

PLANNING

Date: Monday 20 February 2023

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the rear entrance of the Customer Service Centre, Paris Street.

Membership -

Councillors Morse (Chair), Sutton (Deputy Chair), Asvachin, Bennett, Bialyk, Branston, Foale, Hannaford, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Agenda

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

1 Apologies

To receive apologies for absence from Committee members.

2 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.

3 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).

- 4 **Planning Application No. 21/1564/OUT - Former Police Station and Magistrates Court, Heavitree Road, Exeter**

To consider the report of the Director City Development. (Pages 5 - 120)
- 5 **Planning Application No. 21/1940/FUL - Land adjacent to Newcourt Road, Topsham, Exeter**

To consider the report of the Director City Development. (Pages 121 - 152)
- 6 **Planning Application No 21/1710/FUL - Exwick Changing Rooms, Western Road, Exeter**

To consider the report of the Director City Development. (Pages 153 - 186)
- 7 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director City Development. (Pages 187 - 194)
- 8 **Appeals Report**

To consider the report of the Director City Development. (Pages 195 - 198)
- 9 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 14 March 2023 to which all Committee Members are invited.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 27 March 2023** at 5.30 pm in the Civic Centre.

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

Follow us:

[Twitter](#)

[Facebook](#)

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

This page is intentionally left blank

Planning Committee Report 21/1564/OUT

1.0 Application information

Number:	21/1564/OUT
Applicant Name:	Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L
Proposal:	Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)
Site Address:	Former Police Station and Magistrates Court, Heavitree Road
Registration Date:	7 October 2021
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0M31THBJ2U00
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Richard Branston, Cllr Jemima Moore, Cllr Matthew Vizard.

REASON APPLICATION IS GOING TO COMMITTEE:

The Director of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Update following 10 October 2022 Planning Committee

At the Planning Committee held on 10 October 2022 Members resolved to defer a decision on the application in order to allow the applicant to revise the proposals to address the issues that had been raised by Members and the technical reasons for refusal that had been drafted. This was subject to an extension of time being agreed, taking the revisions to a Design Review Panel and carrying out public consultation on the revisions. Accordingly, revised plans and supporting documents were submitted on 6 January 2023 following a review by the Exeter Design Quality Partnership on 22 November 2022. Public consultation on the revisions was carried out between 12 January 2023 and 5 February 2023. Statutory and non-statutory consultees were also reconsulted on the amended plans.

A copy of the original 5 September Planning Committee Report is at Appendix 1.

A copy of the 10 October Planning Committee Report is at Appendix 2.

3.0 Summary of Changes

- The PBSA scheme has been reduced from 689 units to 646 units, with cycle parking being reduced from 354 long stay and 36 short stay, to 330 long stay and 33 short stay.
- The co-living scheme has been reduced from 355 units to 318 units, with cycle parking being reduced from 188 long stay and 4 short stay, to 164 long stay and 22 short stay.
- The entrance to both blocks have been repositioned.
- The footprint of the Co-living & PBSA buildings have been further set-back from Heavitree Road to 14.5m, increasing distance to St Luke's College to 48m.
- The storey heights have been reduced from 3.225m to 3m at ground and lower ground and from 2.925m to 2.85m at upper levels, reducing overall building AOD heights by up to 1m.
- The Co-living building has been reduced by 1 storey (top floor omitted) and the PBSA building has been reduced by 1 storey across 40% of its west frontage, reducing scale and creating a greater step in line with the topography of Heavitree Road.
- The PBSA building has also been further set-back in plan along 40% of west frontage to Heavitree Road to reduce the length of the elevation into components, following the approach of St Luke's College.
- The amendments made to the setting and scale of the proposals will improve the availability of daylight in the communal courtyards. Moreover, the communal courtyard in the Co-living building has been elevated to ground floor (from lower ground floor), which combined with the omission of the top-storey will reduce the sense of enclosure and improve availability of daylight.
- The communal courtyard in the PBSA building has been redesigned as a single large courtyard measuring 16m wide by 50m long, increasing this external amenity area from 723 sq m (submitted scheme) to 800 sq m (proposed scheme) (or 1.2 sq m per room).
- The buildings being set-back along Heavitree Road increases the on-site open external landscaped area from 5,600 sq m (submitted scheme) to 7,200 sq m (proposed scheme). The landscape corridor through the centre of the site has also been widened to achieve this increase in open space.
- The co-living room sizes have been redesigned in accordance with the Greater London Authority (GLA) Purpose Built Shared Living (PBSL) guidance and proposes a minimum of 18 sq m rooms. The increase in room sizes also means that the proposals are consistent with the other Co-living schemes granted approval in Exeter (Ambulance Station site and Harlequins site).
- The communal (internal) amenity space for the Co-living building has increased from 2.5 sq m per room (submitted scheme) to 5 sq m per room (proposed scheme) in line with GLA PBSL guidance, and this also exceeds recent Co-living schemes granted approval in Exeter as cited above.

- As the buildings have been set back, this has enabled the retention of more trees along the Heavitree Road frontage than the previous scheme.

4.0 Additional Information Submitted

- DPP Cover Letter dated 23 December 2023
- Box Twenty Letter dated 22 December 2022 re technical reports
- Heavitree Road Plans & Reports Schedule
- Accommodation Schedule Block A – Student residential
- Accommodation Schedule Block B – Coliving
- Heavitree Road DAS Addendum (22.12.22)
- Heritage Assessment (September 2021; Updated December 2022)
- Advanced Arboriculture Letter dated 19 December 2022 including Tree Stock Appraisal, Arboricultural Impact Assessment and Tree Protection Statement
- Nixon Property Coliving Residents Mental Health & Wellbeing Note
- Fire Statement Form dated 20 December 2022
- Daylight and Sunlight Report (28 September 2021)
- Proximity Letter dated 5 January 2023 re Amended Proposals – Daylight and Sunlight Commentary
- Curtins Letter dated 6 January 2023 re transport/highways
- Curtins Letter dated 6 January 2023 re flood risk and drainage

5.0 Consultations

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

Natural England: Natural England has previously requested further information on this proposal in our letter dated 10/11/2021 (our ref 372074).

The information is still needed by Natural England to determine the significance of impacts on designated sites/landscapes and most versatile land. Without this information Natural England may need to object to the proposal.

Health and Safety Executive: Headline response: Content. HSE is content with the fire safety design, to the extent that it affects land use planning.

RSPB: Awaiting comments.

Exeter Airport: The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. There are no safeguarding objections to this development provided there are no changes made to the current application.

Devon & Somerset Fire & Rescue Service: No further observations from previous comments.

Police Designing Out Crime Officer: Concerned with open access throughout the site – access should be restricted or controlled. If open access, green link will be misused and service road will provide easy access to the rear of the site where surveillance is more limited. The route may also be used as a cut through for non-residents. Also, the design of the green link hampers lines of sight and if it has open access it could be misused and be unsafe.

NHS Devon Integrated Care Board (ICB): Revised S106 contribution request of £246,784 based on the amended plans.

South West Water: No objection. The advice in the previous correspondence dated 12 July 2022 still applies.

Local Highway Authority (DCC): No objection. Cannot see any significant changes to the highway related aspects of the scheme. Original comments still applicable.

Lead Local Flood Authority (DCC): The previous layout had some tanks within the courtyard areas. As the courtyards have now changed, the applicant should demonstrate where surface water storage features could now be located. The exceedance routes may also need to change. Access for maintenance to the storage features within the courtyards was previously through coach houses, will this still be the case?

Waste Planning Authority (DCC): A Waste Audit Statement has not been submitted, therefore previous comments (18.11.2021) still stand.

Local Plans Team (ECC): Awaiting comments.

Tree Manager (ECC):

- The loss of low quality trees (T11, T12, T13, T15 and T19), on the Heavitree Road frontage, is of course regrettable. However, this is understandable because of their low amenity contribution and the need to make way for new development.
- Although the existing trees (T2-T10) on the west of the site are of varying quality and value, collectively, these trees provide a significant landscape feature, offering a buffer between the proposed development and the residential properties of Higher Summerlands. Consequently, there is an arboricultural **objection** to the removal of these trees.

- The trees (T1, T23-T25, A1, A2 and A3) on the northern and eastern site boundaries, are of relatively low value and the loss of which can be compensated for, by a robust planting scheme. This is with the exception of Lime T26 (off site), which is being retained as part of the existing proposal.
- Any new planting scheme, must be approved by the council's Landscape officer.
- If this application is to be approved, then the Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Tree Protection Statement (ref: TH/A780/1222v4.0), by a suitably qualified tree specialist.

Heritage Officer (ECC): Awaiting comments.

Urban Design & Landscape Officer (ECC):

Conclusion / Summary

The project is ambitious in its scale, but the tactics now adopted for its form and massing satisfactorily relate it to its setting. Empirically, through the series of iterations and revisions, the project has evolved to represent what is probably the optimum density of development for this brownfield site and therefore makes best use of it. The landscape design is also well-resolved, given that further detail will be negotiated at Reserved Matters stage. The revised internal arrangements now confirm a stronger provision of shared amenity space and better availability of natural light to the accommodation arranged around the courtyard garden spaces.

Therefore, with the exceptions of the relatively minor points raised within the observations above (which might be addressed by imposing suitable conditions on any approval) the design aspects of the project are now satisfactorily resolved.

The recommended conditions are:

- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the glazed infill element between the roof gables at the south east corner of the site.
- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the internal walling enclosing the Courtyard Gardens.

- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the glazing system that provides the 'one way manifestation film/coating' that is proposed to parts of the western façade of the Co-living block.

Environmental Health (ECC): No change from comments previously made.

Public & Green Spaces Team (ECC): Awaiting comments.

Waste & Recycling Team (ECC): The bin stores will need to accommodate a large number of refuse and recycling bins if they are to be part of the fortnightly collections provided by the council?

Bin capacity is calculated on 60 litres per person per fortnight for refuse and 60 litres per person per fortnight for recycling.

PBSA scheme will require:

35 x 1100 refuse bins

35 x 1100 recycling bins

Co living scheme will require:

17 x 1100 refuse bins

17 x 1100 recycling bins.

Happy to discuss this with the developer.

Exeter Cycling Campaign: None of the altered drawings have addressed the concerns we expressed in our previous response in July 2022. Our response therefore remains the same (i.e. **objects**).

Exeter Civic Society: Objects – The Planning sub-committee of Exeter Civic Society welcomes many of the small improvements which figure in these further revised plans including the slight stepping back of parts of the frontages, slight lowering of some parts of the roof line, re-planning of the courtyards and the space between the two buildings, but we remain concerned by the long featureless corridors from which most of the individual co-living rooms open.

As in our earlier objections we are especially concerned that the impression of the development which the Gladstone Road elevation presents to those approaching from Heavitree is of a massive building with a prominent south east corner which is not set back on either of its road-side faces and is too high. The impact of the vast area of masonry seen beyond the wooded 'copse' which is the foreground of

Waitrose could possibly be eventually softened by climbing plants on the main face of the PBSA Gladstone Road elevation, but the corner structure would still remain prominent and could only be acceptable by a reduction in foot-print and height. In the hope that this revision may still be achieved Planning sub-committee trusts that the application will not be approved at this stage.

Disability Access Champion, Living Options Devon: Awaiting comments.

6.0 Representations

There were 18 objections to the revised plans. 2 were from new objectors while the others were from people who had previously objected. Over the course of the application there have now been a total of 118 objections and 1 neutral response.

The issues raised in the 18 objections to the revised plans were:

- Object to size of building and number of residents who will be in this area putting more strain on existing residents, especially parking
- Still too big, too ugly and not needed – already a lot of student accommodation
- Site should be used for affordable housing/starter homes
- Too much PBSA in city
- Nothing has changed re loss of trees/existing habitat and impact on Higher Summerlands
- Unsustainable
- 100% site cover/architectural statement not policy
- Not an architectural masterpiece to justify true ‘gateway... design’ – monolithic lump
- Location perfect for student accommodation, but also affordable or other mixed use housing
- Open green space should be protected
- Alterations do not address objections – oversized and ugly
- Still too close to road
- Removal of many trees – replacement trees would take years to grow
- Need affordable housing not student housing
- Just as dense and has too many rooms
- Still too high at 6 or 7 storeys
- Insufficient distance between buildings and pavement
- Small courtyards
- Ugly, repetitive design/no character
- Occupants will have cars – parking in area cannot support such a large development
- Reducing ceiling heights will diminish experience of occupants and does nothing to reduce impact on local environment
- Height and massing is inappropriate to location

- Existing site has approximately 30:70 balance of building to green space, the proposal is 80:20
- Liveable Exeter vision should apply to site redevelopment
- Minimal change to height and mass, and area of landscaping
- Out of caricature with college buildings opposite and housing in area
- No parking available
- Impact on health infrastructure
- Design remains fundamentally same as original (Devon Buildings Group)
- Development is grossly overlarge for the site both in volume and height (Devon Buildings Group)
- Design quality poor for such an important and prominent site (Devon Buildings Group)
- Buildings not in keeping with surrounding area – too high, too large, too close to roads
- Courtyards are too small
- Inadequate facilities for residents in buildings
- Reasonable size affordable housing required instead
- Removal of all trees and soft landscaping
- Will change character of streetscene through increased scale closer to public realm
- St Lukes students already overload pavement – will get worse with implications for safety
- 6 storeys should be maximum height in this location, not 8
- Small co-living rooms along long corridors
- Inadequate outside space
- Impact of height/scale of buildings on St Matthews Close – overshadowing
- Impact of increased students on neighbourhood
- Any build should be 3-4 storeys and include parking and trees/greenery

7.0 Financial Issues (Updated)

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

- a) made by an officer or agent of the authority for a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application following 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 finds these to be material or not material.

Material considerations

- Affordable housing, 20% of co-living (64 studios) (Policy CP7, Chapter 5 and Glossary of NPPF, and PPG advice on Build to rent). 5% of the affordable dwellings to be fitted out so they are wheelchair accessible. Priority will be given to essential local workers.
- £329,203.14 habitats mitigation in relation to the co-living development only (Policies CP16 and LS2, Chapter 15 of NPPF, PPG advice on Natural Environment and Natural England consultation response).
- £246,784 (£TBC for PBSA and £TBC for co-living) to improve facilities at either Barnfield Hill Surgery, St Leonards Practice, Southernhay House Surgery or Isca Medical Practice (Policies CP10 and CP18, PPG advice on Planning Obligations and NHS Devon ICB consultation response).
- £440,548 (£295,222 for PBSA and £145,326 for co-living) Open space contribution for maintenance and upgrade of off-site public open spaces (Policy L4, Public Open Space SPD and consultation response from ECC Public & Green Spaces Service Manager)
- £112,788 (£75,582 for PBSA and £37,206 for co-living) Outdoor leisure contribution for maintenance and upgrade of off-site play areas (Policy L4, Public Open Space SPD and consultation response from ECC Public & Green Spaces Service Manager)
- Quantum of greenspace – perimeter, internal courtyards for residents
- The proposal will create additional jobs during the construction process and beyond relating to management/maintenance of the development.

Non-material considerations

The adopted CIL charging schedule applies a levy on certain proposals that create additional new floor space over and above what is already on a site. The Co-living element of the scheme is not CIL liable, as it does not comprise a use within the Community Infrastructure Charging Schedule. The Co-living accommodation will however generate council tax.

The student accommodation element of the scheme is CIL liable as this type of development is a use included within the Community Infrastructure Charging Schedule.

The rate at which CIL is charged for this development as set out in the CIL Charging Schedule is £40 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the Applicant in a CIL liability notice issued before the commencement of the development. All liability notices will be adjusted according to 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 rate per sq. m given for 2023 for this development is £63.39.

8.0 Observations on Changes

Design – Height, Scale, Massing and Setback

Officers remain of the view that the design of the development in terms of its height, scale and massing is acceptable and provides the right balance between making the most of this brownfield site in a highly sustainable location and achieving a design that is appropriate for its context. In this regard, it must be remembered that Heavitree Road is a primary route into the City Centre comprising a mix of uses and buildings of varying plot sizes and scales; it is not wholly residential with a consistent build height. The development will clearly relate well to the under construction co-living building on the former Ambulance Station site adjacent to the site on Gladstone Road, and it is considered that it will also relate well to Heavitree Road, which has plenty of space in this location to accommodate larger buildings without them being over dominant in the streetscene. It is also considered that the development will relate well to the locally listed St Luke's College buildings, having picked up some of the character and distinctiveness of these buildings in the architectural language of the proposal.

Some of the objectors have stated the development should be no higher than four storeys, but it is considered that this would not make efficient use of the site, which is one of the objectives of the adopted Core Strategy and a policy in the NPPF (124). The Liveable Exeter Principles document also advocates for:

- Memorable Places – Make efficient use of land so Exeter remains compact and walkable
- Outstanding Quality – Build at optimal density and maximise the development footprint, incorporating the highest densities at the most accessible and sustainable locations.

The changes that have been carried out have reduced the scale of the buildings compared to the previous design iteration. It is considered that the changes are an improvement, particularly in regard to the greater articulation and modulation of the Heavitree Road elevation, which responds to the topography better. Larger setbacks have also been added, allowing more green space around the southern and eastern edges, including the retention of some of the existing trees. This serves to soften the appearance of the buildings in views, but is not particularly necessary as the architectural design is considered to be high quality.

The Urban Design & Landscape Officer's comments are included in full at Appendix 3. They state that the form and massing of the development satisfactorily relates to its setting. Also the landscape design is well-resolved at this stage. A few minor detailed design points are made, which can be resolved by suitable conditions.

Impact on Amenity / Privacy of Neighbouring Properties

Officers remain of the view that the relationship of the development to the neighbouring properties in Higher Summerlands and St Matthews Close is acceptable. Members should refer to 16.10 of the Original Planning Committee Report at Appendix 1 for detailed assessment of this issue. The reduction in the scale of the buildings has only improved the relationships in terms of any perceived sense of harm in this regard.

One-way directional manifestation has been applied to the lower windows facing Higher Summerlands to reduce the perceived sense of overlooking. The Urban Design & Landscape Officer has recommended a condition on the details of this, although he notes that:

“a face-to-face dimension of 18m in this circumstance is not necessarily problematic. The ECC Residential Design SPD suggests that 23m is the minimum ‘back to back’ distance for conventional housing, but here we are in fact dealing with a ‘front to front’ relationship and with a line of intervening trees proposed between the building facades.”

Amount and Quality of External Amenity Space

The central wing in the PBSA block has been removed creating a larger courtyard space. The communal courtyard in the co-living block has been elevated from lower ground to ground floor, reducing the sense of enclosure when combined with the reduction in building scale. The larger setback along the Heavitree Road frontage has increased the amount of external landscaped area. The landscape corridor through the centre of the site has also been widened. Whilst officers considered the amount and quality of the external amenity space to be acceptable in the previous design iteration for the proposed uses, the changes have clearly made further improvements in this regard to address Members' concerns.

Co-Living Building Living Environment

The amount of communal amenity space in the co-living block has increased from approximately 2.5 sq m per room to 5 sq m per room. This aligns with the Greater London Authority's draft guidance on Large-scale Purpose-built Shared Living (January 2022). This compares favourably with the Harlequins co-living scheme (2.94

sq m per room in Block 1 and 3.65 sq m per room in Block 2) and the adjacent Ambulance Station site co-living development (3.1 sq m per room), both of which have been granted planning permission. Therefore, officers are satisfied with the amount of communal amenity space that will be provided in the co-living block. The communal space will be provided on the lower ground, ground, 4th and top floor, providing a mix of spaces throughout the building. This will provide good living standards for people who choose this form of housing over other formats, such as HMOs, flat sharing etc.

Impact of Development on Public Spaces in Locality, in particular Belmont Park

The quality and amount of external amenity space has increased on the site and the number of rooms reduced, which will result in a less dense development with fewer residents utilising nearby public spaces. However, the Public & Green Spaces Team previously raised no objections in this regard, subject to s106 contributions towards the maintenance and upgrade of off-site public open spaces and play areas. The contributions have been recalculated based on the amended room numbers. Given the Public & Green Spaces Team's lack of objection, officers consider that a reason for refusal would be difficult to evidence and defend at appeal concerning this issue.

Loss of Trees

The previous proposal resulted in the loss of all trees on the site. The current proposals have succeeded in retaining a number of the existing trees along the Heavitree Road frontage. By pulling the buildings back from Heavitree Road, more space will be available for new tree planting. The Arboricultural Officer has maintained an objection to the loss of the group of trees along the west boundary, but has no objections to the loss of other trees on the site, subject to a robust planting scheme to be approved by the Council's Urban Design & Landscape Officer. The Urban Design & Landscape Officer is satisfied with the landscape design at this stage and further tree planting will be pursued at the reserved matter stage, as landscaping is a reserved matter for this outline application.

9.0 Recommendation

A) DELEGATE TO DIRECTOR OF 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 THE FOLLOWING:

- 20% of the co-living units (i.e. 64) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £329,203.14 (in relation to the co-living development only)

- NHS Devon ICB contribution = £246,784 (£TBC for PBSA and £TBC for co-living)
- Public open space contribution = £440,548 (£295,222 for PBSA and £145,326 for co-living)
- Play (outdoor adult fitness equipment) contribution = £112,788 (£75,582 for PBSA and £37,206 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

And the following conditions:

1. Reserved Matter

Details of landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins within that phase and the development shall be carried out as approved.

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

2. Standard Time Limits – Outline Planning Permission

Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this permission:

Received 07.10.2021

- Location Plan (A11910 D 0001 Rev 1)

Received 06.01.2023

- Site plan Proposed (A11910 D 0003 Rev 5)
- Phasing plan (A11910 D 0004 Rev 4)
- Setting out based on current Stage 2 design information (A11910 D 0005 Rev 4)
- Proposed plan level B Co-living lower ground floor (A11910 D 0099 Rev 8)
- Proposed plan level 0 Co-living ground floor PBSA lower ground floor (A11910 D 0100 Rev 8)
- Proposed plan level 1 Co-living first floor PBSA ground floor (A11910 D 0101 Rev 8)
- Proposed plan level 2 Co-living second floor PBSA first floor (A11910 D 0102 Rev 8)
- Proposed plan level 3 Co-living third floor PBSA second floor (A11910 D 0103 Rev 7)
- Proposed plan level 4 Co-living fourth floor PBSA third floor (A11910 D 0104 Rev 7)
- Proposed plan level 5 Co-living fifth floor PBSA fourth floor (A11910 D 0105 Rev 7)
- Proposed plan level 6 Co-living sixth floor PBSA fifth floor (A11910 D 0106 Rev 7)
- Proposed plan level 7 Roof (A11910 D 0107 Rev 6)
- Elevations A1 & A2 Proposed (A11910 D 0201 Rev 4)
- Elevations B1 & B2 Proposed (A11910 D 0202 Rev 4)
- Elevations C & D Proposed (A11910 D 0203 Rev 4)
- Elevations E & F Proposed (A11910 D 0204 Rev 4)
- Sections AA & BB Proposed (A11910 D 0301 Rev 5)
- Sections CC Proposed (A11910 D 0302 Rev 5)
- Sections DD Proposed (A11910 D 0303 Rev 5)
- Section EE Proposed (A11910 D 0304 Rev 5)
- Sketch Site Plan (5519-OOB-XX-XX-SK-L-0005 Rev P13)
- Planting (5519-OOB-XX-XX-SK-L-0006 Rev P13)
- Tree Plan (5519-OOB-XX-XX-SK-L-0007 Rev P14)
- Fire service site plan Proposed (A1190 S 0003 Rev P3)
- Co-Living Courtyard (5519-OOB-XX-XX-SK-L-9001 Rev P04)
- Green Link (5519-OOB-XX-XX-SK-L-9002 Rev P04)
- PBSA Courtyard (5519-OOB-XX-XX-SK-L-9003 Rev P04)
- Pedestrian and Vehicular Access Arrangement (72032-CUR-00-XX-DR-TP-75007 Rev P03)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

4. Surface Water Drainage

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the approved Flood Risk Assessment.
- b) Detailed proposals for the management of surface water and silt run-off 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 that there is agreement in-principle from South West Water.

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: 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 site layout is fixed.

5. Biodiversity Mitigation and Enhancement Plan

Applications for approval of the reserved matter shall include a Biodiversity Mitigation and Enhancement Plan setting out how the landscaping details mitigate and enhance the biodiversity of the site taking account of the recommendations in Section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021). The Plan(s) shall also include measures to mitigate and enhance biodiversity through the design and construction of the buildings. The Biodiversity Mitigation and Enhancement Plan(s) shall be implemented as approved.

Reason: To protect and enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy, and paragraph 180d) of the NPPF (2021).

Pre-commencement Details – Phases

6. Contamination

No development (except demolition) shall take place within any approved phase of the development until a full investigation of the site within that phase 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 within each phase shall not be occupied until the approved remedial works for the phase have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

7. Archaeology

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

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

8. CEMP (Biodiversity)

No development (including demolition and ground works) shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities, taking account of the recommendations in section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021).
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) Construction vehicle numbers, type routing.
- b) Access arrangements to the site.
- c) Traffic management requirements.
- d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Siting and details of wheel washing facilities.
- g) Cleaning of site entrances, site tracks and the adjacent public highway.
- h) Provision of sufficient on-site parking prior to commencement of construction activities.
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- k) Measures to control the emission of dust and dirt during construction.
- l) No burning on site during construction or site preparation works.
- m) Measures to minimise noise nuisance to neighbours from plant and machinery.
- n) 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 unless alternative times have been agreed in writing with the Local Planning Authority.

The Construction Method Statements shall address all works within the phase, including any demolition and remediation works.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the

interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

10. Waste Audit Statement

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

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

11. Noise Impact Assessment

Prior to the commencement of development in any approved phase, a Noise Impact Assessment for the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall assess the impact of noise generated by the development on local receptors, including noise from plant and equipment. The noise from plant shall not exceed 5dB below the existing background noise level at the site boundary. The Assessment shall include design details of any noise mitigation measures that are required, which shall be implemented prior to the occupation of development in the relevant phase as approved.

Reason: To protect the amenity of the surroundings from noise generated by the development. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Pre-commencement Works

12. Tree Protection

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing number TH/A780/1222 Rev 4.0 ('Tree Protection Plan') within the submitted Arboricultural Report (Advanced Arboriculture, 19th December 2022) has been installed and inspected by an officer of the Local

Planning Authority. The developer shall maintain the fencing to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the tree to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the tree to be retained is not harmed by building operations.

Pre-tree and Vegetation Clearance Works

13. Bird Nesting Season

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

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 180 of the NPPF.

During Construction

14. Unsuspected Contamination

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

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

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

Pre-Specific Works

15. Energy Performance (Policies CP14 and CP15)

Before commencement of construction of the superstructure of each building hereby permitted, a SAP calculation for the building shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved, or if the building is constructed to the 2022 Building Regulations that a 10% reduction in CO2 emissions above the levels set out in Part L of the 2022 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of each building the developer shall submit a report to the Local Planning Authority 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 Policies CP14 and CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policies CP14 and CP15 are met and the measures are included in the construction of the buildings.

16. Acoustic Design Statement

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), an updated Acoustic Design Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall also include an assessment of overheating conditions. The Acoustic Design Statement shall demonstrate how the building will achieve both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to the occupation of the development, and maintained thereafter.

Reason: In the interests of residential amenity. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA

guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.

17. Decentralised Energy Network

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

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

18. Materials

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. In the case of the PBSA block, detailed design drawings of the glazed infill element between the roof gables at the south east corner of the site shall accompany these details for this building. In the case of the co-living block, details of the 'one-way directional manifestation applied to windows' shall accompany these details for this building. The buildings shall be constructed in accordance with the approved materials/drawings/details.

Reason: To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

19. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

20. External Lighting

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

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife. Also taking into account section 5.3.2 of the submitted Ecological Appraisal & Phase 1 Bat Survey.

21. Highways 2

(Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until an RSA S1 and detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, any problems identified in the RSA S1 must be adequately rectified to a standard deemed acceptable by the Local Planning Authority in consultation with the Local Highway Authority.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity.

Pre-occupation

22. Highways 1

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on drawing number A11910 D 0003 Rev 5. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway.

23. Highways 3

No phase of the development hereby permitted shall be occupied until a scheme to provide cycle access from Heavitree Road to the site access has been submitted to

and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, and subsequently constructed. The scheme will provide designated cycle infrastructure in line with LTN1/20 standards linking the site with College Road and the site access.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with paragraphs 110 (a, b) and 112 (a, c) of the NPPF.

24. Highways 4

Prior to the occupation of the development hereby permitted, two co-bike cycle racks (with a minimum of 20 co-bike cycles) shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The co-bike cycle racks shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with paragraphs 110 (a, c) and 112 (a, b, e) of the NPPF.

25. Highways 5

Prior to the occupation of the development hereby permitted, a car-club facility shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car-club facility shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with the Sustainable Transport SPD and paragraphs 110 (a,c) and 112 (b,e) of the NPPF.

26. Highways 8

Prior to the occupation of the development hereby permitted, a Car Parking Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The CPMP shall include the following details:

- On-site parking enforcement measures to prevent future occupier parking on the internal access road and on the landscaping.
- Operation of the proposed droppable bollard and how it will allow for deliveries / servicing / taxi / visitors / emergency vehicles.
- Entry and exit signage for the one-way access road.

- Procedures for the moving in and out days for future students and measures to reduce impact to the local highway and footway network.

The CPMT shall be implemented as approved.

Reason: To ensure the free-flow of the local highway and footway networks and to promote sustainable development and inclusiveness, in accordance with paragraphs 110 (c, d) and 112 (d) of the NPPF.

Pre-occupation – Phases

27. CCTV

Prior to the occupation of the development hereby permitted within any approved phase, a strategy for the distribution and management of CCTV on the site within the phase shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategies shall be implemented as approved prior to occupation of development within the relevant phase and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

28. Highways 6

Prior to the occupation of the development hereby permitted within any approved phase, the parking spaces within the phase shall be provided and shall incorporate an Electric Vehicle ready (active) domestic charging point, which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 (e) of the NPPF.

29. LEMP

Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.

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

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

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF.

30. Cycle Parking

The building(s) in any approved phase shall not be occupied until secure cycle parking for the residents of the building(s) in the phase has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

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

31. Travel Plan

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

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

Post Occupancy

32. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

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

33. Communal Spaces

The amenity areas of the buildings, as shown on the approved floor plans, shall be used for communal amenity use only and shall not be sub-divided in any way to create additional studios/bedspaces.

Reason: To ensure sufficient communal amenity space is available for the residents of the buildings in the interests of residential amenity.

34. Access Control Measures

Access control measures shall be implemented for all access points to the buildings to prevent access by non-residents or staff.

Reason: In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review and paragraph 130f of the NPPF, taking into account the recommendations of the Police Designing Out Crime Officer.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 20 AUGUST 2023 OR SUCH EXTENDED TIME AS AGREED BY THE DIRECTOR OF CITY DEVELOPMENT

- 20% of the co-living units (i.e. 64) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £329,203.14 (in relation to the co-living development only)
- NHS Devon ICB contribution = £246,784 (£TBC for PBSA and £TBC for co-living)
- Public open space contribution = £440,548 (£295,222 for PBSA and £145,326 for co-living)
- Play (outdoor adult fitness equipment) contribution = £112,788 (£75,582 for PBSA and £37,206 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

This page is intentionally left blank

Planning Committee Report 21/1564/OUT

1.0 Application information

Number:	21/1564/OUT
Applicant Name:	Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L
Proposal:	Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)
Site Address:	Former Police Station and Magistrates Court, Heavitree Road
Registration Date:	7 October 2021
Link to Application:	21/1564/OUT
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Richard Branston, Cllr Jemima Moore, Cllr Matthew Vizard.

