

## **PLANNING**

Date: Monday 4 September 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 of the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Knott (Chair), Asvachin (Deputy Chair), Bennett, Branston, Hannaford, Jobson, Ketchin, Lights, Miller, Mitchell, M, Sheridan, Wardle, Warwick and Williams, M

## **Agenda**

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

#### **1 Apologies**

To receive apologies for absence from Committee members.

#### **2 Minutes**

To approve and sign the minutes of the meeting held on 31 July 2023.

(Pages 5 -  
10)

#### **3 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

#### **4 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and

public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

## Public Speaking

**Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).**

### 5 **Planning Application No. 23/0583/OUT - 68-72 Howell Road, Exeter**

To consider the report of the Director City Development.

(Pages 11  
- 38)

### 6 **Planning Application No. 23/0631/VOC - 130 Fore Street, Exeter**

To consider the report of the Director City Development.

(Pages 39  
- 66)

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

To consider the report of the Director City Development.

(Pages 67  
- 88)

### 8 **Appeals Report**

To consider the report of the Director City Development.

(Pages 89  
- 90)

## Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 9 October 2023** at 5.30 pm in the Civic Centre.

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## PLANNING COMMITTEE

Monday 31 July 2023

### Present:-

Councillor Paul Knott (Chair)

Councillors Asvachin, Bennett, Jobson, Ketchin, Miller, Mitchell, M, Sheridan, Warwick and Williams, M.

### Also Present

Service Lead City Development, Principal Project Manager (Development) (HS), Planning Solicitor and Democratic Services Officer (HB)

57

### MINUTES

The minutes of the meetings held on 12 and 19 June 2023 were taken as read, approved and signed by the Chair as correct.

58

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

59

### PLANNING APPLICATION NO. 23/0321/FUL - LAND ON THE WEST SIDE OF BELLE VUE ROAD, EXETER

The Principal Project Manager (Development Management) (HS) presented the application for the erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works.

The Principal Project Manager (Development Management) (HS) described the location of the site through a site plan, an aerial view, photos of different views, including those from across the city, landscape and biodiversity enhancements, an illustrative site layout plan and drawings of site sections and construction details, the report also setting out the following key elements:-

- the principle of development;
- scale, design, impact on character and appearance;
- impact on residential amenity;
- access;
- wildlife, ecology and biodiversity;
- impact on landscape setting of the city and the Duryard Valley Park; and
- net zero and renewable energy generation.

The Principal Project Manager (Development Management) (HS) provided further detail of the application:-

- the site comprised a field sloping down towards the south and west where it is bounded by established treed landscape. The proposed development would extend to two to three hectares with one hectare being the solar array. The remainder of the application site was required to accommodate the construction of a temporary access track and associated landscaping as well as biodiversity mitigation and enhancement measures;
- the angles of the solar panels would vary, being 10 degrees at the top of the site and 30 degrees at the bottom;
- the site fell within the Duryard Valley Park and was designated a Site of Nature Conservation Importance and County Wildlife Site. The site of the solar array was Grade 3 agricultural land;
- a temporary construction access with a crossing of the brook was also proposed with a construction compound on an existing University Duryard Residences hardstanding car park; and
- the applicant had confirmed that permission for the temporary construction access had been agreed with Avanti Hall School (Thomas Hall) which would involve a construction access route that was less harmful to the landscape and tree belt. Approval of details of the construction access would be secured by condition.

The Principal Project Manager (Development Management) (HS) drew Members attention to the update sheet and that the revised construction access would be included in the presentation slides. He also advised that a further objection had been received regarding urbanising impact, recovery time for temporary access, impact on County Wildlife Site, alternative sites, Policy EN6 and consultations.

In conclusion, the Principal Project Manager (Development Management) (HS) advised that the harms identified through landscape impact on the setting of the city and the rural character and appearance of the Duryard Valley Park meant that the scheme conflicted with Policies L1 and LS1 of the Exeter Local Plan First Review. However, substantial weight was given to the benefits of the scheme in terms of renewable energy generation, and it was therefore considered that it complied with Policy EN6. On balance, it was therefore concluded that the benefits of the scheme in terms of renewable energy generation outweighed the visual and landscape harm and harm to the Duryard Valley Park, and the proposal was therefore considered to be in conformity with the development plan taken as a whole.

The application was recommended for approval, subject to the conditions set out in the report.

The Principal Project Manager (Development Management) (HS), in response to Members' queries, advised that:-

- the site was identified in the application as Grade 3 agricultural land and that, on a precautionary basis, it should be regard as Grade 3a;
- whilst the area was private and not public open space, it was used informally and a formalised access would be provided enabling public access to the retained open space;
- there was no record of the site being contaminated or a landfill site; and
- the proposed landscaping and biodiversity enhancement scheme would enhance that part of the existing degraded area of the site and, together with tree planting, would enhance the biodiversity value of the area.

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

- the value of a solar array in general was not disputed but it was a question of balance and the loss of amenity to the local population greatly outweighed the benefits of renewable energy;

- the University should follow the example of the City Council in providing solar panels on its buildings and car parks;
- it was unclear whether the Grade 3 agricultural land was defined as either 3a or 3b. The former was defined as high quality and was therefore more appropriate for agriculture rather than solar panels. There was also uncertainty as to whether the site was contaminated;
- whilst it was laudable that the University had formalised the access provision and would provide an access construction route that was less harmful to the landscape and tree belt, the loss of amenity remained greater than solar energy provision. Furthermore, the formalised access was an access only and access to a larger area was still not available;
- the land was an important green lung both on the edge of the city and not a great distance from the city centre; and
- the new Local Plan and supplementary planning documents on renewable energy were yet to be adopted and, if permitted, the application would set an unacceptable precedent.

He responded as follows to Members' queries:-

- there were other options of providing a similar amount of energy such as a solar panel canopy over some 1,000 car parking spaces;
- the loss of the open space would impact on visual amenity; and
- because of restricted access, residents would look to cars for transport to schools etc. which was counter to carbon reduction through clean energy generation.

Joanna Chamberlain, Director of Sustainability at the University of Exeter, speaking in support of the application, raised the following points:-

- permission is sought to deliver a scheme that aligns with National and Local energy policies and provides community and environmental benefits;
- as a source of renewable energy, solar power has a vital role to play in mitigating the climate crisis by reducing reliance on fossil fuels and associated carbon emissions, providing energy security and meeting energy demands;
- the University is a contributor to the Net Zero Exeter 2030 Plan and is working on reducing its own carbon footprint and were collaborating with the Council and other local organisations towards the collective goal of a Net Zero Exeter;
- this application, for over 1 MW generating capacity, would be the second ground mounted PV installation within Exeter and would contribute to this challenging target;
- the University has 1.36MW of building mounted PV across 12 buildings on its campuses, with plans to expand this by a further 2-3 MW on suitable buildings over the next three to five years. PV arrays are currently being installed on three additional buildings and all new buildings have PV installations as standard;
- the proposal will achieve a biodiversity net gain in excess of the forthcoming national requirements through additional landscaping and planting of wildflower meadows and reinstated orchard;
- the community involvement in this application has taken place through in person meetings and online;
- the University is content to provide a permissive pedestrian route as shown;
- panels closest to the dwellings along the northern boundary are to be tilted at a lesser (10 degrees) angle to improve visual amenity;
- an access licence has been agreed with Thomas Hall School so that the installation will no longer need to create a new stream crossing; and
- if the development is approved work will commence in the autumn.

She responded as follows to Members' queries:-

- the solar panels would deliver 3% of the electricity needs of the campus;
- there had been significant progress since the inception of the University's 2012 Building De-carbonisation Master Plan. There was an evolving programme to increase renewable energy following a carbon hierarchy including a reduction in energy production through reducing reliance on electricity and gas, lighting improvements, introducing heat pumps, fabric upgrades, reducing the intensity of electric use, improved construction methods, refurbishments and policies around equipment use and IT. There was also a wind turbine project being examined for its Penryn campus;
- the public were able to access Hoopern Valley but not this site;
- solar panels had not been provided on the East Park student accommodation site;
- the University was seeking to both introduce solar panels on this site and provide panels elsewhere on campus for example on Car Park B. There were no panels currently on Car Park D as it was a development site; and
- the proposal would include over 10% net biodiversity gain which could be more after an analyses of the new construction access.

Members made the following comments:-

- there are two conflicting issues - the development of solar farms to move away from fossil fuel and the current proposal;
- the policy should be 'roof spaces before green space' for PV developments. The University application however does not follow on from the maximisation of suitable roof spaces, instead this application runs in tandem;
- the report suggests a balanced approach yet numerous issues have been raised against this development by outside bodies and local residents.
- the on balance in favour approach related to Local Plan EN6 allowing renewable energy development;
- the issues raised by the objectors relate to all the core issues identified in a recent House of Commons Debate Pack from the House of Commons Library dated 18 July 2022 on Planning and solar farms and a debate pack dated 7 June 2022 - Planning for solar farms and battery storage solutions;
- with regard to the impact on local amenity and landscape, the need for renewable energy does not automatically override environment protection;
- the siting, size, colour and design of solar panel systems are all important considerations as is the visual impact of solar farms, in particular their impact on the local landscape in terms of glint/glare;
- there are no hard and fast rules for Local Planning Authorities (LPA's) to identify suitable sites but LPA's should take into account the potential impacts of solar farms on the local environment;
- the Council is re drafting the Local Plan and National Planning policy is also being currently updated. All references in the literature implies solar farm developments whether large or small are taking place on existing agricultural land in a rural setting not on semi green field park land within a city environment.;
- the University of Exeter earlier this month submitted a document to the Planning Member Working Group regarding – A Non-technical Overview of Energy and Carbon Standards for New Buildings – para 26 covered Ground mounted PV -*Emerging evidence suggests that Exeter does have some*



*potential for ground mounted solar arrays (Wind and PV report, SWEEG 2023)  
A criteria-based policy, indicating where ground mounted PV could be acceptable would help direct potential developers to the most appropriate areas.  
A ground mounted PV policy could be considered;*

- how many other sites did the University consider before selecting this one? Their Building Decarbonisation Master Plan dated December 2021 refers only to a possible site in Duryard. This site couldn't be any closer to local residents and further away from University buildings.
- local residents are concerned about the siting of this solar farm and the setting of a precedent in relation to proximity of such farms to large scale housing;
- there are potential safety and security issues relating to this development;
- there are concerns about the wildlife, ecology and biodiversity impact of this development and no trees should be harmed if this development goes ahead;
- the development impacts negatively on the landscape quality and the character of the area;
- if agreed, conditions should state what happens at the end life of this equipment.
- the site and its infrastructure will need ongoing maintenance and safety checks which will require permanent road access;
- as well as providing solar powered energy the impact on wildlife is potentially neutral. Solar panels have a life cycle of approximately 25 years after which the land would revert to its natural state. A condition could be added to preserve wildlife. The provision of solar panels on other buildings, as well as the use of a green field site, are not mutually exclusive;
- greater weight should be given to the provision of renewable energy;
- the proposal conflicts with Policies L1 and LS1 and fails to justify that the need outweighs harm. There had been no solar panel provision on the East Park development and, until solar panels are provided on campus buildings and car parks, there is no identifiable need for developing a green field site. There is potential harm to the biodiversity of the site and there will be long term harm to the local amenity; and
- the proposal goes against Council policies of protecting green spaces and encouraging rewilding and biodiversity.

The Principal Project Manager (Development Management) (HS) responding to further queries raised by Members, advised that:-

- the definition of Grade 3a Agricultural Land did not mean it could not be developed on but would be given more weight as an area of greater value for agricultural quality. It was however a small area of land, steeply sloping and, in that way, of limited agricultural use;
- there was no evidence or record that it was contaminated or had been land fill. It was a steep hill in an apparently natural land form with no evidence that it had been worked in such a way;
- glint and glare had been taken into consideration and there had been no objection from Exeter Airport who had no safeguarding concerns. There would be some glint/glare towards houses but one of the factors that reduced glare was the angles of the panels and that not all were in the same alignment which reduced problems of glare;
- the nature of energy requirements at the end life of these panels could not be anticipated and there was a condition requiring the return to its original form on the cessation of the use of the panels;
- the panels were off the ground presenting opportunities for animals; and
- there was opportunities for enhancements across a wider area than the panels themselves; and

- stock fencing of an agricultural nature was proposed and can be secured by condition and not therefore of high security tight mesh design.

The Principal Project Manager (Development Management) (HS) responding to further Member queries, advised that:-

- responding to the reference in the National Planning Policy Supplementary Planning Guidance that poorer rather than quality agricultural land should be used and the lack of clarity as to whether the land was Grade 3a or 3b, it was not known if the University had undertaken an analyses of other agricultural sites suitable for solar panels. The advice was that poorer land should be examined first and that, in this case, it was a small area of sloping land that had not been in active agricultural use;
- there was no prohibition of solar panels being close to houses but issues of noise from a transformer and glint and glare were important considerations in determining the application; and
- there were studies on glint and glare and Exeter Airport had no objections.

The Principal Project Manager (Development Management) (HS) summarised the application and the debate.

The recommendation was moved, seconded, voted upon and CARRIED.

**RESOLVED** that the application for planning permission the erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works be **APPROVED**, subject to the conditions as set out in the report with condition 11 amended to clarify the nature of the boundary fencing.

60

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

The report of the Director City Development was submitted.

