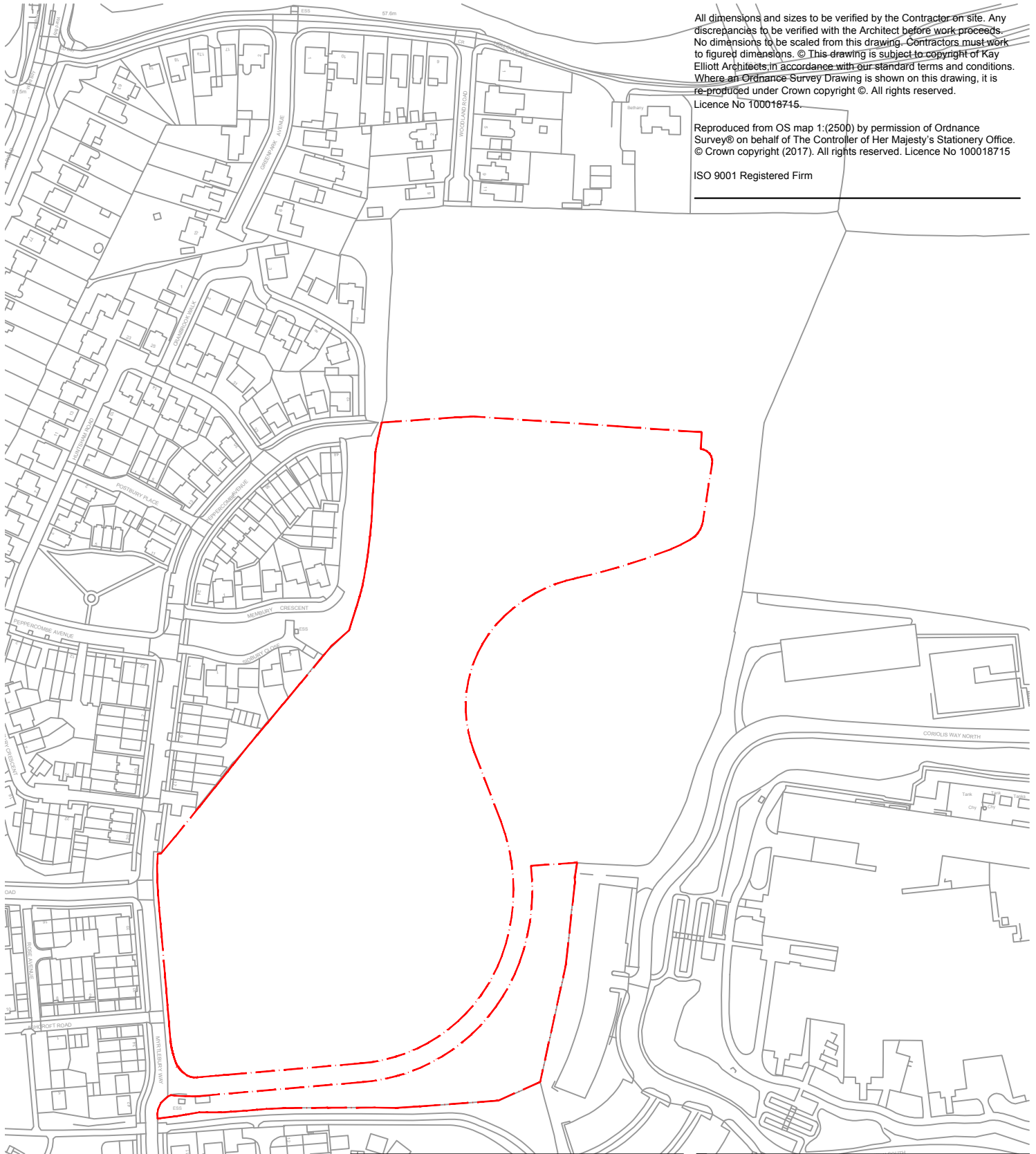
**18.0**

**RECOMMENDATION** Refusal for the following reasons-

*In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority which makes appropriate provision for the following matters Affordable housing, Open space provision Education contributions, Sustainable Travel Planning contribution Traffic Regulation Order contributions*

*the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.*





All dimensions and sizes to be verified by the Contractor on site. Any discrepancies to be verified with the Architect before work proceeds. No dimensions to be scaled from this drawing. Contractors must work to figured dimensions. © This drawing is subject to copyright of Kay Elliott Architects in accordance with our standard terms and conditions. Where an Ordnance Survey Drawing is shown on this drawing, it is reproduced under Crown copyright ©. All rights reserved. Licence No 100018745.

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ISO 9001 Registered Firm

**Client**  
Salter Property Investments

**Project/Location**  
Hill Barton, Exeter

**Drawing title**  
Location Plan

03	03/09/19	BR	Minor revision
02	21/02/19	BR	Revised boundary line
01	15/11/17	BR	First Issue

Rev	Date	By	Detail
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Drawing status

For Information

Scale(s)	Date	Drawn	Checked
1:2500	07/11/17	BR	-
@A4			

Page 57

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Drawing number	Revision
4263-KE-Z1-ZZ-M2-A(10)01 03	

**RIBA**   
Chartered Practice

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## Planning Committee Report 20/1200/FUL

**1.0 Application Number:** 20/1200/FUL

**Applicant name:** RBL Homes (SW) Ltd

**Proposal:** Construction of two storey building containing four flats

**Site address:** Flying Horse, Dryden Road, Exeter, EX2 5BS

**Registration Date:** 21/09/2020

**Link to application, drawings/plans:**

<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QH0ANWHBJKY00>

**Case Officer:** Leigh Powell

Ward Members: Cllr Amal Ghusain, Cllr Alys Martin and Cllr Tony Wardle

REASON APPLICATION IS GOING TO COMMITTEE – to obtain authorisation to proceed with a Section 106 Agreement involving a sum greater than £10,000.

**2.0 Summary of Recommendation:**

Grant planning permission subject to conditions

**3.0 Reason for the recommendation: As set out in Section 18 at end**

In the absence of a five year supply, the Council concludes that the modest benefits of adding 4 additional residential units to the Council’s housing stock are not outweighed by the relatively few, and minor, negative aspects of the scheme.

**4.0 Table of key planning issues**

Principle of Residential Use /Development	This has already been accepted under planning permission Ref. 17/0670/FUL. Whilst the site is part of the former public house and therefore a community facility, no community uses came forward during a lengthy period of marketing.
Five Year Housing Supply	The Council does not have a Five Year Housing Supply. This proposal would make a modest contribution to housing supply in the city.
Sustainability	Through the use of appropriate conditions, the Council can ensure that the development meets required standards on energy efficiency and implements a sustainable drainage system. The proposal would be liable to pay Community Infrastructure Levy, a proportion of which would be used to mitigate the impact on additional housing on protected habitats within 10km of the site. A bicycle storage area would help to encourage sustainable forms of travel. Further details of the

	precise design of this store would be required by condition.
Layout, Scale, Character and Appearance	In terms of the height, scale, design and external appearance of the building, and the wider layout of the scheme, it is considered that the proposal would not have any significant harmful impacts on the existing local townscape.
Residential Amenity	The proposals would meet national internal space standards and local standards for external amenity space. Overall, it is considered the development would provide a good quality of residential amenity for future occupiers. No significant adverse harm is identified to the residential amenities of existing adjacent properties.
Contaminated Land	A condition is proposed to ensure that a full investigation of the site is undertaken, prior to the commencement of any construction works, to ensure that any contamination of the land is identified and remediated.
Economic benefits	A contribution of £14,235 towards secondary education, which would be secured through a Section 106.

## 5.0 Description of Site

The application relates to a rectangle of land that was formerly an informal outside seating and play area associated with The Flying Horse public house. It was until more recently given over to grass and contained a small outbuilding known as The Bunker. Now, this building has been removed and the ground levels have been altered to create a flat gravel surface. There is a new wall and timber fence around the perimeter of the site with some shrubs planted above the wall. For the record, these works have been carried out without planning permission.

The site is accessed from Dryden Road, alongside the former pub building. To the north, west and south, are residential properties in Malvern Gardens, Bovemoors Lane and Dryden Road respectively.

## 6.0 Description of Development

The development comprises a two storey block, in contemporary design, containing 4 self-contained flats. A communal amenity space is provided at the rear as well as private spaces for each of the flats. Car parking spaces and storage areas for bins and bicycles are also incorporated into the scheme. The proposal would be accessed using the existing access from Dryden Road.

## **7.0 Supporting information provided by applicant**

Aside from drawings of the proposed development, no additional information was provided with the initial submission. Subsequently, however, the developer has confirmed a willingness to pay the contribution towards secondary schooling outlined in Section 10.0.