REASON APPLICATION IS GOING TO COMMITTEE:

The Director of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

3.0 Reason for the recommendation:

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

4.0 Table of key planning issues

Issue	Conclusion
Sustainable Development and Application of the NPPF	The Council does not have a 5 year housing land supply, which ‘tilts’ the determination towards permission unless other material considerations indicate otherwise under Para. 11 of the NPPF.
The Principle of the Proposed Development	The proposed use of co-living housing and student accommodation is appropriate for the site which is a gateway to the City Centre in a very sustainable location, close to an education campus, within easy walking distance to the city centre and with public transport links to the main University site. The development will support economic growth through the creation of jobs and resident expenditure in the City Centre. The co-living use will provide specialist housing in a highly accessible location, and help the Council towards providing a 5 year supply of deliverable housing sites. The development will make effective use of a previously developed (‘brownfield’) site in line with local and national planning policy. The proposed development accords with Policies CP1, CP4, CP5, AP1, AP2, H1 and H2 (as applicable).
Affordable Housing	The co-living element of the development will provide dwellings, therefore affordable housing is required in accordance with Policy CP7. 20% of the total number of co-living studios (this equates to 71 studios) would need to be secured via a S106 legal agreement with first priority given to essential local workers. This accords with NPPG on Build to Rent housing and is the consistent approach the Council has taken to co-living schemes in the City.

Issue	Conclusion
Access and Impact on Local Highways	<p>Access will be improved for all users at the junction of Heavitree Road and Gladstone Road by provision of a 'Green Man' crossing facility. The buildings have been designed to be inclusive and accessible to wheelchair users, taking into account the Equalities Act 2010. The Local Highway Authority has confirmed that, subject to appropriate conditions and off-site works, safe and suitable access will be achieved, and there will be no significant impacts on the transport network in line with the NPPF. The proposed development accords with Policies CP9, T1, T2, T3 and Chapter 9 of the NPPF.</p>
Parking	<p>The development will be car-free except for operational, disabled and pickup/drop-off parking. Secure cycle parking will be provided as part of the scheme. The Highway Authority have also identified the need for provision of shared electric cycle and co-car provision to make the development acceptable from a sustainable transport perspective. Subject to this the proposed development accords with the Sustainable Transport SPD and Chapter 9 of the NPPF.</p>
Design, Scale, Massing	<p>The proposal, which has been significantly amended, incorporates a high quality design. The scale and massing of the buildings is appropriate for this key gateway location along Heavitree Road, which is a main arterial route to the City.</p> <p>Officers have successfully negotiated improvement to the original design to minimise the impact of the scale and mass of the building and reducing its overall impact by breaking up the expanse of elevations, adding some variations in the appearance/materials,</p>

Issue	Conclusion
	<p>and setting back the highest floor within the roof scape.</p> <p>The amendments have successfully addressed previous concerns with regard to the appearance of the taller elements of the building at the junction with Gladstone Road that now better respond to the St Luke's Campus buildings opposite.</p>
Landscaping	<p>This matter is reserved. However, indicative plans have been submitted showing significant native tree planting to mitigate for the loss of existing trees, together with other landscape enhancement works.</p>
Impact on Heritage Assets	<p>The application has been supported by a Heritage Statement (CA Report: CRO564_1; sept, 20201) which meets the requirements set out in pre-application advice. The results of that report provide a comprehensive assessment of the heritage impact of the proposed development upon designated and non-designated assets; for the most part officers concur with those findings and the conclusion that the cumulative harm would fall below the threshold of substantial; consequently refusal on these grounds would not be sustainable. The site retains the potential to contain significant archaeological deposits and these, if present, can be mitigated by a programme of archaeological works secured by condition.</p>
Residential Amenity	<p>Whilst each co-living studio is self-contained, the scheme also incorporates communal amenity space to serve the residents. In the absence of a local or national policy that sets out space standards for co-living developments, officers are of the view that the quality of amenity that will be</p>

Issue	Conclusion
	<p>provided within the proposed co-living block is acceptable. The amended plans have also improved amenity within the lower ground floor and co-living unit sizes are now 18 sqm or larger.</p> <p>It is accepted that there will be reliance on existing public open spaces nearby to provide outdoor amenity and recreational space, and a contribution is therefore sought to enhance these spaces and their recreational value.</p> <p>The student accommodation incorporates communal facilities that are common to this established type of purpose built accommodation.</p>
Impact on Amenity of Surroundings/Local Residents	<p>Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The latter applies equally to adjoining properties. The impact on the amenity of surrounding properties has been assessed with regard to: privacy, outlook, natural light, overshadowing and noise. Overall, the proposed development is considered to accord with Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the urban context.</p>
Impact on Trees and Biodiversity	<p>Existing trees will be lost as part of the development, which is regrettable but necessary if the quantum of development sought is to be achieved. However, new trees will be planted as part of the soft landscaping works. Biodiversity enhancement measures can be secured by condition and a</p>

Issue	Conclusion
	habitats mitigation contribution secured by S106 legal agreement.
Contaminated Land	Environmental Health has recommended a condition relating to further investigation in respect of potential for contaminated land, and securing appropriate remediation if necessary.
Impact on Air Quality	The site is not located within an Air Quality Management Area (AQMA), although the adjoining road is. There are not considered to be any significant residual impacts post construction and a CEMP can ensure construction related impacts on air quality are minimised and mitigated.
Flood Risk and Surface Water Management	The site is within Flood Zone 1 (lowest flood risk) and the proposed uses are appropriate in this zone. Ground infiltration is not feasible, due to low permeability clay strata. As per the existing arrangement, surface water drainage will discharge to the existing SWW sewer network serving the existing site, but at reduced discharge rates.
Sustainable Construction and Energy Conservation	The development has been designed to utilise a fabric first approach and renewable or low carbon energy sources to achieve reduced CO2 emissions. In accordance with Policy CP15 compliance with the required standard will be secured by condition. The site is within a proposed Decentralised Energy Network area. A condition will be added to facilitate connection of the building to this network. A Waste Audit Statement will be secured by condition.
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposed development accords with the relevant policies of the development plan.

5.0 Description of site

The application site comprises the former Heavitree Road Police Station (including custody cells) and Magistrates Court. The existing buildings on the site vary significantly in height from single storey structures up to a central element comprising five storeys. The existing buildings are set well into the site with the result that there is significant space around them much of which is landscaped with grass and trees. The buildings are not particularly dominant features within the townscape, and as the taller buildings are set back from the public realm they are well assimilated into the prevailing townscape/scale of this location on one of the main arterial routes leading into the city centre.

The site is bounded to north by the playground comprising part of Newtown Primary School, the residential flats making up St Matthews Close and the former Ambulance Station which is currently being redeveloped as a Co-living residential scheme (ref. [19/1417/FUL](#)). To the east the site fronts Gladstone Road and this frontage has a vehicular access that led to operational parking and formed part of an internal access road running through the front of the site. Heavitree Road is to the south with St Luke's Campus (locally listed) on the opposite side of the road. To the west the site currently contains an area of landscaping including mature trees which sit between the existing buildings and the boundary of the site with the a terrace of residential properties that front it known as Higher Summerlands.

Ground levels fall across the site in both the north-south and east-west directions, as a consequence the properties at Higher Summerlands are set below the existing buildings (the distance between them is in excess of 35m). There are a number of trees on the site frontages to Heavitree Road and Gladstone Road between the existing buildings and the public realm/footpath, and between the existing buildings and Higher Summerlands properties. These trees vary in species, size and maturity but give the site a landscaped setting and contribute to the sense of greenery along the length of Heavitree Road.

The site is located at the junction of Heavitree Road with Gladstone Road. The site is sustainable in terms of its accessibility to non-car modes of transport. There are bus stops in close proximity to the south of the site on Heavitree Road, the bus station approximately 500m to the northwest, Exeter Central Train Station approximately 1.2km to the west and Exeter St Davids Train Station approximately 2km away, but easily accessible via bus routes.

The site is within Flood Zone 1. Heavitree Road is within the Air Quality Management Area (AQMA), the site itself is not within the AQMA. The site lies outside any Conservation Area. The boundary of St Leonards Conservation Area lies to the south of the site (southern side of Heavitree Road). Lower Summerlands Conservation Area lies to the west of the site. Mont Le Grand Conservation Area lies to the east of the site beyond Waitrose and the hospital buildings. Lower

Summerlands to the west of the site beyond the Higher Summerlands properties are Grade II listed buildings. The wall along the frontage of Waitrose is Grade II listed.

6.0 Description of Development

The proposal comprises the demolition of all existing buildings and clearance of the site and redevelopment to provide a mixed Co-Living and Purpose Built Student Accommodation (PBSA) scheme in two separate building blocks with associated access, parking and infrastructure.

The application is for outline planning permission however the only matter reserved for subsequent consideration is landscaping. Consequently the details of access, layout, scale of development and appearance are all to be considered in detail as part of the determination of the application.

A one-way internal service road/cycle route is shown on the submitted plans. This will run from the south-western corner of the site off Heavitree Road, along the western boundary between the properties of Higher Summerlands and the proposed Co-living accommodation with trees either side, and then along the northern site boundary to the rear of the proposed buildings and emerges on to Gladstone Road between the proposed student accommodation and the Co-living development being constructed on the adjacent former Ambulance Station site. The direction of travel proposed is entrance from Heavitree Road and exit onto Gladstone Road.

The Co-living block would occupy the western (lower) part of the site with the student accommodation block sitting between this and Gladstone Road. The two buildings would be separated by a pedestrian walkway and associated landscaping running from the Heavitree Road frontage through the site to link up with service road/cycle route to the rear.

The Co-living block comprises a roughly rectangular building set around a sunken central courtyard. As originally submitted this comprised 352 studios/rooms but through evolution of the scheme now contains 358 studios/rooms. As amended, all of the studio/rooms are 18 sqm or higher. All studios would contain a bed, kitchenette, wardrobe, desk and storage/shelving space. All floors would be served by lifts and stairs. Due to topography of the site the building incorporates accommodation below ground level and varies in height from front to back and side to side, however the amended plans have incorporated improved lightwells to address previous amenity concerns. The main part of this block closest to the boundary with the Higher Summerlands properties comprises 4 storeys (lower ground floor (LGF), ground floor (GF) plus 2 further floors). This building then steps up in height along the frontage with a corner element of 5 storeys (LGF, GF and 3 further floors) rising to 8 storeys (LGF, GF and 6 further floors). This higher part of the block continues back into the site with the rear element of the quadrangle dropping to 5 and 6 storeys. Whilst the co-living building contains up to 8 storeys, from street views along Heavitree Road

the buildings appear to be up to 6 storeys in height as the basement floors are only seen in internal views within the site.

Overall the Co-living block comprises –

Lower Ground Floor: 45 studios, cycle storage area (256 cycles), communal amenity area of 420 sq. m (comprising break out area, seating space and various meeting/study rooms of various sizes, laundry) with access onto the external communal courtyard amenity space. Rooms on this floor look out onto a light well and retaining walls that are improved by the amended plans.

Ground Floor: Refuse store, 49 studios, entrance foyer and large multi-purpose amenity area (375 sq. m).

First Floor: 69 studios, storage area.

Second Floor: 72 Studios, storage area.

Third floor: 51 studios, storage area.

Fourth Floor: 36 studios.

Fifth Floor: 18 Studios and sky lounge (100 sq. m)

Sixth Floor: 18 studios.

The proposed student accommodation occupies the upper part of the site and would be provided in a block with frontage onto both Heavitree Road and Gladstone Road. This block comprises two quadrangles arranged around two external courtyards and a small wing on the Gladstone Road frontage which northwards towards the adjacent former ambulance station site. The accommodation will comprise 677 rooms in a mixture of studio rooms (33%) and cluster flats comprising a varying number of bedrooms with shared kitchen/living area (67%). The studios range in size from 17 to 36sq. m and the cluster flats vary from 18 to 38 sq. m. All bedrooms would contain a bed, ensuite, desk and wardrobe space. Cluster flats vary in size from 2 bed to 9 bed clusters. All floors would be served by lifts and stairs. As the topography rises up Heavitree Road, this building steps up in height slightly from the Co-living block and presents a 6 storey appearance to the Heavitree Road frontage, albeit with the 6th floor accommodated within the roof space. The height gradually steps down along the Gladstone Road frontage dropping to 4 storeys closest to the boundary with the adjoining development on the former Ambulance Station site.

Overall the Student accommodation comprises –

Lower Ground Floor – Plant room, cycle storage area (283 cycles), 16 studios, 30 rooms in varying sizes of cluster flats, central communal student amenity space (470 sq. m) situated between the two external courtyard amenity spaces.

Ground Floor: Plant room, refuse store, cycle storage (74 cycles), communal student amenity space (375 sq. m), reception/office (125 sq. m), 32 studios, 52 rooms in varying sizes of cluster flats.

First Floor: 30 studios and 96 rooms in varying sizes of cluster flats.

Second Floor: 30 studios and 96 rooms in varying sizes of cluster flats.

Third Floor: 30 studios and 96 rooms in varying sizes of cluster flats.

Fourth Floor: 38 studios and 75 rooms in varying sizes of cluster flats.

Fifth Floor: 48 studios and 8 rooms in varying sizes of cluster flats.

The overall design incorporates gable ends, set-backs to break up frontages, recessed windows and modern style dormers within roof slopes which conceal flat roof elements of the buildings. In terms of material palette the scheme is broken up by different materials for the Co-living and student accommodation elements. The Co-living element utilises two shades of red brick with light grey mortar, grey metal standing seam roofs/rainwater goods and double height windows to the entrance feature. In contrast the student accommodation comprises 3 shades of buff brick, hit and miss brickwork features, and mid grey metal standing roofs to the pitched elements. Part of the building on the junction and Heavitree Road frontage also incorporates double height fenestration.

The plans have been revised three times since submission in response to comments received, in January, June and August 2022. The latest set of plans submitted in August were submitted specifically to address the concerns raised by the Health and Safety Executive, therefore only the Health and Safety Executive were reconsulted on these plans.

7.0 Supporting information provided by Applicant

- Design & Access Statement
- Planning Statement & Statement of Community Involvement
- Co-Living Management Plan
- Student Management Plan
- Draft Heads of Terms
- Air Quality Assessment

- Ecological Appraisal & Phase 1 Bat Survey
- Energy & Sustainability Statement
- BREEAM Pre-Assessment Statement and Design Stage Tracker
- Fire Statement Form
- Flood Risk Assessment & Sustainable Drainage Strategy
- Heritage Assessment
- Noise and Acoustic Technical Note
- Phase 1 PRA & Phase 2 Ground Investigation Report
- Transport Assessment & Framework Travel Plan
- Tree Survey/Arboricultural Impact Assessment
- Utilities Statement

Additional Information Submitted During Application

- Addendum Illustrative Townscape Views
- Statement of Community Involvement Addendum
- New Purpose Built Student Accommodation & Residential Coliving Development – Statement of Development Benefits
- Wildlife Hazard Safeguarding Suitability Statement on proposed Living/Green Roof Design and Specification
- Lightwells (design document)
- SuDS Operations and Maintenance Manual
- Public Realm Views 15 February 2022
- Revised Flood Risk Assessment and Sustainable Drainage Strategy
- Email dated 11 April 2022 from Transport Consultant to DCC Highways re Conditions and Obligations recommended by Highway Authority in their response dated 8 March 2022, and enclosing Stage 1 Road Safety Audit (March 2022), Road Safety Audit Response (March 2022) and right-turn cycle pocket image
- Amended Drawing Pack 24 June 2022
- Amendment Summary Document 24 June 2022, listing the following key changes:
 - Amendments to the unit sizes of the Co-Living scheme to ensure that all units are 18 sq.m. or larger
 - Amendments to the layouts of the Co-Living Scheme to indicate specific amenity areas across the building and to include a 'sky-lounge' area on the 5th floor
 - Updated road layout showing the proposed junctions to capture the agreement reached with the Highways authority
 - Improving the Co-living lower ground floor rooms by substantially increasing the lightwell patio garden
 - Amendments to the indicative Landscaping Strategy, in order to enhance ecology and biodiversity
- Heavitree Road, Exeter HSE Response – File Note (TP Bennett, 02.08.2022)

8.0 Relevant planning history

There have been a number of minor historical applications relating to this site and its former use by the Police, none of which are considered directly relevant to the current application.

However, on the adjoining site of the former Ambulance Station the following application is considered of relevance to the consideration of the current application.

Reference	Proposal	Decision	Decision Date
19/1417/FUL	Demolition of existing buildings and redevelopment of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works (Revised Scheme).	Approved.	20/05/2021

The following applications, although not relating to the application site itself, are considered relevant to the determination of the current application in so far as they relate to recent applications approved for Co-living accommodation within the City, and thus provide Members with a context from which to determine this current proposal –

[19/1556/FUL](#) – Development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised). Approved 23/04/2021.

[21/1104/FUL](#) - Development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised). Approved 24/01/2022.

9.0 List of constraints

- The Site forms part of the setting of the Mont le Grand Conservation Area to the east, the St Leonards Conservation Area to the south (including a single

locally listed building within it (St Luke's College)), and the Lower Summerlands Conservation Area to the west.

- With regard to the locally listed building near the site, this is a non-designated heritage asset, as referred to in Para. 203 of the NPPF.
- Aerodrome Safeguarding area (Birds)
- Liveable Exeter Site – East Gate
- Heavitree Road - within Air Quality Management Area.
- Heavitree Road – Major Road Network
- Within 'zone of influence' for Exe Estuary SPA and Ramsar Site (statutory duty to protect European sites under the Conservation of Habitats and Species Regulations 2017 (as amended)).
- Residential properties adjacent to and near the site – amenity considerations.

10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

Natural England:

Original Response to the Application:

"This development falls within the 'zone of influence' for the Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development. In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended)."

Additional comments, including reference to national policy and Standing Advice are provided relating to matters including Landscape, Protected species, ecology matters, biodiversity gains, and access/recreation.

Response to Amended Plans (June 2022):

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10th November 2021 (Our Ref: 372074).

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Health and Safety Executive:

Original Response to the Application:

Raised concerns from a lack of information in respect of the fire safety strategy for the proposed basements. The applicant has taken these issues into account in the revised plans.

Response to Amended Plans (June 2022):

Headline response: Significant Concern. A number of concerns were raised in relation to means of escape in the event of a fire and fire service access. HSE considers resolving these issues will likely affect land use planning considerations such as the design, layout and appearance of the development.

Response to Amended Plans (August 2022):

Headline response: Content. The concerns previously raised in relation to means of escape in the event of a fire and fire service access have been addressed in relation to land use planning considerations. Remaining matters will be subject to later regulatory consideration.

RSPB:

Original Response to the Application:

Comment on the submitted Ecological Appraisal and express support for the mitigation and enhancement proposals set out therein which they also recommend should be the subject of an appropriate condition if consent is granted. Specifically in terms of bird boxes/bricks they recommend that provision of 100 boxes/bricks should form part of the measures contained within any Landscape and Environmental Management Plan (LEMP) secured through a planning condition.

Response to Amended Plans (June 2022):

Recommends a condition seeking bird box plan showing provision of 100 integral swift boxes spread around the buildings.

Exeter Airport:

Original Response to the Application:

Airfield Operations Duty Manager initially commented voicing concerns about the potential impact of the proposed green roofs and therefore objected as follows –

“Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety until the green roofs are either removed from the plans or suitable mitigation and management controls supplied by the developer are approved by the Airports safeguarding team and adopted for the life of the building.”

Following negotiations and provision of additional information by the applicant (2021 12 17 - Aviaire - Suitability Statement - Green Roofs) the Airfield Operations Duty Manager provided the following updated response –

“Thank you for the suitability statement from Aviaire, I have discussed this with our airfield wildlife control coordinator and providing the contents of the report are followed and adhered to then the proposed green roofs are acceptable, and our previously raised objection can be removed. “

Response to Amended Plans (June 2022):

The revised plans/additional documents have been studied from an aerodrome safeguarding aspect and they do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application and the previous recommendations regarding green roofs are adhered to.

Devon & Somerset Fire & Rescue Service:

Original Response to the Application:

No Objections commenting as follows regarding design –

“I have noted the observations within the fire statement form supplied and note the design of the scheme will be in accordance with Approved document B Volume 1 and 2 in all areas.”

Response to Amended Plans (June 2022):

Responded saying no further observations.

Police Designing Out Crime Officer:

Original Response to the Application:

Comments on Management of co-living in terms of vetting of residents, managing of a wide mix of people with different lifestyles/needs and creating of sense of community and ownership within a potentially somewhat transient group of residents. Suggest restriction of access to grounds of student accommodation to occupants only, and at a minimum to the services road to discourage misuse, need for effective access control to buildings, security of cycle/refuse storage areas, ground floor window designs, surveillance/CCTV, lighting design, clear definition between public and private/semi-private space, general design matters and management/maintenance arrangements. Recommends conditions relating to 24-7 onsite management and vetting of residents, CCTV, Access control measure to prevent casual intrusion and manage mail delivery/utility readings and external lighting design.

Response to Amended Plans (June 2022):

Responded saying no further comments to add.

NHS Devon Integrated Care Board (ICB):

Original Response to the Application:

“The CCG’s concern is that the combined surgeries of Barnfield Hill Surgery, St Leonards Practice, Southernhay House Surgery and Isca Medical Practice are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 27,907 patients registered between them and this new development will increase the local population by a further 1,041 persons.” Consequently a request has been made for a S106 contribution of £266,496 to mitigate this pressure on local healthcare provision/facilities.

Response to Amended Plans (June 2022):

Revised S106 contribution request of £264,960 (split as £91,648 co-living block and £173,312 PBSA block) based on the amended plans.

South West Water:

Original Response to the Application:

No objection. Comment that clean water and foul sewerage services can be provided to serve the site and surface water drainage arrangements should be considered to ensure discharge is as high up hierarchy of sustainable drainage options as possible.

Response to Amended Plans (June 2022):

Responded saying no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy: Heavitree Road Exeter Flood Risk Assessment and Sustainable Drainage Strategy (072032-CUR-XX-XX-RP-C-00001 Revision V05).

Local Highway Authority (Devon County Council):

Original Response to the Application:

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Devon County Council as Highway Authority does not wish to restrict the grant of permission subject to a number of conditions and informative notes.

Response to Amended Plans (June 2022):

Responded saying no further comments to make other than those already made.

Lead Local Flood Authority (LLFA) (Devon County Council):

Original Response to the Application:

“Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant has proposed to manage surface water within underground attenuation tanks. However, there appears to be space within the site for

further attenuation, which would allow the discharge rate to be reduced further. The applicant must further assess the proposed surface water drainage system.

The applicant should alter the levels and possibly the layout of the site to prevent the need for pumping. The current site does not appear to require any pumping of surface water.

The applicant should submit more detailed model outputs at this stage. If the applicant wishes to use the Quick Storage Estimate tool in MicroDrainage, then the highest storage volume should be used within the designs.

The applicant should use FEH rainfall data to model the surface water drainage system.

The proposed sunken gardens and tree pits could be designed with surface water inlets from the immediate vicinity. The applicant should assess this at this stage.

The applicant should confirm whether rainwater could be reused within this development. Rainwater could be used for landscaped areas and could also be used to flush toilets.

Green roofs and living walls could be incorporated into the buildings. These features may be appreciated by the future users of the site.

The applicant must confirm how exceedance flows shall be managed.

Maintenance details are required at this stage. The applicant must confirm who shall maintain the surface water drainage system. The applicant must also confirm how the surface water drainage system shall be maintained.”

Following negotiations additional information has been submitted in respect of the surface water drainage aspects of the proposals. On the basis of this information the LLFA have confirmed (10th March 2022) they have no in-principle objection and recommend a condition in respect of the detailed drainage design.

Response to Amended Plans (June 2022):

No response.

Waste Planning Authority (Devon County Council):

Original Response to the Application:

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-

site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Response to Amended Plans (June 2022):

Responded saying their previous comments still stand, no further comments to make.

Local Plans Team (ECC):

Original Response to the Application:

Confirm that the Co-living element counts towards the Council's 5 yr. housing land supply and as a Build-to-rent product should provide affordable housing in line with advice contained within the NPPF. Identify that both elements of the scheme provide specialist forms of housing consistent with Core Strategy policy CP5. Refer to density considerations and appropriateness of the proposals as a car free development. Highlight need to be satisfied that the proposals incorporate genuine co-living housing that offers generous levels of communal amenity space and a management plan which fosters a communal atmosphere. Highlight need for S106 contribution to off-site public open space maintenance and upgrading depending on adequacy of onsite external amenity space in line with Local Plan policy L4 and the Council's Public Open Space SPD.

Response to Amended Plans (June 2022):

No response.

Tree Manager (ECC):

Original Response to the Application:

- The loss of trees on the Heavitree Road frontage (**T11-T22 & A4**) is of course regrettable, but understandable, owing to the need to make way for new development and bus lane provision. These trees currently form a significant landscape feature and therefore, a robust planting scheme will be required, in order to mitigate for their loss.
- Although some of the existing trees (**T2-T10**) on the west of the site are of varying quality and value, collectively, these trees provide a significant landscape feature, offering a buffer between the proposed development and the residential properties of Higher Summerlands. Accordingly, it is advised that the applicant reconsiders the layout of this part of the site to allow for the retention of these trees.
- The trees (**T1, T23-T25, A1, A2 & A3**) on the northern and eastern boundaries are of relatively low value and the loss of which, can be mitigated for. This is with the exception of Lime **T26** which is being retained as part of the existing proposal.
- Removed trees will need to be replaced by a robust planting scheme that is to be approved by the council's Landscape officer.

Response to Amended Plans (June 2022):

- The loss of trees on the Heavitree Road frontage (**T11-T22 & A4**) is of course regrettable, but understandable, owing to the need to make way for new development and bus lane provision. These trees currently form a significant landscape feature and therefore, a robust planting scheme will be required, in order to mitigate for their loss.
- Although some of the existing trees (**T2-T10**) on the west of the site are of varying quality and value, collectively, these trees provide a significant landscape feature, offering a buffer between the proposed development and the residential properties of Higher Summerlands. Accordingly, there is an arboricultural objection to the removal of these trees.
- The trees (**T1, T23-T25, A1, A2 & A3**) on the northern and eastern boundaries are of relatively low value and the loss of which, can be mitigated for. This is

with the exception of Lime **T26** which is being retained as part of the existing proposal.

- Removed trees will need to be mitigated for by a robust planting scheme that is to be approved by the council's Landscape officer.

Heritage Officer (ECC):

Original Response to the Application:

"I have considered the above application and have the following advice to offer:

Summary:

The application has been supported by a Heritage Statement (CA Report: CRO564_1; sept, 20201) which meets the requirements set out in our pre-application advice. The results of that report provide a comprehensive assessment of the heritage impact of the proposed development upon designated and non-designated assets; for the most part we concur with those findings and the conclusion that the cumulative harm would fall below the threshold of substantial; consequently refusal on these grounds would not be sustainable. The site retains the potential to contain significant archaeological deposits and these, if present, can be mitigated by a programme of archaeological works secured by condition.

Discussion:

The design of the proposed structures are contemporary and represent a departure from the suburban grain of the immediate environs in terms of mass and dominance. The topography of this part of the city is one of wide vistas and predominantly low level structures which serve to frame the descent into the city. Change does not necessarily equate to harm, and for the majority of the affected designated heritage assets either distance or screening will reduce the effect to acceptable levels, however the setting of locally listed St Lukes Chapel will experience the greatest change. The building is of exceptional architectural merit; if it had not been extensively re built after severe bomb damage it would, in our opinion, be at least Grade 2 Listed. Therefore assigned significance and level of protection do not reflect its continued contribution to the city heritage stock and the affection the people of the city have for it. The proposed development would harm the setting of this asset, but as discussed the setting of this asset has diminished protection due to the level of designation; it is therefore unlikely that the harm to the setting of locally listed building would be a sustainable reason for refusal. It is noted that the overall height and mass of the proposed structures has been significantly reduced in response to pre application advice, the architectural treatment and

materials have also been softened and this has successfully reduced the visual impact of the scheme; we however maintain that this could be reduced further by a reduction in height across the scheme and the proposal represents the absolute limit of the permissible development envelope.

In terms of previously unknown archaeological deposits, the site has been extensively developed and it should be assumed that much of the stratigraphy has been disturbed; however the site retains the potential to yield significant archaeological deposits, even if those deposits are truncated. We advise that should the scheme gain permission a programme of archaeological works should be secured by condition in order to mitigate any negative impact in line with national and local guidance.”

Response to Amended Plans (June 2022):

No response.

Environmental Health (ECC):

Original Response to the Application:

Recommend conditions relating to land contamination/remedial works, Acoustic Design Statement, Noise Impact Assessment, and CEMP.

Response to Amended Plans (June 2022):

Responded saying no further comments.

Public & Green Spaces Team (ECC):

Original Response to the Application:

No objection subject to approval of off-site contributions to mitigate the impact of additional demand on off-site ECC-owned public spaces. Comments as follows: -

“The development provides limited private garden space for residents (three small communal courtyard gardens), with little in the way of open space or play provision on site, meaning that all new residents will be forced off-site to use outdoor space. This will be particularly relevant in summer when we expect many residents will want to use outdoor space for leisure and recreation, putting pressure on existing ECC-owned public spaces. 5.1 Landscape Context states that “...the site is well located with a range of local open green spaces within walking distance of the site.” It should be noted,

however, that Clifton Hill Golf Driving Range, Homefield Road Park (formerly Bramdean School) and Magdalen Court School & Playing Fields are not local open green spaces and should not have been identified as such – the information is incorrect and misleading.

It is also noted that the application does not commit to the provision of facilities for sports and physical activity, and as such there will be an increased off-site demand for both public and private provision of these facilities.

Considering the likely demographics of residents of a co-living scheme, we are satisfied that children's play provision is not required as part of this application. We also consider that within this location it is appropriate to rely on off-site POS provision, subject to the agreement of an appropriate financial contribution to permit works in neighbouring parks to mitigate the impact of additional demand from the development.

If you are minded to approve the application, we consider that it would be appropriate to recommend that the following contributions be agreed, (the contributions to be requested as a lump sum and not per unit):

- A pre-occupation open space contribution of £457 per bed space for the maintenance and upgrade of off-site public open spaces serving the development, to be spent on upgrades to local ECC parks serving the development (to be requested as a lump sum, not per unit).
- A pre-occupation outdoor leisure contribution of £117 per bed space for the maintenance and upgrade of off-site play areas serving the development, to be spent on the installation of outdoor adult fitness equipment within the area serving the site (to be requested as a lump sum, not per unit)."

Response to Amended Plans (June 2022):

Our previous comments still stand.

Waste & Recycling Team (ECC):

Response to Amended Plans (June 2022):

19.5 x 1,100 litre refuse bins and 19.5 x 1,100 litre recycling bins required for co-living block. 36.9 x 1,100 litre refuse bins and 36.9 x 1,100 litre recycling bins required for PBSA block. Less bins will be charged for separate collections in addition to scheduled fortnightly collections. In time, space may be needed for separate collections of glass and possibly food waste. (NB. The plans show fewer bins than required, therefore separate collections will be necessary.)

Exeter Cycling Campaign:

Original Response to the Application:

Comment on cycle storage provision, including absence of provision for non-standard cycles, desirability of provision of space within cycle storage areas for repair and charging of e-bikes, security of cycle stores, upfront provision for shared electric cycle stands, need for access to development by cycle to comply with guidance in Local Transport Note (LTN) 1/20, potential S106 funding for links on Gladstone Rd and College Rd to Exeter Cycle Routes E3 and E9. Would like to see some improvements to design details to address these points and hence express a neutral view on proposals as currently submitted.

Response to Amended Plans (June 2022):

Now **objects** to the application based upon the above matters that were previously matters of concern and treated as a neutral comment.

Exeter Civic Society: Objects

Original Response to the Application:

“Planning sub-committee of Exeter Civic Society wishes to object to this application.