**RESOLVED** that the report be noted.

61

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.30 pm and closed at 6.40 pm)

Chair

## Planning Committee Report 23/0583/OUT

### 1.0 Application information

Number:	23/0583/OUT
Applicant Name:	Mr S Williams,
Proposal:	Outline permission for block of flats following the demolition of the garage workshop (all matters reserved)
Site Address:	68-72 Howell Road Exeter Devon
Registration Date:	11 May 2023
Link to Documentation:	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RUI1YAHBFTB00y">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RUI1YAHBFTB00y</a>
Case Officer:	Christopher Cummings
Ward Member(s):	Cllr Kevin Mitchell, Cllr Michael Mitchell, Cllr Martin Pearce

### REASON APPLICATION IS GOING TO COMMITTEE

In accordance with the Delegation Briefing decision made on 25 July 2023.

### 2.0 Summary of recommendation

GRANT permission subject to conditions as set out in report.

### 3.0 Reason for the recommendation:

Outline applications with all matters Reserved are focussed on the principle of the development, rather than any details of the scheme and provide a 'high-level' approval of development, with the technical matters to follow.

In this instance it is considered that redevelopment of this site for open residential use will see a negative aspect of the Conservation Area removed with the potential to create an enhancement. A parameter plan has been agreed to ensure the building design is of an appropriate size and position to prevent dominance of the street scene.

It is a windfall site to provide up to 9 Class C3 dwellings, which meets Local Plan, Core Strategy and Neighbourhood Plan policies.

There are no identified reasons for refusal of this scheme in principle and it is considered that the constraints of the surrounding built form and policy requirements will allow a suitable development to come forward at Reserved Matters.

#### 4.0 Table of key planning issues

Issue	Conclusion
Description Changes	Description changes were made in relation to the Outline nature of the proposal and uncertainty over suitable final levels. Following further discussions it was agreed that a maximum level of 9 flats would be added into the description.
Site History	<p>This application follows a refusal for Purpose Built Student Accommodation at the site (<a href="#">21/1014/FUL</a>), which has seen an appeal submitted.</p> <p>This application is for Class C3 market housing and is not considered to prejudice the Council's position in relation to that appeal.</p>
Outline Consent	<p>This application fits within the definition of an Outline application through demolition and redevelopment of the site (rather than a change of use of the existing building).</p> <p>Parameter plans have been agreed with the application to ensure the final design is in keeping with the surrounding built form.</p>
Principle of Development	<p>The Council does not currently have a 5-year land supply and there is therefore a presumption in favour of development unless any adverse impacts would significantly outweigh the benefits.</p> <p>The Class C3 market housing on the site meets Local Plan and Core Strategy policy requirements, as well as policy SD3 of the Neighbourhood Plan by delivering private residential development.</p> <p>The site is noted in the Longbrook CAAMP as not making a positive contribution and redevelopment is</p>

Issue	Conclusion
	<p>therefore welcomed to enhance the Conservation Area.</p> <p>It is not suitable to place restrictions on the approval to prevent students living within any of the flats or to limit it to local people or key workers as related policies are not within the Local Plan, Core Strategy or Neighbourhood Plan. The flats are Class C3 and would be permitted for occupation by anyone in accordance with the Use Class Order definition.</p>
Heritage	<p>The existing site is noted as making a negative contribution to the area and this proposal will provide an opportunity to enhance the Conservation Area. This will be considered further at the Reserved Matters stage.</p>
Design	<p>The design of the development is a Reserved Matter and will be dealt with at that stage. Parameter Plans have been agreed in relation to ridge height and front elevation building line to ensure the final design is of an appropriate scale and position.</p> <p>There are policies in the St James Neighbourhood Plan and the Local Plan and Core Strategy in relation to design and these will provide a suitable level of control for the Reserved Matters proposal.</p>
Amenity	<p>The layout of the development is a Reserved Matter. Any new development would be expected to meet the Nationally Described Space Standards, as well as the requirements on amenity set out in the Residential Design Guide SPD in relation to both occupants and neighbours.</p>
Highway Considerations	<p>The site is within a Controlled Parking Zone and is considered a sustainable location with good links to public transport and would be acceptable for car free development.</p>

Issue	Conclusion
	Access, and matters relating to vehicles, cycles and pedestrian movements will be dealt with at Reserved Matters.
Contamination	<p>A Phase 1 Report was submitted with the proposal and noted there is a risk of on-site contamination. It was not possible to do full surveys due to the existing buildings on site.</p> <p>A condition is recommended for a Phase 2 Ground Investigation once the demolition is complete, with appropriate remediation as necessary.</p>
Ecology	No features of ecological interest were found at the site and there were no evidence of nesting bats within the building. A condition is recommended for further surveys prior to demolition as well as provision of ecological enhancement features, including bird/bat boxes to be included as part of the Reserved Matters design.
Sustainability	The scheme will be subject to policy requirements for sustainability and low-carbon technologies and this will form part of the Reserved Matters application.
Waste Audit	Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. This is considered to be appropriate to be dealt with via condition.
Financial Considerations	The site falls under the 10 dwelling threshold for S106 contributions including Affordable Housing and NHS support and there is suitable provision in schools in relation to education contributions.

## 5.0 Description of site

The site comprises a wide plot with a large, corrugated garage building over 6m high, formerly used for vehicle repairs and MOTs, situated on the south side of Howell

Road. The area is dominated by terraced housing, predominantly inhabited by students on this part of Howell Road, Danes Road and Hoopern Street.

The site is in the Longbrook Conservation Area and is identified as a building that does not positively contribute to the area's character.

The area is generally residential, although Exeter Prison is close to the west. The Higher Barracks Guardhouse to the north is locally listed. The site is within Flood Zone 1. Immediately adjacent to the site is no.73 Howell Road, a modern three-storey flat\_roofed building subdivided into a block of flats. To the east of the site is no.67 Howell Road, a two-storey residential building that was originally a public house but was converted into a dwellinghouse in 2017.

There are no protected trees on or adjacent to the site.

## 6.0 Description of development

Outline permission for block of a maximum level of 9 flats following the demolition of the garage workshop (all matters reserved)

Indicative plans show the building having 3 access points and the building designed to appear as houses in the style of refused application [21/1014/FUL](#). It should be noted that these are indicative plans and the design of this development is to be dealt with via Reserved Matters

## 7.0 Supporting information provided by applicant

Heritage and Planning Statement (May 2023)  
Protected Species Report (Received 11 May 2023)

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
<a href="#">21/1014/FUL</a>	Demolition of garage workshop (Maximum Motors) and construction of four 3-storey (plus basement) purpose-built student accommodation units,	REF	28.03.2023

numbering 26 bedrooms in total.

[89/0323/FUL](#)

Alteration/extension to incorporate MOT testing bay

PER

17.05.1989

It should be noted that refusal [21/1014/FUL](#) has had an appeal lodged with the Planning Inspectorate (APP/Y1110/W/23/3325492), however at the time of this report it is awaiting the start letter from the Inspectorate.

In relation to [21/1014/FUL](#) on 29 June 2020 positive pre-application advice was given to the applicant for a scheme where the principle of student development was accepted. The applicant was advised to make amendments to the design, reduce the bulk and ensure neighbouring amenity was addressed.

## 9.0 List of constraints

Longbrook Conservation Area

Is within an Article 4 Direction in relation to conversion of Class C3 dwellings to Class C4 small HMOs.

## 10.0 Consultations

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

Natural England – Advised that the site is within the zone of influence for protected Marine Sites and that an Appropriate Assessment should be undertaken and suitable financial mitigation agreed if required.

NHS Devon Integrated Care Board – Advised that scheme fell below their threshold and no mitigation required.

RSPB – Recommended a minimum of 9 universal bricks at a level of 1 per dwelling.

South West Water – Advised that evidence of the run-off destination hierarchy must be provided before proposing connection to a combined public sewer network.



DCC Highways – No objection to proposal. Proposal is for ‘car free’ development and would result in reduction in vehicle movements over current use as garage and MOT centre. It is within a residents parking scheme and would not be eligible for permits. It is considered that there are no significant highway safety concerns.

Cycle storage should meet SPD requirements and recommended for an area to service bikes and charge e-bikes.

The footway along the site frontage will need to be replaced due to the proximity of the building works and appropriate license/legal agreement with DCC Highways will be required.

DCC Education – Advised that the development would create impacts on primary and secondary educations, however DCC has forecast that there is spare capacity to accommodate the number of pupils expected from this development and no mitigation is required.

ECC Environmental Health – Requested information on any services plant or external plant is proposed. Conditions recommended for a Construction Environment Management Plan,

Police Architectural Liaison – No objections however asked that more detailed plans contain boundary treatment, improved surveillance, secure bin and cycle storage and suitable lighting.

Exeter Cycling Campaign – Object to proposal due to lack of information on cycle parking provision on the outline plan. Vertical hangers are shown and these are not suitable for different styles of bike.

St James Neighbourhood Forum – Raised a number of queries regarding the scheme as follows:

1. The description on the application form and that used by the Local Planning Authority are different and this should be clarified.
2. Number of dwellings should be included within the description.
3. Lack of description of dwellings could lead to any number or size being developed or student use of the flats.
4. The application should be considered a change of use application, not just ‘development’.
5. Questions over the developers rationale for the scheme with indicative plans showing an ‘almost identical’ scheme. Acceptance of the scale of development (although not student use) on the previous applications makes this represent a ‘backward step’.
6. Confusion over why this application submitted before appeal of the previous refusal has been submitted.
7. Failure to acknowledge the Neighbourhood Plan in submitted documents.
8. Confusion over claim that the existing site is unsuitable for residential use.

9. Queries over ECC 5 year housing land supply and the use of tilted balance to demonstrate acceptability of the scheme.
10. Links to aspects of previous scheme being found acceptable do not take into account lack of links to the Neighbourhood Plan.
11. Concern that the dwelling numbers noted will not be fixed by the outline consent.
12. Site owner's desire for student use through 'any means necessary'.
13. Need for robust conditions on use of the site as market housing and not student accommodation. Restriction on internal reorganisation from the Outline plans. Adherence to delivery of 35% Affordable Housing. Summarised that unless care is taken by the LPA then the scheme could become PBSA

## 11.0 Representations

A total of 21 comments have been received in relation to this proposal, with 15 objections and 6 mixed comments

The objections raised the following points:

- Repeated applications to get this application 'over the line'.
- Contrary to Policy H5(b) of the Exeter Local Plan First Review.
- Contrary to the aims of the Exeter St James Neighbourhood Plan.
- Parking for residents is already a nightmare.
- Would support affordable housing for local people but the developer will still aim to use the site for student housing.
- Outline permission only has indicative plans and no details of final arrangements.
- Previous application for development of this site was refused.
- Applicant should be restricted from making any residential units with more than 2 beds.
- Applicant should be restricted from any change of use to any form of student housing.
- Over-saturation of student housing/HMOs in this area of the city.
- Students should be living in PBSA.
- Concerns over community imbalance.
- Submitted Heritage and Planning Statement omits the St James Neighbourhood Plan.
- Proposal is for market housing despite the Neighbourhood Plan policy SD3 stressing the need for 'affordable homes for local people'.
- Allegedly advising the Chair of Exeter St James Community Trust that the Outline permission would be used to house 28-30 students.
- Any decision should restrict any advertising of the property as student housing.
- Area is overwhelmed by new, ugly, faceless buildings to accommodate students.
- Student accommodation should be spread further across the city.
- Student use sees temporary use of the area and impacts on the permanent community.

- Statement regarding graffiti in submitted documents is incorrect. The graffiti was applied deliberately by visitors to the site.

Supporting comments within the mixed letters raised the following points:

- Development of flats rather than Purpose Built Student Accommodation is welcomed.
- Good quality private residential development would comply with policy SD3 of the St James Neighbourhood Plan.
- Proposal could provide additional permanent accommodation for St James residents.

## 12.0 Relevant policies

### Development Plan

National Planning Policy Framework

5. Delivering a sufficient supply of homes which meet the needs of groups with specific housing requirements

7. Requiring good design

12. Conserving and enhancing the historic environment

Exeter Core Strategy (adopted F

CP1 - Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Meeting Housing Needs

CP7 – Affordable Housing

CP11 – Pollution

CP12 – Flood Risk

CP15 – Sustainable Construction

CP17 – Design and Local Distinctiveness

CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011 The policies which are relevant to this proposal are:

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

E3 – Protection of business and employment opportunities

T1 - Hierarchy of Mode

T2 - Accessibility Criteria  
T3 - Encouraging the Use of Sustainable Modes  
T10 - Car Parking Standards  
C1 – Development in Conservation Areas  
EN2 - Contaminated Land  
EN5 – Noise  
DG1 - Objectives of Urban Design  
DG2 - Energy Conservation  
DG7 - Crime Prevention and Safety

St James Neighbourhood Plan (March 2013). The relevant policies are:

EN6 – Biodiversity  
D1 – Good Quality Design  
H1 – Heritage  
SD3 – Infill/Windfall Sites  
T1 – Sustainable Transport

Other material considerations

Residential Design Guide SPD  
Sustainable Transport SPD  
Longbrook Conservation Area Appraisal and Management Plan  
National Design Guide

**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.

It is acknowledged that there are certain properties where the final design may create some impact. However, the final design will be dealt with at Reserved Matters stage and assessment of this element, alongside appropriate mitigation, will be addressed then.

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 regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- 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.

### Non material considerations

#### CIL contributions

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

The rate at which CIL is charged for this development is £126.79 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 proposal will generate Council Tax.

## **16.0 Planning assessment**

The application description on the application form was for 'Outline permission for block of 9 flats (7 x two bed flats and 2 x one bed flats) following the demolition of the garage workshop (all matters reserved)'.

Following discussions with the applicant over the nature of Outline permissions and initial uncertainty over final flat sizes (which includes layout) it was agreed that a description of 'Outline permission for block of flats following the demolition of the garage workshop (all matters reserved)' was more appropriate and was advertised as such.

Following further discussions with the applicant it was confirmed that due to the site constraints it was felt that 9 flats would be the maximum appropriate level for this site and it was agreed to amend the description accordingly.