## **8.0 Relevant Planning History**

In December 2017, planning permission was obtained for two semi-detached dwellings on the site (Ref. [17/0670/FUL](#)).

In September 2020, planning permission was refused for a three storey block containing 6 flats (Ref. [19/1333/FUL](#)). It was considered that the scheme represented an overdevelopment of the site with specific concerns relating to the overall size and height of the building, the impact on neighbouring residential amenities and the quality of amenity for future occupiers of the development.

## **9.0 List of Constraints**

None

## **10.0 Consultations**

**All consultee responses can be viewed in full on the Council's website.**

The Children's Service at Devon County Council identifies that there is sufficient spare primary school capacity to accommodate the number of pupils expected to be generated by the scheme. However, secondary schooling is at capacity and therefore a contribution of £14,235 is sought to be put towards new secondary provision in south-west Exeter. This would release capacity at existing secondary schools across the city. Devon County Council would also seek to recover legal costs incurred as a result of the preparation and completion of the Agreement.

The Local Highway Authority at Devon County Council has no objections to the proposals but suggests two conditions are added to any approval – one to secure the on-site vehicular spaces and turning area prior to occupation and another to clarify details of bicycle storage provision.

The Council's Environmental Health team suggests 2 conditions are added to any approval relating to land contamination and the need to provide a Construction Method Statement (or CEMP) to ensure good management of the site during the construction phase.

## **11.0 Representations**

None received.

## **12.0 Relevant Policies**

### Development Plan

Central Government Guidance

National Planning Policy Framework – Paragraph 11 and Sections 5, 8, 9, 11 and 12

Exeter Local Development Framework Core Strategy

Objectives 3 and 9

CP1 – Spatial Approach

CP4 – Density

CP5 – Housing Mix

CP10 – Meeting Community Needs

CP12 – Flood Risk

CP15 – Sustainable Construction

CP16 – Green Infrastructure

CP17 – Design and Local Distinctiveness

CP18 – Developer Contributions

Exeter Local Plan First Review 1995-2011

H1 – Search Sequence

H2 – Location Priorities

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T10 – Car Parking Standards

EN2 – Contaminated Land

DG1 – Objectives of Urban Design

DG4 – Residential Layout and Amenity

### Other material considerations

Technical Housing Standards – Nationally Described Space Standards March 2015

Residential Design Supplementary Planning Document

Sustainable Transport Supplementary Planning Document

Net Zero Exeter 2030 Plan

South East Devon European Site Mitigation Strategy

## **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that the views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

#### **14.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by, or under, the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it; and
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equalities Act 2010.

#### **15.0 Financial Issues**

The requirement to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out, including their value if known, and should include whether the officer considers these to be material or not material.

#### Material considerations

A contribution towards secondary education of £14,235.

#### Non material considerations

##### CIL contributions

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £118.93 per square metre, plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

The proposal will generate Council Tax.

## **16.0 Planning Assessment**

### **Principle of Residential Use/Development**

The Council has previously accepted the principle of this site being redeveloped for residential uses. In December 2017, planning permission was granted for the construction of a pair of two storey dwellings, each with three bedrooms (Ref. 17/0670/FUL).

As a former beer garden to The Flying Horse, the site's existing lawful use is as a public house. Paragraph 92 of the National Planning Policy Framework and Policy CP10 of the Core Strategy seek to protect community facilities, which would include public houses. However, The Flying Horse has been marketed for significant periods



of time over the past decade and it is apparent that there is no interest from any party in continued use of the pub. Furthermore, based on a series of public consultations on planning applications for this site in recent years, there has not been any support for this expressed amongst the local community either. Other community uses have also not come forward. The Council, therefore, does not seek to reconsider here the appropriateness of residential uses on this particular site.

### **Five Year Housing Supply**

The Council is committed to boosting the supply of housing in its area and to that extent Policy CP1 of its Core Strategy plans for an additional 12000 houses within Exeter during the Plan period from 2006 to 2026. That said, the Council accepts that it does not currently have a five year supply of deliverable housing. Consequently, this decision must have regard to Paragraph 11 of the National Planning Policy Framework, which refers to the presumption in favour of sustainable development. This states that where relevant policies are out of date (in this case the Council's housing policies) permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits" when assessed against the policies in the Framework.

The most notable benefit of the scheme would be the addition of 4 residential units to the city's housing stock. However, this contribution would be relatively modest and would not provide a significant boost to supply. That said, as demonstrated in subsequent sections of this report, no significant adverse impacts are identified in this scheme that would outweigh the benefits. Consequently, the planning balance is clearly tipped in favour of granting consent.

### **Sustainability**

On 23 July 2019, Exeter City Council unanimously agreed to declare a climate emergency and made the commitment to make Exeter a carbon neutral (or net-zero carbon) city by 2030. The Net Zero Exeter 2030 Plan has been produced in response to this and the Council formally adopted the Plan on 21 July 2020. It is therefore now Council policy to inform all policy documents, plans and corporate decision making in response to the Climate Emergency and in pursuance of the goal to make Exeter a carbon neutral city by 2030. The Council's adopted development plan had already set out policies and objectives that were broadly in line with these aims. Both The Vision and Objective 1 of the Core Strategy, as well as Policy CP17, require developments to make the fullest contribution possible to the mitigation of, and adaptation to, climate change and the transition to a low carbon economy. Policy CP12 requires that developments mitigate against flood risk utilising SUDS (a sustainable drainage system) where feasible and practical.

In order to ensure that sustainable development is achieved, the Council requires new development to go over and above existing building regulations on energy.

Despite the ending of the Code for Sustainable Homes, the Council can still pursue an ambitious energy approach because it retains a relevant energy policy in its development plan (namely CP15 of the Core Strategy). Although this submission contains no details on these matters, the Council will use a condition to ensure that this development achieves a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations. It will also require details of a workable SUDS scheme to deal with surface water run off on the site.

The proposed development is on a site within 10km of the Exe Estuary Special Protection Area and the East Devon Pebblebed Heaths Special Protection Area and Special Area of Conservation. The South East Devon European Site Mitigation Strategy identifies that the cumulative impact of additional housing places increased pressures on these protected sites through rising numbers of visitors. These are likely to have an adverse impact on the achievement of the conservation objectives for these sites. To mitigate this impact, a financial contribution is sought from the development. In this case, a proportion of the Community Infrastructure Levy (CIL) payment will be used as the scheme is CIL liable.

The Council's development plan also contains a number of policies designed to promote sustainable forms of transport. These are themes that are reinforced at the national level by Sections 2 and 9, particularly Paragraph 108, of the National Planning Policy Framework. Whilst this development does provide 1 car parking space for each of the flats, it should be noted that the site is outside of the development plan's Housing Core Area where car-free developments are encouraged. However, a bicycle store has also been designed into the scheme, sufficient to accommodate 8 bicycles. This exceeds the minimum requirements set out in the Council's Sustainable Transport SPD and so are welcomed. However, further details will be required by condition to ensure that the design is secure and in sympathy with the rest of the development.

### **Layout, Scale, Character and Appearance**

Paragraph 127 of the National Planning Policy Framework states that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and layout and be sympathetic to the local character and history, including the surrounding built environment. Objective 9 and Policy CP17 of the Core Strategy and Saved Policy DG1 of the Exeter Local Plan First Review 1995-2011 also have similar requirements around ensuring proposals are in keeping with the surrounding townscape and reinforce local distinctiveness. Policy CP4 of the Core Strategy and Policy H2 of the Exeter Local Plan seek to ensure highest appropriate densities without harm to local character and amenity.

The most striking aspect of the surrounding townscape to this site is that it is modest in scale. Adjacent buildings are all two storeys and have a relatively simple form and design. Given the contemporary design, this proposal would be something of a

departure from the existing local character. Nonetheless, it is difficult to identify any significant harm arising from the development. For a start, the building would also be two storeys and would occupy a relatively discreet, almost 'backland', location. Furthermore, the overall design approach is considered to be acceptable with variation in the use of building lines, materials and size of windows (set in deep reveals) helping to break up the overall massing of the structure and give it some visual interest. It is not considered that the size of the building would dominate the area or be harmful to the local townscape.

The existing entrance and driveway leading onto Dryden Road will be used for access. The Local Highway Authority has no objection to this and expects the level of traffic generation from the site to be modest.

Policy DG6 of the Exeter Local Plan seeks to avoid new developments being dominated by the vehicles. Whilst four car parking spaces would be provided at the front of the proposed property, the spaces would be incorporated into the overall design, placing them under a first floor overhang, which would help to reduce their presence. Given the limitations on space, this is considered a reasonable design solution.

The rear of the site would be given over to a series of private and communal garden areas. There would be opportunities here to soften the impact of the development through appropriate landscaping. This would help to reduce the somewhat looming presence of the existing high boundary fences. Over time, the boundary planting already on site should mature and also contribute towards this.