We consider that the buildings are slightly too high and definitely too close to the Heavitree Road, and that the Student Roost is too prominent as seen across the Waitrose green copse by those travelling towards the city. We had been hoping for more definitive information about a possible extra lane for buses and to ease turning into Gladstone Road but we now understand that DCC Highways has no immediate intention of providing this and that the applicants believe that their design provides enough space for such a lane if it is later required. This does not seem convincing as even without the extra roadway there is scant space for trees which are essential along the frontage of both buildings to soften the appearance and to improve air quality in an area of continuous traffic.

Within each building the courtyards are not large. The height surrounding them is so great that full sunshine will only reach ground level and those windows on the lower floors when the sun is high in the sky. This is an extra reason for considering reducing the height.

Regarding the layout of each floor of the Co-living building the Planning sub-committee considers that almost every room is of inadequate size for a dwelling which would be the occupier’s permanent home. Indeed the rooms are appreciably smaller than those in similar developments which the city has

recently approved and surely do not accord with accepted policy DG4 which aims to ensure a quality of amenity which allows residents to feel at ease within their homes. The communal amenity space which the application refers to as 'fantastic' does not appear to be great, and as it is situated on the lower ground floor, it is remote from most of the individual rooms. The arrangement of the rooms on long passage ways with no occasional interruption for community space is unattractive and could be improved by siting a small drop-out area midway on each corridor. This would also have the advantage of reducing the number of rooms.

We trust that this present application will be refused."

Response to Amended Plans (June 2022):

Glad to note proposals to improve courtyards, walkways and lightwells and more definite provision of trees and greenery. Neither the Ginkgo trees along the Heavitree Road frontage nor the Rowans mainly at the western end are very robust trees and so suit the sadly scant space allotted to them.

Glad size of co-living rooms has been increased, although still barely adequate for permanent dwelling spaces, and that communal space is improved, but still concerned that co-living rooms open from long featureless corridors, which could have been improved by an occasional social space replacing a room.

One remaining concern is the massive appearance which the Gladstone Road elevation presents to those approaching from Heavitree, abruptly changing the streetscene from the varied green 'woodland' achieved by the Atlas student accommodation and Waitrose. Possibly climbing plants on the wall could reinforce the screen of young alder and rowan trees indicated in the narrow area of land which is all that separates this over-dominant building from Gladstone Road.

Disability Access Champion, Living Options Devon:

Response to Amended Plans (June 2022):

It is noted from the documents I have been able to open that the site will be developed with limited parking and the emphasis on green travel. With this in mind could provision be made for storing and re-charging mobility scooters?

11.0 Representations

The application has been advertised three times, once when the application was first submitted and again after the submission of revised plans and additional information in January and then in June. The application was not re-advertised following the submission of revised plans in August because the changes specifically addressed the concerns raised by the Health and Safety Executive and further publicity was not

considered necessary. To date there have been 114 objections and 1 neutral response. The following issues were raised when the application was first submitted:

- Exeter overwhelmed with high rise student blocks – too many student properties
- Enough is Enough- soulless student accommodation
- Exeter all about University at expense of local residents
- Is more student accommodation really needed – occupancy rates of existing, especially in context of move towards distance learning
- No longer sensible balance between University and City
- Student accommodation should be built on campus
- Empty large parts of year (student accommodation)
- Lack of Council Tax from student accommodation
- Question demand for student accommodation – occupancy rates of existing schemes

- Co-Living – Tiny rooms, squalid little hutches – future slums
- Lack of clarity over communal facilities and creation of sense of community within the development
- Space standards of Co-Living – well below National Space Standards for 1 bed units – circa 16 sq. m compared to 37 sq. m
- Poorly thought out concept of temporary accommodation
- Excessive density – impact on mental wellbeing – covid demonstrated need for space
- Poor amenity for occupants – light to rooms and surroundings – poor courtyards
- Poor design - prison like
- Overpowering design – dominate main approach and surroundings
- Oppressive as right up to pavement
- Not fit urban street character of this stretch of road
- Overdevelopment – size and height – more acceptable in a city centre location not outskirts
- Monolithic, ugly
- Scale totally at odds with surroundings
- Not in keeping with local architectural character, out of proportion and vernacular style of surrounding buildings
- Inappropriate location for development of this scale
- Flawed design analysis – uses tight urban grain of city centre as justification – this is not a dense inner city site
- Incongruous siting exacerbates scale
- Lack of contextual information
- Excessively large – out of character – blocks views into and out of City
- Harmful visual impact on entrance to City – eyesore

- Proximity to pavement – out of character with prevailing pattern of building along this road and green feeling along frontage
 - Replace ugly but unobtrusive old building on an attractive site with an obtrusive ugly building on an unattractive site
 - Skyline impact – contrary to generally low profile surroundings
 - Eyesore – totally out of proportion for area
 - Excessive – both in density of occupants and height/scale of building itself
 - Lack of sustainability credentials in design
- Need affordable housing for local people/Starter homes/family homes instead of this proposal
 - Lost opportunity for theatre/concert hall
 - Lack of social housing provision
- Lack of parking – impact on nearby roads and residents – ideologically flawed carless concept
 - Pollution – occupants driving around searching for parking spaces
 - Missed opportunity to create cycle lane connectivity
 - Location of main entrance to student accommodation – encourage dangerous crossing of main road
 - Highway safety around junction of Gladstone Rd and Heavitree Rd
 - Traffic impacts
 - Location of cycle parking and practicalities likely to discourage use
 - Cycle connectivity beyond site and associated highway safety issues
- Disruption during construction – noise and dust for local residents
 - Noise – impact on surrounding residential amenity
 - Impact on residents lives from disturbance associated with activities of students
 - Exclude daylight from surroundings
 - Overlooking/loss of privacy
 - Change in demographics of area without providing local amenities or infrastructure
 - Impact on local sense of community/identity
 - Residents have used site over time as short cut between Gladstone Rd and Heavitree Rd to cut corner – consider this a right of way
- Impact on nearby historic buildings and character of nearby Conservation Areas (heritage assets) – dwarfed
 - Fails to compliment landscaped setting of St Lukes complex
- Loss of trees – adverse ecological impact/wildlife
 - Lack of ecological information/surveys – especially in relation to bat activity
 - Loss of green space

- Practicality of proposed landscaping suggested e.g. lack of space for frontage landscaping
- Contrary to Core Strategy Objectives (8 & 9)
- Contrary to Policy H5 – due to scale, intensity, impact on character of locality, and amenity of neighbouring occupiers and overconcentration/Community Imbalance
- Contrary to policy DG1 – design
- Impact on local infrastructure – e.g. GP services, parks
- Lack of public consultation
- Proposal based on financial gain above all else
- Overwhelming public opinion against scheme

First Re-advertisement Revised Plans/Additional Information – January 2022

22 further representations were received in response to re-consultation in respect of the revised plans/additional information submitted in January. Generally these representations stated that the changes to the scheme were insignificant and did nothing to address previously voiced objections and therefore wished to re-affirm their objections. Notwithstanding this further specific comments were made in respect of the following points:

- Inappropriate scale (site coverage) and height
- Unattractive building design – architecturally unsympathetic to surroundings
- Building too close to pavement/Heavitree Road
- Tree loss
- Over dominance of surrounding buildings/overshadowing, adverse amenity impact
- Worrying trend of proposals undermining attractiveness/character of City and civic pride of residents
- Impact on heritage assets
- No-one is listening to fundamental objections to scheme that have been raised
- Impact of influx of people occupying scheme
- Anti-social behaviour associated with student accommodation
- Student accommodation not needed, overconcentration in area, where is evidence of demand and benefits in terms of releasing HMO's for family occupation
- Fails to meet pressing need for affordable accommodation for local people
- Question realism of car-free development and hence impact on local area
- Contrary to zero carbon aspirations of Council

Second Re-advertisement Revised Plans/Additional Information – June 2022

21 representations were received. 11 of these were new objections and 10 were from people maintaining their previous objections. The following issues were raised:

- Exeter overwhelmed with high rise student blocks – too many student properties
- Blocks of 7 and 8 floors is going to be completely out of keeping with the area and be overwhelming
- This development is too close to Higher Summerlands and will result in a loss of light
- Loss of trees, particularly at the west of the site
- Concern over the quality of future landscaping maintenance
- Lack of public consultation
- The parking situation whereby workers on the Ambulance Station site park in St Matthews Close and Sandford Walk and on pavements will be further exacerbated. Construction Management Plan Required.
- General lack of parking within the scheme
- Now that the ambulance station site is underway, a sense of scale can be provided and the planning committee visit to assess the impact
- Too far from the main University campus and will encourage car use
- Concern over the creation of wind tunnels on adjacent streets
- Missed opportunity to adopt green building design principles and bio-diversity enhancement
- Not set back from Heavitree Road to provide greenspace and landscaping
- No architectural relationship with St Lukes
- Traffic infrastructure not sufficient – capacity of road junctions
- Co-living is student accommodation by another name
- Overlooking of no. 68 to 78 Heavitree Road
- Query the attractiveness of living in a development with a straight line corridor 50m long with 18 bed-sit doors to very small rooms
- This should be Council housing for the people of Exeter
- No substantive changes to the proposals
- The internal quadrangles of the buildings will be in continual shadow, and very small for this number of residents
- Blocks views of the green hills of Haldon in the distance
- Plans are unclear how will the future bus lane be incorporated
- Not enough car club spaces in the local area, the development needs to provide more

12.0 Relevant Policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

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

Planning Practice Guidance (PPG):

Air Quality
Appropriate assessment
Build to rent
Climate change
Community Infrastructure Levy
Design: process and tools
Effective use of land
Fire safety and high-rise residential buildings (from 1 August 2021)
Flood risk and coastal change
Healthy and safe communities
Historic environment
Housing for older and disabled people
Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Light pollution
Natural environment
Noise
Open space, sports and recreation facilities, public rights of way and local green space
Planning obligations
Travel Plans, Transport Assessment and Statements
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (October 2019)
National Model Design Code (MHCLG, 2021)
“Building for a Healthy Life” (Homes England’s updated Building for Life 12)
Manual for Streets (CLG/TfT, 2007)
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives
CP1 – Spatial Strategy
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP10 – Community Facilities
CP11 – Pollution
CP12 – Flood Risk
CP13 – Decentralised Energy Networks
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

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

AP1 – Design and Location of Development
AP2 – Sequential Approach
H1 – Search Sequence
H2 – Location Priorities
H5 – Diversity of Housing
H7 – Housing for Disabled People
L4 – Provision of Youth and Adult Play Space in Residential Development
T1 – Hierarchy of Transport Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T6 – Bus Priority Measures

T10 – Car Parking Standards
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
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

Other material considerations

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

DD1 – Sustainable Development
DD5 – Access to Jobs
DD8 – Housing on Unallocated Sites
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD12 – Purpose Built Student Accommodation
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Car and Cycle Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Archaeology and Development (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)

Devon County Council Supplementary Planning Documents:

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

Conservation Area Appraisals and Management Plans:

St Leonards (adopted March 2008)
Mont Le Grand (adopted March 2009)
Lower Summerlands (adopted March 2008)

Exeter City Council Annual Infrastructure Funding Statement (31 December 2020)

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

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 following 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 available 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 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 Equality 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 respect 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 is different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage entirely, the Duty is to have “regard to” and remove OR minimise disadvantage. 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 Issues

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

- a) made by an officer or agent of the authority for a non-delegated determination of an application for planning permission; and

- b) contains a recommendation as to how the authority should determine the application following 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 finds these to be material or not material.

Material considerations

- Affordable housing, 20% of co-living (72 studios) (Policy CP7, Chapter 5 and Glossary of NPPF, and PPG advice on Build to rent). 5% of the affordable dwellings to be fitted out so they are wheelchair accessible. Priority will be given to essential local workers.
- £370,612.34 habitats mitigation in relation to the co-living development only (Policies CP16 and LS2, Chapter 15 of NPPF, PPG advice on Natural Environment and Natural England consultation response).
- £264,960 (£173,312 for PBSA and £91,648 for co-living) to improve facilities at either Barnfield Hill Surgery, St Leonards Practice, Southernhay House Surgery or Isca Medical Practice (Policies CP10 and CP18, PPG advice on Planning Obligations and NHS Devon ICB consultation response).
- £472,995 (£309,389 for PBSA and £163,606 for co-living) Open space contribution for maintenance and upgrade of off-site public open spaces (Policy L4, Public Open Space SPD and consultation response from ECC Public & Green Spaces Service Manager)
- £121,095 (£79,209 for PBSA and £41,886 for co-living) Outdoor leisure contribution for maintenance and upgrade of off-site play areas (Policy L4, Public Open Space SPD and consultation response from ECC Public & Green Spaces Service Manager)
- Quantum of greenspace – limited perimeter, internal courtyards for residents
- The proposal will create additional jobs during the construction process and beyond relating to management/maintenance of the development.

Non-material considerations

The adopted CIL charging schedule applies a levy on certain proposals that create additional new floor space over and above what is already on a site. The Co-living element of the scheme is not CIL liable, as it does not comprise a use within the Community Infrastructure Charging Schedule. The Co-living accommodation will however generate council tax.

The student accommodation element of the scheme is CIL liable as this type of development is a use included within the Community Infrastructure Charging Schedule.

The rate at which CIL is charged for this development as set out in the CIL Charging Schedule is £40 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the Applicant in a CIL liability notice issued before the commencement of the development. All liability notices will be adjusted according to 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 rate per sq. m given for 2022 for this development is £59.29.

16.0 Planning Assessment

The key issues are:

1. Sustainable Development and Application of the NPPF
2. The Principle of the Proposed Development
3. Affordable Housing
4. Access and Impact on Local Highways
5. Parking
6. Design, Scale, Massing
7. Landscaping
8. Impact on Heritage Assets
9. Residential Amenity
10. Impact on Amenity of Surroundings/Local Residents
11. Impact on Trees and Biodiversity
12. Contaminated Land
13. Impact on Air Quality
14. Flood Risk and Surface Water Management
15. Sustainable Construction and Energy Conservation
16. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. Sustainable Development and Application of the NPPF

The site lies in close proximity to the City Centre in an accessible location with good access to local amenities. Non-private vehicle transport is a realistic and viable option. Proposed residential development on the site is acceptable in principle as it can therefore deliver sustainable development in accordance with the requirements of the NPPF and adopted local policies.

The Council does not have a current 5 year housing land supply. As a consequence, the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF is to be applied. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In respect of the above it is important to note that there are two footnotes in the NPPF to the above paragraph which are critical for application of the balance to be given between policies when making a decision, namely footnote 7 and footnote 8 which provides the necessary interpretation of the paragraph.

Footnote 7 sets out a list of policies in the Framework relating to protected assets which include, amongst others, heritage assets. Footnote 8 indicates that policies will be out of date where a council cannot demonstrate a 5 year housing land supply. Given the content of the paragraph and footnotes there is a presumption in favour of sustainable development. The content of footnote 7 however makes it clear that policies for the protection of important assets of particular importance are still a significant consideration and these can provide a clear justification to refuse permission if granting permission would “significantly and demonstrably outweigh the benefits”. It is thus necessary to weigh up the balance of planning issues and relevant policies in accordance with the requirements of Para. 11 of the NPPF.

The application of the presumption in favour of sustainable development (and its predecessor Para. 14 of the NPPF dated 2012) 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, 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.

The various matters to be considered are set out in the remainder of this section of the report below.

2. The Principle of the Proposed Development

The application site lies within a sustainable location and is in close proximity to amenities and services (including educational facilities). Core Strategy Policy CP1 (Spatial Strategy) states that development will be guided to the most sustainable locations, recognising the contribution to be made to growth by the existing urban area, particularly the City Centre. Policy AP1 states that proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.

The site was last in use as a Police Station and Magistrates Court. This use is considered by officers to be a community facility and previously developed land. The site is now surplus to requirements and its use for the proposed development is considered acceptable when assessed against the relevant policies, (Core Strategy Policy CP10, AP2 (setting out the sequential approach to development and giving priority to re-using previously developed land), the NPPF (notably Paragraph 120 that places substantial weight to the value to the use of brownfield land and paragraph 125 which refers to developments utilising a suitably high density).

The proposal is for a mixed use development comprising co-living and purpose built student accommodation. There are no planning designations or constraints affecting the site to suggest that the principle of these forms of residential development would be inappropriate in this location.

Policy CP4 requires residential development to achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network. Impacts of the proposed development on heritage assets, local amenities, character of the locality and highways are considered in later sections of this report. The proposal is for high density residential accommodation, and due to the scale and mass of the proposal it can constitute efficient use of the available land, so in this particular respect it is consistent with policy CP4. However the proposal also needs to be considered in terms of its compliance with the other aspects of Policy CP4, other relevant planning policies, guidance and material considerations.

Policy CP5 supports the provision of housing to meet the needs of all members of the community. Whilst co-living isn't referred to in Policy CP5 directly, unlike student accommodation, it is considered to be a specialist form of housing aimed primarily at younger adults, who wish to live in a well-managed, communal environment whose

realistic alternative is to live in Houses of Multiple Occupation (HMOs). Therefore it is logical to conclude that the proposal has the potential to ease the pressure and free up existing housing stock for use as family dwellings rather than be converted to HMOs.

The co-living element will deliver much needed new housing in a sustainable location taking into account that the Council does not currently have a 5 year housing land supply, as required by national policy. The presumption in favour of sustainable development set out in NPPF 11d) therefore applies, and the principle of this development at this location is acceptable.

Given the nature of the proposal both elements of the scheme rely on significant provision of communal facilities to provide acceptable levels of residential amenity, the significant numbers of occupants requires careful management which would need to be secured via a S106 agreement.

3. Affordable Housing

Policy CP7 requires 35% of the total housing provision on sites capable of providing 3 or more additional dwellings as affordable housing. The NPPF states that affordable housing should only be sought on major developments (i.e. 10 or more homes or site area of 0.5ha or more). While the co-living block is classed as sui generis, it will still deliver studios, which are fully self-contained dwellings, and therefore the requirement for affordable housing set out in Policy CP7 applies to the Co-living element of the proposal. The co-living accommodation will be Build to Rent housing, as defined in the NPPF (i.e. purpose built housing that is typically 100% rented out). The purpose built student accommodation element of the scheme does not attract an affordable housing requirement.

National Planning Practice Guidance (NPPG) on build to rent states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. As this guidance was published after the Core Strategy was adopted, officers consider that it is an appropriate material consideration to indicate that in this case 20% affordable housing should be provided as opposed to 35% as set out in Policy CP7. When applied proportionally, this results in a requirement of 71 affordable studios. Officers consider that the Council's requirement of seeking 5% of affordable units as wheelchair accessible, as set out in the adopted Affordable Housing SPD, should also apply. In addition, it is considered that the affordable units should be given priority to essential local workers and this requirement (along with the need to provide affordable housing) would need to be secured through appropriately worded S106 obligations in the event of approval being granted.

Given that the required affordable housing is to be provided in accordance with the NPPG level of 20% on Build to Rent schemes, which supersedes the Core Strategy requirement of 35%, the proposal meets with the policy requirements for affordable

housing providing this is secured through a s106 agreement. The provision of wheelchair accessible units within the scheme will also meet objectives of the Public Sector Equalities Duty (PSED).

4. Access and Impact on Local Highways

The Highway Authority has not raised an objection to the scheme. The site will be served by an access from Heavitree Road in the form of a one-way service road running between the proposed co-living element and the existing Higher Summerlands properties, around the rear of the site and exiting onto Gladstone Road. The car-free nature of the scheme (other than limited disabled parking) is noted along with the significant provision of cycle parking facilities. Off-site improvement works will also be undertaken as part of the development comprising a shared 3.5 shared footway/cycleway along the southern and eastern boundaries of the site, a 'Green Man' signal controlled crossing on Gladstone Road at the junction with Heavitree Road, and dedicated cycle access infrastructure on Heavitree Road (albeit that the detail of this dedicated cycle access will be finalised through the appropriate road safety audit and S278 process). These matters are considered essential by the Highway Authority to make the proposal acceptable from transportation and highway safety perspective. The Highway Authority have acknowledged that the vehicular trip generation of the site will not have a severe impact on the operation of the local highway network.

The Highway Authority consultation response concludes as follows –

“The Highway Authority have reviewed the development proposals and does not wish to raise an objection subject to the inclusion of planning conditions, informatives, obligations and agreements.

To make the site acceptable in transport terms and mitigate its impact, all off-site works outlined in this response must be provided by the applicant via an S278 agreement prior to occupation. All on-site sustainable transport enhancements, including the Co-Bikes and Co-Car Club Car & Space must be provided prior to first occupation to make the application acceptable in planning terms.”

Accordingly relevant conditions/Informatives have been recommended by the Highway Authority to make the development acceptable as set out in the Consultations part of this report above (Section 10.).

5. Parking

Paragraph 107 of the NPPF advises that if setting local parking standards, policies should take into account, amongst other criteria, the accessibility of the development, the use of development and the availability of and opportunities for public transport.

The indicative car parking standard for residential in the Sustainable Transport SPD is 1.5 spaces per dwelling. However, this co-living/student accommodation scheme will be car-free apart from a limited number of disabled parking spaces. This is considered acceptable in this location given the opportunities to access facilities and public transport.

With regard to cycle parking provision, the agent has confirmed that a total of 613 cycle parking spaces are proposed (357 for the student accommodation and 256 for the co-living accommodation). The scheme also allows for provision of electric cycle parking within the site. The Highway Authority have noted that the provision of on-site electric co-bikes and a Co-Club car space are essential to make the proposal acceptable on transport and sustainability grounds.

6. Design, Scale, Massing

Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (Paragraph 119, NPPF). Local Plan First Review Policy H2 (Location Priorities) states that priority will be given to meeting housing needs on previously developed land and permitting development at the highest density that can be achieved without detriment to local amenity, the character and quality of the local environment etc. As noted above this proposal is for a high density development of co-living (358 studios) and student accommodation (677 bedspaces) over two blocks comprising of between 4 and 8 floors of accommodation (including the lower ground floor and rooms in the roof space) on a 1.25Ha site.

Chapter 12 of the NPPF is titled 'Achieving well-designed places'. Paragraph 130 sets out that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The National Design Guide (“Planning practice guidance for beautiful, enduring and successful places”) is a material consideration and sets out the components for good design. It notes in paragraph 20 that the components for success includes the context of places and buildings. Paragraph 21 refers to making the right choices around the layout, the form and scale of buildings, appearance, details, landscaping. Importantly the document sets out the Ten Characteristics of a well-designed place: this includes considering context and how a development can “enhance the surroundings”.

Context is defined in the document as “the location of the development, and the attributes of its immediate, local and regional surroundings”. The document sets out how to consider context and Paragraph 40 states:

Well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

Paragraph 41 states “Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones”.

The “Building for a Healthy Life: A Design Toolkit for neighbourhoods, streets, homes and spaces” document published by Homes England also sets out design principles for successful development including the consideration of existing context, street types, landscape character, urban grain, plot shapes, building forms and their influence on local character.

In the vicinity of the development site Heavitree Road exhibits a particular, but varied, character of townscape that forms an arterial route to the City Centre. The road is wide and relatively straight and forms a key route down into the city. Approaching the city along this road buildings generally of 2 to 4 storeys in height are set back behind solid front boundary walls, interspersed with vehicular and pedestrian accesses, and some vegetation behind those frontage structures that soften the impacts of harder elements of the street. The existing site and the adjacent Waitrose supermarket, characterised by significant setbacks and understated architecture, represent a significant departure from this character. Both developments have resulted in a fractured urban form which is not consistent with a city centre location of such prominence. Taller buildings, brought further forward to provide a strong urban edge can be accommodated in this sustainable location, especially given the recently approved 5 storey development at the immediately adjacent former Ambulance Station. A section through the street and its adjoining built development indicates a

wide urban character before reaching the downward slope of the road towards the higher density city centre. It is the width of this vista that allows taller buildings to be successfully assimilated within the street scene, compared to a situation where there was a narrower gap on a non-arterial route that would require more modest massing. Furthermore, views along Heavitree Road provide a clear visual connection towards the city centre to the west that is framed by much larger scaled buildings than those that currently flank Heavitree Road, such as the John Lewis buildings and others in that vicinity.

As described in Section 6, whilst the buildings contain up to 8 storeys, due to the levels the buildings appear as 5 and 6 storey buildings in the street scenes from Heavitree Road and Gladstone Road. In this context the proposed 5 and 6 storey buildings that face the street scene provide a prelude to larger buildings when approaching the city centre. The 6 storey gabled elements provide a strong bookend to the Gladstone Road junction, reflecting those on the St Luke's Campus buildings immediately opposite. Moving northward from the junction along Gladstone Road, the massing of the building reduces to 5 and then 4 stories in height (with basement floors below) to complement the massing of the approved ambulance station redevelopment site. Moving westward from the junction along Heavitree Road the levels fall and this is matched by a reduction in storey height from 6 to 5 to 4 stories when viewed from the street. Not only does this appropriately respond to the fall in level along Heavitree Road, but it provides a graduation in massing towards smaller the smaller scale Higher Summerlands buildings adjacent to the west boundary of the site.

The graduated massing approach along Gladstone Road and further down Heavitree Road is illustrated by cross section street scene drawings submitted with the amended proposals. These cross section drawings also show that the buildings are successfully broken up with landscape 'link' gaps. The change in the palette of materials from red brick on the co-living building to softer materials on the PBSA building, adds interest and diversity to the street scene, whereas the use of a single material choice would lead to a more monotonous street scene.

The redevelopment of this site has been the subject of extensive pre-application negotiations with officers. This process has also included 3 Design Review Panels culmination in the scheme for which permission is now sought. Early iterations of a redevelopment scheme for this site involved a far greater scale of development including significantly taller buildings. It is fair to say that landowner aspirations in terms of site value have had a significant impact in terms of the quantum of development being proposed throughout the process.

During early discussions it was made clear by officers that the height of buildings, and associated quantum of development sought, was significantly beyond that which was considered appropriate for the site having regard to the context of the surrounding townscape notwithstanding planning policies and guidance aimed at

maximising the development potential of land. Put simply the context of the site has to be properly considered when determining if an application is to be acceptable.

At the first Design Review in December 2020, when a development significantly over 10 storeys was being proposed, the Design Review Panel expressed concern that the design was being solely driven by a need to achieve a specific number of units/beds rather than an appropriate response to the specific site setting. The panel stated “Whilst the site is urban and located close to the city centre, it should be noted its location is within a suburb that provides a break between the city centre and what use to be a separate village of Heavitree...” The building’s heights proposed at that time included elements in excess of 10 storeys and the Panel stated “Furthermore, it is felt the design proposals have not demonstrated that the proposed form and mass of the building is justifiable in its current form in relation to the wider contextual topography; that is to say the site is located on higher ground that looks out over the city centre, will be highly visible and also have a significant impact upon the skyline.”

The second Design Review of an iteration reduced in height, but still significantly higher than the proposals the subject of this current application, took place in February 2021. The Design Review Panel noted that the design proposals had evolved and improved since the initial Design Review. Whilst stating that in principle a high density development in this location was supported the Panel highlighted that this was subject to an appropriate design and a suitable relationship with the surroundings being demonstrated. The Panel re-iterated concerns that the need to achieve a particular quantum of development was driving the design rather than an appropriate response to the specific site setting. In respect of comments relating to scheme viability the Panel stated – “... the Panel acknowledges the constraints and challenges faced by the applicant and design team, however it is considered not appropriate for the proposals to be driven by short term viability considerations ahead of long-term considerations regarding design and placemaking quality.” The Panel went on to state “There remains a concern that the bulk and massing that is being proposed appears detached and divorced from anything that exists locally, and as a result the Panel feels the proposals currently appear to sit uncomfortably and unsympathetically within their setting.” At this stage the Panel also made comments about the potentially poor quality environment within the courtyards as a result of the height of surrounding blocks.

The third and final Design Review took place in August 2021. At this point the scheme had evolved significantly in terms of building heights and articulation albeit that the scheme still comprised buildings of significant height compared to those prevailing locally. The scheme presented to Design Review is largely similar to that submitted in this planning application. The Design Review Panel commented as follows –

“It is considered the scale is more appropriate than the previous iteration presented. There has also been a significant improvement in terms of the articulation of the proposed buildings. The increased complexity of form and

generation of interesting juxtapositions are supported. In particular the Panel supports the clear differentiation between the student accommodation and co-living building, which utilize different architectural languages and a different material palette. The Panel continues to support the provision of active frontages.”

The Panel went on to state “...in terms of the proposed building height, it is considered this is at the absolute maximum that could be considered appropriate for the site location.” In making this statement they also pointed out that it was not possible to definitively assess the appropriateness of the heights without further visual information that should support any application.

The Panel stated its continued support for high-density development in this location, and also made comments about the landscaping strategy, re-iterated comments relating quality of courtyard amenity spaces, permeability and sustainability credentials of the scheme. Overall, subject to their comments in relation to the above matters being addressed, the Panel expressed a level of qualified support for the design proposals.

Paragraph 133 of the NPPF states:

“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements...In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

In the opinion of officers, the amended proposals have satisfactorily addressed the concerns raised by the DRP that support high density development in this location, which is a material consideration in support of the proposals.

The proposed elevational design of the building fronting Heavitree and Gladstone Roads will increase active frontages (particularly in respect of the former) and contribute to the vibrancy of the area. This is welcomed, and a positive point noted by the Design Review Panel.

Policy DG1 of the Local Plan relates to design and sets out the expectations for development proposals. It requires development to be compatible with the urban nature of the locality; whilst higher density development is welcomed it is still required to demonstrate how a proposal appropriately takes into account its context. The nature of the urban area is evolving and will continue to evolve with higher density developments; each site will have to be considered upon its own merits, and whilst the principle of increased density is accepted each proposal will need to demonstrate how it makes a positive contribution to the city in that location.

In this case, officers consider that the proposals provide a balance between achieving the effective use of a brownfield site within a sustainable location, whilst responding to the character of the area. Importantly the context of the approach to the city centre and the width of this section of arterial road are both factors that warrant the provision of taller buildings at the site.

With respect to Policy DG1, the development is considered to comply with parts:

- a) in that the development is compatible with the urban nature of the locality and the development puts people before traffic.
- b) the grain of the development promotes the urban character of Exeter
- c) landscaping is a reserved matter but the landscape strategy set out is fully integrated into the proposal. The landscaped areas of the courtyards will provide an outdoor amenity area for the studios and student accommodation. The hard and soft landscaping would need to enhance the visual appearance of the scheme and this would need careful consideration at 'reserved matters' stage.
- d) the density of the development will promote Exeter's urban character
- e) the proposed development is a compatible use in the area which will add to the vitality of the locality
- f) the height of the proposals are appropriate to the surrounding townscape and relate well to adjoining buildings, spaces and to human scale given the width of this part of Heavitree Road and the approaching context of the city centre.
- g) the volume and shape (the massing) of structures relate well to the character and appearance of the adjoining buildings and the surrounding townscape.
- h) the design of the scheme does promote local distinctiveness and the architecture will positively contribute to the visual richness and amenity of the townscape, subject to being considered acceptable from an overall townscape and height impact perspective
- i) the types of materials will relate well to the palette of materials in the locality

Consequently, the proposals are considered to comply with Policies CP17 and DG1 and are compatible with the character and appearance of the local townscape, taking into account its mixed nature. Officers are of the view that the proposals meet the requirements of Policies CP17 and DG1 on their own merits without needing to consider whether any harm significantly and demonstrably outweighs the benefits of the scheme.

7. Landscaping

Landscaping is a reserved matter, so these details shall be determined through the submission of a reserved matters application at a later stage. However, indicative plans have been provided to give a sense of what is likely to be achieved on the site

in terms of tree planting, other soft landscaping and hard surface materials. There is significant scope to improve the quality of landscape on the site through selection of suitable native species that are beneficial to wildlife and improve urban cooling and air quality. This will be subject of a future Design Review should the application be granted permission. Existing trees will need to be removed to facilitate the development, however they will be replaced with new tree planting.