Due to this being the same as the application form and this amendment providing a restriction of flat numbers in comparison to the advertised description it was not considered necessary to undertake a re-advertising of the scheme.

### History

This application follows recent refusal 21/1014/FUL which was for 'Demolition of garage workshop and construction of four 3-storey (plus basement) purpose-built student accommodation units, numbering 26 bedrooms'. That application was refused due to overconcentration of student housing in this particular area of the city, resulting in an increased imbalance of population within the local community, contrary to Policy H5(b) of the Exeter Local Plan First Review 1995-2011 and the overarching aims of the Exeter St James Neighbourhood Plan.

An appeal has been submitted to the Planning Inspectorate in relation to this, however the appeal process has not yet formally commenced.

Queries were raised over whether the application should be considered whilst the appeal is being undertaken. The Local Planning Authority has no control over when an application is submitted and it is relatively common for an applicant to submit an alternate scheme whilst preparing for an appeal on a refused proposal. Unless it is an identical scheme to that refused then the LPA has a requirement to assess the application in the standard manner and with the appropriate material considerations.

Concerns were also raised whether any approval of this scheme would set a precedent that would impact on the Council's position in relation to the appeal.

The previous refusal 21/1014/FUL was solely in relation to the imbalance of the local community created through an over-concentration of students and there were no refusal reasons in relation to re-development of the site or design of the proposed building.

As this application is not for purpose built student accommodation, HMO's or other related occupation it is not considered that any approval decision would prejudice the Council's position on the appeal.

### Outline Consent

This application is for Outline consent, with the matters of access, scale, layout, appearance and landscaping being Reserved Matters to be dealt with through further applications.

The proposal is for a block of 9 flats, with indicative plans setting out a design of similar height to neighbouring properties and following the building line.

Whilst all the matters are Reserved Matters, it has been agreed with the applicant to condition parameter plans setting out a maximum acceptable level of height to match neighbouring properties and a front elevation building line that will be followed.

These measures are considered to set strong parameters to prevent a Reserved Matters scheme being submitted that is of an unacceptable size or positioning that would be out of character or result in a higher level of occupation of site

Queries were raised as to whether this proposal was a 'change of use' and not suitable for the Outline application process.

A change of use proposal would relate to a conversion of the existing building (potentially with extensions) and the Outline process is not suited for such applications. In this instance, this application is for demolition and redevelopment of the site and falls within the criteria allowed under Outline applications.

With the use of the parameter plans it is considered that suitable measures are in place to allow an Outline permission on this site.

### Principle of Development

The Council is committed to boosting the supply of housing in its area, and to that extent, Policy CP1 of its Core Strategy plans for an additional 12000 houses within Exeter during the Plan period from 2006 to 2026.

The Council does not currently have a Five Year Housing Supply and, at the time of writing, can identify a supply of four years and four months for the period commencing 1 April 2023. As a result, it considers that the housing policies in its local development plan are outdated and of limited weight. This proposal would make a modest contribution to the housing supply in the city. The housing types proposed remains underprovided and in high need/ demand in the local area.

The tilted balance as set out in Paragraph 11D of the NPPF (2021) therefore applies and this means that the application should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Policies H1 and H2 of the Local Plan sets out a sequential assessment for development and this application will meet this, aiming for flats on previously-developed land. This site is not allocated and is considered a windfall site, which meets the requirements of Policy CP1 of the Core Strategy.

The existing site is noted in the Longbrook Conservation Area Appraisal and Management Plan (CAAMP) as a building that does not make a positive contribution to the character of the area (Plan 3) and the redevelopment of the site is therefore welcomed to improve this area. The final design will need to take into account the Conservation Area setting, however this is a Reserved Matter.

The St James Neighbourhood Plan policy SD3 supports proposals on windfall sites that provide affordable homes for local people and good quality private residential development. This is subject to scale and form, impact on amenity, high standards of sustainable/low carbon design and will have suitable waste and parking provisions. Whilst this application falls below the threshold level of 10 dwellings required for provision of Affordable Housing it will provide market housing and would therefore support policy SD3 of the Neighbourhood Plan.



Objections were received in relation to the use of the building and concerns over use as student accommodation. This application is for market housing and not specific student accommodation and is being assessed as such.

Requests were made for conditions to prevent student use of the property through an exclusionary condition or through restriction to occupancy by local people or key workers only.

It is considered that a condition restricting student occupation would not be reasonable due to the Class C3 nature of the proposal or be readily enforceable and would not meet the 6-tests of conditions set out in the NPPF.

In relation to a condition for occupation by local people or key workers only this is also not a condition that could be placed on any approval notice. Such a condition would require a specific policy within the Local Plan with an appropriate evidence base and would generally be delivered through the Affordable Housing process.

There is no such policy within the Local Plan, Core Strategy, Neighbourhood Plan or other relevant document and due to the nature of the city location and as such a restriction cannot be placed on this development as it would be unreasonable and would not relate to an agreed policy.

Submitted comments made reference to meetings held with the site owner during the previous application for PBSA and these scheme being used to create student housing. The assessing officer was not part of these discussions and they do not reflect the information submitted as part of this scheme.

This application is for market housing and it has been assessed as such. It should be noted that this application is for Class C3 dwellings. If any flats have 3 or more bedrooms then they would still be required to meet the Class C3 definition for occupation and that any use by 3 or more unrelated people would be considered Class C4 and a full planning application would be required in line with the Article 4 Direction.

In conclusion it is considered that the development of the site a maximum of 9 Class C dwellings is acceptable and supports the Local Plan, Core Strategy and Neighbourhood Plan policies. It is not possible to place restrictions on the occupants of the flats to exclude students as this is not reasonable due to a lack of policy and associated evidence within the relevant policies.

### Heritage

As set out previously the site is a vacant MOT garage site noted in the CAAMP as making a negative contribution to the area. The redevelopment of this, subject to final design to be agreed at Reserved Matters, is therefore welcomed to improve this part

of the Conservation Area and support the aims of Policy C1 of the Local Plan and Policy H1 of the St James Neighbourhood Plan.

### Design

The design of the development is a Reserved Matter and will be dealt with at that stage. Parameter Plans have been agreed in relation to ridge height and front elevation building line to ensure the final design is of an appropriate scale and position.

There are policies in the St James Neighbourhood Plan and the Local Plan and Core Strategy in relation to design and these will provide a suitable level of control for the Reserved Matters proposal.

It is noted that there were no design issues raised on the recently refused application 21/1014/FUL and it is considered therefore that it will be possible to provide a design of acceptable quality on this site, taking into account the Conservation Area location.

Submitted objections requested a limit on the size of the flats within the scheme to be 1 or 2 bed, as shown on the indicative plans. It is not considered that this is an appropriate condition as the layout of the scheme will be dealt with via Reserved Matters and a wider mix of housing may be possible.

The block of flats would be approved under Use Class C3 (single dwellings) and any future change of use of them to a House in Multiple Occupation of 3 or more unrelated occupants would require separate planning permission due to the location within the Article 4 Direction area. It is therefore considered that there is suitable measures already in place through the Article 4 Direction that would prevent change of use of any potential 3+ bedroom dwellings to HMOs.

This is an Outline application with layout and scale to be determined at Reserved Matters. However, it is considered appropriate to agree via condition a framework in relation to the development, with a maximum height of the ridgelines of the neighbouring buildings and a continuation of the surrounding built form.

This will ensure the final development will be in character with the existing area and not dominate the street scene.

### Amenity

The layout of the development is a Reserved Matter. Any new development would be expected to meet the Nationally Described Space Standards, as well as the requirements on amenity set out in the Residential Design Guide SPD in relation to both occupants and neighbours.

The Environmental Health consultee enquired over any service or external plant proposed, however this is not known at this stage and a condition has been used to ensure approval is sought for these details to limit any impacts.

It is noted that no amenity issues for occupants was raised as part of refusal 21/1014/FUL and in a similar manner it is considered that it will be possible for this development to be acceptable in amenity terms, subject to Reserved Matters design.

### Highway Considerations

The site is within a Controlled Parking Zone (CPZ) that is in operation Monday to Saturday 09.00 to 18.00 for 2 hours maximum as well as some 24/7 permit holder only bays.

It is unlikely that on-site parking will be possible on the site due to the constraints of the site and nature of the surrounding built form. The site is relatively sustainable, being close to the city centre and bus routes as well as Exeter Central Station.

Due to the CPZ the development is considered to be suitable for car-free development, subject to full assessment at Reserved Matters on the final design and provision of cycle storage.

The access matters will be dealt with at Reserved Matters, however it is considered that a car-free development would be acceptable at this site and the development is acceptable in relation to Outline highway matters.

Cycle storage is shown on the indicative plans and a condition will be placed on the decision notice to ensure that SPD levels are provided at Reserved Matters.

The footway along the site frontage will need to be replaced due to the proximity of the building works and new kerbs due to the change of use and removing access. This is likely to offer the opportunity for additional on-street parking for the surrounding area. The application site would not be eligible for permits from DCC for on-street parking and this would offer betterment to the existing situation.

The developer will need to enter into an appropriate agreement with the Highway Authority for any works on the pavement and road area and an informative will be placed on the decision notice to bring this to their attention.

### Contamination

The site is a former garage and is noted as a potential contaminated site. A Phase 1 Desk Study was submitted with the proposal and notes that the site has been built on since the first available mapping of it in 1880. Due to the level of buildings on the site it is not readily possible to carry out surveys at this time and it is noted in the report that there is a risk of on-site contamination of the ground, as well as asbestos in the existing building.

Queries were raised over the existing site being unsuitable for residential use as stated on the application form.

The existing site is a garage with MOT facilities and is considered to have a high risk of contamination which, along with the design of the existing building, makes it unsuitable in the current form for a conversion to residential development. This proposal is therefore for a redevelopment of the site with a new building erected.

Further surveying is will be required prior to any work commencing on site and will need to be undertaken following demolition of the existing building.

It is therefore considered appropriate to place a condition requiring a Phase 2 Ground Investigation following demolition of the building, but before any ground works commence. It is not necessary to place a condition in relation to asbestos as this is already covered by HSE requirements.

These conditions will see the any contamination dealt with appropriately and will remove any significant health risks during the development and for future occupants.

#### Ecology

An ecological report was submitted with the application which concluded that no features of ecological interest were found at the site and that there was no evidence of bats within the building. Due to longer timeframe of Outline and Reserved Matters applications there is a risk of protected species entering the site and a condition will be required for a further survey prior to any demolition works occurring on site.

In line with the Residential Design Guide and supported by comments by the RSPB a level of 1 bat/bird box shall be provided per dwelling. This will be set out as a requirement via condition to ensure delivery at Reserved Matters.

A Habitat Regulations Assessment will be undertaken at Reserved Matters as the site sits within the zone of influence for a protected marine site. This is addressed through the CIL process.

#### Sustainability

The scheme will be subject to policy requirements for sustainability and low-carbon technologies and this will form part of the Reserved Matters application.

#### Waste Audit

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. This is considered to be appropriate to be dealt with via condition.

### Financial Considerations

The site falls under the 10 dwelling threshold for S106 contributions including Affordable Housing and NHS support.

DCC Education were consulted on the proposal and advised that whilst the development would create impacts on primary and secondary education, their forecasts show that there is spare capacity to accommodate the number of pupils expected from this development and no mitigation is required.

## **17.0 Conclusion**

Outline applications with all matters Reserved are focussed on the principle of the development, rather than any details of the scheme and provide a 'high-level' approval of development, with the technical matters to follow.

In this instance it is considered that redevelopment of this site for open residential use will see a negative aspect of the Conservation Area removed with the potential to create an enhancement. A parameter plan has been agreed to ensure the building design is of an appropriate size and position to prevent dominance of the street scene.

It is a windfall site to provide up to 9 Class C3 dwellings, which meets Local Plan, Core Strategy and Neighbourhood Plan policies.

There are no identified reasons for refusal of this scheme in principle and it is considered that the constraints of the surrounding built form and policy requirements will allow a suitable development to come forward at Reserved Matters.

## **18.0 Recommendation**

GRANT permission subject to the following conditions:

### Conditions:

#### **Approved Plans**

The development hereby approved shall be undertaken in accordance with the following approved plans:

- Site Location Plan 3615.301 (received 11 May 2023)

#### **Approval of Reserved Matters**

The details of access, scale, layout, appearance and landscaping, (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced.

The works shall be undertaken in accordance with details approved at the reserved matters submission(s).

Reason: The application was made in Outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

### **Reserved Matters**

The Reserved Matters details shall follow the details set out in submitted parameter drawings 3615.SK19071 Development Parameters Street Scene and 3615.SK19072 Development Parameters Site Plan in relation to maximum height and the front elevation building line.

Reason: To ensure good design and prevent over-development of the site.

### **Time Limit for Submission**

Application for approval of each of the reserved matters shall be made before the expiration of three years from the date of this permission.

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

### **Time Limit for Commencement**

The development hereby permitted shall be commenced before the expiration of three years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Demolition**

#### Reserved Matters/Pre-commencement

Prior to commencement of the development or as part of the Reserved Matters application full details of the method of demolition shall be submitted to and approved in writing by the Local Planning Authority.

The approved demolition method statement shall be adhered to at all times thereafter:

Reason: To ensure suitable demolition method and to protect the amenity of the surrounding area.

### **CEMP**

#### Pre-commencement

No development shall occur until a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details and wording of the CEMP, the following restrictions shall be adhered to:

a There shall be no burning on site during demolition, construction or site preparation works;

b Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c Dust suppression measures shall be employed during construction to prevent off-site dust nuisance.

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

Reason: the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are appropriately considered and addressed at the earliest possible stage.