### **Residential Amenity**

Paragraph 127 of the National Planning Policy Framework says that developments should create places that have a high standard of amenity for future users. Objective 9 of the Exeter Local Development Framework Core Strategy aspires to raise the quality of urban living through excellence in design. Saved Policy DG4 of the Exeter Local Plan First Review 1995-2011 states that residential development should ensure a quality of amenity that allows residents to feel at ease in their homes and gardens.

In respect of the standards of residential amenity offered to future occupiers of the proposed scheme, the Council would raise no objections on the quantum of internal or external space provided in the scheme. The internal spaces would accord with the Government's minimum standards set out in the 'Technical Housing Standards – Nationally Described Space Standards' document and the external spaces would comply with the requirements of the Council's Residential Design Supplementary Planning Document. A bin store is also provided.

Overall the standard of residential amenity is considered to be good. There are two bedrooms, to Flats 2 and 4, on the northern side of the building where light and

outlook would be somewhat compromised compared to other rooms but this is not considered so harmful to residential amenity as to warrant refusing planning permission. In respect of the ground floor bedroom to Flat 2, a glazed roof feature has been proposed to try to ensure the room is not overly gloomy.

A landscaping condition is recommended to ensure that the rear garden area would be appropriately planted. This would also help to clarify precisely how the private garden spaces to the ground floor flats would be demarcated from the communal space without resulting in imposing barriers creating an overly enclosed feel to the entire area. The proposal to provide low level shrubs rather than fences is welcome but further details are required.

In terms of the impact of the proposal on existing neighbouring properties, no significant harm is identified. The overall height and massing of the building is such that it would not have an overbearing impact on adjacent gardens. The first floor rear balconies would be screened by walls from the gardens in Dryden Road whilst being some distance away from those in Bovemoors Lane. Any first floor side windows would be either bathroom windows with obscure glazing or above eye-level and there only to provide additional light to rooms lit by other doors/windows.

### **Contaminated Land**

In line with the advice from the Council's Environmental Health team, and to address Policy EN2 of the Exeter Local Plan, a condition is proposed to ensure that a full investigation of the site is undertaken, prior to the commencement of any construction works, to ensure that any contamination of the land is identified and remediated.

### **17.0 Conclusion**

For the reasons given above, it is recommended that, subject to the satisfactory completion of a Section 106 Agreement to secure the developer contributions towards secondary education, planning permission be granted for the proposed scheme.

### **18.0 RECOMMENDATION**

DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), TO SECURE A FINANCIAL CONTRIBUTION TOWARDS SECONDARY EDUCATION, AND 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 09 December 2020 (including dwg. nos. 267:1:01 Rev. H, 267:1:02 Rev. C, 267:1:03 Rev. B and 267:4:01 Rev. C) as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved details.

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

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

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

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

4) **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.

5) **Pre-commencement condition:** No development shall take place until details of the implementation, maintenance and management of a sustainable urban drainage scheme have been submitted to, and approved by, the Local Planning Authority. The scheme shall be implemented, and thereafter managed and maintained, in accordance with the approved details. Those details shall include:

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

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

6) A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials, shall be submitted to the Local Planning Authority and no flat shall be occupied until the Local Planning Authority has 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:** Insufficient information has been submitted with the application and in the interests of visual and residential amenity.

7) In the event of failure of any trees or shrubs, planted in accordance with the landscaping 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:** In the interests of visual and residential amenity.

8) The flats shall not be occupied until full details of the bicycle store have been submitted to, and approved by, the Local Planning Authority. Thereafter, the bicycle store shall be constructed, maintained and retained in accordance with the approved details.

**Reason:** To ensure that safe and secure bicycle storage is provided in order to encourage sustainable forms of travel.

9) Prior to the installation of windows into the buildings, full details of the design/depth of the reveals shall be submitted to, and approved by, the Local

Planning Authority. The windows shall thereafter be inserted in accordance with the approved details.

**Reason:** In the interests of ensuring that design details result in a high quality finish and appearance to the building.

10) No part of the development hereby approved shall be brought into its intended use until the vehicular spaces and turning area, shown on Drawing Number 267:1:01 Rev G (received by the Council on 25 November 2020), have been provided in accordance with the approved details and thereafter maintained and retained for that purpose at all times.

**Reason:** To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework.

11) Prior to their use on site, samples of the brick and cladding materials shall be submitted to, and approved, by the Local Planning Authority. The development shall thereafter be constructed using these approved materials where relevant in the approved plans.

**Reason:** In the interests of visual amenity and ensuring good quality materials are used.

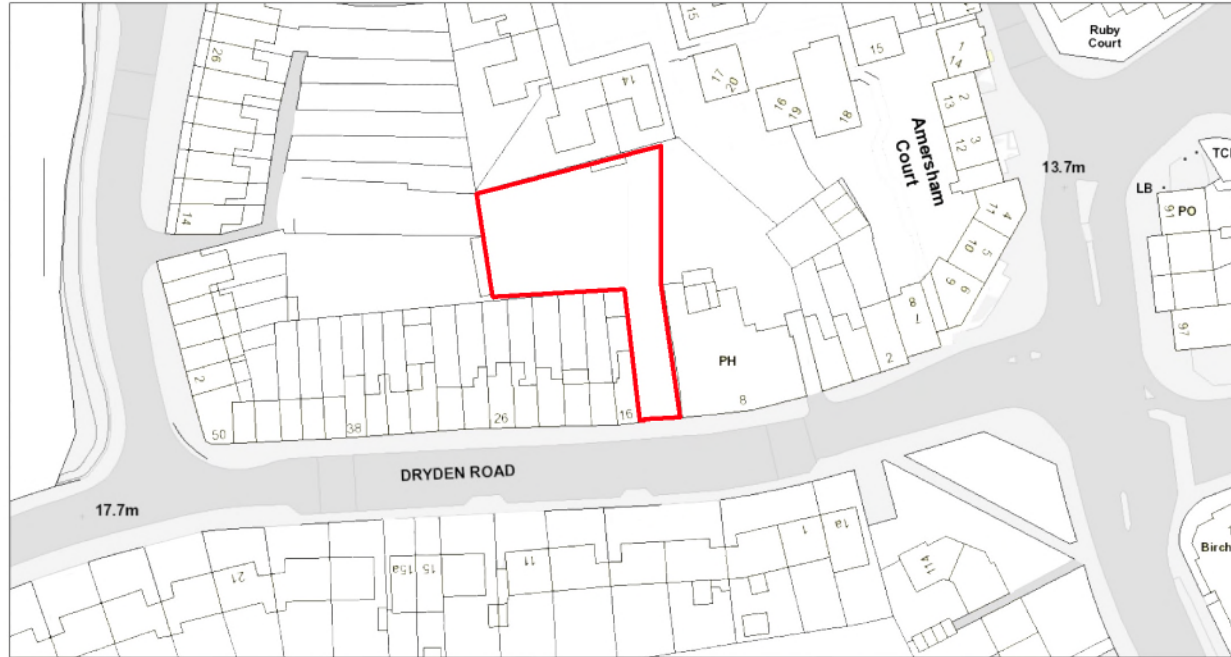
## **INFORMATIVES**

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection 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).

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.

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All dimensions and sizes to be verified by the Contractor on site.  
 Any discrepancies to be verified with the Architect before work proceeds.  
 No dimensions to be scaled from this drawing.  
 Contractors must work to figured dimensions.  
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NOTES			

ISSUE	DATE	BY	REVISION

DRAWING STATUS

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 14A CROMWELLS WAY • BOVEY TRACEY • TQ13 9HY  
 Tel: 07779 988092 • E: willcocks@btinternet.com  
 W: www.darrellwillcocks.com

CLIENT  
**RBL Homes Ltd**

PROJECT/LOCATION  
**Proposed apartments at rear of  
 The Flying Horse  
 Dryden Road  
 Exeter**

DRAWING TITLE  
**Location Plan**

SCALE(S)	DATE	DRAWN BY	CHECKED BY
1:1250@A4			

DRAWING NO.	REVISION
<b>267:1:06</b>	

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## REPORT TO: PLANNING COMMITTEE

Date of Meeting: 18 January 2021

Report of: Director

Title: Delegated Decisions and Planning Report Acronyms

### 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 Service Lead City Development (Roger Clotworthy) or the Director (Bindu Arjoon) 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

### 4 PLANNING REPORT ACRONYMS

The following list explains the acronyms used in Officers reports:

AH	Affordable Housing
AIP	Approval in Principle

BCIS	Building Cost Information Service
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
DCC	Devon County Council
DCLG	Department for Communities and Local Government: the former name of the Ministry of Housing, Communities & Local Government
DfE	Department for Education
DfT	Department for Transport
dph	Dwellings per hectare
ECC	Exeter City Council
EIA	Environment Impact Assessment
EPS	European Protected Species
ESFA	Education and Skills Funding Agency
ha	Hectares
HMPE	Highway Maintainable at Public Expense
ICNIRP	International Commission on Non-Ionizing Radiation Protection
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	National Planning Policy Framework
QBAR	The mean annual flood: the value of the average annual flood event recorded in a river
SAM	Scheduled Ancient Monument
SANGS	Suitable Alternative Natural Green Space
SEDEMS	South East Devon European Sites Mitigation Strategy
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPR	Standard Percentage Runoff
TA	Transport Assessment
TEMPro	Trip End Model Presentation Program
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UE	Urban Extension

**Bindu Arjoon**  
**Director**

**All Planning Decisions Made and Withdrawn Applications  
between 03/12/2020 and 07/01/2021**

<b>Alphington</b>	
<b>Delegated Decision</b>	
Application Number:	20/0707/FUL
Delegation Briefing:	16/07/2020
Decision Type:	Permitted
Date:	06/01/2021
Location Address:	Site Between Bakers Yard And RGB Alphinbrook Road Exeter Devon EX2 8RG
Proposal:	Construction of pre-delivery inspection building, surfacing for car parking, car distribution storage and retail display (Sui Generis use).
<b>Delegated Decision</b>	
Application Number:	20/1211/FUL
Delegation Briefing:	15/10/2020
Decision Type:	Permitted
Date:	22/12/2020
Location Address:	Unit 1A - 4A Matford Way Exeter Devon
Proposal:	Proposed alterations and additions to existing building for use as a commercial laundry operation to include new external plant (including water tank, boiler house, gas house and water pits), and electrical substation.
<b>Delegated Decision</b>	
Application Number:	20/1260/DIS
Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged
Date:	10/12/2020
Location Address:	11 Marsh Barton Road Exeter Devon EX2 8NU
Proposal:	Discharge of Conditions 11 (Construction Surface Water Drainage) and 12 (Construction Plan Checklist) in respect of planning application 20/0500/FUL granted 26 August 2020
<b>Delegated Decision</b>	
Application Number:	20/1261/FUL
Delegation Briefing:	19/11/2020
Decision Type:	Permitted
Date:	14/12/2020
Location Address:	Garages Adjacent To 98 Wellington Road Exeter Devon
Proposal:	Replacement garages (to match existing).
<b>Delegated Decision</b>	
Application Number:	20/1343/LBC
Delegation Briefing:	05/11/2020
Decision Type:	Permitted
Date:	18/12/2020
Location Address:	Franklyn House Franklyn Drive Exeter Devon EX2 9HS
Proposal:	Window replacement on 3 high level windows on the rear elevation. Partial replacement of two eaves details on the front elevation.

<b>Delegated Decision</b>			
Application Number:	20/1371/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	16/12/2020
Location Address:	1 Saint Hill Close Exeter Devon EX2 9JE		
Proposal:	Construction of single storey rear kitchen extension.		
<b>Delegated Decision</b>			
Application Number:	20/1372/FUL	Delegation Briefing:	05/11/2020
Decision Type:	Permitted	Date:	07/12/2020
Location Address:	63 Smith Field Road Exeter Devon EX2 8YN		
Proposal:	Single storey rear extension to ground floor flat.		
<b>Delegated Decision</b>			
Application Number:	20/1377/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	23/12/2020
Location Address:	The Briars Nursing Home Crabb Lane Exeter Devon EX2 9JD		
Proposal:	To remove overhanging branches of Laurel, Conifer and Laburnum back to Boundary Line for full extent of Back Boundary Fence. To remove one lowest Ash Tree Branch overhanging property severing at union where main limb splits (leaving 2 benches that overhang Neighbours property). We discussed this will entail the complete removal of 3 to 4 Conifers (as they lean entirely over your property) leaving a severed Trunk that we will then cut to Fence Height, also to complete a neat job we will need to remove branches of one Conifer back to trunk rather than boundary thereby eliminating unsightly stubs that are unlikely to regrow.		
<b>Delegated Decision</b>			
Application Number:	20/1428/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	07/12/2020
Location Address:	6 Cordery Road Exeter Devon EX2 9DH		
Proposal:	Loft conversion.		
<b>Delegated Decision</b>			
Application Number:	20/1610/FUL	Delegation Briefing:	10/12/2020
Decision Type:	Permitted	Date:	06/01/2021
Location Address:	12 Cowick Lane Exeter Devon EX2 9HB		
Proposal:	Loft extension to include changing hipped roof to gable roof.		
<b>Duryard And St James</b>			
<b>Delegated Decision</b>			
Application Number:	20/1051/FUL	Delegation Briefing:	03/09/2020
Decision Type:	Permitted	Date:	23/12/2020
Location Address:	21 Oxford Road Exeter Devon EX4 6QU		
Proposal:	Rear extension, replacement roof, alterations to external finishes.		

<b>Delegated Decision</b>	
Application Number: 20/1345/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 21/12/2020
Location Address: Hm Prison Exeter New North Road Exeter Devon EX4 4EX	
Proposal:	G1 reduce group of birches and pittosporums by approx. 2-3m to maintain line of site for surveillance cameras G2 Group of overgrown shrubs overhanging pavement and rear entrance to cut back to beyond curb line T1 - crown reduce entire canopy to clear overhang and to reshape also obscuring cameras and view The trees need crown raising because they are hanging too low over the pavement and also on the driveway into the prison. Vehicles are hitting branches and blocking line of site
<b>Delegated Decision</b>	
Application Number: 20/1366/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 21/12/2020
Location Address: Penhill Pennsylvania Road Exeter Devon EX4 5BQ	
Proposal:	T3. Self seeded horse chestnut to be section/felled to ground level as being heavily suppressed by mature Beech and Spanish Oak. T4. Holm Oak. Crown lift over garden for a ground clearance of approx 3m to remove conflict with adjacent trees, and enable access to manage garden
<b>Delegated Decision</b>	
Application Number: 20/1381/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 14/12/2020
Location Address: Duryard House Lower Argyll Road Exeter Devon EX4 4RG	
Proposal:	There is long line of trees some pine and some elms, The elms are dead diseased or dying, we need to remove them to prevent them falling into Cowley Bridge road. The elms are also causing an issues with the foot path (high path) that lead to the local school. There are a number of other elms that are currently health but will shortly become sick. Due to the traffic disruption we would like to also remove or reduce them as them follows; 1) To cut down all dead and dying and currently healthy Elms along road front hedge from boundary with the Steiner school and the junction with Lower Argyll Road. Some of the trees along the top of the bank will be cut to form a hedge, leaving them at approx 2m above the height of the footpath. 2) To heavily cut back overgrown hedge to regain the original width of the footpath along Cowley Bridge Road 3) To crown raise any retained trees overhanging Cowley Bridge Road to approx 6m above the carriageway.
<b>Delegated Decision</b>	
Application Number: 20/1395/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 09/12/2020
Location Address: 23 West Garth Road Exeter Devon EX4 5AJ	
Proposal:	Prior approval sought for single storey rear extension measuring 4m (depth) x 2.7m (eaves height) x 2.7m (maximum height).

<b>Delegated Decision</b>	
Application Number: 20/1445/FUL	Delegation Briefing: 12/11/2020
Decision Type: Permitted	Date: 11/12/2020
Location Address: Dolphin House Streatham Rise Exeter Devon EX4 4PE	
Proposal: Rear single storey extension to replace existing conservatory, extending by 4.3m with a width of 7.8m.	
<b>Delegated Decision</b>	
Application Number: 20/1451/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 21/12/2020
Location Address: 91 Longbrook Street Exeter Devon EX4 6AU	
Proposal: T1 Tulip Tree. Cut back branches over garden and house by 4m	
<b>Delegated Decision</b>	
Application Number: 20/1505/FUL	Delegation Briefing: 10/12/2020
Decision Type: Permitted	Date: 04/01/2021
Location Address: 14 West Avenue Exeter Devon EX4 4SD	
Proposal: Replacement uPVC windows to front elevation.	
<b>Delegated Decision</b>	
Application Number: 20/1672/SO	Delegation Briefing:
Decision Type: EIA Not Development	Date: 11/12/2020
Location Address: Clydesdale Nash And Birks Grange Village Halls Of Residence University Of Exeter Lower Argyll Road Exeter Devon	
Proposal: Screening opinion for the student accommodation and relocation of the Estate Service Centre.	
<b>Exwick</b>	
<b>Committee Decision</b>	
Application Number: 20/1421/FUL	Delegation Briefing: 12/11/2020
Decision Type: Permitted	Date: 17/12/2020
Location Address: The Cottage Redhills Exeter Devon EX4 2JF	
Proposal: First floor side extension.	
<b>Heavitree</b>	
<b>Delegated Decision</b>	
Application Number: 20/1099/FUL	Delegation Briefing: 24/09/2020
Decision Type: Permitted	Date: 03/12/2020
Location Address: 3A Heavitree Park Exeter Devon EX1 3BP	
Proposal: Demolition and replacement of extensions to east and south elevations, internal alterations on ground and first floors.	