8. Impact on Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings that are affected by development proposals. This is reflected in Policies C1 and C2. Policy C3 protects buildings of local importance (locally listed). Policy C5 prevents harm to scheduled monuments, including their setting, and seeks to preserve archaeological remains in situ or archaeological recording works where this is not feasible or practical.

The NPPF was published after the development plan policies above were adopted and includes additional guidance relating to conserving and enhancing the historic environment. Therefore, the development plan policies above are not fully up-to-date. Paragraph 194 requires developers to describe the significance of any heritage assets affected by their proposals – the developer has done this in the supporting Heritage Assessment (see Section 7.0).

Significance is defined in the Glossary of the NPPF as: *‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’* When considering the impact of development proposals on the significance of designated heritage assets, the NPPF states that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) (paragraph 199).

Paragraph 200 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 states that this harm should be weighed against the public benefits of the proposal. Public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF.

Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out this balancing exercise. In the case of non-designated heritage assets (i.e. locally listed buildings) paragraph 203 states that the effect on the

significance of a non-designated heritage asset should be taken into account...and when weighing applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application site lies within the setting of three Conservation Areas; St Leonards Conservation Area, Lower Summerlands Conservation Area and Mont Le Grand Conservation Area. The proposed buildings will be clearly viewed from all 3 Conservation Areas. The site also lies within the setting of a locally listed building (St Luke's College) and to lesser extent the setting of the statutory Grade II listed buildings of Lower Summerlands.

The Council's Heritage Officer notes the following:

"The design of the proposed structures are contemporary and represent a departure from the suburban grain of the immediate environs in terms of mass and dominance. The topography of this part of the city is one of wide vistas and predominantly low level structures which serve to frame the descent into the city. Change does not necessarily equate to harm, and for the majority of the affected designated heritage assets either distance or screening will reduce the effect to acceptable levels, however the setting of locally listed St Lukes Chapel will experience the greatest change."

The proposed redevelopment of the site would introduce significant additional height in this location, and bring the built form significantly closer to the boundary of the site with the public highway and thereby alter the relationship to the Chapel/the complex of buildings and open foreground comprising the St Lukes campus.

In respect of the Chapel, the Council's Heritage Officer considers that the development would harm the setting of this asset but highlights that, given this setting has diminished protection due to its level of designation, he does not consider this would constitute a sustainable reason for refusal of the development on heritage asset impact grounds alone.

The site does have potential to yield archaeological deposits and as such if approval is granted it should be subject to a condition to secure a programme of archaeological works in order to mitigate any negative impact in line with national and local guidance.

Given the above, the proposed redevelopment is on balance considered acceptable with respect to impacts on heritage assets, notwithstanding the change in character it would bring about to the local townscape. The proposals are considered to therefore preserve the significance of these heritage assets in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies C1, C2 and C3 of the Exeter City Local Plan.

9. Residential Amenity

Residential amenity considerations in respect of this application need to be considered in respect of the two distinct elements of the scheme, co-living accommodation and purpose built student accommodation, which are targeted at different occupants but with similar characteristics in terms of smaller private spaces supplemented by communal facilities.

Policy DG4 states that residential development should ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The Residential Design SPD includes minimum space standards for dwellings, however the Council now applies the national 'Technical housing standards – nationally described space standard' (March 2015), as it was published after the Residential Design SPD was adopted in 2010. However, co-living housing schemes are not standard dwelling types, they are a specialist type of housing aimed at a specific sector of the market that might otherwise live in a HMO. They typically have similar characteristics to Purpose Built Student Accommodation, but are open to anyone to live in over the age of 18 and have more communal space than other forms of housing. They are characterised by their design and management, which are intended to foster social interaction and a sense of community between residents. The Council has accepted the principle of the co-living model through the granting of consent for such schemes, including in the adjoining site of the former Ambulance Station and the Harlequins site in the city centre.

The studios in the proposed development fall below the minimum internal floor area recommended for a 1 bed 1 person dwelling of 37 sq. m as set out in the national Technical housing standards. In terms of the co-living element this accommodation is provided as self-contained studios comprising bed/living space (including wardrobe, desk area and storage), kitchenette and en-suite bathroom. As originally submitted the studios varied in size from 16.3 sq. m to 40 sq. m, with 167 being the smallest size (47.4% of the total number). In the previously approved co-living schemes referred to above the smallest studio sizes were 18 sq. m. The reliance on a significant number of studios of a smaller size than previously accepted by the Council was considered an issue in terms of achieving satisfactory standards of residential amenity. Following negotiations the application has been amended so that all of the studios are 18 sq. m or more, in line with other previously approved co-living schemes. The standard of this form of accommodation is now therefore considered to be acceptable.

This small studio size would be a concern for an ordinary housing development. However, the proposal is for co-living accommodation with communal amenity areas provided on two floors within the co-living accommodation block amounting to a total of approx. 895 sq. m (420 sq. m on the lower ground floor, 375 sq. m on the ground floor and 100 sq. m on the fifth floor). This equates to approximately 2.5 sq. m per bed space which is lower than that provided within the approved schemes on the

Ambulance Station site and Harlequins which both provide approx. 3.1 sq. m of communal amenity space per bed space. The communal amenity space provided comprises gym, lounge/games area, kitchen/café area, laundry, wc's, post room, flexible collaboration space, meeting rooms/study areas/workspaces and break out area.

Policy DG4 still applies to co-living housing and it is important that a quality of amenity is provided to make residents feel at ease within the property, making a positive contribution to their wellbeing whilst recognising the intrinsic characteristics of the co-living model. There is no national planning guidance at present in this respect, or a local policy that specifically deals with this type of housing. It is therefore a question of balancing the level of amenity achieved within the scheme against the desire to maximise the amount of residential accommodation provided on the site in terms of making the most effective use of the land. In the case of this proposal, a total of 895 sq. m communal space will be provided in the building. It is the applicant's contention that based on similar schemes elsewhere in the country – not specifically Exeter – the level of provision and standard of residential amenity achieved is reasonable.

In respect of the co-living element of the scheme, and given the evidence available, Officers are satisfied on balance that the proposals will provide an environment that can be managed in such a way that it will function as a genuine co-living development, taking into account the inclusion of communal spaces to encourage social interaction outside the private spaces and potential organised social activities for residents (which could form part of a management plan). A detailed management plan should be secured in a S106 agreement to ensure this is the case and a condition added prohibiting the use of the communal areas for anything other than the purpose of providing shared amenity space for the residents. The s106 should include provisions for monitoring compliance of the management plan in the future.

The student accommodation incorporates 1239 sq. m of communal amenity space which equates to 1.8 sq. m per room. Given that 67% of the student accommodation comprises shared cluster flats with their own shared kitchen /living/dining space, occupants of this accommodation will be less reliant of the communal space for social interaction.

The co-living accommodation is set around a central external courtyard at lower ground floor level onto which the lower ground floor amenity space and some studios have an outlook. Other studios on the ground floor will have a more limited outlook onto light wells/retaining walls, albeit that the intention is for these to be green living walls to soften that outlook. The latest amended plans increase the distance between the lower ground units and the retaining wall to increase sunlight into the units and to improve their outlook. On balance, the outlook from the rooms served by lightwells is now considered to offer an acceptable level of amenity to the occupants.

The external courtyard of the co-living accommodation will be landscaped and accessible to all residents of the block as amenity space. However this space only measures just over 10 metres in width and 31 m in length and being surrounded by buildings varying in height from 4 to 8 storeys will only receive limited sunlight. The proposed student accommodation blocks are likewise set around shared external courtyards (albeit wider in dimension) but still surrounded by tall buildings (7 storeys). The amended landscape plans have provided additional detail and demonstrate that the co-living courtyard will provide an attractive and useable private amenity space for the occupants.

In terms of outdoor amenity space it is considered that the proposed courtyard areas serving the occupants of the 358 co-living studios and student accommodation would not alone adequately cater for the outdoor amenity of the residents. The outdoor amenity space is limited and surrounded by tall buildings such that the areas will lack sunlight. Therefore, it is expected that residents of both elements of the scheme will use public open spaces elsewhere within the city/vicinity of the site for outdoor amenity. Consequently contributions of £472,995 (£309,389 for PBSA and £163,606 for co-living) and £121,095 (£79,209 for PBSA and £41,886 for co-living) are therefore required for the maintenance and upgrade of off-site public open spaces and outdoor leisure/play facilities respectively, in order to ensure that the outdoor amenity needs of potential occupants of both the co-living and student accommodation are satisfactorily met. This is justified by Policy L4 and section 6 of the Public Open Space SPD. These would be secured through a s106 agreement.

Following revisions to the proposals through the application process, the standard of amenity provided to residents of both buildings is now considered acceptable.

10. Impact on the Amenity of Surroundings/Local Residents

Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The background text states that 'Residential layout should be at the maximum feasible density taking account of all the design constraints relating to a particular site. Full account should be taken of the need to preserve the amenity of the occupiers of adjoining development, but the urban theme of this design guidance should run through new proposals. An existing suburban context will not be seen as justifying a similar, new, suburban scheme at insufficient densities' (Paragraph 13.35).

Supplementary guidance on residential amenity is provided in Chapter 7 of the Residential Design SPD. Paragraph 7.2 of the SPD states that the standards are flexible according to site analysis. In addition, the background text of Policy DG4 states that distance standards will be applied flexibly and not at the cost of good townscape and sufficient densities.

The adjoining properties that are considered to be most affected by these issues are the residential properties to the north comprising St Matthews Close, the co-living accommodation under construction on the former Ambulance Station site and the properties comprising Higher Summerlands. The amenity issues to consider are: privacy, outlook, natural light, overshadowing and noise.

The Residential Design Guide SPD states that a minimum back to back distance of 22m is required between habitable room windows. In terms of this scheme there is no direct back to back relationship. The blocks comprising St Matthews Close to the north have gable ends facing towards the site and given the distance between these buildings and those proposed this relationship is considered satisfactory from a privacy perspective. There are windows in the approved adjacent co-living scheme that face towards the site. However the closest part of the proposed building to the boundary with this development contains no windows. This, coupled with the distance between the nearest part of the proposed building containing windows and the face of the adjoining development (in excess of 22m), results in an acceptable relationship in terms of privacy impact.

The relationship to the Higher Summerlands properties is slightly different in that it is the fronts of those properties that face the development. Their relationship with the built development on this site also changes as the proposed development encroaches towards them by approximately 18 metres. Having considered the plans and the submitted information whilst the separation distances vary between 18 and 20m, and the proposed buildings at this part of the site are 4 storey in height, with the proposed intervening service road and new landscaping this relationship is considered, on balance, to be satisfactory in terms of impact on privacy.

On the issue of outlook, the Residential Design Guide SPD states that residents should be able to enjoy good quality outlook without adjacent buildings being overbearing. Whilst the development will result in a significant change in general outlook in respect of the St Matthews Close properties, and adjoining co-living development that is under construction, given the urban nature of the site and need to maximise development, the impact on outlook can be considered acceptable.

The Higher Summerlands properties are at a lower level than the site and the proposed buildings will extend significantly closer to them than the current buildings on site, reducing the gap from approximately 36 metres to 18/20 metres. The existing mature trees currently occupying the space between the buildings will all be removed as part of the scheme and within the reduced space the service road for the development will run parallel to these properties with new tree planting on either side of the road. The scheme has been amended from the original submission to revise the road position and the species of the potential replacement trees ranging from 4.5m to 6m in height.

It is undeniable that the outlook from the front of the Higher Summerlands properties will undergo significant change as a result of this development. However, given the

space between the buildings (even as reduced to 18/20m), and the fact that the properties have a significant gap between them and the properties to their rear (and hence a good outlook in this direction), on balance in this urban context the relationship in terms of outlook is not considered to be such that alone it would warrant refusal of the scheme. The amended landscape plans and newly planted trees of between 4.5m to 6m in height further serve to mitigate this impact.

Natural Light/Overshadowing

In terms of access to natural light, the Residential Design SPD states 'Developers should demonstrate that dwellings have sufficient daylight to allow comfortable use and enjoyment of habitable rooms, gardens and communal spaces. Within the submitted Design and Access Statement (DAS) this issue has been addressed having regard to the BRE Report 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). The DAS examines the proposal in terms of the '25 degree test' which requires a notional line to be drawn from the centre point of the lowest window of an existing building at an angle of 25 degrees. The guidance suggests that if the proposed development falls underneath the line there is unlikely to be a detrimental effect on daylight on the existing property. Submitted sections demonstrate that the proposed scheme falls largely within this notional good practice line for each boundary condition, with the only minor exceedances being non-continuous elements of the building such as feature chimneys and dormers.

The DAS also contains a shadow path analysis for the Equinox, Summer and Winter solstices. It concludes that at the equinox and summer solstice shadowing generated by the development is mostly contained within the site extents. In the winter when the sun is lower in the sky the shadows are longer but it is highlighted that much of the shadowing at this time is already evident from the existing townscape.

The NPPF (para 125) states:

“authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

Based on the submitted analysis and given the urban context, it is not considered that the impact on natural light to surrounding properties and overshadowing will not be significant nor warrant refusal of the scheme.

Noise

As set out in Section 7 of this report, the application is accompanied by a Noise Statement which identifies the main source of noise likely to impact upon the development as being associated with road traffic. In terms of the noise impacts of the scheme these are likely to fall into two categories – construction phase and operational phase. Construction phase impacts could be minimised and mitigated by

an appropriate Construction and Environment Management Plan which could be secured via an appropriate condition.

Operational phase impacts would be related to plant associated with the development and the on-going use of the accommodation, such as antisocial behaviour. The submission indicates that both the co-living and student accommodation elements of the scheme would have on-going management arrangements and such Management Plans can be secured through a S106 agreement. Environmental Health have recommended conditions relating to submission of an Acoustic Design Statement and Noise Impact Assessment to address potential noise issues from an internal and external perspective respectively.

Overall, the proposed development is considered to accord with Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the urban context.

11. Impact on Trees and Biodiversity

Paragraph 180 (d) of the NPPF states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The site currently contains a number of trees around the site perimeter with those along the Heavitree Road frontage and between the existing buildings and the properties forming Higher Summerlands of particular prominence. Much of Heavitree Road is characterised by buildings set back from their site boundaries with intervening vegetation between them and the highway boundary. Under the proposals submitted all trees within the site are shown for removal to accommodate the significantly increased building footprints, and service road forming the development. Landscaping of the site as part of the development is a 'reserved matter' that will need to be the subject of a further application for approval. Notwithstanding this the application is accompanied by indicative information regarding the landscape strategy including replacement planting.

The Council's Tree Manager made particular reference to the loss of the existing bank of trees on the western part of the site (those that currently form a buffer between the buildings and the adjoining residential properties) and the appropriateness of the proposed replacement Lime trees in this location given their considerable growth potential and therefore potential conflicts with the adjacent dwellings given their proximity. Following negotiations the applicant revised the service road position (moving it closer to the site boundary and adjacent properties) and submitted a revised indicative landscaping strategy to indicate trees of a more appropriate species either side of the service road. Whilst this has been welcomed by the Tree Manager his advice was that the existing trees in this location are a significant landscape feature offering a buffer to the existing residential properties and ideally this part of the site layout should be reconsidered to allow retention of

these trees. Such an approach would require a significant reduction in the footprint of the proposed buildings and the applicants' advised that this would affect the viability/deliverability of the scheme and did not therefore wish to amend the proposals in this way.

The most recent submission of amended plans has further sought to mitigate the loss of the trees through provision of a more detailed landscape strategy, landscape masterplan and replacement tree planting plans. These plans show the provision of 114 trees ranging in height from 4.5m to 6m. A number of these trees are proposed at the west boundary of the site to provide a new buffer to residential properties. Additional planting is also proposed throughout the development, including a central green link separating the two buildings and various courtyard areas.

Consequently, the question is whether the loss of these trees, having regard to the potential replacement planting as part of the landscape strategy, would be so significant as to justify refusal of the application. Setting aside their buffer function, and relationship of the proposed buildings to existing dwellings (which is considered elsewhere in this report) it is not considered that the loss of these trees alone would constitute sufficient grounds to refuse permission.

The application is accompanied by an Ecological Appraisal which concludes that the site as existing does not support any protected species and has negligible potential to support roosting bats. The Appraisal makes a number of recommendations for ecological enhancement as part of the proposals including landscaping choices, provision of bat/bird bricks, bee bricks and incorporation of hedgehog passing points in boundary treatments. It is considered that subject to the above the biodiversity of the site could be improved as part of the proposals and that this should be secured through an appropriate condition of any approval requiring submission and implementation of a Biodiversity Mitigation and Enhancement Plan (BMEP).

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants of the co-living block. However, 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). An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

Subject to the above the proposed development is considered to accord with Policies CP16, CP17, saved Policy LS4 and paragraphs 174 and 180 of the NPPF. The habitats mitigation contribution should be secured via a s106 legal agreement.

12. Contaminated Land

A Ground Investigation Report has been submitted in support of the application. However, notwithstanding this Environmental Health have advised that with the current buildings still being in-situ there has been no intrusive investigation of the ground in these areas and therefore further investigation will be required to ensure that no unacceptable risks remain.

Consequently they have recommended a condition to require appropriate further investigation to establish whether any further risks are present, and if so identification and implementation of any necessary remediation measure prior to occupation of the development. Subject to such a condition being attached to any approval the proposal would accord with saved Policy EN2, and paragraphs 120c) and 174f) of the NPPF. Remediating the existing contamination will be an environmental sustainability benefit of the scheme.

13. Impact on Air Quality

Policy CP11 states that development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts, and within the AQMA measures to reduce pollution and meet air quality objectives proposed by the Local Transport Plan and the Air Quality Action Plan will be brought forward. Policy EN3 states that development that would harm air quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.

Whilst the site itself is not within an Air Quality Management Area the Heavitree Road corridor adjoining the site is. An Air Quality Assessment was submitted as part of the application which noted the air quality is mainly influenced by road traffic emissions which, given the car free nature of the development, are likely to be less during the occupation of the development than the traffic movements associated with the last use of the building.

The assessment identified potential impacts on air quality associated with the construction phase e.g. dust but concluded that this could be mitigated through an appropriate Construction and Environment Management Plan secured via a condition of any approval. Post construction it concluded residual affects would not be significant. Environmental Health have raised no concerns with the proposal from an Air Quality perspective.

14. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. Ground infiltration is considered unsuitable on this site based on clay subsoil conditions. Therefore the drainage strategy is to discharge surface water into existing public surface water sewers in the vicinity of the site with utilisation of sustainable urban drainage techniques including attenuation and reduced discharge rates. Initially the attenuation proposed a 30% betterment over existing discharge rates but following comments from Devon County Council as the Lead Local Flood Authority (DCC (LLFA)) the attenuation design has been changed to incorporate additional storage capacity to achieve a betterment over existing discharge rates of 50%.

The initial consultation response of DCC (LLFA) requested further information and changes, and negotiations between them and the applicant resulted in a revised Flood Risk Assessment and Drainage Strategy incorporating the above. The revised consultation response of the LLFA is awaited.

Devon County Council as Lead Local Flood Authority confirmed it has no in-principle objections to the drainage scheme, subject to a pre-commencement condition securing the detailed design of the systems for the construction and operational phases, and proposals for the adoption and maintenance of the final system. Therefore, the proposal is considered to be in conformity with Policy CP12.

15. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. An Energy and Sustainability Statement has been provided accordingly. This states that the development will utilise a fabric first approach with enhanced insulation, inclusion of photovoltaics and air source heat pumps (for hot water) to achieve reduced CO2 emissions over and above the requirements of the Building Regulations (10%) betterment. The scheme has also been designed so as not to preclude future connection to a District Heating Network when one is available within the vicinity of the site.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of

energy and CO2 emissions for residential development within the city. The development is being designed to achieve a BREEAM Excellent rating in line with policy CP15.

Conditions should be imposed if permission is granted to ensure that the sustainable design and construction standards required by Policy CP15 are implemented.

Policy CP13 requires new development with a floor space of at least 1,000 sq. m, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is located within Local Energy Network B, as shown on the Proposals Map of the Development Delivery DPD (Publication Version), therefore a condition will be added to ensure that the development is constructed so that it is capable of connecting to the network.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. In this case it has been agreed to add a pre-commencement condition requiring this.

16. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

Following assessment of the application, it's considered that the proposed development accords with the relevant policies of the development plan.

The key in-principle policies are Policy CP1 that guides development towards the most sustainable locations and Policy AP2 that gives priority to re-using previously developed land. The site is clearly in a sustainable location and re-uses previously developed land. The proposed development clearly therefore accords with relevant development plan policies in relation to the principal of developing the site.

In terms of the uses proposed, the co-living element accords with the ethos of Policy CP5 that supports the provision of housing to meet the needs of all members of the community. The student accommodation element is specifically supported by Policy CP5. 20% of the co-living accommodation would also be for affordable housing. The proposed uses therefore accord with the relevant development plan policies.

Of prime consideration is the compatibility of the proposals with the character and appearance of the area and compliance with policies CP4 and DG1. This is an outline application, with landscaping a reserved matter only. Therefore the access, layout, scale and appearance of the development are to be determined at this stage. It is relevant to consider whether the design in regard to these matters is capable of being compatible with the character and appearance of the area. In this regard Policy CP4 supports the proposed high density development. The remaining part of Policy CP4 and Policy DG1 both deal with the important consideration of character and appearance. As set out in '6' above, the proposals are considered to provide a balance between achieving the effective use of a brownfield site within a sustainable

location, whilst responding to the character of the area. Importantly the context of the approach to the city centre and the width of this section of arterial road are both factors that warrant the provision of taller buildings at the site. It should be noted that the Design Review Panel agree to this approach.

Given the above, the proposals are considered to accord with the key development plan policies that are most important for determining the application.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. If Members consider the application fails against any of the above development plan policies, officers consider there are material considerations that indicate that planning permission should be granted, in particular the economic, social and environmental sustainable benefits of the scheme through the provision of employment during the construction and operational phases of the development, residential accommodation likely to be in the price range of young people who can't obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to HMO's, the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel.

Furthermore, members must consider the effect of the 'tilted balance' as in a situation where a 5 year housing supply cannot be demonstrated, the NPPF requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 120 of the NPPF places 'substantial' weight to the value of re-using brownfield land. Appeal decisions tell us that significant to substantial weight should be applied to affordable housing provision. The weight afforded to these benefits represents a high bar to challenge. Any harm, or non-compliance with policy, must be significantly and demonstrably above this high bar of benefits.

17.0 Conclusion

The proposals have been developed with reference to Design Review Panels that have supported the scale, massing and density of the proposals in this location. The proposals have evolved with a significant reduction in height from earlier iterations, such that officers are content that the scale and massing of the proposals are positively respond to the context of the site in terms of respecting the character, appearance of the area. Moreover, the proposals are considered to provide a strong urban edge to the Gladstone Road junction and the graduated approach to storey heights positively responds to the site levels and neighbouring residential uses. Whilst indicative, the submitted cross section drawings and illustrative views demonstrate the use of high quality architectural principles that will provide a more positive active frontage, significantly improved when compared to the existing built form of the site. Officers consider that the proposals provide a balance between achieving the effective use of a brownfield site within a sustainable location, whilst responding to the character of the area. Importantly the context of the approach to

the city centre and the width of this section of arterial road are both factors that warrant the provision of taller buildings at the site. The standard of accommodation has also been improved such that it accords with schemes previously approved by the Council immediately adjacent the site and elsewhere in the City.

The development will deliver a number of substantial economic, social and environmental sustainable benefits through employment during the construction and operational phases of the development, residential accommodation likely to be in the price range of young people who can't obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to HMO's, the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel. The co-living accommodation also contributes towards the Council's requirement to provide a 5 Year Housing Land Supply. These substantial benefits weigh heavily in favour of the scheme. The proposals benefit from a presumption in favour of granting permission for the development through compliance with the Development Plan and national planning policy in the form of the NPPF.

18.0 Recommendation

A) DELEGATE TO DIRECTOR OF 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 THE FOLLOWING:

- 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
- NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
- Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
- Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

And the following conditions:

1. Reserved Matter

Details of landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning

Authority before any development begins within that phase and the development shall be carried out as approved.

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

2. Standard Time Limits – Outline Planning Permission

Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this permission:

Received 07.10.2021

- Location Plan (A11910 D 0001 Rev 1)

Received 24.06.2022

- Site plan Proposed (A11910 D 0003 Rev 4)
- Phasing plan (A11910 D 0004 Rev 3)
- Setting out based on current Stage 2 design information (A11910 D 0005 Rev 3)
- Proposed plan level 7 Roof (A11910 D 0107 Rev 4)
- Elevations A1 & A2 Proposed (A11910 D 0201 Rev 2)
- Elevations B1 & B2 Proposed (A11910 D 0202 Rev 2)
- Elevations C & D Proposed (A11910 D 0203 Rev 2)
- Elevations E & F Proposed (A11910 D 0204 Rev 2)
- Site Context Sections Proposed (A11910 D 0300 Rev 3)
- Sections AA & BB Proposed (A11910 D 0301 Rev 3)
- Sections CC Proposed (A11910 D 0302 Rev 3)
- Sections DD Proposed (A11910 D 0303 Rev 3)

- Section EE Proposed (A11910 D 0304 Rev 3)
- Co-Living Courtyard (5519-OOB-XX-XX-SK-L-9001 Rev P03)
- Green Link (5519-OOB-XX-XX-SK-L-9002 Rev P03)
- PBSA Courtyard 1 (5519-OOB-XX-XX-SK-L-9003 Rev P02)
- PBSA Courtyard 2 (5519-OOB-XX-XX-SK-L-9003 Rev P02)
- Sketch Site Plan (5519-OOB-XX-XX-SK-L-0005 Rev P12)
- Planting (5519-OOB-XX-XX-SK-L-0006 Rev P12)
- Tree Plan (5519-OOB-XX-XX-SK-L-0007 Rev P12)
- Pedestrian and Vehicular Access Arrangement (72032-CUR-00-XX-DR-TP-75007 Rev P02)

Received 08.08.2022

- Proposed plan level B Co-living lower ground floor (A11910 D 0099 Rev 5)
- Proposed plan level 0 Co-living ground floor PBSA lower ground floor (A11910 D 0100 Rev 5)
- Proposed plan level 1 Co-living first floor PBSA ground floor (A11910 D 0101 Rev 5)
- Proposed plan level 2 Co-living second floor PBSA first floor (A11910 D 0102 Rev 5)
- Proposed plan level 3 Co-living third floor PBSA second floor (A11910 D 0103 Rev 5)
- Proposed plan level 4 Co-living fourth floor PBSA third floor (A11910 D 0104 Rev 5)
- Proposed plan level 5 Co-living fifth floor PBSA fourth floor (A11910 D 0105 Rev 5)
- Proposed plan level 6 Co-living sixth floor PBSA fifth floor (A11910 D 0106 Rev 5)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

4. Surface Water Drainage

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the approved Flood Risk Assessment.
- b) Detailed proposals for the management of surface water and silt run-off 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 that there is agreement in-principle from South West Water.

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: 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 site layout is fixed.

5. Biodiversity Mitigation and Enhancement Plan

Applications for approval of the reserved matter shall include a Biodiversity Mitigation and Enhancement Plan setting out how the landscaping details mitigate and enhance the biodiversity of the site taking account of the recommendations in Section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021). The Plan(s) shall also include measures to mitigate and enhance biodiversity through the design and construction of the buildings. The Biodiversity Mitigation and Enhancement Plan(s) shall be implemented as approved.

Reason: To protect and enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy, and paragraph 180d) of the NPPF (2021).

Pre-commencement Details – Phases

6. Contamination

No development (except demolition) shall take place within any approved phase of the development until a full investigation of the site within that phase 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 within each phase shall not be occupied until the approved remedial works for the phase have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

7. Archaeology

No development related works shall take place within any approved phase of the development until a written scheme of archaeological work for that phase has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include on-site work, and off site work such as the analysis, publication, and

archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme for the phase, unless otherwise agreed in writing by the Local Planning Authority.

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

8. CEMP (Biodiversity)

No development (including demolition and ground works) shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities, taking account of the recommendations in section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021).
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) Construction vehicle numbers, type routing.
- b) Access arrangements to the site.
- c) Traffic management requirements.
- d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Siting and details of wheel washing facilities.
- g) Cleaning of site entrances, site tracks and the adjacent public highway.
- h) Provision of sufficient on-site parking prior to commencement of construction activities.
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- k) Measures to control the emission of dust and dirt during construction.
- l) No burning on site during construction or site preparation works.
- m) Measures to minimise noise nuisance to neighbours from plant and machinery.
- n) 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 unless alternative times have been agreed in writing with the Local Planning Authority.

The Construction Method Statements shall address all works within the phase, including any demolition and remediation works.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

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

10. Waste Audit Statement

Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local

Planning Authority. The statements shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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

11. Noise Impact Assessment

Prior to the commencement of development in any approved phase, a Noise Impact Assessment for the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall assess the impact of noise generated by the development on local receptors, including noise from plant and equipment. The noise from plant shall not exceed 5dB below the existing background noise level at the site boundary. The Assessment shall include design details of any noise mitigation measures that are required, which shall be implemented prior to the occupation of development in the relevant phase as approved.

Reason: To protect the amenity of the surroundings from noise generated by the development. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Pre-commencement Works

12. Tree Protection

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing number TH/A780/1120 Rev 3.0 ('Tree Protection Plan') within the submitted Arboricultural Appraisal (Advanced Arboriculture, 24th September 2021) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the tree to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the tree to be retained is not harmed by building operations.

Pre-tree and Vegetation Clearance Works

13. Bird Nesting Season

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

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 180 of the NPPF.

During Construction

14. Unsuspected Contamination

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

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

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

Pre-Specific Works

15. Energy Performance (Policies CP14 and CP15)

Before commencement of construction of the superstructure of each building hereby permitted, a SAP calculation for the building shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that a 19% reduction in

CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved, or if the building is constructed to the 2022 Building Regulations that a 10% reduction in CO2 emissions above the levels set out in Part L of the 2022 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of each building the developer shall submit a report to the Local Planning Authority 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 Policies CP14 and CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policies CP14 and CP15 are met and the measures are included in the construction of the buildings.

16. Acoustic Design Statement

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), an updated Acoustic Design Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall also include an assessment of overheating conditions. The Acoustic Design Statement shall demonstrate how the building will achieve both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to the occupation of the development, and maintained thereafter.

Reason: In the interests of residential amenity. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.

17. Decentralised Energy Network

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

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

18. Materials

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

Reason: To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

19. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

20. External Lighting

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

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife. Also taking into account section 5.3.2 of the submitted Ecological Appraisal & Phase 1 Bat Survey.

21. Highways 2

(Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until an RSA S1 and detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by

the Local Planning Authority. For the avoidance of doubt, any problems identified in the RSA S1 must be adequately rectified to a standard deemed acceptable by the Local Planning Authority in consultation with the Local Highway Authority.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity.

Pre-occupation

22. Highways 1

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on drawing number D 0003 Rev 2. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway.

23. Highways 3

No phase of the development hereby permitted shall be occupied until a scheme to provide cycle access from Heavitree Road to the site access has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, and subsequently constructed. The scheme will provide designated cycle infrastructure in line with LTN1/20 standards linking the site with College Road and the site access.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with paragraphs 110 (a, b) and 112 (a, c) of the NPPF.

24. Highways 4

Prior to the occupation of the development hereby permitted, two co-bike cycle racks (with a minimum of 20 co-bike cycles) shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The co-bike cycle racks shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with paragraphs 110 (a, c) and 112 (a, b, e) of the NPPF.

25. Highways 5

Prior to the occupation of the development hereby permitted, a car-club facility shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car-club facility shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with the Sustainable Transport SPD and paragraphs 110 (a,c) and 112 (b,e) of the NPPF.