## **Sustainable Design**

### **Pre-Commencement/Reserved Matters**

Prior to the commencement of the development or as part of a Reserved Matters application details of the sustainable design and construction methods, including those to optimise energy and water efficiency, shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be fully implemented before the development's occupation.

Reason for the pre-commencement condition: To ensure that the proposal complies with Policy CP15 of the Core Strategy and Policy SD4 of the Exeter St James Neighbourhood Plan and in the interests of delivering sustainable development.

These details are required before the commencement of the development to ensure that they are delivered during the construction.

## **Compound Details**

### **Pre-commencement**

No works shall begin on-site until details of areas for operative's vehicles, construction plant and materials to be parked/stored have been submitted to and approved in writing by the Local Planning Authority.

The identified areas shall be brought into use at commencement of the development and adhered to at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. This information is required before development commences to ensure that the impacts of the development works are appropriately considered and addressed at the earliest possible stage.

## **Contamination**

### Pre-breaking ground

Prior to any works breaking ground a site investigation survey shall be undertaken to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, has 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: In the interests of the amenity of workers and future occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are appropriately considered and addressed at the appropriate stage.

## **Drainage**

### Pre-breaking ground/Reserved Matters

Prior to any works below ground level or as part of a Reserved Matters application details of the disposal of surface water so that it drains within the application site shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be undertaken in accordance with the approved details.

Reason: In the interest of public safety and preventing highway damage.

## **Landscaping**

### Pre-above ground works

Unless otherwise agreed in writing, a detailed scheme for landscaping, including planting trees or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority. No building shall be occupied until the Local Planning Authority has approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required, together with the timing of the scheme's implementation. The landscaping shall be implemented in accordance with the approved scheme and the agreed programme.

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 ensure suitable long-term biodiversity gain, delivery of appropriate amenity space and in the interest of visual amenity.



## **External Materials**

### Pre-above ground works

Prior to any above ground works or as part of a Reserved Matters application full details of all external materials shall be submitted to and approved in the Local Planning Authority as part of the Reserved. These details shall include:

- Elevation treatments
- Roof material
- External doors
- Windows, including depths of reveals
- Rainwater goods
- Fascia, soffit and barge boards

Thereafter the materials used in the construction of the development shall correspond with the approved details in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area and the wider Longbrook Conservation Area.

## **Cycle Storage**

### Reserved Matters/Pre-occupation

The Reserved Matters application shall include details of secure storage for bicycles in accordance with Residential Design Guide SPD levels.

Prior to first occupation of any part of the development hereby approved the full details of the cycle storage area, including design, storage type and materials, shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed prior to first occupation of the development and retained solely for that use at all times thereafter.

Reason: To promote sustainable transport and ensure suitable cycle facilities for occupants.

## **Bat/Bird Boxes and Bricks**

### Reserved Matters/Pre-occupation

Prior to first occupation of the development hereby approved, or as part of the Reserved Matters application, full details of bird boxes and bat bricks in accordance with recommendations set out in the Residential Design Guide SPD shall be submitted to and approved in writing by the Local Planning Authority.

The bat boxes and bird bricks shall be installed in accordance with the approved details and retained at all times thereafter.

Reason: To ensure suitable biodiversity mitigation and net gain through the scheme.

## **External Lighting**

No external lighting shall be installed on the site or the building hereby permitted unless details of the lighting have previously been submitted 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 area's amenities and wildlife.

## **Unexpected Contamination**

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once approved, the future development shall be undertaken in accordance with the approved scheme.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of the amenity of workers and future occupants of the buildings hereby approved.

**Informative: Pro-active working**

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

**Informative: CIL**

The Local Planning Authority considers that this development will likely be CIL (Community Infrastructure Levy) liable. The Reserved Matters application should be accompanied by the relevant CIL form.

**Informative: Habitat Regulations Assessment**

The Local Planning Authority considers that a screening in respect to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites will need to be undertaken at Reserved Matters.

Any impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

**Informative: Reserved Matters for 'Access'.**

Any application to discharge reserved matters for 'Access' should include:

- a) A Transport Assessment setting out expected vehicle impacts, sustainable transport assessment of the site and appropriate mitigation.

**Informative: Reserved Matters for 'Scale'**

Any application to discharge reserved matters for 'scale' should include:

- a) Drawings showing the massing of the building including elevations, site plan and street elevations.
- b) Reference to the surrounding built form, including ridge height, eaves height and massing.
- c) Reference to the policies set out in relation to design in the Local Plan, Core Strategy, St James Neighbourhood Plan and the Residential Design Guide SPD.

**Informative: Reserved Matters for 'Design'**

Any application to discharge reserved matters for 'design' should include:

- a) Detailed design which references the sites location and surrounding built form as well as local policies, the St James Neighbourhood Plan and guidance documents.

**Informative: Reserved Matters for 'Layout'**

Any application to discharge reserved matters for 'Layout' should include:

- a) Drawings showing floor plans (including room types, windows, doors and storage) and sectional drawings of each floor.
- b) Drawing(s) showing the position of the building and its relationship to neighbouring properties.
- c) Adherence to the Nationally Described Space Standards or any standards that supersede them.
- d) Details of bin storage and cycle storage locations.
- e) Adherence to the recommendations set out in the Residential Design Guide SPD or any document that supersedes this.

**Informative: Reserved Matters for 'Landscaping'**

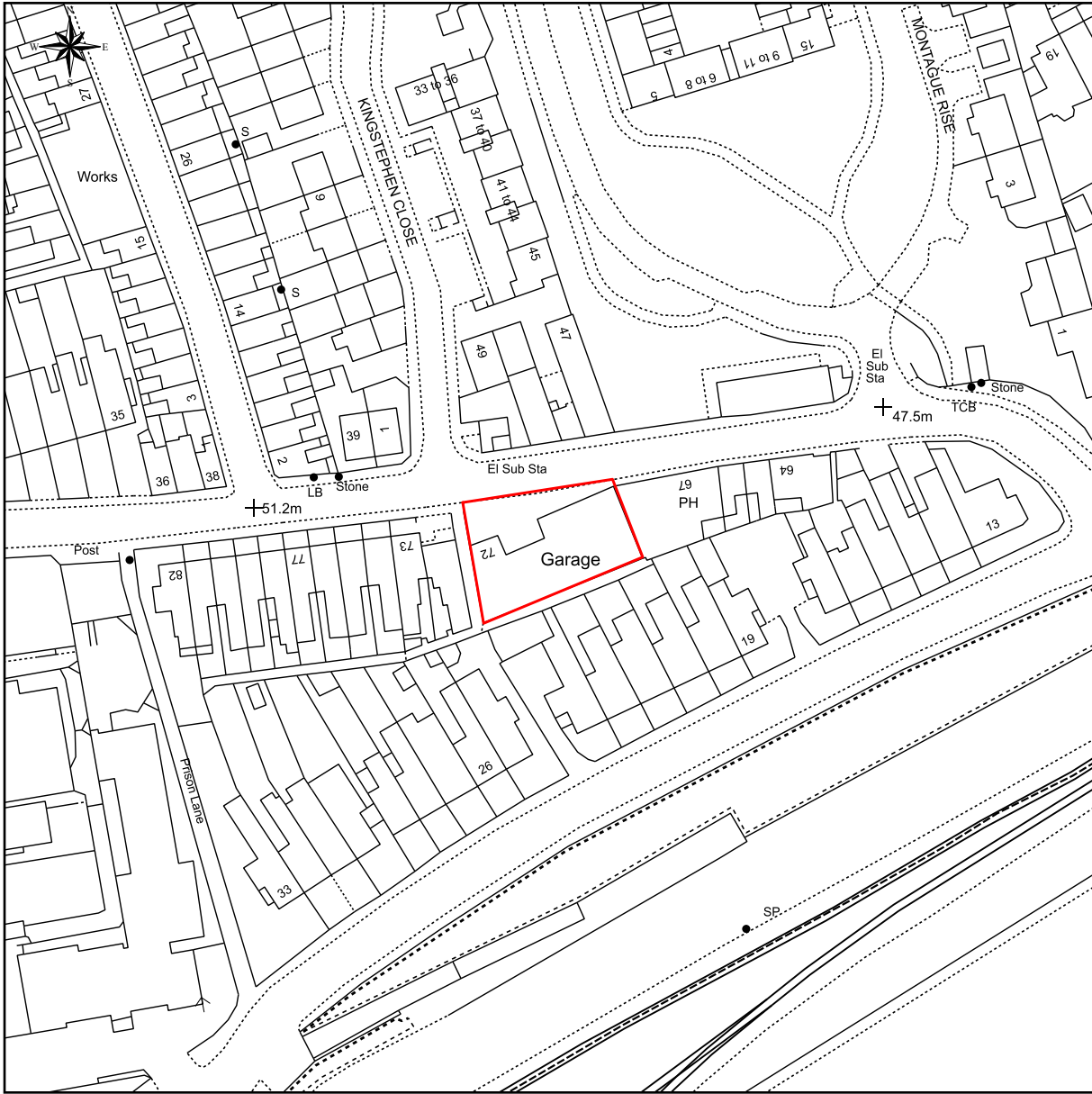
Any application to discharge reserved matters for 'Landscaping' should include:

- a) Details of all hard landscaping areas within the site.
- b) Details of all planting areas within the site.
- c) Details of any biodiversity gain through the proposal.

**Informative: Asbestos**

The submitted reports note the presence of asbestos within the existing built form. Appropriate measures in line with HSE requirements should be taken in relation to works involving these aspects.

# Maximum Motors, Howell Rd, Exeter, EX4 4LZ



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## Planning Committee Report 23/0631/VOC

### 1.0 Application information

Number:	23/0631/VOC
Applicant Name:	Mr Tim Gashi,
Proposal:	Variation of Condition 2 (approved drawings) of approval 12/1426/FUL (Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities) to alter the height and internal layouts
Site Address:	130 Fore Street Exeter Devon
Registration Date:	22 May 2023
Link to Documentation:	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RV2FBHHBG0Q00">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RV2FBHHBG0Q00</a>
Case Officer:	Christopher Cummings
Ward Member(s):	Cllr Diana Moore, Cllr Tess Read, Cllr Amy Sparling

### REASON APPLICATION IS GOING TO COMMITTEE

In accordance with the Delegation Briefing decision made on 25 July 2023.

### 2.0 Summary of recommendation

GRANT permission subject to the conditions set out in Section 18

### 3.0 Reason for the recommendation:

This proposal will see an additional storey added to the existing approval alongside retention of commercial units at lower-ground floor levels. The retention of the commercial units is welcomed to support Fore Street and the additional height, due to the topography and surrounding built form, is not considered to generate any significant visual or heritage impacts.

Whilst concerns have been raised in relation to privacy and light it is considered that the primary privacy and massing impacts will be from the already approved scheme which will face directly towards properties on West Street. The revisions to the second floor level and the additional third floor are not considered to generate any significant amenity impacts on neighbouring properties that would warrant a refusal on those grounds.

It is therefore concluded that the proposed variations to the approved plans are acceptable.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	<p>The principle for an upward extension and residential use of the property was established under approval <a href="#">12/1426/FUL</a>. This application will see an additional storey added and commercial units at lower-ground floor level.</p> <p>It is considered that the proposal meets the requirements for a variation of condition application and can be assessed accordingly.</p> <p>It has been demonstrated that work on the approved scheme lawfully commenced in 2015 and the permission is extant.</p> <p>This application will focus solely on the</p>
Lower-lower ground floor and upper-lower ground floors	<p>The original approval saw the loss of all commercial units at this level and the creation of 3 commercial (Class E) units is welcomed to supper the wider Fore Street shopping area.</p> <p>The loss of 2 residential units to do so is mitigated by the upwards extension.</p> <p>The commercial units have a risk of noise impacts on adjoining flats and an acoustic survey was undertaken that sets out suitable mitigation for this.</p> <p>A new commercial bin store will be created on West Street and full details of the design of this will be required via condition.</p>
Ground Floor, Lower-First Floor, Upper-First Floor	<p>There are no alterations proposed to the previously approved scheme and as such it does not form part of the considerations of this application.</p> <p>There will be a commercial unit at Ground Floor level fronting Fore Street</p>



Issue	Conclusion
	alongside 3 flats, 3 flats on the lower-first floor and 2 flats proposed on the upper-first floor with a shared roof garden created.
Second Floor	The original approval was for a single flat, however this has been extended to create 2 flats in this location. The flats meet the space standards. Whilst the extension will bring the building closer to neighbouring properties on Fore Street it is considered that the dominance occurs at ground and first floor levels and the proposed extension will not significant alter the dominance, privacy or amenity impacts generated by the original proposal.
Third Floor	A new third floor element is proposed containing 1 flat and a small private roof terrace. It will be set back from West Street by 1.25 metres. The amenity impacts are considered to be acceptable, with it being above properties on West Street, who will see their primary impacts from the massing of the previously approved scheme. The additional height is considered due to the city centre context, as well as the positioning of building and the topography of the site. The building will be primarily screened by the surrounding built form and will have a stepped design to the eastern side of West Street.
Amenity Impacts	Privacy assessment drawings were submitted and it is considered that the privacy impacts are generated from the already approved ground and lower-first/upper-first floor levels. The second floor will not see any significant alteration to that previously approved and the third floor will see a very small level of overlooking that is not considered to generate significant impacts.