<b>Delegated Decision</b>	
Application Number: 20/1100/LBC	Delegation Briefing: 24/09/2020
Decision Type: Permitted	Date: 03/12/2020
Location Address: 3A Heavitree Park Exeter Devon EX1 3BP	
Proposal: Demolition and replacement of extensions to east and south elevations, internal alterations on ground and first floors.	
<b>Delegated Decision</b>	
Application Number: 20/1329/FUL	Delegation Briefing: 05/11/2020
Decision Type: Permitted	Date: 04/01/2021
Location Address: 25 Nicholas Road Exeter Devon EX1 3AT	
Proposal: Reconfigure roof and raise ridge height, front and rear single storey extensions, and various alterations to exterior material finishes (Minor revision sought to Planning Permission Ref: 20/0024/FUL approved on 30th March 2020 - increased depth and reduced height of front extension).	
<b>Delegated Decision</b>	
Application Number: 20/1359/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2020
Location Address: Site Of Former Council Houses (78-84) And Garages Bovemoors Lane Exeter Devon	
Proposal: Amendment to approved drawings comprising the omission of knee rail to the front of Units 6-10 (including that at the side of plot 10), the omission of the brick wall adjacent to the site entrance and its substitution with a knee rail, omission of the pergola to the rear fencing of plots 1-5, and omission of the Euonymous planting to the side of the site entrance from planting plan. (Non-material minor amendment to Planning Permission ref no. 18/0886/ECC).	
<b>Delegated Decision</b>	
Application Number: 20/1460/FUL	Delegation Briefing: 26/11/2020
Decision Type: Permitted	Date: 21/12/2020
Location Address: 9 First Avenue Heavitree Exeter Devon EX1 2PH	
Proposal: Infill rear extension.	
<b>Delegated Decision</b>	
Application Number: 20/1487/FUL	Delegation Briefing: 26/11/2020
Decision Type: Permitted	Date: 21/12/2020
Location Address: Borders Highland Care Home 22 Salutary Mount Fore Street Heavitree Exeter Devon EX1 2QL	
Proposal: Construction of conservatory on east elevation.	

<b>Delegated Decision</b>			
Application Number:	20/1508/FUL	Delegation Briefing:	26/11/2020
Decision Type:	Permitted	Date:	22/12/2020
Location Address:	167 Hamlin Lane Exeter Devon EX1 2SQ		
Proposal:	Single storey rear extension.		
<b>Delegated Decision</b>			
Application Number:	20/1526/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	04/12/2020
Location Address:	23 Regents Park Exeter Devon EX1 2NU		
Proposal:	Loft conversion with flat roof dormer to rear elevation and construction of gable end in lieu of hip-end roof.		
<b>Delegated Decision</b>			
Application Number:	20/1594/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	09/12/2020
Location Address:	77A Fore Street Heavitree Exeter Devon EX1 2RN		
Proposal:	Discharge of condition three (noise assessment) of application reference 20/1004/FUL.		
<b>Delegated Decision</b>			
Application Number:	20/1704/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	21/12/2020
Location Address:	13 Hamlin Lane Exeter Devon EX1 2SB		
Proposal:	Single storey rear extension to dwelling.		
<b>Delegated Decision</b>			
Application Number:	20/1747/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	23/12/2020
Location Address:	118 Whipton Lane Exeter Devon EX1 3DL		
Proposal:	Demolishing of existing shed and storage area, creating new workshop and bike store.		
<b>Mincinglake And Whipton</b>			
<b>Delegated Decision</b>			
Application Number:	20/1283/FUL	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	07/12/2020
Location Address:	20 Hill Barton Road Exeter Devon EX1 3PP		
Proposal:	Orangery extension, re-rendering and window replacement.		

<b>Government Department</b>	
Application Number:	20/1444/FUL
Delegation Briefing:	19/11/2020
Decision Type:	Refuse Planning Permission
Date:	15/12/2020
Location Address:	1 Tamarisk Close Exeter Devon EX4 9JX
Proposal:	Two storey extension to north elevation and formation of parking to existing front garden.
<b>Delegated Decision</b>	
Application Number:	20/1476/FUL
Delegation Briefing:	26/11/2020
Decision Type:	Permitted
Date:	21/12/2020
Location Address:	330 Pinhoe Road Exeter Devon EX4 8AF
Proposal:	Proposed two storey side extension.
<b>Newtown And St Leonards</b>	
<b>Delegated Decision</b>	
Application Number:	20/0684/NMA
Delegation Briefing:	
Decision Type:	Permitted
Date:	08/12/2020
Location Address:	Stagecoach Devon Belgrave Road Exeter Devon EX1 2LB
Proposal:	Non-Material Amendment to allow for phased occupation, with an allowance for non-student occupation between September 2020 and June 2021 on a short term let C1 Use basis.
<b>Delegated Decision</b>	
Application Number:	20/1143/TPO
Delegation Briefing:	
Decision Type:	Permitted
Date:	18/12/2020
Location Address:	Dene End 43 Wonford Road Exeter Devon EX2 4UD
Proposal:	T1 - Turkey Oak, Crown raise on western aspect to approximately 7m above ground level to match eastern crown, MDC 50mm. Reduce sides all round by 3m, MDC 75mm. Reduce top to shape accordingly. All works as discussed at property with Joe Morshead on 9th September 2020 Reason for Works: The tree is exceptionally large and has become extremely dominant over garden.
<b>Delegated Decision</b>	
Application Number:	20/1256/DIS
Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved
Date:	15/12/2020
Location Address:	The Depot Summerland Street Exeter Devon
Proposal:	Discharge of Condition 3 (Materials), Conditions 4 and 15, (Landscape and external works), and Condition 19 (Cycle Storage) of planning permission 18/1405/FUL.

<b>Delegated Decision</b>	
Application Number:	20/1314/FUL
Decision Type:	Permitted
Location Address:	Roseville Barrack Road Exeter Devon EX2 6AB
Proposal:	Ground and first floor side extension and ground floor rear extension.
Delegation Briefing:	22/10/2020
Date:	10/12/2020
<b>Delegated Decision</b>	
Application Number:	20/1317/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	The Depot Summerland Street Exeter Devon
Proposal:	Discharge of Conditon 17 (Travel Plan) of planning permission 18/1405/FUL.
Delegation Briefing:	
Date:	09/12/2020
<b>Delegated Decision</b>	
Application Number:	20/1331/PD
Decision Type:	Prior Approval Required and Granted
Location Address:	Ambulance Station Gladstone Road Exeter Devon EX1 2EB
Proposal:	Application to determine if prior approval is required for a proposed demolition of buildings
Delegation Briefing:	
Date:	04/01/2021
<b>Delegated Decision</b>	
Application Number:	20/1351/FUL
Decision Type:	Refuse Planning Permission
Location Address:	19 Barnfield Road Exeter Devon EX1 1RX
Proposal:	Single storey side extension to ground floor flat
Delegation Briefing:	29/10/2020
Date:	06/01/2021
<b>Delegated Decision</b>	
Application Number:	20/1352/TPO
Decision Type:	Permitted
Location Address:	Buckerell Lodge Hotel Topsham Road Exeter Devon EX2 4SQ
Proposal:	The Tree is question is bringing a serious structural risk to our office building. We previously had permission to remove the tree but due to the challenges of running the hotel and then Covid, the removal of the tree got continually overlooked/delayed. However, the issues of trip hazard, damage to foundations etc is now worse than ever and needs addressing asap.
Delegation Briefing:	
Date:	23/12/2020
<b>Delegated Decision</b>	
Application Number:	20/1375/TPO
Decision Type:	Permitted
Location Address:	34 Barnfield Road Exeter Devon EX1 1RX
Proposal:	Fell Sycamore, low amenity value and excessive shading. Will re-plant an Oak on property.
Delegation Briefing:	
Date:	22/12/2020

<b>Delegated Decision</b>	
Application Number: 20/1383/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 09/12/2020
Location Address: The Depot Summerland Street Exeter Devon	
Proposal: Discharge of Condition 9 (Waste Management) of planning permission 18/1405/FUL.	
<b>Delegated Decision</b>	
Application Number: 20/1415/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 22/12/2020
Location Address: 6 Victoria Park Road Exeter Devon EX2 4NT	
Proposal: T1 Maple crown reduce by 2m to previous points T2 Beech Cut back lateral spread over garden by 3m maximum	
<b>Delegated Decision</b>	
Application Number: 20/1429/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/12/2020
Location Address: Exeter School Victoria Park Road Exeter Devon EX2 4NS	
Proposal: G1: x1 Sycamore, x1 Maple, x2 Red oaks, x2 Copper beeches - Canopy low over road and pavement - Crown lift over pavement and road to a height of 6 metres from ground level.	
<b>Delegated Decision</b>	
Application Number: 20/1434/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 14/12/2020
Location Address: 45A Victoria Park Road Exeter Devon EX2 4NU	
Proposal: Introduction of two dormers and velux window to the rear at first floor level.	
<b>Delegated Decision</b>	
Application Number: 20/1436/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 21/12/2020
Location Address: 3 St Leonards Road Exeter Devon EX2 4LA	
Proposal: T1 - Liquidambar - Reduce by approximately 10 feet, and reshape all laterals to balance.	