26. Highways 8

Prior to the occupation of the development hereby permitted, a Car Parking Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The CPMP shall include the following details:

- On-site parking enforcement measures to prevent future occupier parking on the internal access road and on the landscaping.
- Operation of the proposed droppable bollard and how it will allow for deliveries / servicing / taxi / visitors / emergency vehicles.
- Entry and exit signage for the one-way access road.
- Procedures for the moving in and out days for future students and measures to reduce impact to the local highway and footway network.

The CPMT shall be implemented as approved.

Reason: To ensure the free-flow of the local highway and footway networks and to promote sustainable development and inclusiveness, in accordance with paragraphs 110 (c, d) and 112 (d) of the NPPF.

Pre-occupation – Phases

27. CCTV

Prior to the occupation of the development hereby permitted within any approved phase, a strategy for the distribution and management of CCTV on the site within the phase shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategies shall be implemented as

approved prior to occupation of development within the relevant phase and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

28. Highways 6

Prior to the occupation of the development hereby permitted within any approved phase, the parking spaces within the phase shall be provided and shall incorporate an Electric Vehicle ready (active) domestic charging point, which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 (e) of the NPPF.

29. LEMP

Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

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

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF.

30. Cycle Parking

The building(s) in any approved phase shall not be occupied until secure cycle parking for the residents of the building(s) in the phase has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

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

31. Travel Plan

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

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

Post Occupancy

32. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

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

33. Communal Spaces

The amenity areas of the buildings, as shown on the approved floor plans, shall be used for communal amenity use only and shall not be sub-divided in any way to create additional studios/bedspaces.

Reason: To ensure sufficient communal amenity space is available for the residents of the buildings in the interests of residential amenity.

34. Access Control Measures

Access control measures shall be implemented for all access points to the buildings to prevent access by non-residents or staff.

Reason: In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review and paragraph 130f of the NPPF, taking into account the recommendations of the Police Designing Out Crime Officer.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 5 MARCH 2023 OR SUCH EXTENDED TIME AS AGREED BY THE DIRECTOR OF CITY DEVELOPMENT

- 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
- NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
- Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
- Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

Planning Committee Report 21/1564/OUT

1.0 Application information

Number:	21/1564/OUT
Applicant Name:	Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L
Proposal:	Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)
Site Address:	Former Police Station and Magistrates Court, Heavitree Road
Registration Date:	7 October 2021
Link to Application:	21/1564/OUT
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Richard Branston, Cllr Jemima Moore, Cllr Matthew Vizard.

REASON APPLICATION IS GOING TO COMMITTEE:

The Director of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Update following 5 September 2022 Planning Committee

At the Planning Committee held on 5 September 2022 Members resolved to refuse this application for the following reasons and asked the Director of City Development to report back to the next Planning Committee with full technical reasons for refusal:

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-living and PBSA accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

Accordingly, the technical reasons for refusal recommended by officers are:

1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke's College buildings, by virtue of the heights and massing of the two buildings, which would be of a far greater scale than the majority of buildings in the area, and their siting in close proximity to the streets making them feel even more imposing on their surroundings. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter's character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 197c) of the NPPF (2021).
2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings on the site and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality with a sense of feeling enclosed and with reduced levels of daylight due to the scale of the surrounding buildings. In addition, the small size of the studios within the co-living block combined with the amount of internal, shared communal space within the building would provide a poor living environment for residents that would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £472,995 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £121,095 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400

metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.

5. The proposed development would result in the loss of all trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

It is also advised to add the following reason for refusal:

6. In the absence of a s106 legal agreement to secure the following:
 - 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
 - Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
 - NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
 - Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
 - Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
 - Student Management Plan for PBSA block
 - Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

As a further update, Members are advised that the applicants have contacted officers requesting a further deferral of the application in order to revise the proposals accounting for the issues raised by the Planning Committee. Subject to an appropriate extension of time being agreed, the Director of City Development recommends that this time is granted so that Members can consider a revised set of proposals that better reflect Members' aspirations for the site and to ensure that any proposals considered at appeal are the most appropriate for the area.

A copy of the original 5 September Planning Committee Report is at Appendix 1.

APPENDIX 3

Internal Consultation Response from ECC Urban Design and Landscape Officer:

Project/Application – Police Station + Courts site, Heavitree Road, Exeter

An outline application ref: 21/1564/OUT

- 1** ***The site falls within ‘East Gate - Site Reference 52’ as designated in The Exeter Plan (ECC, 2022) which is at draft stage. It is one of the 8 ‘Liveable Exeter’ allocations that are identified. A comprehensive re-development of the existing site is proposed and current buildings are to be replaced with two major components – a 646 bed Private Build Student Accommodation (PBSA) block with a 318 unit Co-living project***

The project has been the subject of a series of design review meetings during the course of its evolution, these beginning in November 2020. The most recent review was in November of 2022 and the revised submission now explains how the proposals have responded to the published report.

That further review was arranged and revisions explored following concerns expressed by Members when the project was last considered by the planning committee.

Urban Design

2 ***Bulk, Form and Massing in Relation to Context***

- 2.1 The very first proposals were suggesting a substantial bulk and massing that extended to a considerable height - indicating up to 10 storeys of accommodation for parts of the development. Gradually, the scale of the setting has been better-recognised and the project has responded more reasonably to the existing context whilst at the same time attempting to make optimum use of this brownfield site – the latter ambition being a key principle for Liveable Exeter sites.
- 2.2 The western end of the development now proposes a 3 / 3.5 storey response (above a basement level) compared to the 2 storeys of the adjacent Upper Summerlands, but with a full 4 storey condition at the front corner of the block here. The height of the development then rises in a series of steps relative to Heavitree Road (which itself is sloping) to reach the most prominent corner of the site. Turning along Gladstone Road the scale of the proposals then relates well to the building permitted and under

construction on the former ambulance station site, as its nearest neighbour.

- 2.3 The formal articulation of the mass thus creates an appropriate accent or focus at the corner of Heavitree Road and Gladstone Road. The gabled presentation at roof level marks this important corner and also simultaneously identifies the location of the main entrance to the PBSA block and communal facilities which activate the facades of the ground floor below.
- 2.4 A similar approach has been deployed at the eastern corner of the co-living block thereby providing a gateway condition to the landscape space and path that runs between the two blocks. This is 'answered' by a single gable on the opposite side of this gap. The idea of informally aligning the gap with College Road on the opposite side of Heavitree Road (see p.22 of the Addendum DAS) does not seem to have been carried through into the final version of the proposals, which is unfortunate, but results from the new balance in quantum between the two types of accommodation.
- 2.5 In addition to the form and bulk, the 'building line' relative to Heavitree Road has been a key subject of discussion and revision. The current proposals allow for a 'set back' from the pavement edge that (at a minimum of 14.5m) now allows street-side trees and planting to be included. The current landscape character of the street will certainly change but can be retained to a greater extent through the inclusion of 6 existing trees – although much of this frontage would again have to be re-worked if and when long-term ambitions for a dedicated bus lane along Heavitree Road are implemented.
- 2.6 The building line also now 'modulates' – with the facade stepping further back for portions of the Heavitree Road frontage in an attempt to further break up the mass and reduce the apparent scale here.

3 *Character and Identity*

- 3.1 The architectural language is based on brick, as a familiar material within the Exeter context, with metal clad dormer features set within a standing seam metal roof as an edge 'mansard' condition. The main roofs are otherwise generally flat (planted or 'green' with some PV solar collectors) and are relatively understated, except where these have been deliberately articulated as part of the gabled forms.
- 3.2 The two components of the development each provide variants within a generally consistent approach and this is welcomed since the scale and length of the Heavitree Road frontage may otherwise appear somewhat unrelenting and monotonous. Different brick specifications subtly adjust the colour/appearance and particular textural and constructional details are deployed specifically to provide a slightly different character to the

façades of each block. The result produces a satisfactory compositional balance - achieving an overall coherence and yet this is balanced with sufficient localised variety to provide visual interest along the street / within the townscape.

- 3.3 The project has been modelled and represented in a number of three-dimensional perspective views. The key image View 20 (see extract below) is considered to be generally satisfactory, although the area of vertical glazing between the two main gables of the Heavitree Road front at the corner of Gladstone Road seems to introduce an incongruous character and the substantial infill appears to weaken or conflict with the idea of presenting conventional gables here. A condition requesting detailed drawings of this element would be a useful request in order to allow further consideration of the appearance here.



Landscape

4 *General Approach*

4.1 Whilst Landscape is a Reserved Matter, the particular spaces that have begun to be illustrated in more detail as part of the current submission are satisfactory in principle at this stage. This includes outline ideas for the courtyard gardens, the frontage spaces to both streets and the landscape route between the two blocks.

4.2 Greater clarity about the landscape character being attempted around the northern and western periphery of the site is needed and the design and placement of ancillary structures (sub-stations and stores) will need further

consideration as components of the landscape design at Reserved Matters stage. Further tree planting along the northern side of the site should be explored – possibly detailed here as more urban ‘street trees’?

- 4.3 The area that forms the rear service zone for deliveries/drop off; provides access to the cycle storage; and, links with the route between the blocks is an important (largely hard-landscaped) space that may benefit from having a distinct ‘sub-character’. External lighting design will be important across the whole site, but may be especially significant here.

Residential Amenity

5 *Light, Space, Privacy and Facilities*

- 5.1 Each of the two components of the project rely on a ‘courtyard’ typology in achieving the intensities of development proposed. Earlier iterations of the designs included internal courts of unsuitable proportions. This gave rise to concerns about lack of natural light and privacy within the courts. In addition, and simply, the amount of external space that is private and available to residents was quite limited. The revised proposals have improved the situation in a number of ways:
- reduction in the height some parts of the accommodation enclosing the courts
 - removal of a set of rooms (as an additional wing) that sub-divided the space available within the PBSA block
- 5.2 The reduced heights now proposed for the enclosing wings of accommodation are expected to provide adequate daylight, but sunlight is not available to all rooms. North-facing single aspect accommodation is, of course, the least satisfactory, although reflected sunlight will be visible as it strikes the south, west and east facing internal facades at different times of the day, throughout the year. The material finish of the internal walls of the courts could be another useful condition attached to any approval requesting detailed drawings and specification for this walling - rather than deploy the same brickwork chosen for the exterior, a more reflective and lighter finish might be specified. Historic examples of this building typology have used a glazed brick in white or cream as a ‘tactic’, for instance.
- 5.3 The minimum face to face dimensions between units of accommodation (across the shorter width of the courts) is confirmed as:
- 16m for the PBSA block
 - 10.5m for the Co-living block (although here it is between a corridor and a residential unit)
 - 13m across the ‘green link’ between the PBSA and Co-living blocks.

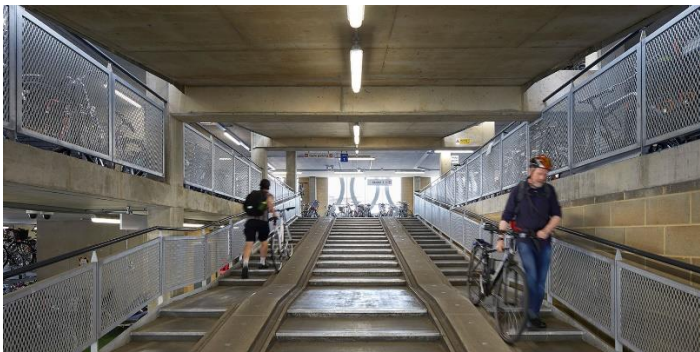
A special 'one way manifestation film/coating' is proposed to the glazing at ground and first floor levels in the co-living block where it relates directly to Upper Summerlands. The face to face dimension here is 18m at its narrowest. It is not clear why this idea is not proposed for the upper storeys. Further information/samples about this technique should be requested by a condition if this is to be pursued, however, a face to face dimension of 18m in this circumstance is not necessarily problematic. The ECC Residential Design SPD suggests that 23m is the minimum 'back to back' distance for conventional housing, but here we are in fact dealing with a 'front to front' relationship and with a line of intervening trees proposed between the building facades. The 23m standard originated more widely in planning guidance as a means for preserving the availability of daylight and sunlight to rear gardens (which do not exist here) and only later became a 'proxy' for ensuring privacy / preventing 'inter-visibility' between dwellings. The application demonstrates that the natural lighting criteria are otherwise met (using the '25 degree rule' in the BRE Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)) and inter-visibility between the front faces of buildings is not usually subject to a standard minimum dimension.

- 5.4 The line of tree planting ought to be achieved with semi-mature stock, so as to ensure an amount of visual filtering at the outset. The planting specification here will be confirmed in detail at Reserved Matters stage.
- 5.5 The amount of space available to residents as external amenity in the Co-living accommodation has increased slightly (from 0.93sqm to 1.0sqm per room) and is 0.9sqm per room in the PBSA student block. The landscape design strategy for the external 'Courtyard Garden' spaces, although only illustrative at this stage, does suggest a robust approach that would be appropriate for their role and use – which, in summertime 'heat wave' conditions (ever more-likely given climate change) could see them quite intensively occupied. Species of trees / planting that are tolerant to partial shade will need to be specified, but with careful specification and design, the green components of these spaces can provide a useful contribution to Biodiversity Net Gain.
- 5.6 The amount of internal amenity in terms of shared / common areas as part of the Co-living block has increase from 2.5sqm to 5.0sqm, which now compares with draft standards proposed by the GLA for this form of living accommodation, which states this as a minimum. The comparable figure for the PBSA block is 1.6sqm, but here residents will have access to the other facilities available to students - provided centrally by the University on their main campuses (including St Lukes on the opposite side of Heavitree Road).
- 5.7 Concern was raised in the report from the design review meeting about the long, unrelieved corridors that provide internal circulation as access to the individual rooms / units. This was perhaps most problematic in the large PBSA block. In the latest floor plans there are areas of subtle widening of the

corridor which seem to indicate 'nodes' at intervals that might with further detailed design serve to break up the internal route.

5.8 The suitability of providing bicycle storage / parking at basement level was discussed in the most-recent design review session.

5.8.1 New proposals have this now split between ground and basement in the Co-living block, with a lift providing access to the lower level, which is an adequate solution. Although improved, this still seems less than ideal as an arrangement and might still deter some residents from cycle use? A further improvement might have been to introduce a stepped ramp (see illustration of example below) that might be a stronger connection between levels and have the effect of combining them into a single volume - at least to some degree.



The cycle stores in the PBSA block are now entirely at Ground Floor level which is satisfactory.

5.8.2 Both blocks only seem to allow access to the cycle stores via external doors which are located at the rear of the blocks. The arrangement will do little to encourage their use and the possibility of direct links from the internal circulation of each block should have been considered.

Conclusion / Summary

The project is ambitious in its scale, but the tactics now adopted for its form and massing satisfactorily relate it to its setting. Empirically, through the series of iterations and revisions, the project has evolved to represent what is probably the optimum density of development for this brownfield site and therefore makes best use of it. The landscape design is also well-resolved, given that further detail will be negotiated at Reserved Matters stage. The revised internal arrangements now confirm a stronger provision of shared amenity space and better availability of natural light to the accommodation arranged around the courtyard garden spaces.

Therefore, with the exceptions of the relatively minor points raised within the observations above (which might be addressed by imposing suitable conditions on any approval) the design aspects of the project are now satisfactorily resolved.

The recommended conditions are:

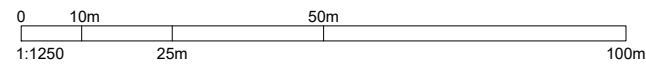
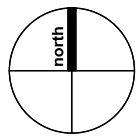
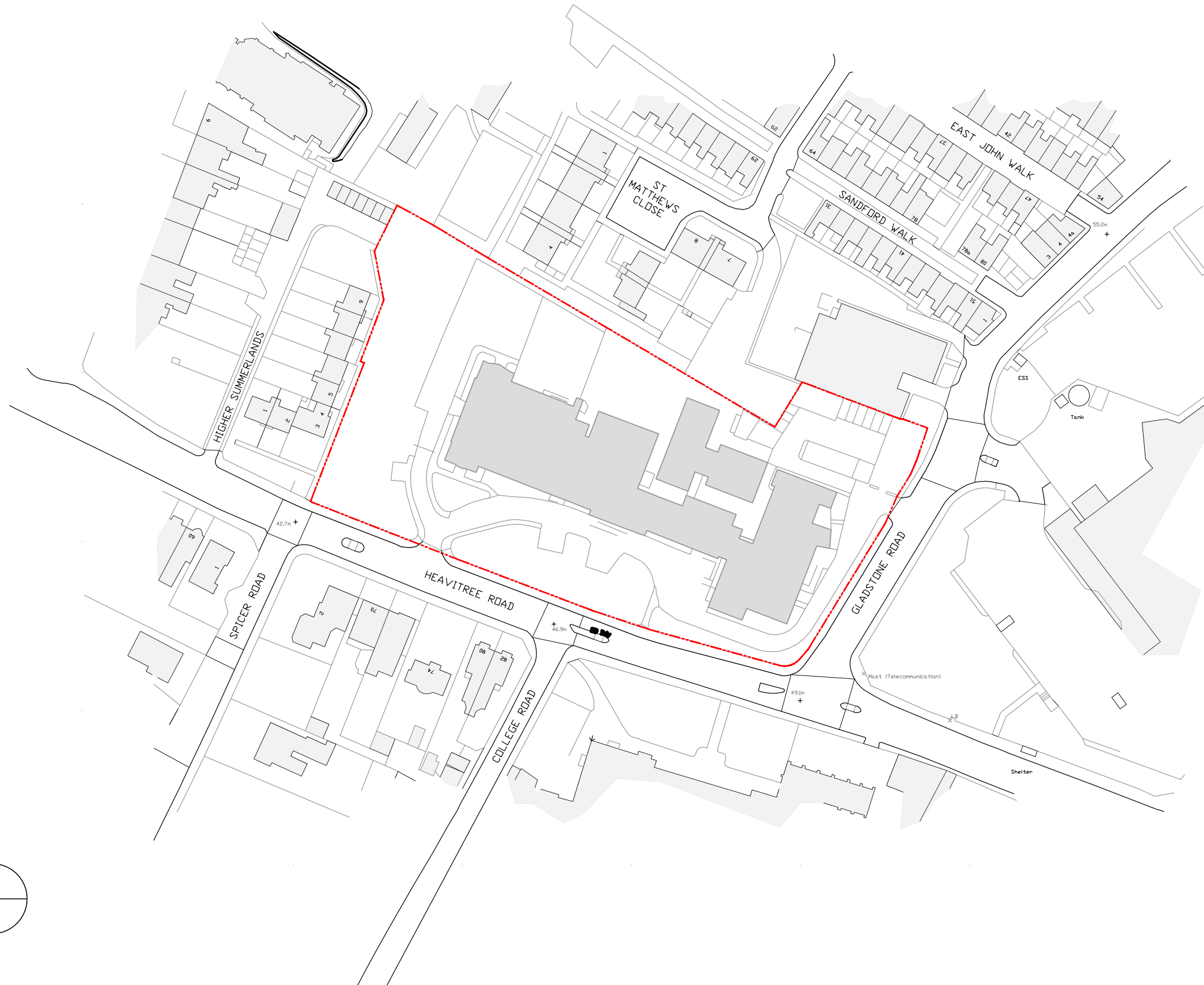
- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the glazed infill element between the roof gables at the south east corner of the site.
- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the internal walling enclosing the Courtyard Gardens.
- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the glazing system that provides the 'one way manifestation film/coating' that is proposed to parts of the western façade of the Co-living block.

Mark Pearson

Principal Officer – Urban Design and Landscape

Date: 10.02.2023

This page is intentionally left blank



Client
Structural Engineer
Services Engineer
Consultant
Key plan

NOTES:

THIS DRAWING IS PROTECTED BY COPYRIGHT.

ALL AREAS HAVE BEEN MEASURED FROM CURRENT DRAWINGS. THEY MAY VARY BECAUSE OF (EG) SURVEY, DESIGN DEVELOPMENT, CONSTRUCTION TOLERANCES, STATUTORY REQUIREMENTS OR RE-DEFINITION OF THE AREAS TO BE MEASURED.

--- PLANNING APPLICATION
 RED LINE BOUNDARY

11	27.09.21	Issued for planning	MS	NR
Rev.	Date	Comment	Drawn	Checked

Issue Purpose

INFORMATION

tp bennett

One America Street London SE1 0NE | +44 (0)20 2408 2000 | www.tpbennett.com

Project
**Heavitree Road
 Exeter**

Drawing Title
Location Plan

Drawn	Date	Scale @ A3	Alt. Ref.
RCR	15.09.21	1:1250	A11910D0001
tp bennett Project No.	Drawing Number	Rev	
A11910	D 0001	11	

This page is intentionally left blank

Planning Committee Report 21/1940/OUT

1.0 Application information

Number:	21/1940/OUT
Applicant Name:	Mr David Lovell, Heritage Developments (South West) Ltd
Proposal:	Outline planning application for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure (Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration).
Site Address:	Land Adjacent To Newcourt Road Topsham Devon
Registration Date:	20 December 2021
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4F8JXHBKMZ00
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Joshua Ellis-Jones, Cllr Andrew Leadbetter, Cllr Rob Newby

REASON APPLICATION IS GOING TO COMMITTEE

The Director of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

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

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework (NPPF) 2021 policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed Development	The proposal has moderate conflict with Policy CP16 and saved Policy LS1, however this is outweighed by the benefits taking into account appeal ref. APP/Y11110/W/22/3296946 and the presumption in favour of sustainable development (NPPF 11).
Access and Impact on Local Highways	Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Local Highway Authority is satisfied neither are applicable to the proposal despite concerns raised by local residents following recent planning permissions for housing along Newcourt Road. Officers are satisfied that safe and suitable access can be achieved to the site for all users.
Affordable Housing	The development will deliver 35% affordable housing in accordance with Policy CP7.
Noise	The site has low to medium adverse noise risk from the railway line and M5. An acoustic screen is suggested around part of the site. This will not be acceptable in publicly viewed areas on design/placemaking grounds. This will affect the layout at reserved matters stage. Alternative mitigation may be required for some dwellings. An Acoustic Design Statement should be conditioned as part of the reserved matters submission.
Impact on Trees and Biodiversity	A condition should be added to protect the hedgerow on site and trees adjoining the site during construction works. With the exception of the hedge the site has limited habitat value. Conditions should be added for

Issue	Conclusion
	updated surveys (being an outline application), a Construction and Environmental Management Plan and Biodiversity Enhancement Plan to ensure no harm to protected species and an overall net gain in biodiversity.
Contaminated Land	The site is unlikely to be contaminated. The standard condition should be added in case unidentified contamination is found during construction.
Archaeology	There could be archaeological features beneath the site. The Heritage Officer has recommended the standard archaeological condition.
Impact on Air Quality	Air quality at the site is within acceptable limits. Mitigation is proposed to deal with the cumulative traffic impacts. This is acceptable to Environmental Health. A Construction Method Statement should be conditioned, including measures to suppress dust soiling.
Flood Risk and Surface Water Management	The site is not at risk from flooding. The Lead Local Flood Authority is satisfied with the proposed drainage strategy, subject to a condition for further details at reserved matters stage. South West Water has confirmed it is able to provide foul sewerage services to the site.
Sustainable Construction and Energy Conservation	The developer has committed to energy conservation measures in the Design and Access Statement. The standard condition addressing Policy CP15 should be added. A Waste Audit Statement should be secured by condition.
CIL/S106	The development is CIL liable. A s106 legal agreement is necessary to secure affordable housing and infrastructure contributions to mitigate the impacts of the proposal in accordance with Policy CP18.

Issue	Conclusion
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The application does not accord with the adopted Development Plan, as it conflicts with Policy CP16 and saved Policy LS1. However, the Council does not have a five year housing land supply and therefore the ‘tilted balance’ as set out in paragraph 11 of the National Planning Policy Framework 2021 (NPPF) applies. It’s considered that the policy conflict is modest and the adverse impacts do not ‘significantly and demonstrably’ outweigh the benefits in terms of the delivery of market and affordable housing on the site, which can be designed sensitively to fit in with the semi-rural setting.

5.0 Description of site

The site comprises an agricultural field to the east of Newcourt Road on the outskirts of Topsham. The site area is 1.44ha. It lies to the north of recently granted permissions [22/0269/FUL](#) (for 16 dwellings), [20/0437/FUL](#) (for 27 dwellings) and [20/0121/RES](#) (for 7 dwellings) along Newcourt Road. A further dwelling was granted under [21/1804/FUL](#) for the larger of these sites. A single dwelling was also granted further south along Newcourt Road ([21/0136/FUL](#)). The majority of these permissions have been implemented. Newcourt Road is a no through road with vehicle access from Denver Road 680m southeast of the site. The road has no footways adjacent to the site or to the south for approximately 170m. About 250m to the north it cross the M5 motorway.

The site is bounded by Newcourt Road to the southwest with a row of houses opposite, primarily bungalows/chalet bungalows. The former Rushmore Nursery lies to the northwest with a line of trees along the boundary. The site is bounded by the Avocet railway line to the northeast; beyond this is a housing site under construction for 155 dwellings ([17/1148/OUT](#) and [20/0849/RES](#)) and adjoining fields which were recently granted permission to be developed for up to 100 dwellings at appeal ([21/0894/OUT](#) / APP/Y1110/W/22/3296946). These sites are accessed from Clyst Road to the east. To the southeast is an agricultural field divided from the site by a post and wire fence. Beyond this are the housing sites mentioned above.

The site comprises species-poor permanent pasture and has been used for grazing. A hedge runs along the boundary with Newcourt Road. There are two sheds in the southern corner of the field in poor condition, between which is a gated access to the field from Newcourt Road. There are no trees on the site.

The site is within the strategic gap between Topsham and Exeter, one of the areas protected by Policy CP16 of the Core Strategy in terms of their character and local distinctiveness. It is located within the designated Landscape Setting area as shown on the Core Strategy Key Diagram and the Exeter Local Plan First Review 1995-2011 Proposals Map. Newcourt Road is designated a Site of Local Interest for Nature Conservation (SLINC) on the Local Plan First Review Proposals Map. It is also designated as a cycle route. The site is in Flood Zone 1. There are no above ground heritage assets within the vicinity of the site. The site has been graded as 'Medium' sensitivity to housing development in the Exeter Landscape Sensitivity Assessment (August 2022), which forms part of the evidence base for the new Exeter Plan.

The site is proposed to be allocated for housing together with the adjacent field to the southeast in the new Exeter Plan (Site Reference 92). However, no weight should be given to this, as the new Plan is not adopted and is at a relatively early stage in its preparation.

6.0 Description of development

The proposal is to develop the site for up to 30 dwellings, 35% of which will be affordable housing, and associated infrastructure. The application has been submitted in outline with all matters reserved except access. Vehicular access will be provided from Newcourt Road towards the south of the site, with adjoining 2m wide footways.

NB. As this is an outline application, the developer must submit further proposals for formal approval by the City Council. As we strive for the highest quality development and are committed to raising design standards, applicants will be expected to engage with the Exeter Design Quality Partnership (EDQP) before submitting reserved matters details for formal approval. The National Planning Policy Framework requires that local planning authorities have regard for the outcome of design-led processes, including recommendations made by design review panels. The EDQP is Exeter's preferred route to ensure consistent advice across the city's development.

7.0 Supporting information provided by applicant

- Design and Access Statement (December 2021)
- Planning Statement (December 2021)
- Proposed Section 106 Heads of Terms (December 2021)
- Transport Statement (December 2021)
- Flood Risk Assessment and Drainage Strategy (November 2021)
- Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal (November 2021)
- Environmental Noise Impact Assessment (9th November 2021)
- Air Quality Screening and Dust Risk Assessment (19 November 2021)
- 'An archaeological magnetometer survey' report (3rd November 2021)
- Phase 1: Preliminary Contamination Assessment Report (November 2021)

Additional Information Submitted During Application

- Phase 1: Preliminary Contamination Assessment Report (February 2022)
- SRL letter dated 21 March 2022 re Air Quality Measures
- Landscape and Visual Assessment (April 2022)
- Flood Risk Assessment and Drainage Strategy Rev B (May 2022)
- Access Summary – Application Ref: 21/1940/OUT 205226-2023 Technical Note 01

8.0 Relevant planning history

There is no relevant planning history.

9.0 List of constraints

- Within strategic gap between Topsham and Exeter
- Within Landscape Setting area
- Noise from railway line
- Trees to the north
- Hedge along Newcourt Road
- Within 'zone of influence' for Exe Estuary SPA, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

10.0 Consultations

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

Natural England: Habitats Regulations Assessment required. Green infrastructure encouraged. General advice on protected species and other natural environment issues provided.

Network Rail: No objection in principle. Asset protection comments provided re drainage, landscaping, ground levels, foundations, ground disturbance, site layout, piling, excavations/earthworks and lighting.

RSPB: Biodiversity not addressed in Design and Access Statement. Guidance on number of integral nest boxes to be installed provided. Integral nest boxes should be secured.

South West Water: Clean potable water can be provided. Foul sewerage services can be provided from the existing public foul or combined sewer in the vicinity of the site. Surface runoff should discharge as high up the hierarchy of drainage options as is reasonably practicable; the proposed method to discharge into the ground is acceptable and meets the Run-off Destination Hierarchy.

Devon & Somerset Fire & Rescue Service: The drawings provided would not appear to satisfy the criteria required for B5 access under Building Regulations. B5 access to plots 24 and 25 should meet the requirements of paragraphs 13.1, 13.3 and 13.4 of ADB Vol 1. Early consideration should be given to the provision of fire hydrants.

Police Designing Out Crime Officer: Pleased 'Secured by Design' has been referenced in the Design and Access Statement. Design recommendations provided for consideration at reserved matters stage.

NHS Devon CCG: The combined surgeries of Topsham Surgery and Glasshouse Medical Centre are already over capacity. S106 contribution of £584 per dwelling requested towards mitigation in accordance with '*Devon Health Contributions Approach: GP Provision document*'.

Royal Devon University Healthcare NHS Foundation Trust: S106 contribution of £18,196 sought towards additional healthcare services to mitigate the impact of the population increase caused by the development on the services it provides. It is essential this is paid prior to the occupation of the development.

Local Education Authority (DCC): S106 contribution of £3,702.30 per dwelling requested towards secondary provision at South West Exeter. This was later withdrawn.

Local Highway Authority (DCC):

Draft response dated 24 February 2022, received 20 April 2022

Trip generation for the proposed development has been assessed using a survey of the movements generated by the existing dwellings on Newcourt Road. This approach is appropriate, and the sample of 70 existing dwellings sufficient given the local relevance. The trip generation assessment carried out within the TS has shown a total increase in vehicular traffic of eight movements in each peak. This is not considered to be significant and therefore is unlikely to alter the existing operation of the local highway network.

Section 2 of the Transport Statement includes a review of Personal Injury Collision (PIC) data for the latest three full years (01/01/2018 – 31/12/2020). The review of PIC records is appropriate and proportionate to the scale of the proposed development, and no existing issues with highway safety identified.

Vehicular access to the site is proposed via a new simple T-junction with Newcourt Road. It is proposed that the junction be unlined, with no marked priority. This proposal is in accordance with design guidance set out in Manual for Streets 2 and is

appropriate in principle for the low traffic flows observed on Newcourt Road. Visibility splays have been provided for the proposed access junction with Newcourt Road. To achieve appropriate visibility splays, removal of vegetation and an existing shed to the east of the proposed access is required. Furthermore, long-term maintenance of cleared vegetation will be required to ensure adequate visibility is maintained at the proposed junction. For the proposed vehicular access onto Newcourt Road to be considered acceptable, a Stage 1 Road Safety Audit is required to be undertaken by the Applicant along with Designer's Response addressing any safety concerns raised.