Issue	Conclusion
	<p>A sun movement and light plan was submitted and the north-facing nature of dwellings on West Street and position of the site means that there will be no significant loss of sunlight from the revised scheme and a low-level of skyline impact that is not considered significant enough to warrant a refusal on those grounds.</p>
<p>Historic Setting and Visual Impacts</p>	<p>The site is within the Central Conservation Area and there are a number of listed buildings in the surrounding area. The site is obscured by a lot of the surrounding built form, however there are still key views from the east and west.</p> <p>It is visible from Bartholomew Street West, however it follows the built form and the majority of the massing is as previously approved. Whilst there will be an addition to the skyline it is not considered to generate significant visual harm.</p> <p>To the east there is a key viewpoint looking east along West Street, however the scheme follows the built form and steps down with the topography of the street and will not create a dominance that sits above The House That Moved or St Marys Steps Church and is not considered to detract from their positioning, the wider area or the Conservation Area.</p>
<p>Highway Considerations</p>	<p>The original proposal was acceptable as car-free development for 13 flats and this proposal will remain the same. Bike storage remains as previously approved on the upper-lower ground floor level.</p> <p>As no alterations to these aspects are proposed and there is no change in the level of development they are</p>

Issue	Conclusion
	considered to remain acceptable as previously approved.
Conditions	Conditions can only be applied in relation to the revised scheme where necessary, with all extant conditions still standing. A number of these were pre-commencement conditions and these were discharged prior to work commencing in 2015. The conditions will be updated at the end of this report.

## 5.0 Description of site

The application is located at the junction of Fore Street and West Street to the south of the city and within the Central Conservation Area.

There are two distinct parts of the building, fronting Fore Street and West Street respectively.

The Fore Street element is a three/four storey building that includes a retail floor on the ground floor (fronting Fore Street) with residential flats above. This element is relatively unaffected by this amended scheme, with ground and first floor aspects remaining as previously approved.

West Street declines in an eastern direction and is set below Fore Street. The current lower-ground floor level is in use as a coffee shop and storage areas in connection with retail.

The site is relatively screened from approach to the north and south from Fore Street, however there are key viewpoints from Bartholomew Street to the west and West Street to the East, as well as a number of listed buildings including The House That Moved and St Mary's Church Steps.

The site has an extant planning approval, [12/1426/FUL](#), for conversion of the building to residential consisting of 13 flats with an upwards extension of two storeys on the West Street Element. This application has lawfully commenced, however no external works have occurred at this time.

## 6.0 Description of development

Variation of Condition 2 (approved drawings) of approval [12/1426/FUL](#) (Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities) to alter the height and internal layouts.

This revision seeks to retain commercial uses of the lower-ground floor on West Street through creation of 3 small units. This will see the loss of two flats in this area and the creation of a new bin store.

To mitigate for the loss of the flats there is proposed to be an upward extension, expanding the second floor level and adding a new third floor level.

## 7.0 Supporting information provided by applicant

- Design and Access Statement 2189DAS dated 16 May 2023.
- Decision Notice [14/1741/DIS](#) relating to approval [12/1426/FUL](#)
- Acoustic Advice Report by ACT Acoustics dated 25 July 2023
- 2189-4-7A - Site Plan Daylight Assessment
- 2189-4-7A - Site Plan Daylight Assessment
- 2189-4-8-5-2 - Section CC Overshadowing of No.6 West Street
- Agent Comments on overshadowing and privacy dated 01 August 2023

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
<a href="#">23/0631/VOC</a>	Variation of Condition 2 (approved drawings) of approval 12/1426/FUL (Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities) to alter the height and internal layouts	PCO	
<a href="#">14/1741/DIS</a>	Discharge of Conditions 3, 4, 7, 9, 10 & 11 of planning permission 12/1426/03	PER	22.01.2015

granted on 14 February 2013.

<a href="#">12/1426/FUL</a>	Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities	PER	14.02.2013
<a href="#">05/0628/FUL</a>	Alterations to roof to provide self-contained flat	PER	23.06.2005
<a href="#">03/0781/FUL</a>	Partial change of use from storage (Class B8) to retail (Class A1) on ground floor and alterations	PER	16.06.2003
<a href="#">98/0254/TEL</a>	Telecommunications cabinet	PER	16.03.1998
<a href="#">95/0825/FUL</a>	Change of use from retail to sales/Auction rooms (ground floor and basement)	WDN	15.11.1996
<a href="#">95/0065/ADV</a>	Internally illuminated fascia and projecting sign	PER	07.04.1995
<a href="#">94/0235/FUL</a>	Change of use from offices and storage to retail and storage on basement and ground floor and two flats on first and second floors	PER	25.05.1994

## 9.0 List of constraints

The site is located within the Central Conservation Area and there are a number of listed buildings in the surrounding area. It is also within an Area of Archaeological Importance.

## 10.0 Consultations

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

Devon and Somerset Fire and Rescue – The proposal would appear to meet their access requirements under Building Regulations. Full comments will be dealt with at building regulations stage.

RSPB – Advised that their original comments still stand, as required by Condition 10, for bird and swift boxes.

DCC Highways – The proposal will retain the same number of units and will continue to be considered car free development. The altered bin stores may see additional refuse collections, but this will not create significant highway safety issues.

DCC Waste Planning – Note that the original proposal didn't have a waste audit statement and request one as part of this application as the proposal may alter the levels of waste produced.

ECC Environmental Health – Originally raised objections over impacts from the new commercial units on adjoining flats. An acoustic survey was submitted and the objection was withdrawn subject to a condition for the installation of protection measures prior to first occupation.

Designing Out Crime Officer – Requested conditions relating to access doors, prevention of unauthorised access, CCTV and locks for doors, bin and bike stores.

## 11.0 Representations

139 objections have been received in relation to this proposal, raising the following concerns:

- Proposal will have negative impact on this area of the city
- Original approval expired in 2015 so questions over validity of this variation application.
- Change of roof level will dramatically alter the character of West Street.
- Impact on surrounding listed buildings and unique architecture such as The House That Moved, St Mary Steps Church, The Matthew The Miller Clock.
- Detrimental to local business through division of current two commercial units at basement level between three units.
- Reduction in viable commercial space.
- Proposed units are not fit for purpose of current leaseholders.
- Already too many vacant commercial units in the area and these existing tenants should be retained.

- Existing coffee shop is important community hub and brings people to this area of Fore Street.
- Conservation Area should be protected rather than overdeveloped.
- Development will harm the Conservation Area.
- Height will be disproportionate to surrounding buildings.
- Loss of light and privacy to buildings opposite.
- Huge disruption to small one-way street that has limited access and is already congested.
- Proposed small commercial units have limited uses compared to the larger adaptable spaces.
- No affordable housing proposed.
- Will drive up rent and house prices in the area.
- Transport links should be priority over this type of development.
- West Street will become an 'overbearing' street.
- Units are not big enough for current occupants of commercial units.
- No substantial works have started to commence the original application.
- Fundamental transformation of the 'look' of West Street, which is a treasured local landmark.
- Homogenisation of building facades.
- Height does not match those of buildings opposite on West Street.
- Erasing of local character.
- View up West Street and Stepcote Hill will be ruined.
- Out of character with the location it is in.
- Proposal will not solve the housing crisis through this one development.
- Focus should be on homelessness and drug use solutions instead.
- Gentrification of the area.
- Fore Street is currently one of the best parts of Exeter and should be protected.
- Light assessment should be submitted to assess impacts.
- City does not need more student accommodation.
- Building work would cause huge disruption to the surrounding area.
- Already too many developments occurring in Exeter.
- Loss of nests for swifts during the summer.
- Development work will impact on Fore Street Flea markets.
- Noise disruption from more residents in the area.
- No guarantee existing businesses will remain on site.
- Plans do not consider loading/unloading
- Proposal will not stop residents owning cars
- Fore Street already has significant problems with seagulls ripping open waste before collection and this will increase with the additional waste created by this proposal.
- Surrounding area has already been harmed by student accommodation, loss of theatre/community space and other redevelopments.
- The street is already dark and the development will make it darker.
- Bin stores are inadequate.
- Strain on local infrastructure through increase in residential properties.

- Other locations would be better suited to this development such as Marsh Barton.
- Proposal contributes to reputation of Exeter being undesirable place containing bland corporate High Street and too many new student flats.
- Policy of ECC is to promote diversity of small businesses in the Fore Street area.
- Students and wealthy are being prioritised over middle and working-class residents.
- Potential damage to nearby listed buildings due to their age and possible fragility.
- Fore Street already struggles with effective water and sewer services including leaks and blockages.
- Bus services are very noisy here and 13 extra dwellings would add to noisy, heavy buses.
- Consultation with local residents and businesses should be done.

## 12.0 Relevant policies

### Development Plan

The National Planning Policy Framework (2021)

5. Delivering a sufficient supply of homes which meet the needs of groups with specific housing requirements

7. Requiring good design

12. Conserving and enhancing the historic environment

*Exeter Core Strategy (adopted February 2012)*

CP1 - Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Meeting Housing Needs

CP7 – Affordable Housing

CP8 - Retail

CP11 – Pollution

CP12 – Flood Risk

CP15 – Sustainable Construction

CP17 – Design and Local Distinctiveness

CP18 - Infrastructure

*Exeter Local Plan First Review 1995-2011*

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence



H2 - Location Priorities  
H5 - Diversity of Housing  
E3 – Protection of business and employment opportunities  
S1 – Retail site selection  
S3 – Retail Development  
S5 - Food and drink impacts  
T1 - Hierarchy of Mode  
T2 - Accessibility Criteria  
T3 - Encouraging the Use of Sustainable Modes  
T10 - Car Parking Standards  
C1 – Development in Conservation Areas  
EN2 - Contaminated Land  
EN5 – Noise  
DG1 - Objectives of Urban Design  
DG2 - Energy Conservation  
DG7 - Crime Prevention and Safety

Other material considerations

Residential Design Guide SPD  
Sustainable Transport SPD  
Central Conservation Area Appraisal and Management Plan  
National Design Guide

### **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.

It is acknowledged that there are certain properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a 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 terms of

provision of housing on this location and the balance of impacts in comparison with the extant permission on the site.

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 regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- 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.

As this is a variation to the original approval the existing S106 Agreement will continue to stand. The only obligation of this requirement is for financial mitigation of £350 per dwelling (index linked) as a contribution for mitigation for impacts on the Dawlish Warren Special Area of Conservation and the Exe Estuary Special Protection Area.

#### Non material considerations

##### CIL contributions

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable for any increased residential floor space provision when compared to the original approval.

The proposal will generate Council Tax and Business rates

## **16.0 Planning assessment**

#### Principle of Development

The approval of the original scheme was in January 2013 and it has been confirmed that the development lawful commenced within 3 years of the decision date.

This was confirmed in email by the relevant planning officer at the time by email on 18 February 2015 stating that the foundations of the bin store have been undertaken and this constitutes commencement of development. Further information was submitted during the application process containing a copy of a Building Regulations application and a Building Regulations Approval Notice and an email confirming the works in relation to the bin store.

This application is to vary a condition of approval 12/1426/FUL through the process set out in Section 73 of the Town and Country Planning Act 1990 which allows for material amendments to the scheme. This amendment will see retention of the

ground floor commercial units (which were previously to be replaced with dwellings) and an additional upward extension of one storey to that previously approved.

As this application is a variation to the approved details it can only focus on the altered aspects. As such, a lot of the aspects raised in objections cannot be considered as part of this assessment.

For example the impact on the existing ground floor coffee shop and roasters cannot be considered as the extant permission is approved with them being removed completely, so that aspect has already been agreed.

However, the noise impacts of retained commercial units on the ground floor on the flats above has not been considered as this is a new addition to the scheme and the potential amenity impacts must be assessed.

The relevant aspects of the revised scheme will be set out in the report below, however previously approved areas that are not being altered will not be discussed.

The site itself has multiple floors and uses, fronts two different streets at different levels and will see new floor levels inserted. It is therefore considered beneficial at this stage to set out the current use, the 12/0426/FUL approval and this proposal for clarity:

<b>Area</b>	<b>Existing</b>	<b>Approved 12/1426</b>	<b>Proposed</b>
Lower-Lower Ground Floor	Single basement level relating to commercial use. Currently in use as coffee shop.	No.2 dwellings (connected to LGF) and no.1 dwelling	No.3 retail/office units (connected to LGF) and no.1 dwelling
Upper-Lower Ground Floor	Single basement level relating to commercial use. Currently in use as coffee shop	No.2 dwellings (connected to LGF) and no.1 dwelling	No.3 Retail/office units (connected to LGF) and no.1 dwelling
Ground Floor	Commercial and associated storage/offices	No.3 flats. Commercial unit facing Fore Street retained.	No.3 flats Commercial unit facing Fore Street retained. (no change to approval)
Lower-First Floor	Existing flat (being retained) No first floor level exists on West Street elevation.	No.3 flats	No.3 flats (No change to approval)
Upper-First Floor	Existing flat (being retained). No first floor level exists on West Street elevation.	No.2 flats and communal roof garden	No.2 Flats and communal roof garden (no change to approval)

Second Floor	No second floor level exists on West Street elevation.	No.1 flat and private roof garden	No.2 flats
Third Floor	No third floor level exists on West Street elevation.	No third floor level exists on West Street elevation.	No.1 flat and private roof garden

Lower-lower ground floor and upper-lower ground floors

*Commercial Use*

It is proposed to retain commercial uses on the lower-lower ground floor level, fronting West Street, rather than seeing them lost as part of the conversion to dwellings as previously approved.

As set out earlier in this report, whilst there may be an impact on the existing businesses fronting West Street the original approval was for their removal. The retention of commercial units in this area is therefore a new addition and is welcomed to help to support the wider Fore Street shopping area in accordance with policies S3 of the Local Plan and CP8 of the Core Strategy.

There will be 3 commercial units on the upper-lower ground fronting West Street. Two on the western side and one on the eastern side separated by the access corridor to the flats

The two western units are remaining at their existing width, with a reduction in length to accommodate the bike store behind. The eastern unit will be reduced in size to accommodate the access corridor and domestic bin store. All units will have a new lower-lower ground floor space created as part of this development creating total floor spaces of 60.2sqm, 51.1sqm, and 48.3sqm compared to existing areas of 63.25sqm, 29.6sqm and 59.5sqm. There is therefore an improvement to overall floorspace provision through this development, as well as removal of internal walls to open up the usable space further.