<b>Delegated Decision</b>	
Application Number: 20/1455/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/12/2020
Location Address: 42 Denmark Road Exeter Devon EX1 1SE	
Proposal:	Sycamore, Circled on arial picture. The tree was originally self seeded between the alms houses and 42 Denmark Road. Over the years it has been pollarded/trimmed to the height of the hedge. This trimming had been neglected over the past few years. The tree which as many stems (see photo) has become overbearing as it is situated so close to the alms houses that it is excessively shading them. The proposal is to completely remove the tree or to trim it back to hedge height. If removed it would not be appropriate to replant another tree.
<b>Delegated Decision</b>	
Application Number: 20/1456/FUL	Delegation Briefing: 19/11/2020
Decision Type: Permitted	Date: 05/01/2021
Location Address: 9 Lyndhurst Road Exeter Devon EX2 4PA	
Proposal:	Contemporary single storey rear extension, refurbishment works and extension to the adjacent Coach House and alterations to the front garden including installation of gate
<b>Delegated Decision</b>	
Application Number: 20/1457/LBC	Delegation Briefing: 19/11/2020
Decision Type: Permitted	Date: 05/01/2021
Location Address: 9 Lyndhurst Road Exeter Devon EX2 4PA	
Proposal:	Contemporary single storey rear extension, refurbishment works and extension to the adjacent Coach House and alterations to the front/side garden areas including installation of gate
<b>Delegated Decision</b>	
Application Number: 20/1458/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 22/12/2020
Location Address: 34 Denmark Road Exeter Devon EX1 1SE	
Proposal:	Sycamores T2-T9 (7 trees): remove with replacement planting. G5 - 8 x cherry laurel and 5 x holly: crown reduce to 2m height, reducing back to suitable growth points.
<b>Delegated Decision</b>	
Application Number: 20/1465/FUL	Delegation Briefing: 24/12/2020
Decision Type: Permitted	Date: 18/12/2020
Location Address: 1 Marlborough Road Exeter Devon EX2 4TJ	
Proposal:	Replacement single storey rear extension and internal alterations.

<b>Delegated Decision</b>	
Application Number:	20/1495/CAT
Decision Type:	Permitted
Location Address:	21 Belmont Road Exeter Devon EX1 2HF
Proposal:	Silver birch overhanging boundary to be crowned and trimmed in rear garden; Small cherry and contorted willow trimmed in front garden.

<b>Delegated Decision</b>	
Application Number:	20/1533/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	9 St Leonards Road Exeter Devon EX2 4LA
Proposal:	Discharge of condition 3 (Rooflights and doors) of planning reference 18/0851/FUL granted 14 December 2018.

<b>Delegated Decision</b>	
Application Number:	20/1552/FUL
Decision Type:	Permitted
Location Address:	St Lukes Chapel University Of Exeter School Of Education Heavitree Road Exeter Devon EX1 2LU
Proposal:	Access ramp to church and ventilation extracts on rear roof

<b>Delegated Decision</b>	
Application Number:	20/1557/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	2 Mount Pleasant Road Exeter Devon EX4 7AB
Proposal:	Discharge of Condition 3 (Materials) and condition 4 (cycle and bin storage).

<b>Delegated Decision</b>	
Application Number:	20/1559/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	9 St Leonards Road Exeter Devon EX2 4LA
Proposal:	Discharge of condition 3 (Rooflights and doors) of planning reference 18/0852/LBC granted 14 December 2018.

## Pennsylvania

<b>Delegated Decision</b>	
Application Number:	20/1036/FUL
Decision Type:	Refuse Planning Permission
Location Address:	Land Adjacent To 36 Sheppard Road Exeter Devon EX4 5DD
Proposal:	Construction of 2 bed dwelling house with parking and associated works.

<b>Delegated Decision</b>			
Application Number:	20/1210/FUL	Delegation Briefing:	26/11/2020
Decision Type:	Permitted	Date:	21/12/2020
Location Address:	44 Sylvania Drive Exeter Devon EX4 5DT		
Proposal:	Rear infill extension.		
<b>Delegated Decision</b>			
Application Number:	20/1223/FUL	Delegation Briefing:	08/10/2020
Decision Type:	Permitted	Date:	17/12/2020
Location Address:	6 Elliott Close Exeter Devon EX4 5ED		
Proposal:	Single storey front extension and extension to bay window.		
<b>Delegated Decision</b>			
Application Number:	20/1318/FUL	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	03/12/2020
Location Address:	3 Daleside Road Exeter Devon EX4 6EP		
Proposal:	Single storey rear extension.		
<b>Delegated Decision</b>			
Application Number:	20/1363/FUL	Delegation Briefing:	03/12/2020
Decision Type:	Permitted	Date:	04/01/2021
Location Address:	10 Elliott Close Exeter Devon EX4 5ED		
Proposal:	Two storey side extension in place of attached garage.		
<b>Delegated Decision</b>			
Application Number:	20/1461/FUL	Delegation Briefing:	19/11/2020
Decision Type:	Permitted	Date:	18/12/2020
Location Address:	30 Rosebarn Avenue Exeter Devon EX4 6DY		
Proposal:	Construction of new garage and conversion of existing.		
<b>Delegated Decision</b>			
Application Number:	20/1561/FUL	Delegation Briefing:	10/12/2020
Decision Type:	Permitted	Date:	05/01/2021
Location Address:	23 Rosebarn Avenue Exeter Devon EX4 6DY		
Proposal:	Two storey rear and side extension.		
<b>Delegated Decision</b>			
Application Number:	20/1631/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	17/12/2020
Location Address:	9 Falkland Close Exeter Devon EX4 5EZ		
Proposal:	Single storey rear extension.		



**Pinhoe****Delegated Decision**

Application Number: 19/1628/NMA Delegation Briefing:  
Decision Type: Withdrawn Returned (unlikely to be det.) Date: 09/12/2020  
Location Address: Monkton House Pinn Lane Exeter Devon EX1 3RG  
Proposal: Change the ground floor west elevation patio doors from 3 narrow panes to 2 wider glass panes. Change to internal layouts to increase size of rooms and remove fireplaces.

**Delegated Decision**

Application Number: 20/1087/FUL Delegation Briefing: 12/11/2020  
Decision Type: Permitted Date: 07/12/2020  
Location Address: Sycamores The Grove Exeter Devon EX4 9HT  
Proposal: Single storey rear extension.

**Delegated Decision**

Application Number: 20/1370/TPO Delegation Briefing:  
Decision Type: Refuse Planning Permission Date: 23/12/2020  
Location Address: 2 Tithebarn Copse Exeter Devon EX1 3XP  
Proposal: Ash tree at front of 2 Tithebarn Copse - small branches are breaking off and falling . Tree surgeon advises 20% reduction so that tree is not unsafe and will not fall on people/cars walking to their houses.

**Delegated Decision**

Application Number: 20/1438/FUL Delegation Briefing: 12/11/2020  
Decision Type: Permitted Date: 07/12/2020  
Location Address: 77 Hill Barton Road Exeter Devon EX1 3PW  
Proposal: Construct timber outbuilding in rear garden.

**Delegated Decision**

Application Number: 20/1502/FUL Delegation Briefing: 26/11/2020  
Decision Type: Permitted Date: 22/12/2020  
Location Address: 29 Parkers Cross Lane Exeter Devon EX1 3TA  
Proposal: First floor side extension.

**Delegated Decision**

Application Number: 20/1583/FUL Delegation Briefing:  
Decision Type: Withdrawn by Applicant Date: 09/12/2020  
Location Address: Peterhayes Park Lane Exeter Devon EX4 9HQ  
Proposal: Proposed new build detached double garage and swim spa.