There is no footway provision on Newcourt Road in the immediate vicinity of the proposed site access. Given the existing low traffic flows and 20mph speed limit on this road, the lack of footway is appropriate in principle and in alignment with MfS. The Transport Statement demonstrates that there is good accessibility both by foot and by bicycle to a range of local facilities within acceptable distances, including Topsham High Street.

The closest bus stops to the site are located within 700m, representing an eight minute walk. This bus stop has an acceptable level of service from the 57 Gold bus service which offers two buses an hour in each direction between Exeter and Exmouth.

Swept path analysis is provided in Appendix D, which demonstrates that a refuse vehicle is able to access the site via the proposed junction. However, as is shown in Appendix E, a refuse vehicle accessing the development site requires the full width of the proposed carriageway to travel round the bend on entry. There is concern that conflict may arise should a vehicle be exiting the site whilst a refuse vehicle tries to gain entry. This may represent an highways safety issue and consideration should be given to the provision of overrun areas on either side of the access junction for use by larger vehicles on the occasion where they are accessing the site whilst another vehicle is exiting. Further swept path analysis should be provided to demonstrate the size of the overrun areas required, and to ensure they are sufficient to allow the adequate passing of vehicles.

In line with Section 8 of the ECC Sustainable Transport SPD, a basic Travel Plan or Travel Pack is required to be produced for future residents of the development. As per paragraph 8.1.4. of the relevant guidance, the Travel Pack should include details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. Where applicable, the required Travel Pack should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. If required, DCC may be able to produce packs for developers upon payment of a financial contribution. There is no reference made to the required travel pack made in the submitted Transport Statement. The form and content of the travel pack is required to be approved by DCC prior to occupation of any proposed dwellings.

In conclusion, the Applicant is required to provide the following information before a recommendation can be given on this planning application in respect to highways:

1. A Stage 1 Road Safety Audit and Designer's Response for the proposed site access junction;
2. Amended site access drawings and updated swept path analysis which demonstrates that a refuse vehicle entering the site is able to pass a vehicle exiting the site; and
3. Commitment to provide a Travel Plan and Travel Pack to residents upon occupation.

Formal response dated 27 September 2022

After discussions with the Local Planning Authority and the developer, a solution to the third point (above) would be to ensure that this is captured within a suitable legal agreement should the members be minded to grant consent. This would mean that a Travel Plan would need to be agreed prior to first occupation.

Points 1 and 2 related to the access of the development and when considering that the development is for 30 dwellings and with the scale and the infrequency of the refuse vehicle and the relatively low level of vehicle movements along Newcourt Road, it would be unreasonable for the Highway Authority to continue to raise an objection to the application based on this after the developer had demonstrated in subsequent correspondence that the access would not pose a highway safety concern. Ergo, the Highway Authority does not raise an objection to the planning application due to lack of information or the need to provide additional information with regards to the access.

It should be noted that the original response by the Highway Authority does raise information that would be sensible to reiterate within this response, where section 5 relates to the Traffic impact and that it would not be considered to be significant and unlikely to alter the operation of the local highway network.

Taking the above into account, it would be unreasonable for the Highway Authority to raise an objection and should members be minded to grant planning consent, subject to a Travel Plan being secured within a suitable legal agreement, the following conditions should be attached to any decision notice.

Additional comments on revised access design and 2023 Technical Note

There is a requirement for the developer to provide a footway within the site to allow for any future developments to the north to link to so that it would allow for the

movements of non-motorised users (NMU'S) off the carriageway. I am aware that the applicant has provided a further drawing, drawing number 205226/PD01 Revision D, that shows that there will be a footway within the site to allow for the movements of the NMU's, and for the avoidance of doubt, the Highway Authority raises no objection to this and welcomes this. The updated drawing clearly shows the visibility splays and alignment and again for the avoidance of doubt, the Highway Authority raises no objection to this.

I have looked at the original Transport Assessment as since the consultation response originally provided by the Highway Authority, there have been further developments that have been consented to consider. There has been an increase of vehicle movements and there will an increase of vehicle movements when this development is taken into account. However, having reviewed this and taking all developments into account, I am satisfied that the level of vehicle movements in the AM/PM will not represent a significant highway safety concern as set out in the National Planning Policy Framework (NPPF) and that there is capacity within the existing highway for the additional vehicle movements in the AM/PM peak. Taking this development and the consented developments into account, it is likely that there will be a vehicle movement on average every 90 – 120 seconds in the AM/PM peak.

I am also aware that the applicant has provided a technical note which also covers this to set out the potential for additional vehicle movements and the Highway Authority is satisfied with this response for this development.

Lead Local Flood Authority (DCC): No in-principle objections. Condition recommended for soakaway test results, detailed drainage design, construction drainage details, adoption and maintenance details, exceedance flows plan, and SWW agreement.

Waste Planning Authority (DCC): A condition should be added to secure a Waste Audit Statement at reserved matters stage.

Environmental Health (ECC): The cumulative impact on air quality has not been considered. The contaminated land risk assessment does not adequately considered sources associated with an orchard and agricultural use, including pesticides and herbicides. The noise assessment proposes an acoustic barrier along part of the site boundary. Full details of this will be have to be submitted as part of the information to discharge the noise condition suggested, but it will also affect the site layout and landscaping. If the presence of a boundary acoustic barrier is likely to affect any other matters of relevance to this outline application then it might be necessary to seek further details at this stage.

Following the submission of further information on the possibility of contamination from the former agricultural use of the site concluding that no unacceptable risks are likely, recommended the standard unsuspected contamination condition.

Following the submission of further information on air quality measures, recommended condition to implement measures; this can be included as part of green travel planning condition or separate.

Local Plans Team (ECC): This proposal is considered to be contrary to policies LS1 of the adopted Local Plan Review, CP16 of the adopted Core Strategy and DD29 of the publication version Development Delivery DPD. Whilst the weight to be attributed to LS1 is limited it still forms part of the Statutory Development Plan. DD29, is also of limited weight due to its lack of progress through the plan-making process (the document reached 'Publication Stage'). However Policy CP16 has full weight and protects this area from development that will harm the character and local distinctiveness of the area.

Previous appeals on adjacent sites will be relevant to determining this application. It will be for the case officer to determine the weight to be attributed to policies.

Heritage Officer (ECC): The application includes the results of geophysical gradiometer survey. The results of the survey provide a useful indicator of the potential constraint of previously unknown archaeological remains; the site appears to contain several linear landscape features, probably bank and ditches of indeterminate date. The orientation scale of the features suggests that they are land divisions which are likely to be of local or regional importance dependent on date. I advise that the site should be subject to further intrusive evaluation in order to inform a robust mitigation strategy in line with the provisions set out in the NPPF. These works could be secured by the inclusion of the standard condition on any outline consent.

Public & Green Spaces Team (ECC): As there are no LEAPs or NEAPs within an acceptable walking distance of the proposed development at land adjacent to, Newcourt Road, which itself is not appropriate for on-site play provision, we would seek a financial contribution towards the expenditure of new play provision in the locality (we have suggested the parcel of land to the south, should it come forward for development). Based on build costs of £100K, 30 years' operation maintenance (calculated on current ECC rates), and refurbishment every 10 years, we would request £511 per dwelling.

11.0 Representations

71 objections were received raising the following issues:

- Increase pressure on Newcourt Road, which is used intensively by pedestrians and cyclists
- Newcourt Road has no pavements in the narrow parts, inadequate lighting and few passing places

- Recent housing developments have caused congestion
- Impact on utilities
- Will result in additional 60 cars going up and down Newcourt Road
- Newcourt Road has highway safety issues
- Intrusion into countryside
- Impact on wildlife
- Newcourt Road/Denver Road is a tight junction – cannot cope with more traffic
- Lack of adequate access
- Impact on infrastructure – schools and GP at capacity
- Site has noise and drainage issues
- Site forms vital part of the green separation between Topsham and Exeter (Policy CP16)
- Newcourt Road almost unusable at peak times
- 8 additional cars in morning peak hour is unrealistic
- Traffic report methodology flawed
- Newcourt Road should be protected for sustainable travel
- Existing drainage system under stress – impact on existing residents of road closures
- Loss of ‘green gap’ – impact on environment/wellbeing
- Noise from M5/railway
- Substantial distance from primary schools
- Hedge has significant ecological value
- Impact on privacy
- Noise from M5 will bounce back from walls of new housing and adversely affect existing houses
- Sufficient car parking should be provided
- Impact on rural character/distinctiveness/appearance/visual amenity
- Newcourt Road far too narrow for the increased traffic
- Dog walkers use the road
- Parked cars along road make visibility along road difficult
- Brownfield sites are a better alternative
- Cars already park on the pavement
- Impact on peoples’ mental health
- GP surgeries already over capacity by over 700 patients
- 2018 traffic analysis will be out of date when 30 new houses are finished
- Demographics of new housing will differ from existing, so traffic analysis inappropriate
- Newcourt Road used as a pleasant walking route and to visit Millennium Woodland
- 2/3 storey buildings will be out of character
- Understood junction with Denver Road would be at capacity with already approved housing
- Impact on sunlight to existing houses
- 10% biodiversity net gain required

- Impact on protected species/wildlife
- Access to Newcourt Road not wide enough – cars need to back up on Denver Road if large vehicle approaches
- Initial section of Newcourt Road does not have a pavement
- Impact on cyclists
- Construction impacts – noise, dust, construction vehicles
- Impact on nearby holiday let
- Counter policy to tackle climate change
- Additional traffic on High Street and Elm Grove Road junctions
- Development should be car-free
- Contrary to Policies LS1 and CP16
- Will increase water run-off
- Proposed dwellings will adversely affect ambient noise in area
- High density design will impact character of area
- No mains sewerage or gas – disruption from laying pipes
- Overdevelopment
- Council now has 5 year land supply, so should be refused in accordance with policy
- Contrary to policy DD29
- Important to protect what remains of Topsham Gap
- Currently only pavement between nos. 8 and 44
- Too far along Newcourt Road for easy access to facilities
- Sewers at breaking point and regularly overflow
- Loss of green space
- Piecemeal/speculative development
- 35% affordable unlikely to be delivered
- Flooding occurs due to surface water runoff
- SWW discharge untreated sewerage into Rive Exe
- Chiefs rugby fans park at top of road to cut through to stadium
- Contrary to Policies LS1, CP16, CP17 and DD29
- Traffic volume data in Transport Statement completely misleading as it refers to (arguably very poor) data from 2018
- Road used by school children
- Cyclists frequently dodge cars
- Most properties between 1 and 19 directly abut highway with no pavement
- Will add to urban sprawl
- New country park (like Dawlish) required
- Loss of important trees
- Members should visit Newcourt Road

One objection was from the Topsham Society raising the following issues:

- Located in Topsham Gap protected by Policies LS1 and CP16
- The Council can now demonstrate a 5 year housing land supply

- Argument Newcourt Road is a “shared surface” is a gross distortion of Manual for Streets – Newcourt Road is not a Pedestrian Priority Area, it is a formal carriageway
- Section of Newcourt Road approaching Denver Road is hazardous
- Junction with Denver Road at capacity and hazardous for pedestrians
- Will add to traffic congestion in wider area, including Junction 30 of M5
- Will damage rural appearance of Newcourt Road
- Will have a significant impact on wildlife

12.0 Relevant policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

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

Planning Practice Guidance (PPG):

Air Quality
 Appropriate assessment
 Climate change
 Community Infrastructure Levy
 Design: process and tools
 Effective use of land
 First Homes
 Flood risk and coastal change
 Healthy and safe communities
 Housing for older and disabled people
 Housing supply and delivery
 Land affected by contamination
 Light pollution
 Natural environment
 Noise

Planning obligations
Travel Plans, Transport Assessment and Statements
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)
National Model Design Code (MHCLG, 2021)
Manual for Streets (CLG/TfT, 2007)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)
Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives
CP1 – Spatial Strategy
CP3 – Housing
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP11 – Pollution
CP12 – Flood Risk
CP14 – Renewable and Low Carbon Energy
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

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
H7 – Housing for Disabled People
L4 – Provision of Youth and Adult Play Space in Residential Development
T1 – Hierarchy of Transport Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
C5 – Archaeology
LS1 – Landscape Setting
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG4 – Residential Layout and Amenity

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other Material Considerations

The Exeter Plan – Outline Draft Plan (September 2022) (Not Adopted)

S1 – Spatial Strategy
CE1 – Net Zero Exeter
CE3 – Flood Risk
H1 – Housing Requirement
H2 – Housing Allocations
STC1 – Sustainable Movement
STC2 – Active and Sustainable Travel in New Developments
STC3 – Active Travel Proposals
STC5 – Digital Communications
NE1 – Landscape Setting Areas
NE3 – Biodiversity
NE4 – Green Infrastructure
HH1 – Conserving and Enhancing Heritage Assets

H1 – Health and Wellbeing
IC1 – Delivery of Infrastructure

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

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

Exeter City Council Annual Infrastructure Funding Statement 2021/22
Exeter City Council First Homes Planning Policy Statement (June 2021)
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
Green Infrastructure Study (April 2009)
Green Infrastructure Strategy – Phase II (December 2009)
Exeter Landscape Sensitivity Assessment (August 2022)
Exeter Fringes Landscape Sensitivity and Capacity Study (February 2007)
Archaeology and Development SPG (November 2004)

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 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 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 issues

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 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

- 35% affordable housing (10 dwellings if 30 dwellings developed and financial contribution for 0.5 of a dwelling towards off-site affordable housing – cannot be calculated until reserved matters confirms dwelling sizes).
- £511 per dwelling towards construction and maintenance of new play provision in locality
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA
- Job creation during construction phase

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 site. This proposal is CIL liable. The rate at which CIL is charged for this development is £80 per sq 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 rate per sq m for residential development in 2023 is £126.79.

The proposal will generate Council Tax.

16.0 Planning assessment

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Affordable Housing
4. Noise
5. Impact on Trees and Biodiversity
6. Contaminated Land
7. Archaeology
8. Impact on Air Quality

9. Flood Risk and Surface Water Management
10. Sustainable Construction and Energy Conservation
11. CIL/S106
12. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. The Principle of the Proposed Development

The site lies within the Landscape Setting area protected by Policy CP16 and saved Policy LS1. The former protects the character and local distinctiveness of the strategic gap between Topsham and Exeter while the latter protects the landscape setting of the city and restricts development to certain types of development not including residential unless its concerned with change of use, conversion or extension of existing buildings. Limited weight can be given to saved Policy LS1, as the part restricting development to certain purposes is inconsistent with the NPPF and Policy CP16. Members can give full weight to Policy CP16 however.

Officers commissioned a chartered landscape architect to review the proposal. Their report states that the site is not inherently highly sensitive, but it has an anti-coalescence role which helps to maintain the perception of Topsham and Exeter being separate. It concludes that if the site is developed there would be a harmful erosion of the perception of the open character of the site and an unacceptable impact on the anti-coalescence role of the Gap. The development would also harm the character and local distinctiveness of this rural fringe area. The application therefore conflicts with Policy CP16.

Since the chartered landscape architect's report was received, the site to the northeast on the other side of the railway line was granted planning permission at appeal (ref. [21/0894/OUT](#)). The Inspector considered that this application had moderate conflict with Policies CP16 and LS1, but this was outweighed by the benefits of delivering market and affordable housing, taking into account the Council's lack of a five year housing land supply (currently c.4 years). The Inspector took into account that a 'gap' would still remain beyond the site and views of the site were limited, plus the landscape was not considered to be highly sensitive.

Officers agree with the chartered landscape architect that the proposed development will conflict with Policy CP16, as it will adversely affect the character and local distinctiveness of this part of the strategic gap. However, the undeveloped land to the north will retain a physical 'gap' between Topsham and Exeter. The trees along the northern boundary block views of the buildings and infrastructure forming part of the City, therefore the proposed development will not result in a strong perception of coalescence. The site has an open, pleasant rural character, however it is not highly sensitive in landscape terms and the new housing that has been allowed on the other side of the railway line will reduce the sense of openness and connection to the wider countryside. Housing already exists opposite the site and it's considered that a high

quality scheme can be designed that includes trees and open space that complements the semi-rural setting. Accordingly the conflict with Policy CP16 is considered to be moderate.

Paragraph 11 of the NPPF states that decisions on planning applications should apply a presumption in favour of sustainable development. If a Council does not have a five year housing land supply, this means permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In the above appeal, the Inspector gave significant weight to the delivery of new market housing and substantial weight to the affordable housing. Moderate weight was given to biodiversity enhancement and there would be modest benefits to the local economy. The same applies to the current application. Therefore, it is considered that the adverse impact of moderate conflict with Policy CP16 does not significantly and demonstrably outweigh the planning benefits of the proposal.

Provided there are no other adverse impacts that significantly and demonstrably outweigh the benefits, the proposal is considered to be acceptable in principle despite the conflict with Policy CP16.

2. Access and Impact on Local Highways

The majority of objections have raised concerns over the impact the traffic generated by the proposed development will have on the safety and functionality of Newcourt Road and its junction with Denver Road. Newcourt Road is a narrow rural lane with some sections without footways meaning pedestrians and cyclists share the carriageway with vehicles. It is apparent from the objections that pedestrian and cycle movements along the road have increased in recent years from the influx of new housing in the wider area. People use the route for recreation and as a walking/cycling route to schools. It is also apparent that there has been inconvenience from construction traffic associated with the recent housing developments further down the road.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal is predicted to generate eight traffic movements in each peak hour. Taking into account the recently approved applications on Newcourt Road, the Local Highway Authority has stated that it is likely that there will be a vehicle movement on average every 90-120 seconds in the AM/PM peak hours. The Local Highway Authority is satisfied that this will not represent a significant highway safety concern as set out in the NPPF and that there is capacity within the existing highway for the additional vehicle movements in the peak hours.

The original access design did not have footways; it was designed as a shared surface because of the low level of vehicle movements along Newcourt Road, particularly to the north due to fewer dwellings using this stretch. This was accepted by the Local Highway Authority, however officers requested the access be redesigned to include footways, consistent with the new housing developments to the south. Officers also requested scope for a segregated path through the site as an alternative to walking along Newcourt Road. The revised access design is considered acceptable by the Local Highway Authority.

The proposed development will add more traffic to Newcourt Road up to the new access. In terms of pedestrian safety, there will be no footways from the access south for approximately 170m until the footway designed as part of the Yeoman Gardens development (ref. 22/0269/FUL), which will connect to the footway to the front of the adjoining housing developments. From here, there is a pedestrian/cycle link into the new housing estate south of Newcourt Road, which includes a pedestrian/cycle path to the pedestrian/cycle path along Exeter Road. This provides a safe walking/cycling route into Topsham, as an alternative to continuing southeast along Newcourt Road. Whilst the existing footway continues southeast along Newcourt Road, the first stretch from Denver Road up to the bend has no footways. The proposed development will add more traffic to this stretch and existing residents living at the southern end of the road are more likely to continue to walk along it than go back up the road to the pedestrian/cycle link south to Exeter Road. The question is will the traffic generated by the proposal make the existing situation significantly worse in terms of safety. The Local Highway Authority has raised no objection, due to the low number of traffic movements the proposal will generate. Therefore, officers consider this to be acceptable.

In terms of the 170m stretch of the road without footways immediately south of the site access, there are/will be fewer traffic movements along this stretch compared to the southern stretch due to fewer houses using it, although some objectors have referred to parking by Exeter Chiefs supporters on match days further up the road. This part of the road is straight with relatively good visibility. The Local Highway Authority has raised no concerns with the lack of footways here, therefore it is considered to be acceptable.

In conclusion, it is considered that safe and suitable access can be achieved for all users, in accordance with paragraph 110 of the NPPF. The development will not cause an unacceptable impact on highway safety and the cumulative impacts on the road network will not be severe. Therefore the application should not be refused on these grounds. There are opportunities to utilise sustainable modes of travel in the area and a condition for a Travel Plan should be conditioned to promote this to residents.

3. Affordable Housing

Policy CP7 requires 35% of the housing to be affordable with 70% provided as social rent and the remainder as intermediate forms of affordable housing. The policy position has been updated in line with national policy through the publication of the Council's First Homes Planning Policy Statement (June 2021), which requires at least 25% of the affordable housing to be provided as First Homes. If the maximum number of dwellings applied for was approved through a reserved matters application, this would deliver 10 affordable dwellings on the site, comprising 7 social rent and 3 First Homes. A financial contribution will also be secured towards the provision of affordable housing off site in the city to cover 0.5 of a dwelling, in accordance with the Affordable Housing SPD.

Provided the obligations above are secured in a s106 legal agreement, the proposal will accord with Policy CP7.

4. Noise

The submitted Environmental Noise Impact Assessment states that the site has low to medium risk of adverse impact due to transport noise from the railway line and M5. It proposes an acoustic screen around the edge of the site to mitigate noise impact on the proposed dwellings, although states this will be most effective along the eastern boundary adjacent to the railway line. However, an acoustic fence will not be appropriate in design/placemaking terms in public areas. It may be appropriate forming the rear boundaries of gardens where it is not visible in the public domain. Therefore, it will affect the layout of the development to be determined at reserved matters stage. It maybe that alternative mitigation will be necessary depending on the final layout of the scheme.

Environmental Health has recommended a pre-commencement condition for an updated Acoustic Design Statement, including assessment of overheating conditions, however it's considered that this should be changed to require the report as part of the submission of reserved matters in order to guide the layout of the development.

5. Impact on Trees and Biodiversity

There are no trees on site, however there is a hedgerow running along the west boundary and trees adjacent to the north boundary. A condition should be added to ensure these are protected during the construction stage.

The submitted ecology report states that surveys were carried out on 30 August 2019 and 3 November 2021. It states that bats are likely to use the margins of the site for foraging, particularly the north margin, and the corrugated iron shed on the site needs to be surveyed to determine if it contains bat roosts. There is evidence of badgers using the site for foraging, but no setts. There is no evidence of other

protected mammal species. The hedge along the west boundary is likely to be used by birds for nesting. The site is unsuitable for reptiles. Overall with the exception of the hedge the site has limited habitat value. Mitigation/enhancement is proposed in the form of: soft landscaping, including insect attracting trees, shrubs and herbs; new native species hedge or narrow strip of woodland along east boundary with railway; continued management of existing hedge along west boundary; 12 integrated roost bricks in four houses; sparrow nest boxes under the eaves of some of the houses; and 10 nest boxes on trees growing within the northern hedge (subject to agreement with adjoining landowner). These measures can be included in a LEMP or BMEP to be secured by condition.

Natural England guidance '*Protected species and development: advice for local planning authorities*' states:

“In exceptional cases, you may need to attach a planning condition for additional surveys. For instance, to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development. In these cases a planning condition should be used to provide additional or updated ecological surveys to make sure that the mitigation is still appropriate. This is important for outline applications or multi-phased developments.”

Given the application is in outline and the age of the surveys carried out, it's considered a condition should be added requiring an extended phase 1 habitat survey and survey of the corrugated iron shed prior to commencement of development to ensure that the ecological conditions of the site are known before construction commences. A further condition should be added for a Construction and Environmental Management Plan in accordance with BS 42020:2013 'Biodiversity – Code of practice for planning and development' to include mitigation measures for any protected species identified through the additional survey work. A further condition should be added for a Biodiversity Enhancement Plan in accordance with paragraphs 174 and 180 of the NPPF.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Protection Area (SPA) and Special Area of Conservation (SAC). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, 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 CIL

collected in respect of the development being allocated to funding the mitigation strategy and s106 contributions with respect to the affordable housing.

6. Contaminated Land

The revised Preliminary Contamination Assessment Report states that there is no probable source of significant contamination at the site, therefore the anticipated levels of contamination are unlikely to be harmful to human health. In addition, no radon or ground gas protection measures are required. Environmental Health has recommended the standard condition is added in case unidentified contamination is found.

7. Archaeology

The archaeological survey shows several linear landscape features, which are most likely bank and ditches that formed land divisions historically. These are likely to be of local or regional importance dependant on date. The Heritage Officer has recommended the standard archaeological condition accordingly.

8. Impact on Air Quality

The site is not within or near to the Air Quality Management Area (AQMA). The Air Quality Screening and Dust Risk Assessment confirms that the air quality at the site is within acceptable limits, however there is a high risk of dust soiling during construction and mitigation is recommended. This can be secured as part of the standard condition for a Construction Method Statement.

Environmental Health requested further information on the cumulative impact of the proposal with other approved developments on air quality. The applicant committed to the following mitigation measures:

- Good cycling infrastructure
- Good pedestrian network
- Low emissions boilers and services plant
- Develop a Travel Plan
- Provide new residents with a "Welcome Pack", preferably in electronic format, that encourages the use of sustainable transport and car-sharing, and other environmental incentives
- Infrastructure for EV charging

The Environmental Health Officer was satisfied with these and recommended a condition to secure them.

9. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical. The proposed drainage strategy is to provide a soakaway by the site entrance and permeable subbase for all private drives and roads, except possibly for the areas closest to the railway line. If it is found that infiltration is not suitable for the site, an attenuated system is proposed that outfalls into the South West Water's infrastructure at a controlled rate. The Lead Local Flood Authority is satisfied with this information at this stage and recommended a condition for a detailed drainage design as part of the reserved matters following appropriate site testing.

In terms of foul sewerage, the applicant's report points out that it is highly unlikely that a connection is possible into the existing combined sewer along Newcourt Road, so the next option is to connect into the existing combined sewer located along Exeter Road via sewer requisition. However, South West Water in its response to the application confirmed that it is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

10. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. Limited information has been provided in this regard, which is due to the application being in outline with all matters reserved except access, however the submitted Design and Access Statement states that the proposals will exceed the energy standards set out in Building Regulations providing highly insulated homes with efficient heating systems, careful natural and artificial lighting design and overall low energy use. It states the key strategies to the scheme will include:

- Zero Carbon Homes
- Triple Glazing throughout
- Air Source Heat Pumps
- Solar PV
- Electric car charging points
- Use of battery storage on site
- Extra high levels of thermal insulation to fabric of building

It states the design of the individual units will aim to achieve south facing properties where possible, the use of local materials in the construction of the site will be prioritised and the proposals will link with existing sustainable transport links, particularly cycle and pedestrian access routes.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city. The standard condition should be added accordingly.

Policy CP13 requires new development with a floorspace of at least 1,000 sqm, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas, as shown on the unadopted Development Delivery DPD Proposals Map.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. The Waste Planning Authority has recommended this is secured by condition at reserved matters stage.

11. CIL/S106

The development is CIL liable. The rate per sqm for residential development in 2023 is £126.79. This is charged on new floorspace (net of any existing buildings in lawful use during the requisite period), but does not include social housing provided a claim for social housing relief is made. The CIL levy will be calculated at reserved matters stage when the number and sizes of the dwellings are known.

The following planning obligations must be secured in a s106 legal agreement to make the development acceptable in planning terms:

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage.
- £511 per dwelling towards construction and maintenance of new play provision in locality
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG

- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA

All S106 contributions should be index linked from the date of the decision.

12. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

The proposal is considered to conflict with Policy CP16 and saved Policy LS1 (although this policy carries limited weight), as it will adversely affect the character and local distinctiveness of part of the strategic gap between Topsham and Exeter. For the reasons discussed under '1' above the degree of conflict is considered moderate. The Council does not currently have a five year housing land supply, therefore the 'tilted balance' in favour of granting planning permission set out in paragraph 11d)ii of the NPPF applies. While fewer dwellings will be provided overall, consistent with the appeal decision received on 11 October 2022 for the site to the northeast on the other side of the railway line (ref. 21/0894/OUT), it's considered that significant weight should be given to the delivery of new market housing and substantial weight to the delivery of affordable housing (as defined in the glossary of the NPPF) on the site. It's considered that a high quality scheme can be delivered, which can be designed to complement the semi-rural setting with trees and green space; the developer will be expected to engage with the EDQP before submitting a reserved matters application. It's considered that safe and suitable access can be provided to the site, and the cumulative impacts in terms of traffic generation on the local road network will not be severe, and there would be no unacceptable impact on highway safety – these are the tests set out in paragraph 111 of the NPPF to refuse development on highways grounds. This follows the advice of the Local Highway Authority. Conditions will be added to ensure there will be no adverse impacts to biodiversity on the site during construction and that there will be biodiversity enhancement as part of the development. There will be some benefit to the local economy from the construction and operation of the development.

Therefore, on balance, the benefits of the proposal are considered to outweigh the modest harm in terms of the conflict with Policy CP16 and saved Policy LS1 (in so far as it has weight) with the 'tilted balance' engaged, i.e. the adverse impacts do not 'significantly and demonstrably' outweigh the benefits.

17.0 Conclusion

The proposal will conflict with Policy CP16 and saved Policy LS1 (in so far as it has weight) by developing part of the strategic gap between Topsham and Exeter, adversely affecting its character and local distinctiveness. However, the conflict is considered to be modest, as the site is not inherently sensitive in landscape terms, development of the site will not result in a strong sense of coalescence between the two settlements and a physical 'gap' will remain to the north/northwest, i.e. the undeveloped land between the site and the motorway. Taking into account the

recently allowed appeal for up to 100 dwellings on the site to the northeast on the other side of the railway line, it's considered that the benefits of the proposal outweigh the modest harm in terms of its conflict with Policy CP16 and saved Policy LS1.

Local residents have raised concerns over the impact of the additional traffic generated by the proposal on the safety and functionality of Newcourt Road, and its junction with Denver Road, following the recently approved housing developments further down Newcourt Road. Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Local Highway Authority is satisfied that neither are applicable to this proposal. Officers are satisfied that safe and suitable access can be achieved to the site for all users. A Travel Plan promoting sustainable modes of travel should be conditioned.

18.0 Recommendation

A) DELEGATE TO DIRECTOR OF 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 THE FOLLOWING:

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage.
- £511 per dwelling towards construction and maintenance of new play provision in locality
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA

All S106 contributions should be index linked from the date of the decision.