Externally, the West Street elevation will see new glazing installed to create entrance to each of the commercial units and the flats. These will see glazed entrance introduced that are considered to be suitable for the character of the building and will provide active frontages to the units.

All units will be Class E, which is considered to be town centre appropriate uses, however it should be noted that as commercial units were not previously being retained there is now the risk of noise or other amenity impacts to the accommodation above. An acoustic survey was submitted which set out measures that would limit impacts on occupants and this was found by Environmental Health to be acceptable. A condition is recommended for these measures to be installed and tested for compliance prior to first occupation of the relevant flats.

Due to the location within the secondary shopping area a further condition has been added restricting permitted development and prior approval changes of use from commercial to other uses. This is to ensure the secondary shopping area is retained where possible and to ensure any conversions to other uses are acceptable considering the location and dwellings above.

### *Bin Stores*

The original residential bin store location was within the upper-lower ground floor level (accessing onto West Street) in the site of where the western commercial unit now sits.

The residential bin store will now utilise an area previously noted as 'general store', located adjacent to the central access corridor and the eastern commercial unit. This store is considered to be of suitable size and is acceptable.

As commercial units are now proposed an additional commercial bin store is required. This is proposed to be situated in the south-west corner in between the public stairs leading from West Street to Fore Street. This area is currently in use as bin store for the ground floor commercial units and this proposal will see improvements and screening to ensure it is suitable for the Conservation Area setting. The final design of this will be dealt with via condition to ensure it is appropriate.

### Ground Floor, Lower-First Floor, Upper-First Floor

The ground floor will see the commercial unit fronting Fore Street retained, with 3 flats created fronting West Street.

An upward extension has been approved here which, due to high floor levels of the existing ground floor area combined with the upward extension sees them labelled as lower-first floor and upper-first floor. Three flats are proposed on the lower-first floor, with 2 flats proposed on the upper-first floor with a shared roof garden created.

All of these aspects are remaining as approved under 12/1426/FUL and as such no alterations can be required to the agreed details as they have been considered acceptable and still form part of a live permission.

### Second Floor

The second floor was original approved as a single flat with a private roof garden area. This will now be two 1-bed dwellings, both of which meet the Nationally Described Space Standards.

The second floor will see the southern elevation extended further south than previously approved by 1.25 metres. Whilst this is closer to dwellings across the road on West Street, the properties on West Street are three stories in height and will

directly face towards the ground and lower-first floor elements previously approved. The alterations to the second floor are not considered to significantly change the dominance of the previously approved second floor element or the light levels to the properties.

The design is in keeping with the lower floors and of the previously approved scheme and will sit in line with the existing elevation of the existing Fore Street aspect.

### Third Floor

A new third floor element is proposed, which will contain one 2-bed dwelling with a private balcony and roof terrace. It will be set back from West Street by approximately 1.25 metres.

The Council's Urban Designer was consulted on the proposal and raised no objections to this additional storey.

The additional height increase is considered to be acceptable in the city centre context, with the ridgeline of the retained building to west being maintained as the tallest part of the development and providing a level of screening of the new when viewed from the west.

From the east the additional storey will not be highly visible, being partially obscured by 'The House That Moved' and St Mary Church. The second and third floor elements are also set in from the eastern site boundary (due to the shared roof terrace at upper-first floor level), limiting the dominance in this direction.

There is not considered to be any significant loss of daylight, privacy or other amenity impacts, with these coming from the lower floors of the extant approval.

### Amenity Impacts

Whilst amenity impacts have been set out above, it is considered that due to the nature of this application it would be beneficial to set the amenity considerations out in this area as concerns were raised regarding overshadowing, loss of light and privacy impacts from the new development.

It is considered that the majority of amenity impacts to properties on West Street are caused by the ground, lower-first and upper-first floors, which will see windows facing directly across West Street. These aspects are not being revised as part of this application and it would therefore not be possible to require any further revisions to these.

### *Overlooking*

Whilst there is an upward extension of a new third floor and an extension to the second floor, these are in a position that will sit see them sit above properties on

West Street and would not create any significant privacy impacts to occupants living opposite.

The applicant submitted a statement and drawings regarding the privacy impacts windows, noting that the primary impacts are on no.6 West Street, above 'Darn Good'. It is considered by the assessing Officer that no.8, and to a lesser extent no.10 should also be taken into account as they are opposite the site. Other properties on West Street directly facing the site have covered windows as demonstrated by submitted photos and a site visit.

The submitted privacy drawings set out that due to the positioning of the development and window angles, it is the ground and upper-first and lower-first floor dwellings that will create the impact, which do not form part of this revision application.

Whilst there is a level of impact from the second floor dwellings, the submitted drawings compare this to the previously approved second floor dwelling position and it is considered that there is not a significant increase on privacy harm in comparison to the extant approval, with the majority of impacts from lower levels.

The third floor dwelling will only see a very small level of overlooking possible from the private roof garden, which would be less than that of any of the other lower floors.

#### *Daylight*

Daylight plans were submitted by the applicant during the assessment, showing the impact in comparison between the approved scheme and this proposal. These drawings set out that the difference between the two schemes is relatively small and would not be considered significant enough to warrant a refusal on these grounds.

A sun path was submitted and showed that apart from a very small period at the summer equinox there is little sunlight entering the windows of no.6 West Street (the potentially worst affected), with this being over the proposed roof garden area, as previously approved.

In terms of views of the sky it was demonstrated that a level of 230mm would be impacted at floor level of the second floor of no.6 West Street and this is considered to be a relatively low level and not significant to warrant a refusal on these grounds.

#### *Amenity conclusions*

The majority of impacts is generated by the previously approved upward extension at second floor level and the additional floor is not considered to significantly impact on the previously approved levels.

On balance it is considered that the upward extension is acceptable in this instance due to the positioning, topography, design, surrounding built form and the existing planning permission and there are not be significant enough amenity impacts generated by this proposal to warrant a refusal.

#### Historic Setting and Visual Impacts



### *Design*

The existing property of 130 Fore Street is noted in the Central Conservation Area Appraisal and Management Plan (CAAMP) as being a 'pale imitation of the ornate Victoria Building that it replaced' with the garage buildings below as 'an eyesore ripe for development'.

The amendments will see the existing basement level improved with clear active frontages installed that reflect the design of the approved upper floors and the existing building.

The second storey adjustment will match the design of the approved ground and first floor designs and is therefore acceptable in line with their approval. The third floor design is similar to that of the previously approved second floor aspect (now becoming this third floor aspect). It is set back from the southern elevation and will not be readily visible from the wider area due to the surrounding built form.

Comments have been received in relation to the third floor roof design, which dips in the central area. This is very similar to that on the extant scheme and will help to reduce massing in this area.

The proposed materials for the building including external elevations, windows/doors, rainwater goods etc. are as previously agreed and the details of them approved through condition discharge approval 14/1741/DIS. As these have been previously agreed the continued use of them is therefore considered to be acceptable in this instance.

### *Massing*

Whilst the proposal will see an additional storey added to the building, the primary built form is as previously approved and as such the impact on the Central Conservation is limited solely to the amendments as part of this scheme.

The site is screened from a number of directions by the existing Fore Street facing building as well as other structures on the approach from the south of Fore Street and from West Street to the east, however it is noted that there are still key views from the south-east and south-west sides that need to be considered

To the east the site is visible from Bartholomew Street West, however the majority of the upward massing increase is already approved. The extensions follow the building line of the existing building and whilst it is creating an addition to the skyline from this viewpoint it is not considered that the additional upward extension create a significantly large or visually harmful intrusion.

To the south-east a number of views are obscured by topography and the rear of dwellings on West Street, as well as the church tower of St Mary Steps Church. It is however noted that there is a clear viewpoint between the church and The House That Moved. From this viewpoint the new extension will be visible, however it follows the built form and steps downwards from third floor to upper-first floor roof garden and is not in a raised position that will sit above either of these buildings and will not detract from their important positions at the end of West Street, their wider visual settings and that of the Central Conservation Area.

Comments raised views from Stepcote Hill, however the built form in this area alongside the rising topography prevents clear views of the application site from the public areas.

#### *Heritage and Visual Conclusions*

It is considered that, on balance, the amendments will not create significant visual harm to the Conservation Area, other heritage assets or surrounding built form when compared to the extant approval.

#### Highway Considerations

In terms of Highway considerations the original proposal was considered car-free development and this has not been altered by this proposal, with the number of flats being retained as previously approved.

Bike storage is also provided and remains as previously approved on the upper-lower ground floor level (West Street level).

The Local Highway Authority were consulted on the proposal and raised no objections to the scheme on those grounds.

#### Conditions on 12/1426/FUL

There are a number of conditions on the extant planning permission 12/1426/FUL. These were pre-commencement and a condition discharge was submitted and agreed under 14/1741/DIS. These conditions will be restated on the decision notice with the relevant approval details referenced out within them.

These include a Construction Environment Management Plan (CEMP), which aims to limit the impact of construction on the surrounding area. The condition for this has already been discharged, however the applicant has been advised that if they wish to change from the approved CEMP then a new condition discharge application will be required.

Conditions can only be applied in relation to the revised scheme where necessary, with all extant conditions still standing. A number of these were pre-commencement conditions and these were discharged prior to work commencing in 2015. The conditions will be updated at the end of this report.

## **17.0 Conclusion**

This proposal will see an additional storey added to the existing approval alongside retention of commercial units at lower-ground floor levels. The retention of the

commercial units is welcomed to support Fore Street and the additional height, due to the topography and surrounding built form, is not considered to generate any significant visual or heritage impacts.

Whilst concerns have been raised in relation to privacy and light it is considered that the primary privacy and massing impacts will be from the already approved scheme which will face directly towards properties on West Street. The revisions to the second floor level and the additional third floor are not considered to generate any significant amenity impacts on neighbouring properties that would warrant a refusal on those grounds.

It is therefore concluded that the proposed variations to the approved plans are acceptable.

## 18.0 Recommendation

GRANT permission subject to the following conditions:

Conditions

Conditions

### **Condition: Approved Plans**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority as follows:

- 1598-0 Site Location Plan
- 2189-4-7 Site Plan (April 2023)
- 2189-4-5-2A Lower-Lower Ground Floor Plan (April 2023)
- 2189-4-5.1A Upper-Lower Ground Floor Plan (April 2023)
- 1598-3.0A Ground Floor Plan (September 2011)
- 1598-3.1.1A Lower First Floor Plan (September 2011)
- 1598-3.1.2A Upper First Floor Plan (September 2011)
- 2189-4-2 Second Floor Plan (April 2023)
- 2189-4-3A Third Floor Plan (April 2023)
- 2189-4-6 Roof Plan (April 2023)
- 2189-4-8.1 Section B-B, C-C, D-D (May 2023)
- 2189-4-8.2 Section A-A (May 2023)
- 2189-4-8.3 Section E-E (May 2023)
- 2189-4-8.4 Section F-F (May 2023)
- 2189-4-9.1 NE and SE Elevations (May 2023)
- 2189-4-9.2A Elevation to West Street (April 2023)

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

## **Ecological Surveys**

### **Pre-roof works**

Prior to any works impacting on the roof of the existing building a walk-over survey shall be undertaken to assess roosts, nesting or other ecological activity including details of mitigation required and the results submitted and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure ecological protection for any roosting or nesting creatures in the roofspace.

## **Travel Pack**

### **Pre-Occupation**

No dwelling within the development hereby approved shall be occupied until all residents have been issued with a Green Travel Pack to inform them they will not qualify for on-street parking permits and shall include the locations, routes and times of public transport services, the locations of walking and cycle routes, central shopping and leisure facilities in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and shall be updated annually.

Reason: To ensure that all residents are aware of the 'car free' status of development.

## **Cycle Storage**

### **Pre-Occupation**

No dwelling within the development hereby approved shall be occupied, secure cycle parking shall be provided in location shown on drawing 2189-4-5.1A Upper-Lower Ground Floor Plan in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking area shall be maintained solely for that use only at all times thereafter.

Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means

## **Bat and Swift Boxes**

### **Pre-Occupation**

No dwelling within the development hereby approved shall be occupied until bat and swift boxes have been installed in accordance with the details approved under condition discharge decision 14/171/DIS.

Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity in the locality.

## **Commercial Bin Store**

### Pre-Occupation

Prior to first occupation of the dwellings hereby approved details of the proposed commercial bin store at upper-lower ground floor level shown on the approved plans, including design and materials, shall be submitted to and approved in writing by the Local Planning Authority.

The proposed bin store shall be installed in accordance with the approved details prior to first occupation of any of the dwellings and retained solely for that use at all times thereafter.

Reason: To ensure suitable bin storage for the commercial units to prevent residential harm and to ensure suitable design for location within a Conservation Area.

### Pre-Occupation

The sound insulation measures set out in the submitted Acoustic Design Statement (25 July 2023) shall be implemented in full and testing in accordance with the recommendations set out in the submitted Sound Insulation Testing Methodology (received 22 August 2023).

No lower-ground or ground floor property shall be occupied until the results of the testing have been submitted to and approved in writing by the Local Planning Authority. The sound insulation measures shall be retained at all times thereafter.

Reason: To protect the amenity of future residents from noise generated by the commercial units.

## **Bin Store**

### Pre-Occupation/Use

No dwelling within the development hereby approved shall be occupied until a refuse bin storage management strategy plan has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the details agreed at all times thereafter.

Reason: In the interests of residential amenity.