<b>Delegated Decision</b>	
Application Number: 20/1641/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 15/12/2020
Location Address: 37 Main Road Exeter Devon EX4 9EY	
Proposal: Rear single storey ground floor extension, enlargement of existing rear flat roof dormer, roof lights, and replacement windows.	
<b>Prory</b>	
<b>Delegated Decision</b>	
Application Number: 20/0676/FUL	Delegation Briefing: 03/09/2020
Decision Type: Permitted	Date: 23/12/2020
Location Address: Land Adjacent To 93 Salters Road Exeter Devon EX2 5JE	
Proposal: Construction of two storey 3 bedroom dwelling house with amenity space and landscaping works.	
<b>Delegated Decision</b>	
Application Number: 20/1285/LBC	Delegation Briefing: 19/11/2020
Decision Type: Permitted	Date: 16/12/2020
Location Address: Wonford House Hospital Dryden Road Exeter Devon EX2 5AF	
Proposal: Refurbishment of the existing basement area WCs to provide new accessible facilities and showers together with new external timber screen/door. Repairs to lath and plaster ceilings.	
<b>Delegated Decision</b>	
Application Number: 20/1319/FUL	Delegation Briefing: 22/10/2020
Decision Type: Permitted	Date: 11/12/2020
Location Address: 135 Rifford Road Exeter Devon EX2 5LW	
Proposal: Two storey side extensions and single storey rear extension.	
<b>Delegated Decision</b>	
Application Number: 20/1336/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 09/12/2020
Location Address: 79 Southbrook Road Exeter Devon EX2 6JF	
Proposal: Prior approval sought for single storey rear extension measuring 4.10m (depth) x 2.20m (eaves height) x 2.45m (maximum height).	
<b>Delegated Decision</b>	
Application Number: 20/1548/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 03/12/2020
Location Address: 12 Salmonpool Lane Exeter Devon EX2 4SN	
Proposal: Change roof structure from hip to gable and build rear flat roof dormer.	

<b>Delegated Decision</b>	
Application Number:	20/1606/VOC
Decision Type:	Permitted
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter Devon EX2 5DW
Proposal:	Variation of condition 1 of Planning Permission Ref. 19/1119/FUL (granted 8 January 2020) to use retail units as staff breakout spaces and alterations to external appearance

### St Davids

<b>Delegated Decision</b>	
Application Number:	19/1385/FUL
Decision Type:	Permitted
Location Address:	7-11 North Street St Davids Exeter Devon EX4 3QS
Proposal:	Extension to create additional storey, conversion and internal alterations of the first, second and third floors, to form 19 flats. Change of use of ground floor for 7 North Street from restaurant (A3 use class) to amusement arcade (Sui Generis) and 11 North Street from Sui Generis to A1 shop/retail use.

<b>Delegated Decision</b>	
Application Number:	20/1015/LBC
Decision Type:	Permitted
Location Address:	Flat 15 Trews Weir Mill Old Mill Close Exeter Devon EX2 4DD
Proposal:	Installation of small bulk head light above door.

<b>Delegated Decision</b>	
Application Number:	20/1064/FUL
Decision Type:	Permitted
Location Address:	177-181 Fore Street St Davids Exeter Devon EX4 3AX
Proposal:	Installation of external plant and extraction equipment.

<b>Delegated Decision</b>	
Application Number:	20/1399/FUL
Decision Type:	Permitted
Location Address:	British Telecom Rougemont Telephone Exchange Queen Street Exeter Devon EX4 3TL
Proposal:	Installation of storage container

<b>Delegated Decision</b>	
Application Number:	20/1477/FUL
Decision Type:	Permitted
Location Address:	8 Riverside Court Colleton Crescent Exeter Devon EX2 4BZ
Proposal:	Replacement ground floor window.

<b>Delegated Decision</b>	
Application Number:	20/1519/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	Beech Hill House Walnut Gardens Exeter Devon EX4 4DH
Proposal:	Discharge of condition 11 (Archaeology) and 17 (Travel Plan) in respect of planning application 19/0560/FUL allowed 19 December 2019.
<b>Delegated Decision</b>	
Application Number:	20/1553/LBC
Decision Type:	Permitted
Location Address:	1 Barnfield Crescent Exeter Devon
Proposal:	Re-slating main roof with new insulation and flashings.
<b>Delegated Decision</b>	
Application Number:	20/1581/FUL
Decision Type:	Withdrawn by Applicant
Location Address:	50 Northernhay Street Exeter Devon EX4 3ER
Proposal:	Internal alterations and loft conversion.
<b>Delegated Decision</b>	
Application Number:	20/1592/ADV
Decision Type:	Permitted
Location Address:	60 South Street Exeter Devon EX1 1EE
Proposal:	1 x internally illuminated fascia sign; 1 x externally illuminated projecting sign; 2 x window vinyl.
<b>St Loyes</b>	
<b>Delegated Decision</b>	
Application Number:	20/1284/FUL
Decision Type:	Permitted
Location Address:	Unit 3 Chelsea Trading Centre Heron Road Exeter Devon EX2 7LL
Proposal:	Installation of plant apparatus (Condenser Unit).
<b>Delegated Decision</b>	
Application Number:	20/1348/TPO
Decision Type:	Split Decision
Location Address:	The Exeter Arms Hotel Rydon Lane Exeter Devon EX2 7HL
Proposal:	Large Sycamore tree on the boundary of the waste land. The tree is now at the size it is overwhelming to the property next to it. The tree is significantly taller than the property and is overhanging in places. I would advise for this tree to be section felled to ground level by a NPTC trained team of tree surgeons. They will leave the stump as close to ground level as possible removing all green waste arisings.

<b>Delegated Decision</b>	
Application Number:	20/1499/LPD
Decision Type:	Was lawful use
Location Address:	5 Varco Square Exeter Devon EX2 5ND
Proposal:	Loft conversion and insulation of roof. Total increase in roof depth, no more than 150mm above existing roof plane.

**St Thomas**

<b>Delegated Decision</b>	
Application Number:	20/1183/FUL
Decision Type:	Permitted
Location Address:	17 Regent Street Exeter Devon EX2 9EJ
Proposal:	Single storey rear extension and single storey outbuilding to provide office space.

**Topsham**

<b>Delegated Decision</b>	
Application Number:	19/1647/FUL
Decision Type:	Refuse Planning Permission
Location Address:	Land Off Ikea Way Ikea Way Exeter Devon
Proposal:	Construction of 200 dwellings, means of access, public open space and associated infrastructure (Amended Scheme).

<b>Delegated Decision</b>	
Application Number:	20/1140/OUT
Decision Type:	Permitted
Location Address:	Retreat Bungalow The Retreat Drive Topsham Exeter Devon EX3 0LS
Proposal:	Outline application for 3 detached dwellings including access and layout (appearance, landscaping and scale reserved for future consideration)

<b>Delegated Decision</b>	
Application Number:	20/1240/FUL
Decision Type:	Permitted
Location Address:	512 Topsham Road Exeter Devon EX2 7DN
Proposal:	Construction of detached garage.

**Delegated Decision**

Application Number: 20/1277/CAT Delegation Briefing:  
 Decision Type: Withdrawn by Applicant Date: 04/12/2020

Location Address: 20 Parkfield Road Topsham Exeter Devon EX3 0DR

Proposal: Silver Birch- In a narrow garden setting 5m width with 2m high block walls on each side and a very tall 4m stone and brick wall at the rear. The tree causes widespread shading to an already highly shadowed garden. The tree has grown at an angle and leans over our boundary wall dropping branches and leaves on our neighbours glazed roof garden room. To manage the tree responsibly and protect our neighbours the tree needs to be substantially reduced in height, top 2/3 drop over our neighbours. As this would leave a short mostly branchless trunk it is proposed to remove the tree entirely. The tree is a Silver Birch, it is approximately 15m tall, at the base it is 120cm in girth. It is located at the back left corner of our garden the base is 1.1m from the wall and it has grown leaning towards the wall with the trunk crossing the boundary by 6m in height. We do not see the tree removal as controversial as it can only be seen from private rear windows and gardens of neighbouring properties. The tree needs to be managed for health and safety and reduction would result in a misshapen tree with very limited ecological benefit. It is not proposed to replace the tree.

**Delegated Decision**

Application Number: 20/1355/PDJ Delegation Briefing:  
 Decision Type: Prior Approval Not Required Date: 14/12/2020

Location Address: 6 High Street Topsham Exeter Devon EX3 0DZ

Proposal: Conversion from office (B1/E use) to 2 bedroom dwelling (C3 use).

**Delegated Decision**

Application Number: 20/1389/FUL Delegation Briefing: 05/11/2020  
 Decision Type: Permitted Date: 09/12/2020

Location Address: 8 Victoria Road Topsham Exeter Devon EX3 0EU

Proposal: Refurbishment including replacement roof and addition of 3no conservation rooflights.