And the following conditions:

(Details to be provided on the Additional Information Update Sheet before Planning Committee)

B) REFUSE PERMISSION FOR THE REASON SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY

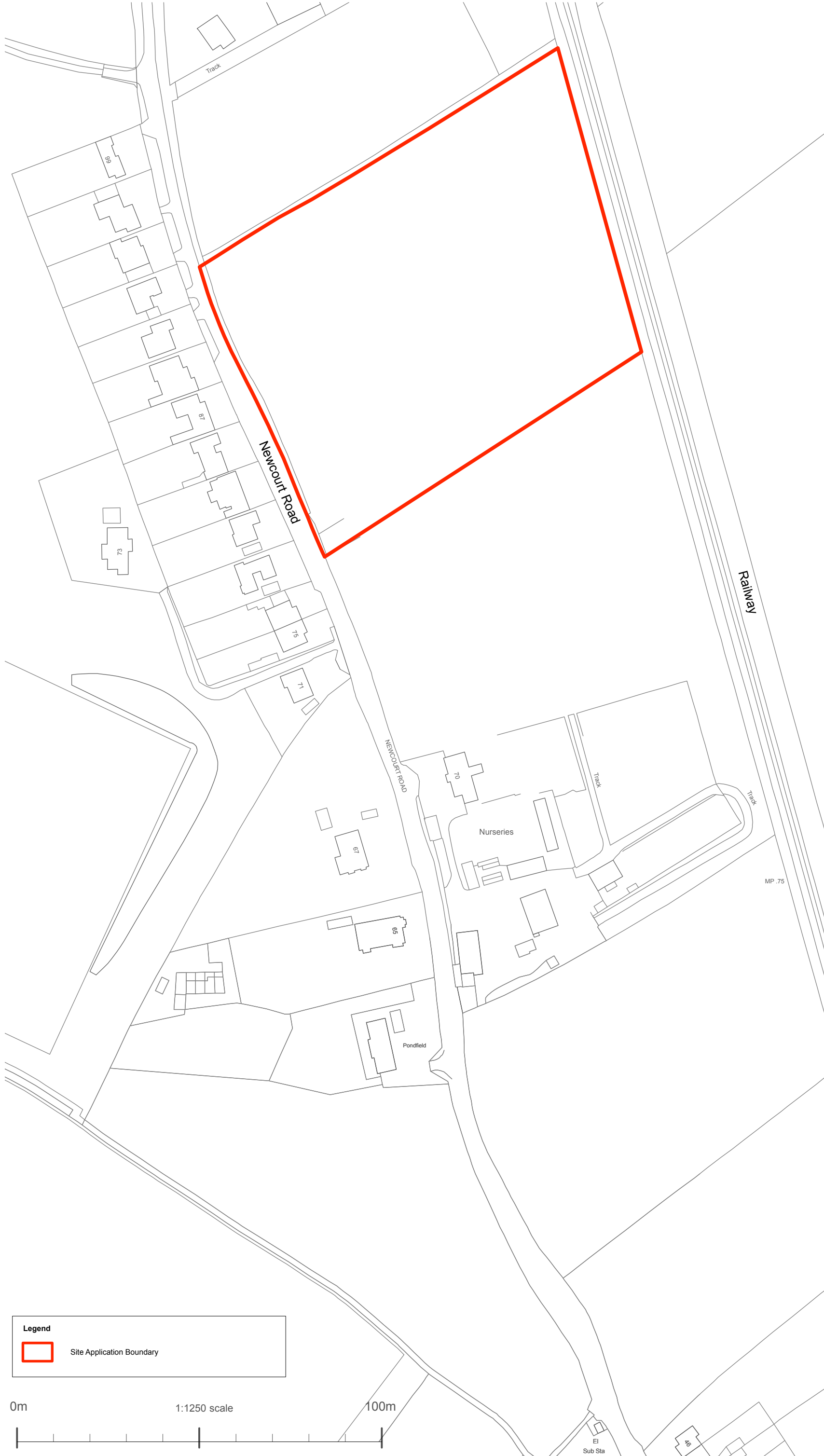
PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 20 AUGUST 2023 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

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 the following matters –

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage.
- £511 per dwelling towards construction and maintenance of new play provision in locality
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA

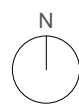
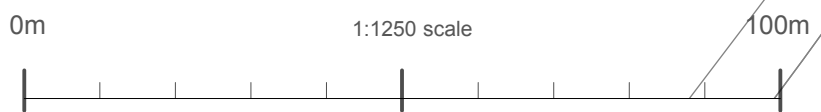
the proposal is contrary to Exeter Core Strategy 2012 policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policy L4, and Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

Rev	Date	Description	Author
-	2021.10.29	Planning issue	bb



Legend

Site Application Boundary



PLANNING

Newcourt Road
for
Heritage Homes

Site Location Plan
for Illustrative Purposes only

Scale: 1:1250 @ A3
Drawing No: 1671/ P100 Rev

The Boat Shed, Michael Browning Way
Exeter, EX2 8DD
01392 438051 mail@g-a.uk.com

This page is intentionally left blank

Planning Committee Report – 21/1710/FUL

1.0 Application Information

Number: 21/1710/FUL
Applicant: Exeter College
Proposal: Demolition of an existing building to provide a new Sports Pavilion and All-Weather 3G Pitch.
Site Address: Exwick Changing Rooms, Western Road, Exeter
Registration Date: 5 November 2021
Link to Application: <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R23V49HBJPN00>
Ward Member(s): Cllrs Bialyk, Knott & Sutton

Reason Application is going to Committee: in the interests of transparency because the application has attracted significant public interest.

2.0 Summary of recommendation

GRANT subject to conditions.

3.0 Reason for the recommendation

The proposal complies with local and national policies supporting a healthy lifestyle and protecting the environment and local amenity.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of the proposal is supported by a range of local and national planning policies and the City Council's 2022 Playing Pitch Strategy.
Community Facility and Sports Pitch Provision	The proposed development complies with the clear national and local planning policy directives to promote and support active and healthy lifestyles (Chapter 8 of the NPPF, Core Strategy Policy CP10 and Local Plan Review Policies L5 and L6).

Green Infrastructure and Valley Parks	The proposal complies with national and local planning policy (paragraphs 20 and 92 of the NPPF, Core Strategy Policy CP16 and Saved Policy L1 of the Local Plan Review).
Landscape and Ecology	The proposal complies with Local Plan Saved Policy LS1. Biodiversity and landscaping enhancement measures can be secured by condition.
Pedestrian and Cyclist Accessibility	The proposed development would not affect existing cycle and walking routes. Cycle parking will be provided. The vehicular route to the site and the level of car parking provision will not change.
Flood Risk and Drainage	The Environment Agency and Devon County Council, as Local Lead Flood Authority (LLFA), have withdrawn their initial objections to the proposals.
Noise	The proposed pavilion is set well away from nearby properties, separated by allotments. Similarly, neighbouring properties are significantly far from the proposed 3G pitch location. Subject to appropriate conditions restricting hours of use and details of noise insulation to the proposed pavilion, it is not considered that the proposal will cause harm by noise.
Sustainability	The proposed development incorporates sustainable design and construction methods. It is designed to be as resilient to climate change as possible, optimising energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and incorporating technologies that reduce carbon emissions in compliance with Core Strategy Policy CP15.

5.0 Description of site

The application site is located west of Exeter city centre and the River Exe, within the Exwick Ward. Exeter City Council owns the land, which is leased to Exeter College. The application site and wider landholding are bisected by the main railway line that runs through Exeter, with a pedestrian underpass providing access via a public footpath.

The application site comprises two land parcels:

- a land parcel located to the west of the railway line, currently occupied by the existing Exwick Changing Rooms, with vehicular access via Western Road to the west;
- a land parcel to the east of the railway line, which forms part of Flowerpots Playing Fields and comprises an existing grassed rugby pitch. This pitch is enclosed on all sides by a railing of approximately 1.2 m height.

Flowerpots Field is bounded north and east by the Exwick Flood Relief Channel, an artificial channel parallel to the River Exe. To the south of the existing grassed rugby pitch is the skate park at 'The Flowerpot Chill Zone' and playing fields, beyond which lie residential properties to the south of Flowerpot Lane. To the west of the existing Changing Rooms are allotments, and to the north west of the Changing Rooms, the Exwick Sports Hub is home to an existing 'all-weather' football pitch.

6.0 Description of development

The application proposes the demolition of the existing Exwick Changing Room building and the erection of a new Sports Pavilion, together with the surfacing of an existing rugby pitch to provide an 'all-weather' 3G Pitch.

On the western land parcel, it is proposed to improve the existing sports provision at Flowerpots Fields through the replacement of the existing changing block with a contemporary pavilion building, offering replacement changing facilities and a gym at ground floor levels, with associated teaching space and social space with views of the existing sports pitch to the north.

On the eastern land parcel, it is proposed to replace the existing grassed pitch with a '3G' all-weather sports pitch, with associated security fencing and floodlighting. The necessary sub-surface construction of the pitch will be provided by excavating below existing ground levels, such that the pitch will be set at existing ground levels once constructed.

The application was initially submitted in November 2021. As part of the consultation process, several objections to the proposals were raised, including by statutory consultees: Sport England, the Lead Local Flood Authority (Devon

County Council), the Environment Agency, and from members of the public and local stakeholders, including the Exeter Civic Society and Exeter Cycling Campaign.

Revised proposals were submitted in November 2022. The development proposals have been amended in the following ways:

Proposed Pavilion

- The previously proposed Pavilion was located on the top and directly in front of the Exeter Flood Defence Scheme. The proposed building is now to be offset from the Exeter Flood Defence Scheme embankment. It is now sited broadly in the same location as the existing Pavilion;
- The proposed footprint of the building has been reduced at ground level; the first-floor space has been extended using a cantilevered balcony on the northern elevation;
- The existing car parking and landscaping are to be retained and modified to reflect the access and layout of the proposed Pavilion.

Proposed Artificial Sports Pitch

- The location of the proposed all-weather, floodlit 3G rugby pitch has been moved northwards. Instead of proposing development on existing playing fields, the application proposes to install a 3G rugby pitch on an existing rugby pitch at Flowerpots Fields, allowing the existing playing fields to the south to be retained and unaltered. This necessitated a revision to the red edge boundary of the application site; however, all land remains within the blue edge as detailed on the submitted location plans (that is, owned by ECC and leased to Exeter College).

7.0 Supporting information provided by the applicant

- Supporting Planning Covering Letter setting out key planning policy and material considerations
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Arboricultural Report
- Proposed Bespoke Sustainability Framework
- Synthetic Surface Proposals and Outline Management Plan
- Lighting Impact Assessment and Lighting Design
- Revised plans and fencing details

8.0 Relevant planning history

The application site and the wider Exwick Sports Hub/Flowerpots Playing Fields have been subject to several planning applications and associated s106 agreements. Particular applications of relevance are:

Existing rugby pitch:

[98/0414/FUL](#) – Erection of 6 no. flood lights and 3 no. 8 metre poles, single-storey storage building and use of land for formal recreational purposes. Conditional permission was granted in June 1998.

Wider Exwick Sports Hub/Flowerpots Playing Fields:

[03/0453/ECC](#) – Provision of recreation facilities to include a skate park, pedestrian and cycle access to highway and associated works (south of the proposed 3G pitch). Conditional permission was granted in April 2003.

[12/1169/ECC](#) – Replacement skate park facility (south of the proposed 3G pitch). Conditional permission was granted in December 2012.

[15/0870/FUL](#) – Creation of a new external sports pitch (3G artificial grass pitch) with fencing, floodlights and a storage container (north west of the proposed Pavilion). Conditional permission was granted in April 2017.

Flood defence improvements to the River Exe

[15/0172/FUL](#) ([19/1007/VOC](#)) – The construction of flood defence improvements, including raising existing defences, provision of walls, embankments and demountable defences. Conditional permission was granted in July 2015 (and subsequently varied in December 2019).

9.0 List of constraints

- Potentially contaminated land
- Flood zones 2 and 3

10.0 Consultations

Devon County Council Principal Highway Development Management

Officer - This is a planning application to demolish the existing building to provide a new sports pavilion and all-weather 3G pitch. The vehicular access for the site is currently along Western Road, and it is noted that the route is shared with Non-Motorised Users (NMUs). This new proposed sports pavilion will continue to use this as well as the existing traffic to the allotments.

Although there will be an increase in the pavilion's size, it is unlikely that this will equate to a significant increase in the number of vehicle movements to and from

the site. It is noted that the parking area will be formalised and parking spaces provided. Bicycle parking is proposed, and the levels appear acceptable within the site.

It is unlikely that the development would represent a severe highway impact as defined within the National Planning Policy Framework (NPPF). On balance, it would be unreasonable for the Highway Authority to recommend a refusal of the planning application.

Sport England - Sport England has commented twice on the application (9 December 2021 and 6 January 2023). In its original, Sport England raised concern that the design of the Pavilion was not as inclusive as it could be and raised objections based on the proposed siting of the 3G pitch. Sport England recommended that the proposed artificial pitch be relocated north to replace the existing natural turf rugby pitch.

The Rugby Football Union also made a similar recommendation and provided information on the specification of the proposed pitch. The Football Foundation also queried the need for further formal surfacing football pitch provision. It provided information on the specification of the proposed pitch and space requirements for the proposed Pavilion.

The applicant engaged directly with Sport England after receiving the initial consultation response. This engagement informed the revised proposals, including the proposed revised location of the 3G pitch. In response to the revised proposals, Sport England's comments are set out below:

It is understood that the application has been amended and the proposed 3G Artificial Grass Pitch (AGP) to WR22 rugby performance standard has been moved to the main College rugby pitch location. The type of 3G AGP infill may be subject to upcoming changes in EU law regarding microplastics. Alternative 3G AGP infills e.g. cork are being developed by the industry. Consideration on end of life AGP surface disposal should form part of the process of environmental sustainability. Changes have been made in the pavilion design.

The Exeter Playing Pitch Strategy (PPS) has been recently approved by Exeter City Council. The strategic planning document looks at the playing pitch needs for the current and future population. The PPS states that for Flowerpots/Exwick playing fields "proposal for upgrade of rugby pitch to either a hybrid pitch or a World Rugby compliant AGP".

A hybrid/carpet hybrid pitch is a natural turf pitch with synthetic turf fibres. It is cheaper to install than an AGP and in a community setting it has been tested to support 20-25 hours of use per week and maintain a reasonable playing quality at a reasonable cost with good user feedback. In conclusion, after 4 years the project has been successful in the short to medium term. Further monitoring will

confirm success over the longer term. A carpet hybrid in this challenging setting may well be a better solution to Exeter College than a 3G artificial grass pitch (AGP) as proposed.

Previous comments remain from the Football Foundation (FF) on the lack of any strategic need for an additional 3G AGP in this location for football. The site was previously used for football and the FF would welcome any football use of the site moving forward for match play. For this any 3G would have to meet a performance test and be listed on the 3G Register to allow for match play. To allow for adult match play the football pitch size must meet the FA recommended pitch size of 100m x 64m and allow for a minimum of a 3m safety run off from each perimeter line. This would easily fit into the dimensions of an adult Rugby 3G pitch.

For the revised Pavilion, the changing rooms would be suitable to meet football needs for both team and official changing rooms. The FF would note that there is a distinct lack of suitably located spectator WCs on the ground floor. There is also a lack of a kitchen and a social area that could provide a secondary spend option. It is appreciated that this option is provided in the existing adjacent College pavilion that serves the current football 3G and tennis courts.

Providing football match play can be accommodated on the proposed facility and the business plans for the two 3Gs in this location work for the College to enable both facilities to be replaced by the College when the carpet reaches the end of its usable life, the FF does not wish to raise an objection.

The RFU is pleased to see the new location of the 3G pitch is shown as per the RFU recommendation, minimising the impact on the existing natural turf pitches and making best use of the open space across the site. Sports lighting for the 3G remains a critical deliverable of the project to ensure the pitch can be used by community rugby clubs during evenings and weekends – the latest documentation evidences the sports lighting solution is in line with RFU specification for training and match play. The technical specification provided for the 3G system shows it will be constructed to, and achieve, World Rugby Regulation 22.

To fully support the application, the RFU seeks confirmation of the following:

- The dimensions of the pitch (including run offs) to ensure the pitch can accommodate XV-a-side fixtures for the college rugby programme and community rugby clubs*
- A Community User Agreement which provides equitable opportunities for the community rugby clubs to use the pitch at an appropriate 'local partner' rate. Noting the existing and proposed future 3G provision across the city, the RFU is keen to fully understand how this 3G pitch will provide*

a solution to the mid-week/training deficit at a number of community rugby clubs as recorded within the Exeter PPS.

- *A business plan that evidences the long term viability of the WR22 compliant 3G pitch.*
- *A changing room design in line with the attached RFU Guidance Document to ensure appropriate welfare provision within each room.*

From the information provided, and to be secured by planning condition, Sport England would be satisfied that the AGP proposal meets one of the exceptions of Sport England's Playing Fields Policy and Guidance (Exception 4) in that:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

Sport England encourage the College to reinstate and promote the use of the playing pitches at Flowerpots/Exwick that could be used again for community sport as put forward by the College and agreed by the Council in the 2016 application. This may help meet the needs of the current and future populations of the city.

Comments on the pavilion design should be addressed by the applicant to ensure a fit for purpose building.

This being the case, Sport England does not wish to maintain an objection to this application, subject to a condition being attached to any planning permission granted requiring a Community User agreement be prepared in consultation with Sport England and agreed with Exeter City Council, to provide equitable opportunities for community members to use the pitch facilities.

Environment Agency - the Environment Agency has commented twice on the application (7 December 2021 and 23 December 2022). In its initial consultation response, the Environment Agency objected to the proposals on the grounds of flood risk, due to an inadequate flood risk assessment and due to the potential impact of the scheme on an Environment Agency flood defence structure.

After receiving the initial consultation response, the applicant engaged directly with the Environment Agency. This engagement informed the revised proposals, including the proposed revised location of the Pavilion and 3G pitch. In response to the revised proposals, the Environment Agency's comments are set out below:

The Environment Agency considers that the additional information and revised design are sufficient to overcome its objection; the EA considers that the development will be acceptable provided that conditions are included within any permission granted in respect of:

- *Implementation of flood mitigation measures;*
- *Site Investigation and Remediation; and*
- *Unsuspected contamination.*

The December 2022 EA consultation response suggests wording for these details to be secured by a condition attached to any planning permission granted, together with associated advice on flood risk, contaminated land and pollution prevention.

Devon County Council – Local Lead Flood Authority (LLFA) - the LLFA has commented twice on the application (8 December 2021 and 15 January 2023). In its initial consultation response, the LLFA objected because the proposals and submitted information did not satisfactorily conform to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012). The LLFA sought additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

In response to the revised proposals, the LLFA has withdrawn its 'in principle' objection subject to the imposition of a condition attached to any planning permission granted requiring the submission of detailed drainage information for approval by the LLFA and Local Planning Authority.

South West Water – no objections

Network Rail - no objection in principle, subject to detailed technical comments regarding implementing the proposed works.

Exeter City Council Environmental Health Officer – no objection to the proposal subject to noise and construction management conditions.

Exeter City Council Tree Officer - no objections to the proposal, subject to a condition securing the Tree Protection Plan and Arboricultural Method Statement and Plan submitted in support of the application be adhered to in full and subject to the pre-arranged tree protection monitoring and site supervision detailed in the proposed Tree Protection Statement by a suitably qualified tree specialist.

Exeter Civic Society - Exeter Civic Society commented on the original proposals submitted in November 2021. It acknowledged that a pitch is required to improve facilities for Exeter College and Exeter Rugby Academy training and

matches but raised concern that several aspects of the proposals are not acceptable.

The Civic Society sought more information about the material and structure of the fencing. The Society also sought further detail on the provision for spectators and the access gates through the fence.

The Civic Society was concerned about the original positioning of the pitch. No objection was raised to demolishing the old and constructing a new Sports Pavilion.

Devon County Council Waste recommends that a condition be attached to any planning permission granted to secure the submission of a Waste Audit Statement before the commencement of development.

Environmental Health - the Phase 1 contamination report submitted recommends further investigation. A condition on contaminated land is recommended to cover this. A noise assessment is required to demonstrate that noise from the new pitch (which is likely to be used more intensively than the current one), and noise from the Pavilion will not harm amenity. Subject to receipt of this information, the Environmental Health Officer recommends approval with conditions attached to any planning permission granted requiring further details of a Construction Environmental Management Plan, contamination land and noise.

Devon and Cornwall Police – Police Designing Out Crime Officer - no objection to the proposals subject to recommended planning conditions.

- The installation of a vehicle barrier that can be utilised to prevent unauthorised access to the car park if necessary. Measures should be in place to prevent illegal encampments on the playing fields (noting that a barrier is currently in place, it must be fit to prevent unauthorised access).
Reason: To help prevent crime, disorder and antisocial behaviour.
- CCTV with a clear Operation Requirement to be distributed throughout the Pavilion and car park.
Reason: To help prevent/detect crime, disorder and antisocial behaviour.

Exeter Cycling Campaign - commented on the original proposals, noting support for the improvement of sports facilities that enable people to lead more active lives but raising three main concerns with the proposals as submitted and objecting to the application (13 December 2021):

- (i) *Section 4.9 of the Design and Access Statement refers to 'provisions for bicycles to encourage this mode of transport' but does not give further detail on this. Commitment should be made to provide covered, secure cycle parking in accordance with LTN 1/20 (a minimum of 20 spaces*

- for students and 6 for staff) and make provision for storage of non-standard cycles.
- (ii) *Exeter Cycling Campaign note that Western Road provides the only means of vehicular access to the site. The section adjoining the Beach Bros factory is narrow and used by pedestrians, people cycling and motorists.*
- *an enlarged sports facility will give rise to additional vehicle movements along a narrow shared roadway increasing the potential for conflict between road users. The design proposals should reduce vehicle movements around the site including creation of a sustainable travel plan.*
 - *It is assumed that Western Road will be the access route for construction and delivery vehicles. It is not acceptable for these large vehicles to mix with vulnerable road users. A vehicle management plan should be prepared that demonstrates how construction vehicles would be kept separate from those walking and cycling.*
 - *The current scale of car parking charges do little to discourage access by private vehicles. The opportunity for 2 hours free parking should be removed and revision of the tariffs for longer stays.*
- (iii) *The removal of one of the paths around the eastern part of the site will concentrate more users on foot and cycle paths that fall short of the guidance provided in LTN 1/20. These paths are well used but are of an outdated design and subject to flooding every time it rains. If this application will create additional journeys travelling to and from sports pitches in the area, it has the potential to create conflict between path users. The applicant should make a commitment to fund upgrades to the paths in this area. This could be achieved by raising the footway above ground level to minimise the risk of flooding and constructing a separate, two-way route for people cycling between Miller's Crossing and the proposed Sports Pavilion area.*

RSPB - recommends that swift bricks/boxes be incorporated into the elevations of the proposed pavilion building (a minimum of eight boxes) to enhance the site's biodiversity.

11.0 Representations

In response to the initial consultation on the original plans, 38 letters of representation were received. 32 letters of objection were received and raised the following concerns:

- Flowerpot/Exwick Fields is a beautiful area everyone enjoys, from dog walkers to parents and grandparents playing games, running, walking, and picnicking. The area is intended for the whole community, not just those

who belong to the College or other clubs. The grounds should be left for wildlife and children to explore.

- Impact of proposed artificial surfacing on human health, biodiversity and the environment;
- The artificial pitches are less safe for players than natural pitches.
- The carbon impact of the development proposals;
- Impact of the development on trees and wildlife;
- Reduction in public open space: the space should not be fenced off from the public;
- Loss of playing field;
- Promoting the use of private car contrary to Exeter City Council's parking strategy;
- Failing to meet sustainability targets in construction, contrary to Exeter City Council and Exeter College's sustainability policy/strategy.

Six letters of support were received, noting the following:

There is a lack of accessible sports facilities. Members of the public, local schools and grassroots sports organisations should be able to access the proposed facilities for a fee. The local authority lacks a sufficient budget to maintain all green spaces in the city, and improving the facilities here to ensure income generation from the College is an appropriate response. Increased use of these spaces for organised sport and including floodlighting will hopefully reduce levels of antisocial behaviour on Flowerpots Field and at the adjacent skate park.

Exeter Chiefs support the proposed development. The nearest community-accessible all-weather rugby pitch is in Ivybridge. Given that in the winter weather, up to 50% of community and youth rugby is cancelled at certain times, there is an urgent need for more access to facilities that can be used all year round. This is important to all sports clubs, professional and amateur. The significant investment by the College in rugby will make a difference to rugby in Exeter, in Devon and the broader region. Physical activity is critical to a healthy city; therefore, additional facilities available all year round must be a good thing for the city and the well-being of its community.

Exeter City Community Trust supports the proposal. As a health and well-being charity, the Trust has seen the benefits that such facilities bring to the community. In working with Exeter College to deliver a range of sports participation and educational programmes, the Trust can also attest to the positive impact of its work both from individual and collective perspectives. Having viewed the proposals, the Trust considers that the new facilities will help to meet a real need and demand in the city for high-quality facilities whilst also extending opportunities – and long-lasting benefits – to a broader range of people across the community.

The Chairman of Exeter Saracens Juniors, Exeter Saracens Girls Section Manager and Club Safeguarding Officer support the development proposed to build a new community-accessible 3G Rugby Pitch. With over 450 members across the range of Junior, women's, men's and walking rugby, Exeter Saracens is constantly facing the issue of having no facilities for training due to:

- the impact of weather on the current grass training facilities;

- Lack of appropriate facilities (specific for rugby and aligning with safety measures);
- The sheer growth in the number of participants;
- Costs of current hire charges – With a community partnership developed with Exeter College, having an evening slot at the proposed pitch allocated to the Saracens club would be extremely beneficial to increasing the access to high-quality facilities and, in turn, lead to more children and adults taking part in physical health and activity.

The Chairman of Exeter Athletic Rugby Club (with over 300 members and a community partner of Exeter College) also supports the proposals and faces the same situation as the Exeter Saracens, noting the artificial pitch will provide a significant recruitment opportunity to draw new juniors and ladies into the game (the ladies team folded during the COVID-19 pandemic) which would be great for the physical/health benefits alone. Having an all-weather pitch facility will significantly remove a participation barrier to joining the game's physical activity, helping keep young people enjoying a sport and remaining active.

The Junior Vice Chair of Topsham Rugby Football Club (RFC), circa 450 playing members, also fully supports the proposals. With a community partnership developed with Exeter College, having an evening slot allocated to Topsham RFC at a reasonable hire charge would be extremely beneficial in increasing the access to high-quality facilities and, in turn, lead to more children and adults taking part in physical health and activity.

Four letters of representation were received in response to the consultation on the revised plans. Two letters of objection were received and raised the following concerns:

- The carbon impact of the development proposals;
- The visual impact of the proposed fencing;
- Minimal cycle storage is offered;
- Inadequate vehicular access for the construction and operational stages of the development proposals, which could create dangerous site circumstances for cyclists and walkers;
- Leisure space should be for all people, not only for young people.

Two letters of support were received, noting the following:

- The proposed facilities will bring health and well-being benefits to the community.
- Exeter College helps deliver a range of sport participation and educational programmes that positively impact those participating.
- The facilities will meet a real need and demand in the city for high-quality facilities whilst also extending opportunities, and long-lasting benefits, to a broader range of people across the community.

- The existing changing facility needs to be replaced. The revised plans create an excellent facility and improved public amenity, with the opportunity for a community space, classrooms, and changing facilities. The revised plans for the 3G pitch consider the objections on the grounds of pollution and public health risk. Moving the proposed location to the existing enclosed grass pitch removes any complaint regarding the loss of amenity.

12.0 Relevant policies

Central Government Guidance

National Planning Policy Framework (NPPF) 2021
 Planning Practice Guidance

Exeter Local Development Framework Core Strategy 2012

CP10 – Community facilities
 CP11 – Pollution and air quality
 CP12 – Flood risk
 CP15 – Sustainable design and construction
 CP16 – Green infrastructure, landscape and biodiversity
 CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011 Saved Policies

L4 – Provision of playing pitches
 L5 – Loss of playing fields
 L6 – Intensive-use facilities
 L7 – Local sporting facilities
 L8 – Indoor sports facilities
 T1 – Hierarchy of modes of transport
 T2 – Accessibility criteria
 T3 – Encouraging the use of sustainable modes of transport
 T9 – Access to buildings by people with disabilities
 T10 – Car parking standards
 LS1 – Landscape setting
 EN2 – Contaminated land
 EN3 – Air and water quality
 EN4 – Flood risk
 EN5 – Noise
 DG1 – Objectives of urban design
 DG2 – Energy conservation
 DG3 – Commercial development
 DG7 – Crime prevention and safety

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD 2013

Trees and Development SPD 2009
Exeter Area and East Devon New Growth Point Green Infrastructure (GI)
Strategy (December 2009)

Exeter City Futures
Net Zero Exeter 2030 Plan

Devon Waste Plan
Policy W4: Waste Prevention
Policy W10: Protection of Waste Management Capacity
Policy W21: Making Provision for Waste Management

Devon County Council Supplementary Planning Document
Waste Management and Infrastructure

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

Considering the application in accordance with Council procedures will ensure that the views of all those interested are taken into account. 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 accordance with the Town and Country Planning Act 1990 regime for controlling land development. 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 those who do not.

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

Whilst there is no absolute requirement to remove any disadvantage entirely, the Duty is to have “regard to” and remove OR minimise disadvantage. 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 Issues

The requirements to set out the financial benefits arising from a planning application are 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 that officers consider 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

none

Non-material considerations

none

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 not CIL liable.

16.0 Planning assessment

Principle of development

The **NPPF** sets out that planning decisions should address identified local health and well-being needs by aiming to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. The NPPF further states that planning authorities should plan positively for the provision and use of community facilities (such as sports venues and open spaces) to enhance the sustainability of communities by providing the social, recreational and cultural facilities and services the community needs. They should consider and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community (paragraphs 92 and 93).

To ensure the delivery of public service infrastructure, the NPPF directs that local planning authorities take a proactive, positive and collaborative approach with delivery partners to plan for necessary facilities and resolve key planning issues (paragraphs 95 and 95).

Access to a network of high-quality open spaces and opportunities for sport and physical activity is essential for the health and well-being of communities. They can deliver comprehensive benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision (paragraph 98).

Paragraph 99 of the NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss of the current or former use.

In its response to the **House of Lords National Plan for Sport and Recreation Committee's 'A national plan for sport, health and well-being'** in February 2022, the Government made clear that being physically active and taking part in sports has a wide range of benefits, both for individuals of all ages, genders and

demographics and communities more widely. It brings people together and builds social bonds, it can help drive economic activity at local and national levels, and it can help people develop skills and confidence:

“The government is committed to increasing activity levels across the country. We recognise that the COVID-19 pandemic has had a negative impact on activity levels and that change is needed. We want to support the nation to recover from the pandemic, building back fitter and healthier, and to address stubborn inactivity levels that predate the pandemic”.

Sport England’s ‘Playing Fields Policy and Guidance’ also sets out that development should not lead to the loss of, or prejudice the use of all or any part of a playing field, unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

The **Exeter City Council Playing Pitch Strategy (PPS)** was published in 2022. The PPS was approved by Full Council on 13 December 2022 and is a material consideration. The rationale of the Exeter PPS is to:

- Recognise and give significant weight to the benefits of sport and physical activity;
- Undertake, maintain and apply robust and up-to-date assessments of need and strategies for sport and physical activity provision, and base policies, decisions and guidance upon them;
- Plan, design and maintain buildings, developments, facilities, land and environments that enable people to lead active lifestyles;
- Prioritise sites for investment to protect, enhance and provide new sports pitches for local communities;
- Provide a clear strategy for external partners to engage with and work alongside Exeter City Council to deliver playing pitch improvements.

Amongst its key objectives, the PPS seeks to:

- protect existing provisions and proactively plan for and provide sufficient and appropriate high-quality facilities and opportunities (enhanced and new) to meet the demand to 2040, wherever possible, making the best use of facilities already available;
- develop, maintain and value strategic partnerships within the city and from neighbouring authorities and involve all stakeholders and managing and operating agencies in a framework which enables the sharing of skills, expertise and resources to deliver the PPS;
- place new and enhanced playing field facilities at the heart of a network of community sports hubs to encourage participation in sports and other outdoor activities and to facilitate community involvement, management and use;

- recognise the value of educational investment in Exeter into pitches and sports in supporting community and city aspirations for a healthier city, consolidating their offer, and supporting them in enhancing their facilities and developing further community use and involvement.

The PPS is clear that the successful delivery of Community Sports Hubs will be a priority focus in implementing the Strategy. As noted above, the existing Exwick Community Sports Hub (covering the Exwick and Flowerpot Playing Fields and the Exwick Sports Hub) is identified as a good practice example.

The PPS identifies that to cater for new rugby teams, there is a need for access to the equivalent of at least four rugby pitches within Exeter, either by improving existing capacity or through new provisions. It explicitly recognises that the proposed development at Flowerpot Playing Fields would increase the capacity of the pitch and includes it as one of four 'key sites' required to meet the demand for rugby pitches. Similarly, the PPS identifies a shortfall of suitable cricket facilities and references the proposed development as a '*key project*'. The Action Plan meanwhile earmarks the site and the proposed development as a 'priority' for delivery and protection. The PPS identifies the following site-specific key projects of relevance to the current proposals at the Exwick Playing Fields/Flowerpot Playing Fields:

- Provision of an on-site pavilion to serve football and cricket. This is proposed as part of the rebuild of the pavilion/changing facilities by Exeter College in association with the application for a floodlit 3G FTP (WR22 compliant) or hybrid pitch at Flowerpot.
- Proposal for upgrade of the rugby pitch to either a 3G AGP (WR22 compliant) or a carpet hybrid pitch with sports lighting (floodlit) with associated changing Pavilion on Exwick Playing Fields to replace existing provision (pages 19, 22 and 25 of the PPS and pages 10 and 11 of the accompanying Action Plans).