## **Archaeological Investigation**

The development shall be undertaken in full compliance with the Written Scheme of Archaeological Work approved under condition discharge decision 14/1741/DIS, 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.

### **Materials**

The external materials used on the development hereby approved shall accord with the details set out on submitted drawings 2189-4-9.1 NE and SE Elevations 2189-4-9.2A Elevation to West Street and the details approved under condition discharge approval 14/1741/DIS.

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

### **Window, Door and Balcony Details**

The following aspects shall be delivered in accordance with the details approved under condition discharge approval 14/1741/DIS:

- a) windows to include materials, means of opening, reveals, cills and headers;
- b) external doors;
- c) rainwater goods;
- d) lighting;
- e) treatment of balcony;
- f) means of enclosure at first floor level;
- h) location of site compound

Reason: interests of visual amenity.

### **Demolition and Construction Method Statement**

The development shall be undertaken in accordance with the Demolition and Construction Method Statement details approved under condition discharge 14/1741/DIS at all times during the development work.

Reason: In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.

### **Hours of Construction**

Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

### **Commercial Units Use**

The commercial units hereby approved shall operate only within Class E of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 at all times.

Reason: In the interest of protecting the secondary shopping area and protecting the amenity of occupants.

### **Removal of Permitted Development**

Notwithstanding the provisions of Article 3 and Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no change of use of the commercial units, other than within Class E of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, including through the prior approval process and temporary uses, shall occur at any time..

Reason:

In order to protect the secondary shopping area and ensure any residential development is in appropriate location and design

### Informatives

#### **Informative: Pro-active working**

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

#### **Informative: CIL**

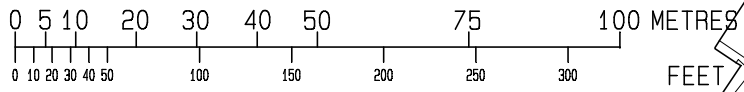
The Local Planning Authority considers that this development will likely be CIL (Community Infrastructure Levy) liable

#### **Informative: Commercial Units**

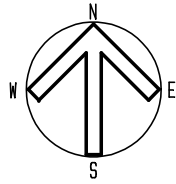
Signage for the lower-ground flood commercial units has not been included as part of this application and separate advertisement consent will be required from the Local Planning Authority for any proposed signage prior to installation.

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Page 65



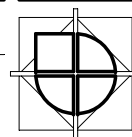
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REVISIONS:  
LAYERS PLOTTED: 5  
DRG FILE NAME: NoName1.dwg  
DRAWING PREPARED ON CADDIE CAD. DATA IN A'CAD DXF/DWG

PROJECT  
**130 FORE STREET, Langhams, Exeter**  
DRAWING TITLE  
**LOCATION PLAN**

DATE  
SCALE: **1:1250**  
AUTHOR **OS**

DRAWING NO  
**1598 0**  
CONTRACTOR TO CHECK ALL DIMENSIONS BEFORE FABRICATION  
DO NOT SCALE ONLY WORK FROM FIGURED DIMENSIONS  
REPORT DISCREPANCIES TO ARCHITECT BEFORE PROCEEDING  
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**REPORT TO: PLANNING COMMITTEE****Date of Meeting: 4<sup>th</sup> September 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



<b>Delegated Decision</b>	
Application Number: 23/0702/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 03/08/2023
Location Address: 28-30 Marsh Green Road West Exeter EX2 8PN	
Proposal: Discharge of conditions 3 (material schedule) and 4 (BREEAM details) of planning permission 22/0890/FUL.	
<b>Delegated Decision</b>	
Application Number: 23/0725/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 03/08/2023
Location Address: 23 Woodville Road Exeter Devon EX2 8JW	
Proposal: Hip-to-gable and dormer extension and roof lights to the front.	
<b>Delegated Decision</b>	
Application Number: 23/0794/FUL	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 21/08/2023
Location Address: 7 Smith Field Road Exeter EX2 8YD	
Proposal: Single storey extension and general refurbishment of existing dwelling and associated works.	
<b>Delegated Decision</b>	
Application Number: 23/0795/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 03/08/2023
Location Address: Little Johns Cross Dunsford Road Exeter EX2 9PN	
Proposal: Cupressocyparis leylandii. Removal of 6 x trees and roots. Originally a hedge but grown into trees that are now damaging the wall and foundations of the shop next door. Then erecting a 2m high featheredge fence in their place for privacy. In front of this we propose to plant Betula pendula 'Tristis' or similar to give privacy to our neighbours flat which looks onto our garden.	
<b>Delegated Decision</b>	
Application Number: 23/0796/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 03/08/2023
Location Address: Little Johns Lodge Dunsford Road Exeter EX2 9PW	
Proposal: 1. Poplar tree in back garden. Marked by green star on plan. We would like to trim back some of the overgrown branches which encroach on our neighbours property and may cause damage to their structure or cars. We would also like to thin the tree slightly to reduce the risk of falling branches from overgrowth.2. Fir trees in front garden (2 pieces). Marked by red star on plan. We have been advised by the Openreach engineer to trim some of the overgrown branches which are resting on the telephone/ internet cables. There are also branches which are overhanging the road which we feel may need some maintenance and cutting back.	

<b>Delegated Decision</b>	
Application Number: 23/0797/FUL	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 07/08/2023
Location Address: 8 Shelley Close Exeter EX2 9JS	
Proposal: Detached double garage	
<b>Delegated Decision</b>	
Application Number: 23/0800/FUL	Delegation Briefing: 13/07/2023
Decision Type: Permitted	Date: 16/08/2023
Location Address: 15 Chapel Road Exeter EX2 8TB	
Proposal: Complete render of bungalow.	
<b>Delegated Decision</b>	
Application Number: 23/0824/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 26/07/2023
Location Address: Unit 1 Stone Lane Retail Park Marsh Barton Road Exeter EX2 8LH	
Proposal: 244 - Oak and Locust - Crown lift to achieve a clearance of approximately 2.5 meters from ground level to improve access for traffic and pedestrians.234 - Pin Oak - Crown lift to achieve a clearance of approximately 2.5 meters from ground level to improve access for traffic and pedestrians.230 - Lime - Crown lift to achieve a clearance of approximately 3 meters from ground level to improve access for traffic and pedestrians.227, 228, 229, 226, 245, 244, 235, 236, 237, 238, 239, 240, 242, 565 - Groups of Lime, Holm Oak and Pine - Crown lift to achieve a clearance of approximately 3 meters from ground level to improve access for traffic and pedestrians.241 - Pine - Remove x1 lower lateral branch that is currently obscuring the Wrens Kitchens sign.	
<b>Duryard And St James</b>	
<b>Committee Decision</b>	
Application Number: 23/0321/FUL	Delegation Briefing: 27/04/2023
Decision Type: Permitted	Date: 01/08/2023
Location Address: Land On The West Side Of Belle Vue Road Exeter Devon	
Proposal: The erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works.	
<b>Delegated Decision</b>	
Application Number: 23/0560/VOC	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: Alta Higher Duryard Pennsylvania Road Exeter Devon EX4 5BQ	
Proposal: Variation of Condition 2 relating to 22/1021/FUL; Seek to make alterations to the outbuilding and dormer windows.	

<b>Delegated Decision</b>	
Application Number: 23/0582/ECC	Delegation Briefing: 29/06/2023
Decision Type: Permitted	Date: 09/08/2023
Location Address: Howell Road Car Park Exeter Devon	
Proposal: Installation of 4 no. emergency sleeping pods for temporary use by rough sleepers (Retrospective Application).	
<b>Delegated Decision</b>	
Application Number: 23/0655/FUL	Delegation Briefing: 08/06/2023
Decision Type: Permitted	Date: 23/08/2023
Location Address: 5 Union Road Exeter Devon EX4 6HY	
Proposal: Change of use from 7 person house in multiple occupation to 8 person house in multiple occupation and additional rooflight	
<b>Delegated Decision</b>	
Application Number: 23/0705/VOC	Delegation Briefing: 15/06/2023
Decision Type: Permitted	Date: 24/07/2023
Location Address: 64 Danes Road Exeter Devon EX4 4LS	
Proposal: Variation of condition two of 23/0097/FUL to amend the drawings of the approved dwelling, omitting the ground floor side extension, and inclusion of solar panels	
<b>Delegated Decision</b>	
Application Number: 23/0731/FUL	Delegation Briefing: 22/06/2023
Decision Type: Permitted	Date: 04/08/2023
Location Address: Hickling Cottage Taddyforde Estate Exeter Devon EX4 4AT	
Proposal: Replacement windows throughout, re-render, new timber cladding and demolition of chimney.	
<b>Delegated Decision</b>	
Application Number: 23/0811/FUL	Delegation Briefing: 13/07/2023
Decision Type: Permitted	Date: 22/08/2023
Location Address: 5 Thornton Hill Exeter EX4 4NJ	
Proposal: Proposed single storey rear extension and flat roof on existing single storey structure	
<b>Exwick</b>	
<b>Delegated Decision</b>	
Application Number: 23/0578/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 24/07/2023
Location Address: 65 Isleworth Road Exeter Devon EX4 1RG	
Proposal: Single storey rear extension. Length of 3.6m, Height 3.8m, Eaves Height 2.7m	



<b>Delegated Decision</b>			
Application Number:	23/0745/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	03/08/2023
Location Address:	16 Hadrian Drive Exeter Devon EX4 1SR		
Proposal:	Cut-back of over-hanging trees.		
<b>Delegated Decision</b>			
Application Number:	23/0776/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	18/08/2023
Location Address:	18 Coventry Road Exeter EX4 2DW		
Proposal:	Rear flat roof dormer and front roof lights.		
<b>Delegated Decision</b>			
Application Number:	23/0964/TPO	Delegation Briefing:	
Decision Type:	Permission not required	Date:	03/08/2023
Location Address:	20 Garland Close Exeter EX4 2NS		
Proposal:	[PERMISSION NOT REQUIRED] As there is no TPO in place, the tree does not have a TPO number. My knowledge of tree species is woefully inadequate, and I am unable to identify the tree by its species. The tree I wish to have felled is the only tree in the back garden of the property; it is slightly taller than the house and is right next to our fence. In fact, it is damaging our fence by its proximity!		
<b>Heavitree</b>			
<b>Delegated Decision</b>			
Application Number:	23/0565/FUL	Delegation Briefing:	15/06/2023
Decision Type:	Permitted	Date:	04/08/2023
Location Address:	125 Sweetbrier Lane Exeter Devon EX1 3AP		
Proposal:	Two storey rear extension to dwelling.		
<b>Delegated Decision</b>			
Application Number:	23/0574/FUL	Delegation Briefing:	29/06/2023
Decision Type:	Withdrawn by Applicant	Date:	05/08/2023
Location Address:	14 Madison Avenue Exeter Devon EX1 3AH		
Proposal:	Installation of Air source heat pump.		
<b>Delegated Decision</b>			
Application Number:	23/0649/LBC	Delegation Briefing:	29/06/2023
Decision Type:	Permitted	Date:	03/08/2023
Location Address:	Higher Cemetery Lodge St Marks Avenue Exeter Devon EX1 2PX		
Proposal:	Repair and replace the slates on the roof. Will be maintaining the original banded appearance, reusing slates that can be salvaged and replacing with modern alternatives.		

<b>Delegated Decision</b>	
Application Number: 23/0698/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 24/07/2023
Location Address: 139 Ladysmith Road Exeter Devon EX1 2PP	
Proposal: Create a room in the roof with a rear dormer and front facing rooflights	
<b>Delegated Decision</b>	
Application Number: 23/0835/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 03/08/2023
Location Address: Block C Rowancroft Court Fore Street Heavitree EX1 2QQ	
Proposal: Cypress x 3, topped previously, many limbs fracturing and cracking, located on a bank. Removal leaving the stump as low as reasonably possible by means of a chainsaw. all chip to be spread along the bank to reduce weeds. Logs to be stacks at base of bank for Habitat.	
<b>Delegated Decision</b>	
Application Number: 23/0922/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/08/2023
Location Address: 12 Baker Street Exeter EX2 5EA	
Proposal: Loft conversion including rear dormer and new pitched roof windows to front.	
<b>Mincinglake And Whipton</b>	
<b>Delegated Decision</b>	
Application Number: 23/0300/FUL	Delegation Briefing: 20/04/2023
Decision Type: Permitted	Date: 11/08/2023
Location Address: 6 Pinwood Lane Exeter Devon EX4 8NQ	
Proposal: New dwelling adjoining existing dwelling.	
<b>Delegated Decision</b>	
Application Number: 23/0413/FUL	Delegation Briefing: 08/06/2023
Decision Type: Refuse Planning Permission	Date: 01/08/2023
Location Address: 3 Harts Lane Exeter Devon EX1 3PG	
Proposal: Install boundary fence.	
<b>Delegated Decision</b>	
Application Number: 23/0514/FUL	Delegation Briefing: 25/05/2023
Decision Type: Permitted	Date: 26/07/2023
Location Address: The Cedars Neighbourhood Nursery Northbrook Close Exeter Devon EX4 8LD	
Proposal: Demolition of existing modular structures and the creation of a new wrap around single storey extension with associated landscaping works.	

<b>Delegated Decision</b>	
Application Number:	23/0856/LPD
Decision Type:	Was lawful use
Location Address:	19 Brookside Crescent Exeter EX4 8NF
Proposal:	Certificate of lawfulness sought for proposed single storey rear extension, loft conversion, rear dormer, removal of chimneys, 7 no. roof lights and installation of bi-fold doors on eastern side elevation.

**Newtown And St Leonards**

<b>Delegated Decision</b>	
Application Number:	23/0325/FUL
Decision Type:	Permitted
Location Address:	Former Site Public House The Globe No 39 Clifton Road Exeter Devon EX1 2BL
Proposal:	Five self-contained flats in new building with three floors and associated landscaping.