**Delegated Decision**

Application Number: 20/1390/LBC Delegation Briefing: 05/11/2020  
 Decision Type: Permitted Date: 09/12/2020

Location Address: 8 Victoria Road Topsham Exeter Devon EX3 0EU

Proposal: Refurbishment including replacement roof and addition of 3no conservation rooflights.

<b>Delegated Decision</b>	
Application Number: 20/1393/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 04/01/2021
Location Address:	Wilson Leisure Site Office Topsham Road Exeter Devon EX2 7DT
Proposal:	All tree numbers correspond to ECC TPO 523 (2006) site plan T10/11/12 Silver Birch: lift lowest branches including one limb to the west over garden.T31/32/33/34 Sycamore: remove epicormic growthT40/42 Lime: remove dead woodT43 Holm Oak: remove low branch over wallT45/46/48 Holm Oak: remove epicormic growth and shorten lowest branches.T49 Holm Oak: lift branches to East and North over aerial and walkwayT53/54/55 Sycamore: remove epicormic growthT67 Ash: remove limb to the South to reduce leverage.T68 Ash: lift lowest branches.T85/87/89 Lime: remove epicormic growth.T90 Oak: inspect old large cut in the crown.T101 Sycamore: lift lower branches.T108 Oak: lift branches over number 9 roof and lift branches on adjacent Sycamore to the right (no number)T115 Holm Oak Reduce crown back to old cuts and shorten lowest branches.(NA) Horse Chestnut in Front copse by road: remove branches above old split.
<b>Delegated Decision</b>	
Application Number: 20/1398/FUL	Delegation Briefing: 12/11/2020
Decision Type: Permitted	Date: 10/12/2020
Location Address:	13 Ferryman Way Exeter Devon EX2 7PU
Proposal:	Insertion of patio doors on existing detached garage.
<b>Delegated Decision</b>	
Application Number: 20/1426/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 24/12/2020
Location Address:	Old Strand House 41 The Strand Topsham Exeter Devon EX3 0AY
Proposal:	T1 - Lime tree - Lowest (previously pruned) primary branch facing north-west up the Strand: Prune by 1 metre (previous growth points.) T2 - Lime tree. - Lowest primary branch facing north west (towards the neighbours new black shed): Prune by 1 to 1.5 metres.- Lowest primary branch facing north (towards the Strand): Prune by 1.5 metres.T3 - Willow - Reduce in height by 2.5metres. Reshape all lateral growth by 1 metre, to leave a balanced, natural form.T4 - Magnolia -- Remove the one stem touching the neighbour's fence.
<b>Delegated Decision</b>	
Application Number: 20/1470/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/12/2020
Location Address:	Church Of The Holy Cross Station Road Topsham Exeter Devon EX3 0EE
Proposal:	T1 - Cedar - Reduce limb arising @ 8metres on the north eastern aspect, growing towards Elm Grove Road, back to union of parent branch (dog leg). Maximum diameter cut of 100mm.Reduce branches on south eastern aspect, overhanging the access ramp by 1-2metres. Maximum diameter cuts of 50mm.ReasonT1-Cedar - Minor pruning works to ensure the longevity and safe useful life of a prominent tree

<b>Delegated Decision</b>	
Application Number: 20/1527/FUL	Delegation Briefing: 03/12/2020
Decision Type: Permitted	Date: 06/01/2021
Location Address: 30 Mulligan Drive Exeter Devon EX2 7SJ	
Proposal: Construction of single storey rear extension.	
<b>Delegated Decision</b>	
Application Number: 20/1562/FUL	Delegation Briefing: 10/12/2020
Decision Type: Permitted	Date: 05/01/2021
Location Address: 39 Blakeslee Drive Exeter Devon EX2 7FN	
Proposal: External alterations to garage and insertion of gate into boundary wall.	
<b>Delegated Decision</b>	
Application Number: 20/1700/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 16/12/2020
Location Address: 2 Highfield Clyst Road Topsham Exeter Devon EX3 0DA	
Proposal: Non-material ammendment to planning application 20/1404/FUL granted 26 November 2020 for the minor enlargement of proposed footprint for new dwelling.	
<b>Total Applications: 106</b>	



**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 18 January 2021  
**Report of:** Director  
**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**

- 3.1 [20/0076/TPO](#) - **6 Truro Drive**. This was a Tree application for works to an Oak (T1), to remove dead wood and reduce the crown.

An appeal has been dismissed regarding the refusal of works to an oak tree protected by a TPO (Tree Preservation Order) at 6 Truro Drive.

The application proposed the removal of dead and diseased wood and the removal of top part of the tree to shorten the height by a few metres. The application was refused as the tree is highly visible and contributes to the visual amenity of the area, and the application lacked significant justification or specification detailing the amount of crown reduction.

The Inspector raised that deadwood can be removed without consent and their decision focussed solely on the matter of the crown reduction.

Firstly, in terms of the effect on character and appearance, it was concluded that the reduction in the height of the tree would have a negative impact on the character and appearance of the area and these works would need convincing justification.

Secondly, in terms of whether there is sufficient justification, given that the proposed works were concluded to have an adverse impact on the health of the tree and its contribution to the character of the area, the reasons given were not found to justify such a major intervention. The tree was not concluded to be such a source of shade or dominance to the property to necessitate the works.

Overall, the oak was considered to form an important landscape feature, and a crown reduction would be contrary to the purpose of the tree preservation order without sufficient justification. For these reasons the appeal was dismissed.

- 3.2 [19/1742/FUL](#) and [19/1743/LBC](#) – **5 Friars Walk**. This was an application for the enlargement of an existing porch and first floor bathroom.

Two planning appeals have been allowed for the listed building and planning consents at 5 Friars Walk. The appeals concerned the enlargement of the existing porch and extensions to the first floor bathroom.

The main issue for both appeals is the effect of the proposal on the group of grade II listed buildings known as 1-8 Friars Walk.

Located within the Southernhay and the Friars Conservation Area, 5 Friars Walk is one of 8 paired dwellings dating from 1840 and built in Greek Revival style. The dwellings are paired to give the appearance of four detached villas, with central blind windows, enhanced by delicate details.

The buildings within this listing group feature various side extensions, many of which are two storey. The small two storey block at this appeal property was considered to have an unrefined appearance and details such including the lack of cornice detail extending into the porch area internally, suggested that the porch was an existing extension or at least significantly modified.

The inspector considered that the elongation of the first floor extension would have an improved overall proportion and relate better to the host dwelling. In extending forward, the inspector considered there would remain sufficient space around the side elevation blind window for it to not seem crowded. Drawing attention to similar extensions within the group, such as at nos. 3 and 4.

The inspector was satisfied that the proposal would not cause harm to the significance of the heritage asset and would preserve its special interest. As such the inspector approved the appeals with conditions.

3.3 [20/0465/FUL](#) – **13C St James Road.** This was an application for a change of use of building from office (B1 use) to residential (C3 use).

A planning appeal has been dismissed for a planning consent at 13C St James Road. A detached single storey building at the rear of 13 St James Road, positioned on one side of a small courtyard which also provides access to 13B St James Road. The appeal concerns the change of use of the building to a dwelling.

There have been two previous appeals for this site which were dismissed. APP/Y1110/W/17/3185301 (ref.17/0899/FUL) for the change of use and conversion of what is currently referred to as 13C into a dwelling and APP/Y1110/D/18/3206214 (ref.18/0663/FUL) for the extension to 13B by the conversion of what is currently referred to as 13C.

The main issue for this appeal is whether the proposed development would provide acceptable living conditions for prospective occupants, with regard to internal and external amenity.

No. 13C is closely surrounded by high structures on three sides, as such notwithstanding the roof lights, the proximity of the high blank walls would result in an oppressive, enclosing and overbearing impact on the bedrooms.

The living space (kitchen and living room) would not have the same degree of enclosure as the bedroom, with outlook onto the courtyard and although natural light would be limited due to the orientation, it was not considered unacceptable.

The outdoor amenity space proposed within the courtyard would be heavily overlooked and the areas around the side and back of the building oppressive and overbearing. As such the provision of outdoor amenity space was considered unacceptable.

The inspector considered the development would provide unacceptable living conditions for prospective occupants in regard of both internal and external amenity space contrary to Local Plan Policies.

The Inspector noted that the proposed dwelling would have the benefit of adding to local supply, mix and choice of housing in a sustainable location. However, the benefits were considered to be small, relating to a single dwelling, and did not outweigh the finding of unacceptable living conditions, as such the Inspector dismissed the appeal.

## 4. New Appeals

4.1 [20/0332/FUL](#) – **5 Gordon Road, Topsham.**

Construction of attached dwelling

4.2 [20/0367/FUL](#) – **Aprillo, 3 Pinn Lane.**

Construction of five dwellings.

**Bindu Arjoon**

Director

**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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