Exeter City Council's Corporate Plan 2022 – 2026 outlines building a healthy and active city as one of its strategic priorities. Amongst the critical actions identified, the Corporate Plan commits to deliver a new playing pitch strategy for the city that invests in and supports residents to access green spaces, grass and artificial sports pitches.

Community Facility and Sports Pitch Provision

Core Strategy Policy CP10 (Meeting community needs) outlines that facilities that meet Exeter's community, social, health, education, leisure and recreation needs (amongst others) will be protected. New and improved community facilities must be provided to meet the needs of new development, contribute positively to

safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation. Policy CP10 sets out that facilities which serve the city as a whole should be located in the City Centre or, if this is not feasible, at sustainable locations which are readily accessible.

Saved Policy L5 of the Local Plan Review seeks to protect existing playing fields and sets out that proposals that would result in the loss of a playing field will not be permitted if the loss of the playing field would cause harm to recreation opportunities in the area. Saved Local Plan Policy L6 constitutes a permissive policy for synthetic turf pitches.

Sport England initially objected to the original proposals because they would result in the loss of playing fields to the west of the skate park. Sport England, the Rugby Football Union and Exeter Civic Society recommended that the proposed 3G would be better located on the existing rugby pitch further north, as currently proposed.

The most recent Sport England consultation comments confirm that the revised proposals comply with Exception 4 of Sport England's Playing Fields Policy and Guidance. The area of playing pitch to be lost due to the proposed development will be replaced by a new playing pitch of equivalent or better quality and equal quantity in a suitable location and subject to equivalent or better accessibility and management arrangements. Based on the revised proposals Sport England raise no objections but seeks a condition requiring a Community User Agreement to be prepared in consultation with Sport England to provide equitable opportunities for community members to use the pitch facilities.

Exeter City Council and Exeter College are already committed to establishing a strategic sports partnership. Amongst its fundamental principles, it requires the College to provide appropriate sports and leisure community groups access to affordable sports and physical activity facilities. The College and the City Council must agree on governance arrangements that enable local community sports groups to have a voice. On this basis, securing a further separate Community User Agreement is not considered necessary by a condition associated with any planning permission granted.

As identified within Exeter City Council's Playing Pitch Strategy, the proposals will directly contribute to an identified need for upgraded changing facilities at Exwick Community Sports Hub and upgraded rugby and cricket pitch provision. The proposed development represents a significant investment into and enhancement of sports and recreation infrastructure at an established Community Sports Hub for playing pitch sports within the city. Furthermore, the Chairman of Exeter Saracens Juniors, the Exeter Saracens Girls Section Manager and Club Safeguarding Officer, the Chairman of Exeter Athletic Rugby Club and the Junior Vice Chair of Topsham Rugby Football Club (RFC) have written in support of the proposals.

The proposed development complies with the clear national and local planning policy directives to promote and support active and healthy lifestyles (Chapter 8 of the NPPF, Core Strategy Policy CP10 and Local Plan Review Policies L5 and L6).

Green Infrastructure and Valley Parks

The application site is located within Riverside Valley Park, one of seven crucial informal recreation areas identified within the development plan. They are 'green lungs' within the city that contribute to biodiversity, providing formal and casual recreation opportunities that are readily accessible by foot or cycle. Stretching from Cowley Bridge to Topsham, the development plan identifies this park as the largest of the Valley Parks. It notes that the park's landscape character and wildlife value alters significantly along its length, from grazing meadows in the north, through the Quay/Canal Basin area and then southwards to become part of the Exe Estuary Site of Special Scientific Interest. It is recognised as a popular informal recreational area that is accessible from many parts of Exeter, and it forms a continuous wildlife corridor through the city.

Saved Policy L1 of the Exeter Local Plan First Review sets out that measures to enhance the Valley Parks will be implemented based upon achieving a balance between the aims of conservation, recreation, public access and environmental education. Development which would harm existing or potential opportunities for informal recreation in the Valley Parks will not be permitted. The supporting text to this policy states that the only forms of development appropriate within these areas concern outdoor recreation, agriculture or forestry. Core Strategy Policy CP16 further says that the strategic green infrastructure network (including the Valley Parks) will be protected and enhanced. The character and distinctiveness of the Valley Parks will be safeguarded, and proposals for landscape, recreation, biodiversity and educational enhancement will be brought forward under the guidance of the Green Infrastructure Strategy.

The NPPF defines Green infrastructure (GI) as a network of multi-functional green and blue spaces and other natural features, urban and rural, capable of delivering a wide range of environmental, economic, health and well-being benefits for nature, climate, local and broader communities and prosperity. The Exeter Area and East Devon New Growth Point published Green Infrastructure (GI) Strategy (December 2009) also defines Green Infrastructure, recognising:

"GI means many things to many people and various definitions and approaches to GI planning exist throughout the country. However, there is a significant amount of common ground within the available approaches, notably that GI involves natural and managed areas in both urban and rural settings, is about the strategic connection of open areas, and that it should provide multiple benefits for people and wildlife."

GI Planning is a strategic and collaborative approach to regeneration, conservation and land management that addresses the environmental, social and economic aspects of new development and change in both urban and rural areas”.

The GI Strategy recognises that Riverside Valley Park performs a multitude of functions and often balances competing demands, including formal and informal recreational areas:

“The parks and open spaces, in combination with grazing land, allotments, sports pitches and semi natural habitat areas along the Exe, combine to create a wealth of experiences, views and recreation opportunities” (Section 7.2.5, page 47).

The proposed development would significantly contribute to the outdoor recreational and leisure uses available on the city’s western side. The proposed development represents a significant investment into and enhancement of sports and recreation infrastructure at an established Community Sports Hub for playing pitch sports within Exeter. The development proposals would help support the Valley Park’s role as a critical recreational site within the city and ensure that the GI network remains intact. The proposed development and associated land use accord with the established GI network within Riverside Valley Park, which comprises a mix of formal and informal recreational areas and is compliant with national and local planning policy (paragraphs 20 and 92 of the NPPF, Core Strategy Policy CP16 and Saved Policy L1 of the Local Plan Review).

Landscape and Ecology

The application site is located west of the designated Riverside Conservation Area. The Valley Parks are also identified within the development plan as an essential part of Exeter’s landscape setting. As such, Saved Policy LS1 of the Local Plan review states that development that would harm the city’s landscape setting will not be permitted. Development proposals should maintain local distinctiveness and character and, among other things, be reasonably necessary for agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure. Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.

The proposed sports pavilion would replace an existing changing room facility on the site. The proposed footprint of the Pavilion has now been reduced compared to the previously submitted proposals and set at a lower land level away from the Exeter Flood Defence Scheme. Furthermore, the proposed 3G pitch would be on an existing rugby pitch site instead of the playing fields to the south. Concerning

landscape impact, the development proposals sensitively respond to the site context while reflecting its recreational land use function and value.

Concerning ecology, following the demolition of the existing changing rooms building, new tree planting and areas of new landscape planting are proposed to create additional opportunities for wildlife, compensate for the loss of grassland (despite its negligible ecological importance) and reduce the amount of hardstanding on the site. Eight swift boxes have been proposed along the east and west-facing elevations to further enhance the site's biodiversity, addressing comments from the RSPB. Such biodiversity and landscaping measures can be secured by a condition attached to any planning permission granted.

Pedestrian and Cyclist Accessibility

The development plan identifies the importance of the Valley Parks being readily accessible on foot or by cycle. Saved Policies T3 – T5 of the Local Plan Review and Core Strategy Policy CP9 seek to protect and promote the use of walking and cycle routes, with a circular route through the city's Valley Parks identified. Designated cycle routes and the circular walking route run through Flowerpot Fields. A Public Right of Way runs adjacent to the western boundary of both land parcels.

By relocating the proposed 3G rugby pitch northwards, the proposed development would not affect the cycle and walking routes identified through Flowerpot Fields. The development proposals would ensure the permeability of Riverside Park is retained, mainly reflecting the existing layout. While it is acknowledged that fencing would enclose the rugby pitch reducing public accessibility to this limited area, this is necessary for safety and security. This was also identified within the Council's Playing Pitch Strategy, which recognised the need for more effective ways to manage public access to sports pitches and facilities to prevent dog fouling. On balance, therefore, it is considered that the proposed development would ensure ongoing permeability and accessibility for the variety of users of Riverside Park.

Concerning the concerns raised by the Exeter Cycling Campaign, it is relevant to note the following:

- The application site is located in a highly accessible location for cyclists and pedestrians, in proximity to Exeter St Davids and Exeter St Thomas railway station and bus services along Bonhay Road and Okehampton Road;
- The existing footpaths and cycleway will be retained;
- A covered cycle shelter will be provided, with 10 Sheffield hoops to accommodate 20 bicycle spaces and changing facilities incorporated into the sports pavilion;

- Vehicular access into the site via Western Road is not proposed to be altered, leading to the existing car park, which will be modified to reflect the access requirements and layout of the proposed Pavilion. The current car parking will be reviewed to ensure dedicated accessible parking spaces are provided and bicycle parking provision has been incorporated to facilitate more sustainable forms of transport. The existing car parking levels will remain unaffected by the proposals. Further detail on the final parking arrangements can be secured by a condition attached to any planning permission granted.
- A Construction and Environmental Management Plan addressing how vehicles will be managed during the construction process can be secured by a condition attached to any planning permission granted.

Flood Risk and Drainage

The Environment Agency and Devon County Council, as Local Lead Flood Authority (LLFA), objected to the original proposals. As part of the revised proposals, a Drainage Strategy and Flood Risk Assessment accompany the submission. The Environment Agency and the LLFA have withdrawn their objections following a review of the modified details, subject to relevant conditions attached to any planning permission granted.

Both Sport England and the Planning Member Working Group raised concern that, given the site's location close to the River Exe, the pitch design should consider the need to contain the pitch surfacing to prevent the material from entering the watercourse. The revised submission includes a Synthetic Surface Proposal and Outline Management Plan, which details that, by utilising all available guidance, the applicant has incorporated sufficient mitigation measures to ensure the development proposal is safe, minimises its impact on the environment and uses the most sustainable technology available.

Noise

The Environmental Health Officer recommends approval with conditions attached to any planning permission granted requiring further details of a Construction Environmental Management Plan, contamination land and noise.

Concerning the requirement for a noise assessment, it is relevant to note that there is an existing changing room facility on the site in the broad location where the Pavilion is proposed; the Pavilion will be of modern construction, with better associated acoustic insulation. Such a specification of noise insulation will be secured by condition. Further, the Pavilion is set well away from nearby neighbouring properties, separated by allotments. Similarly, neighbouring properties are significantly far from the proposed 3G pitch location. The existing grassed rugby pitch benefits from planning permission for use with floodlighting until 22:00 from Monday to Friday.

Sustainability

A Proposed Bespoke Sustainability Framework accompanies the revised development proposals. This Framework applies the principles of BREEAM and recommends that BREEAM is applied in principle to the development proposals, where a bespoke framework could be used to monitor performance against the selected targets, allowing appropriate allocation of resources for the size and scope of the building. Sustainability measures that will be employed at this development will:

- Include a fabric-first approach, using lean and passive measures where feasible;
- Be resilient to climate change – best practice solutions to limit overheating and to ensure a comfortable thermal environment both in summer and winter times, with the consideration of projected climate change scenarios to ensure appropriate thermal environments in the future;
- Meet all of the mandatory performance standards required to achieve BREEAM 'Excellent';
- Incorporate natural ventilation (where appropriate);
- Include low and zero-carbon/renewable technologies, including air source heat pumps (ASHPs) and photovoltaic (PV) panels;
- Use LED lighting (including absence/presence detection where appropriate). Internal lighting will be zoned accordingly in primary occupied areas. External lighting to include integral solar time control;
- Utilise efficient water fixtures to reduce potable water consumption;
- Provide dedicated on-site cycle storage and facilities;
- Incorporate ecological and landscaping enhancement;
- Include waste and recycling provisions;
- Mitigate surface water run-off and watercourse pollution, including sustainable drainage systems (SuDS).

The proposed development incorporates sustainable design and construction methods. It is designed to be as resilient to climate change as possible, optimising energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and incorporating technologies that reduce carbon emissions in compliance with Core Strategy Policy CP15.

17.0 Conclusion

The proposal complies with local and national policies supporting a healthy lifestyle and protecting the environment and local amenity.

18.0 Recommendation

GRANT permission subject to the following conditions.

1) The development to which this permission relates must be begun not later than the expiration of three years starting 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 9 November 2022 (including drawings numbers 1643-PL02G, 03H, 04E, 05F, 06F & 10A) as modified by other conditions of this consent.

Reason: To ensure compliance with the approved drawings.

3) Pre-commencement condition: Before commencement of any part of the site, the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

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

- (m) Details of the amount and location of construction worker parking; and,
- (n) Photographic evidence of the condition of adjacent public highways before the commencement of any work.
- o) The erection and maintenance of securing hoarding, if appropriate.
- p) Measures to monitor and control the emission of dust and dirt during construction.
- q) No burning on-site during construction or site preparation works.
- r) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- s) 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 the pre-commencement condition: In the interests of local amenities and safety.

4) 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 Flowerpots Sports Pitch Drainage Strategy (Report Ref. E06079 - TN001, Rev. P2, dated 4 November 2022).
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for adopting and maintaining the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

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

5) Pre-commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The 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 the pre-commencement condition: In the interests of health. This information is required before development commences to ensure that any remedial works are appropriately considered and addressed at the appropriate stage.

6) Pre-commencement condition: No development approved by this permission shall be commenced until a scheme to minimise flood damage to the proposed development by utilising flood-resilient construction techniques to an appropriate level has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

Reason for the pre-commencement condition: To minimise the damage to the building from flood events.

7) Pre-commencement condition: Unless otherwise agreed in writing, no development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons for the pre-commencement condition: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

8) 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. Before the 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, before 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 entirely 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. It shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason for the pre-commencement condition: To ensure that the proposal complies with Policy CP15 of the Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed before the commencement of development because the findings may influence the design for all stages of construction.

9) 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. After that, the materials used in the development construction shall correspond with the approved samples in all respects.

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

10) 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 building shall be occupied, or approved use commence 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, after that, 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 the interests of amenity.

11) 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 five years from the date of the completion of the 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 the interests of amenity.

12) The Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision detailed in the Tree Protection Statement (ref: JG/B475/1022), by a suitably qualified tree specialist.

Reason: to protect retained trees within or near the site.

13) 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 and approved in writing by the LPA. The predicted noise levels shall be submitted before the development's commencement and demonstrated by measurement before the occupation of the development.

Reason: In the interests of residential amenity.

14) The use hereby approved shall not be carried on other than between the hours of 0900 to 2200 on any day and shall not be carried on at all on public or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

15) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided in accordance with the approved details. After that, the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided in accordance with Exeter Local Plan Policy T3.

16) The approved development shall not be brought into use until space has been laid out within the site in accordance with the approved drawings for cars to be parked for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: To ensure adequate parking is available to accommodate the vehicles attracted to the site.

17) Before the occupation of any building now approved, details of the provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained.

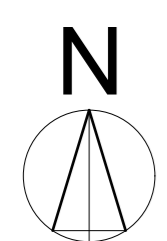
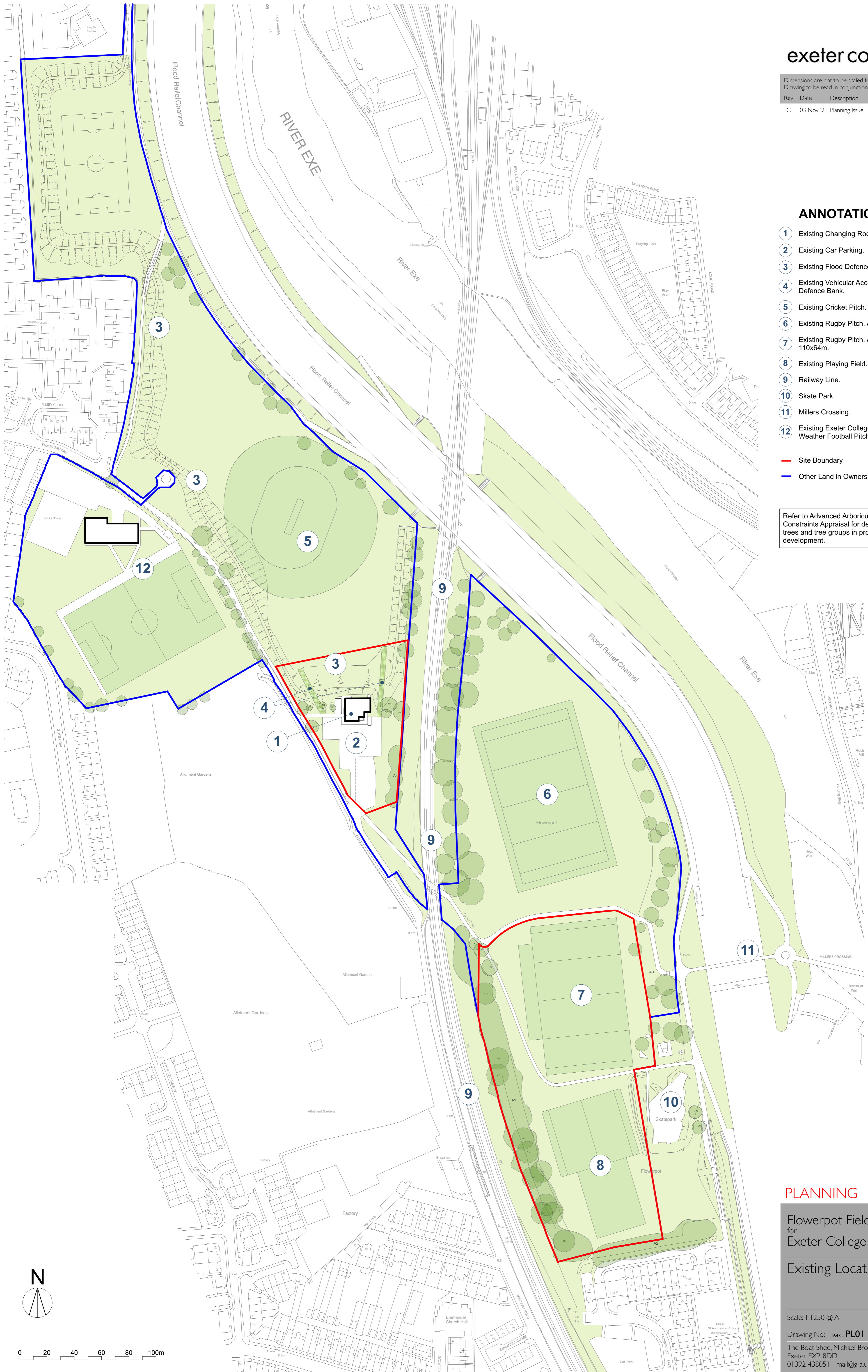
Reason: In the interests of preserving and enhancing biodiversity in the locality.

ANNOTATIONS

- 1 Existing Changing Rooms.
- 2 Existing Car Parking.
- 3 Existing Flood Defence Bank.
- 4 Existing Vehicular Access Route over Flood Defence Bank.
- 5 Existing Cricket Pitch.
- 6 Existing Rugby Pitch. Approx o/a Size 126x75m.
- 7 Existing Rugby Pitch. Approx Playing Area 110x64m.
- 8 Existing Playing Field.
- 9 Railway Line.
- 10 Skate Park.
- 11 Millers Crossing.
- 12 Existing Exeter College Sports Hub & All Weather Football Pitch.

- Site Boundary
- Other Land in Ownership of Applicant.

Refer to Advanced Arboriculture Ltd. Tree Constraints Appraisal for details of Identified trees and tree groups in proximity of proposed development.



0 20 40 60 80 100m

PLANNING

Flowerpot Fields Pavilion
for
Exeter College
Existing Location Plan

Scale: 1:1250 @ A1
Drawing No: 1643 - PL01 Rev C
The Boat Shed, Michael Browning Way
Exeter EX2 8DD
01392 438051 mail@g-a.uk.com

This page is intentionally left blank

REPORT TO: PLANNING COMMITTEE**Date of Meeting: 20th February 2023****Report of: City Development Strategic Lead****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 of City Development (Ian Collinson) 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

Ian Collinson

Director of City Development

Delegated Decision	
Application Number:	22/1635/FUL
Decision Type:	Permitted
Location Address:	1 Wonford Road Exeter Devon EX2 4EQ
Proposal:	Construction of a summerhouse and greenhouse to replace an existing garage and garage forecourt.

Delegated Decision	
Application Number:	22/1692/FUL
Decision Type:	Permitted
Location Address:	13A Marlborough Road Exeter Devon EX2 4TJ
Proposal:	The proposal is to install x6 solar panels on the garage flat roof, the panels would be attached to the roof using a metal framework.

Delegated Decision	
Application Number:	23/0085/LPD
Decision Type:	Withdrawn by Applicant
Location Address:	Flat 1 83 Magdalen Road Exeter Devon EX2 4TF
Proposal:	The proposal comprises a 1.9 metres extension to the rear of the property. Two new windows and an existing window to be replaced with french doors. All materials will match the existing dwelling.

Delegated Decision	
Application Number:	23/0116/DIS
Decision Type:	Condition(s) Partially Approved
Location Address:	Haldon Court 4 Manston Terrace Exeter Devon EX2 4NP
Proposal:	Brick sample for external wall finish - discharge of condition 3 of 21/1409/FUL and 21/1410/LBC

Pennsylvania

Delegated Decision	
Application Number:	22/1008/FUL
Decision Type:	Permitted
Location Address:	14 Herbert Road Exeter Devon EX1 2UH
Proposal:	Single storey side extension with Gable end to be added to existing property.

Priory

Delegated Decision	
Application Number:	22/1693/FUL
Decision Type:	Permitted
Location Address:	32 Rifford Road Exeter Devon EX2 5JT
Proposal:	Single storey rear extension.

St Davids

Delegated Decision

Application Number: 22/1384/FUL Delegation Briefing: 03/11/2022
Decision Type: Withdrawn by Applicant Date: 08/02/2023
Location Address: Pavement Outside 18 Princesshay Exeter Devon EX1 1GE
Proposal: Installation of a multifunction Hub unit, 2.6m in height, with integral advertisement display and defibrillator.

Delegated Decision

Application Number: 22/1385/ADV Delegation Briefing:
Decision Type: Withdrawn by Applicant Date: 08/02/2023
Location Address: 18 Princesshay Exeter Devon EX1 1GE
Proposal: Integral advertisement LCD screen for illuminated static displays within multifunction hub unit.

Delegated Decision

Application Number: 22/1501/LBC Delegation Briefing:
Decision Type: Permitted Date: 06/02/2023
Location Address: 39-40 High Street Exeter Devon EX4 3DJ
Proposal: Replace Timber structure in Roof

Delegated Decision

Application Number: 22/1700/PDJ Delegation Briefing:
Decision Type: Prior Approval Required and Date: 02/02/2023
Granted
Location Address: 5 Charlotte Mews Pavilion Place Exeter Devon EX2 4HA
Proposal: Change of use from office to dwelling

Delegated Decision

Application Number: 22/1707/PDJ Delegation Briefing:
Decision Type: Prior Approval Required and Date: 07/02/2023
Refused
Location Address: 16 Gandy Street Exeter Devon EX4 3LS
Proposal: Change of use of 1st and 2nd floor to C3 dwelling with access provided at ground floor.

St Loyes

Delegated Decision

Application Number: 22/1409/FUL Delegation Briefing:
Decision Type: Permitted Date: 02/02/2023
Location Address: 12 Warwick Avenue Exeter Devon EX1 3HA
Proposal: Proposed part two storey and part single storey rear extension, with new porch to the front elevation.

Delegated Decision			
Application Number:	22/1673/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	31/01/2023
Location Address:	7B Parkland Drive Exeter Devon EX2 5RX		
Proposal:	Single storey rear and side pitched roof extensions.		
Delegated Decision			
Application Number:	22/1679/PDPV	Delegation Briefing:	
Decision Type:	Prior Approval Required and Granted	Date:	01/02/2023
Location Address:	Howmet Aerospace Kestrel Way Exeter EX2 7LG		
Proposal:	Installation of 130kW of solar photovoltaic (PV) flat roof panels, framed.		
Delegated Decision			
Application Number:	22/1680/PD	Delegation Briefing:	
Decision Type:	Prior Approval Required and Granted	Date:	01/02/2023
Location Address:	63 Lewis Crescent Exeter Devon EX2 7TD		
Proposal:	A single storey rear extension. Dimensions for the extension are 4 metres beyond the rear wall, 3.9 metres is the maximum height with eaves at 2.95 metres.		
St Thomas			
Delegated Decision			
Application Number:	22/1337/LED	Delegation Briefing:	
Decision Type:	Was not lawful use	Date:	03/02/2023
Location Address:	66 Merrivale Road Exeter EX4 1PT		
Proposal:	Construction of a single storey annex within the rear garden.		
Topsham			
Delegated Decision			
Application Number:	22/1019/FUL	Delegation Briefing:	04/08/2022
Decision Type:	Permitted	Date:	31/01/2023
Location Address:	Mansard Parkfield Road Topsham Exeter Devon EX3 0ET		
Proposal:	Alterations (including partial demolition) and extension, to create a two-storey dwelling, ancillary annexe and garage.		
Delegated Decision			
Application Number:	22/1719/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/02/2023
Location Address:	17 Strawberry Lane Topsham Exeter Devon EX2 7TS		
Proposal:	Two storey side extension.		

Delegated Decision

Application Number:	22/1727/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	03/02/2023
Location Address:	4 Orchard Way Topsham Exeter Devon EX3 0LB		
Proposal:	Single storey large rear home extension. 4.5m deep, 6.165m wide, 2.45m to the eaves, ridge 3m high.		

Total Applications: 30

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 20th February 2023
Report of: City Development Strategic Lead
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 [21/0894/OUT](#) - **Land to the west of Clyst Road**, Topsham - *Outline planning application for the construction of up to 100 dwellings and associated infrastructure (all matters reserved).*

Following a public inquiry held on 21, 22 and 26 September, the appeal was allowed. The application for up to 100 dwellings was refused by the Council, due to the conflict of the proposed development with Policy CP16 and saved Policy LS1 for harming the rural character of the area and landscape setting of the city by developing and urbanising a parcel of land comprising the strategic gap between Topsham and Exeter, thus contributing to a sense of coalescence. The site comprises agricultural fields north of the Clyst Road development on the edge of Topsham, which was allowed at appeal in 2019.

The Inspector acknowledged that the proposed development would constitute notable urban encroachment into an area of countryside largely free from development, diminishing the site's openness and rurality. He also acknowledged the importance of the site and remaining open land in acting as an anti-coalescence buffer between Topsham and Exeter given recent developments have reduced the extent of the strategic gap. However, the Inspector noted that the proposal would be c.110m from the M5 motorway and 135m from the nearest buildings in Exeter, meaning a physical gap would still exist. Furthermore, he agreed with the findings of the developer that the proposal would not have a significant visual degree of effect in viewpoints and he considered that the site overall is relatively well contained visually. The views from Clyst Road would be intermittent/fleeting, and the distance of the site from the road and landscaping along the eastern boundary would reduce its prominence. From Newcourt Road, the proposal would appear as a continuation of the adjoining housing site and there would be no discernible visible connection with built form in Exeter. Views from the railway line would be fleeting and partially screened, while a gap would still exist between the site and Newcourt Station. In conclusion, he considered that the extent of encroachment into the strategic gap would be limited overall and not result in coalescence.

On other matters, the Inspector stated that allowing the appeal would not prejudice the Council over consideration of reserved matters, including landscaping to soften views of the proposal. Access would be via the existing 'phase 1' development (previously allowed at appeal) with footpath improvements along Cyst Road secured as part of that scheme and while he accepted the scheme would likely be largely reliant on the private car,

sustainable travel opportunities, such as travel vouchers and a mobility hub, would be incorporated. There was no substantive evidence that junctions affected by the scheme's traffic would be close to exceeding their capacities. Ecological impacts would be dealt with as part of biodiversity enhancement and construction mitigation, secured by conditions. The Clyst Marshes County Wildlife Site was sufficient distance away to not be affected by drainage from the scheme. There would be no significant impact on health from air pollution from the M5.

In terms of the planning balance, the Inspector considered that the Council had a moderate housing land supply shortfall of approximately 4 years, therefore the 'tilted balance' in the presumption in favour of sustainable development in the NPPF was engaged. Significant weight was given to the delivery of market housing and substantial weight with respect to affordable housing. There would be modest economic benefits from construction and the occupation of the dwellings from local spending. Moderate weight was attributed to biodiversity enhancement, the details of which would be secured at reserved matters. Neutral weight was given to public open space, as this would simply meet the requirements of the Local Plan/SPD. There would be no adverse effects on the integrity of habitats sites. There would be moderate conflict with policies CP16 and LS1, as the development would reduce the openness of the site and harm the rural character and appearance of the area, however the landscape was not considered highly sensitive. The proposal would not result in coalescence nor detract from Topsham's attractive setting. Moderate weight was given to the conflict with CP16 and limited weight to the conflict with LS1 (as it is not consistent with the more flexible approach to protecting the countryside in the NPPF). The site does not lie within a valued landscape (NPPF 174) and the development could be designed to create a strong sense of place (NPPF 130). Overall the Inspector considered the adverse effects from the scheme would be limited and would not 'significantly and demonstrably' outweigh the benefits taking the NPPF policies as a whole. The presumption in favour of sustainable development was a material consideration of sufficient weight to clearly indicate that planning permission should be granted in this case despite the conflict with the development plan.

A s106 agreement secures 35% affordable housing and habitats mitigation. Based on the evidence provided, the Inspector did not consider the contribution requested by the Royal Devon and Exeter NHS Foundation Trust was justified, but a contribution (£584 per dwelling) towards Topsham GP surgery was secured. 10% public open space and play areas were also secured, as well as a contribution for a Traffic Regulation Order to create parking spaces for an electric car club vehicle, charging spaces and cycle/electric bike parking, and other sustainable transport provisions. Various conditions were added.

3.2 [21/1028/FUL](#) – **6 Matford Lane** - *Demolition of existing bungalow and garage, and construction of two storey dwelling.*

The proposed scheme relates to a site currently occupied by a modest post-war bungalow, one of a group of 6 on the corner of the junction of Matford Lane and Wonford Road. The site is within the St Leonards Conservation Area although the Council's Conservation Area Appraisal states that the bungalows do not make a positive contribution to the character and appearance of this designated heritage asset. The proposal consists of the demolition of the bungalow and its replacement with a two storey dwelling in a contemporary design.

In refusing consent, the Council's main concerns were that by virtue of its overall size, massing, shape, position and design, and the choice of materials to be used, the proposed dwelling would present an overdevelopment of the site and an unsympathetic and unduly prominent form of development that would be detrimental to the character and appearance of the street scene, the local townscape and St Leonards Conservation Area.

The Inspector broadly agreed with the Council stating that “by reason of the first-floor flat roof design and its associated mass, the use of contrasting materials and a larger front projection, the design would be overly prominent and visually intrusive in the street scene” (Paragraph 5). The Inspector acknowledged that the group of bungalows were identified by the Council as not making a positive contribution to the St Leonards Conservation Area but concluded that this scheme would result in greater harm. “The harm to the conservation area is ... a matter of considerable importance in this case” (Paragraph 9).

It was also noted that other contemporary buildings in the area were on larger plots and so not comparable to this scheme. The appellant had sought to argue that these had set a precedent.

For the reasons given above, the Inspector dismissed the appeal.

4. New Appeals

4.1 [22/0928/FUL](#) – 32 Hawthorn Road – *Two storey side extension.*

Ian Collinson
Director of City Development

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

Background papers used in compiling the report:

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

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

This page is intentionally left blank