<b>Delegated Decision</b>	
Application Number:	23/0677/FUL
Decision Type:	Permitted
Location Address:	St Lukes House Baring Crescent Exeter Devon EX1 1TL
Proposal:	Installation of an Airsource Heat pump to the side elevation and solar panel system onto the roof.

<b>Delegated Decision</b>	
Application Number:	23/0703/FUL
Decision Type:	Permitted
Location Address:	Mount St Mary Convent Wonford Road Exeter Devon EX2 4PF
Proposal:	Replacement timber windows, new external doors and window.

<b>Delegated Decision</b>	
Application Number:	23/0704/LBC
Decision Type:	Permitted
Location Address:	Mount St Mary Convent Wonford Road Exeter Devon EX2 4PF
Proposal:	Internal alterations to walls and doors, replacement timber windows, new external doors and window.

<b>Delegated Decision</b>	
Application Number:	23/0709/FUL
Decision Type:	Permitted
Location Address:	The Old Stables Barrack Road Exeter Devon EX2 5AB
Proposal:	Increase in height to 2 no. external perimeter walls and erection of a gate

<b>Delegated Decision</b>	
Application Number: 23/0738/LBC	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 15/08/2023
Location Address: 10 Clifton Hill Exeter Devon EX1 2DL	
Proposal: Rooflights to rear kitchen extension, replace rear of house plastic guttering with aluminium.	
<b>Delegated Decision</b>	
Application Number: 23/0742/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 04/08/2023
Location Address: Richards Building St Lukes Campus Magdalen Rd Exeter EX2 4TA	
Proposal: The proposed work is to put up fencing around M&E plant to create a courtyard. The fence is 2070mm high hence the need for planning.	
<b>Delegated Decision</b>	
Application Number: 23/0747/LBC	Delegation Briefing: 29/06/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: 1 St Leonards Place Exeter Devon EX2 4LZ	
Proposal: Minor internal alterations within attic storey	
<b>Delegated Decision</b>	
Application Number: 23/0752/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 04/08/2023
Location Address: 1 Grendon Road Exeter Devon EX1 2NJ	
Proposal: Discharge condition 3 in relation to 19/1698/DIS. Render to be Prorend Colourtex Uniform - Silicon Resin Thin Coat Render. Specially made colour to compliment existing stone facade - S4010-Y70R. Tile to be Sandtoft 20/20 Interlocking Clay Tile. Colour selected to match existing tile - Tuscan Rainwater goods to be PAM Building Products Cast Iron. Colour to match existing gutter and downpipes - Black Paving to be Marshalls Urbex Textured Paving - Buff Colour Physical samples available on site to view.	

**Delegated Decision**

Application Number: 23/0791/CAT

Delegation Briefing:

Decision Type: Permitted

Date: 03/08/2023

Location Address: 1 Claremont Grove Exeter EX2 4LY

Proposal: The tree in question is a Robinia pseudoacacia, commonly called a False acacia, it is a non native tree from Eastern USA. The mature tree has codominant stems from approximately 2m above ground level and is located in the eastern aspect of the garden. We are proposing to remove this tree completely and therefore remove any risk this tree currently possesses. The tree shows some significant signs of dieback in the crown, but more concerningly it has heavy visible decay in the centre of the trunk. A hammer/acoustic test showed a significant column of decay from ground level to approximately 5m above ground level. The decay is likely to extend to a height greater than 5m and throughout the heartwood. The main concern is that this tree is likely to be unstable and could fall causing risk of injury and significant damage to the surrounding structures and trees. The garden is currently undergoing improvements that will include significant additional planting whilst retaining all other architectural mature trees. A native yew hedge has already been planted that offers increased nesting habitat for birds, along with other wildlife benefits. The work will be carried out by a fully qualified, licensed company (Hi-Line) in an appropriate manner.

**Delegated Decision**

Application Number: 23/0859/CAT

Delegation Briefing:

Decision Type: Permitted

Date: 03/08/2023

Location Address: Exeter School Victoria Park Road Exeter EX2 4NS

Proposal: T1 - Eucalyptus - Poor form, showing signs of decay at base

**Delegated Decision**

Application Number: 23/0980/DIS

Delegation Briefing:

Decision Type: Condition(s) Partially Approved

Date: 09/08/2023

Location Address: 7 Belmont Road Exeter EX1 2HF

Proposal: Discharge of condition 4 on Planning Ref. 21/0295/LBC, granted on 17 May 2021, relating to use of natural slate on roof of extension





<b>Delegated Decision</b>	
Application Number:	23/0972/LBC
Decision Type:	Withdrawn by Applicant
Location Address:	Exe View Cottage Lime Kiln Lane Exeter EX2 6LW
Proposal:	INVALID (does this need LBC?) Replacement structure of an existing garage on the existing footprint.

### St Davids

<b>Delegated Decision</b>	
Application Number:	23/0356/CONR
Decision Type:	Permitted
Location Address:	Mill On The Exe Bonhay Road Exeter Devon EX4 3AB
Proposal:	Removal of Condition Q of planning permission ref. 82/0403/03 dated 1 March 1983 to remove the requirement that a flow of water be maintained through the leat at The Mill on the Exe.

<b>Delegated Decision</b>	
Application Number:	23/0591/LBC
Decision Type:	Permitted
Location Address:	27A Gandy Street Exeter Devon EX4 3LS
Proposal:	Renewal of natural slate roof to The Tower with insulation and ventilation, and replacement rainwater goods.

<b>Delegated Decision</b>	
Application Number:	23/0661/FUL
Decision Type:	Permitted
Location Address:	4 And 4A St Davids Hill Exeter Devon EX4 3RG
Proposal:	Removal of first floor roof terrace and partial demolition of ground floor rear extension. Installation of doors and balustrade.

<b>Delegated Decision</b>	
Application Number:	23/0708/FUL
Decision Type:	Permitted
Location Address:	2 The Cellars Lower North Street Exeter Devon EX4 3EE
Proposal:	Change of use from upholstery workshop (B2 Use Class) to music studio (Sui Generis Use Class).

<b>Delegated Decision</b>	
Application Number:	23/0717/FUL
Decision Type:	Permitted
Location Address:	Units 3 Vulcan Estate Water Lane Exeter EX2 8BY
Proposal:	Change of use from Offices/warehouse (Class B) to Gym (Class E.)



<b>Delegated Decision</b>	
Application Number: 23/0721/FUL	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: Flat 1 Montgomery House 144 Fore Street Exeter Devon EX4 3AN	
Proposal: Removal of section of wall.	
<b>Delegated Decision</b>	
Application Number: 23/0723/LBC	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: Flat 1 Montgomery House 144 Fore Street Exeter Devon EX4 3AN	
Proposal: Removal of section of wall.	
<b>Delegated Decision</b>	
Application Number: 23/0766/FUL	Delegation Briefing: 22/06/2023
Decision Type: Permitted	Date: 07/08/2023
Location Address: 36 Feltrim Avenue Exeter EX2 4RP	
Proposal: Single storey rear extension and new deck.	
<b>Delegated Decision</b>	
Application Number: 23/0784/FUL	Delegation Briefing: 06/07/2023
Decision Type: Withdrawn by Applicant	Date: 10/08/2023
Location Address: 4A St Davids Hill Exeter EX4 3RG	
Proposal: Loft conversion including raising roof height, roof lights, window and dormer	
<b>Delegated Decision</b>	
Application Number: 23/0812/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 22/08/2023
Location Address: 79 Fore Street Exeter EX4 3HR	
Proposal: Installation of 1 no. projecting sign and 1 no. illuminated shopfront fascia sign.	
<b>Delegated Decision</b>	
Application Number: 23/0820/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 04/08/2023
Location Address: 21 - 22 Gandy Street Exeter EX4 3LS	
Proposal: Replacement signage including externally illuminated text over door, two internally illuminated menus, and externally illuminated projection sign.	



<b>Delegated Decision</b>	
Application Number: 23/0568/FUL	Delegation Briefing: 13/07/2023
Decision Type: Permitted	Date: 07/08/2023
Location Address: 30 Couper Meadows Exeter Devon EX2 7TF	
Proposal: Install Solar panels to south roof elevation.	
<b>Delegated Decision</b>	
Application Number: 23/0695/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 03/08/2023
Location Address: 73 Bathern Road Exeter Devon EX2 7QE	
Proposal: Removal of the dangerous overhanging trees crossing the boundary into my property and affecting my property. The trees are part of the TPO next to my property and will be cut back to not overhang my property boundary.	
<b>Delegated Decision</b>	
Application Number: 23/0735/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 24/07/2023
Location Address: 50 Birchy Barton Hill Exeter Devon EX1 3HD	
Proposal: To erect a rear single storey kitchen extension to provide a vast improvement in additional space for enhanced accessibility within the proposed well designed open plan area of work surfaces and provide more natural light from the East / South East than as existing. To provide a much more well equipped kitchen layout internally and ease of accessibility also to the garden, garage and driveway with proposed positioning of the rear door.	
<b>Delegated Decision</b>	
Application Number: 23/0737/FUL	Delegation Briefing: 22/06/2023
Decision Type: Permitted	Date: 27/07/2023
Location Address: 27 Carlton Road Exeter Devon EX2 5NS	
Proposal: First floor extension over existing garage forming additional living accommodation.	
<b>Delegated Decision</b>	
Application Number: 23/0744/FUL	Delegation Briefing: 22/06/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: 29 Couper Meadows Exeter Devon EX2 7TF	
Proposal: Single storey extension	
<b>Delegated Decision</b>	
Application Number: 23/0823/FUL	Delegation Briefing: 13/07/2023
Decision Type: Permitted	Date: 23/08/2023
Location Address: 9 Sandy View Exeter EX2 7PN	
Proposal: Erection of a new front porch and addition of 2no. rooflights	





<b>Delegated Decision</b>	
Application Number: 23/0506/FUL	Delegation Briefing: 29/06/2023
Decision Type: Refuse Planning Permission	Date: 25/07/2023
Location Address: 51 Greatwood Terrace Topsham Exeter Devon EX3 0EB	
Proposal: Rear extensions, loft conversion and internal alterations.	
<b>Delegated Decision</b>	
Application Number: 23/0575/FUL	Delegation Briefing: 25/05/2023
Decision Type: Permitted	Date: 26/07/2023
Location Address: 2 Denver Road Topsham Exeter EX3 0BS	
Proposal: Front and rear elevation ground and first floor window and door replacement.	
<b>Delegated Decision</b>	
Application Number: 23/0576/LBC	Delegation Briefing: 25/05/2023
Decision Type: Permitted	Date: 26/07/2023
Location Address: 2 Denver Road Topsham Exeter EX3 0BS	
Proposal: Front and rear elevation ground and first floor window and door replacement.	
<b>Delegated Decision</b>	
Application Number: 23/0667/LPD	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 24/07/2023
Location Address: 1 Resolution Road Exeter Devon EX2 7FG	
Proposal: Single storey rear extension and internal reconfiguration to accommodate a kitchen diner, a snug and a utility with a w.c.	
<b>Delegated Decision</b>	
Application Number: 23/0684/LBC	Delegation Briefing: 29/06/2023
Decision Type: Permitted	Date: 27/07/2023
Location Address: Parkfield House Holman Way Topsham Exeter Devon EX3 0EN	
Proposal: Reinstate pedestrian access and install gate in boundary wall.	
<b>Delegated Decision</b>	
Application Number: 23/0726/FUL	Delegation Briefing: 29/06/2023
Decision Type: Permitted	Date: 24/07/2023
Location Address: 12 Victory Drive Exeter Devon EX2 7GS	
Proposal: Installation of 15 Solar Panels on East/Southeast facing roof.	

<b>Delegated Decision</b>	
Application Number: 23/0728/FUL	Delegation Briefing: 22/06/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: 1 Newcourt Way Exeter Devon EX2 7SA	
Proposal:	Conversion of existing loft space over garage into an additional bedroom / guest room. Small increase in overhang of garage roof; addition of two small dormers; construction of porch on the garden elevation.
<b>Delegated Decision</b>	
Application Number: 23/0741/FUL	Delegation Briefing: 22/06/2023
Decision Type: Permitted	Date: 02/08/2023
Location Address: 77 Newcourt Road Topsham Exeter Devon EX3 0BU	
Proposal:	Demolition of existing garage and rear outbuilding, new garage extension & single storey rear extension to create living/dining area. First floor roof extension to create master bedroom and en-suite.
<b>Delegated Decision</b>	
Application Number: 23/0769/FUL	Delegation Briefing: 29/06/2023
Decision Type: Permitted	Date: 04/08/2023
Location Address: 1 Elm Grove Gardens Topsham EX3 0EL	
Proposal:	Proposed rear extensions
<b>Delegated Decision</b>	
Application Number: 23/0808/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 21/08/2023
Location Address: 77 Newcourt Road Topsham EX3 0BU	
Proposal:	The extension of an existing rear dormer window
<b>Delegated Decision</b>	
Application Number: 23/0946/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 03/08/2023
Location Address: 3 Bridgehill Garth Topsham EX3 0ER	
Proposal:	Reduction in size of rear extension (non-material amendment of 22/1119/FUL)
<b>Total Applications: 101</b>	

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**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 4th September 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 [22/0848/FUL](#) – 18 Tappers Close, Topsham – *Proposed new outbuilding on raised platform (85.3cm) in rear garden.*

The application site forms part of a modern terrace, with driveways to the front and modest sized gardens to the rear.

The Inspector highlighted the main issues to be, the effects the proposal would have on the character and appearance of the area plus the effects the proposal would have on the living conditions of the neighbouring occupiers.

The Inspector noted the modest size of the rear gardens within Tappers Close and highlighted how other examples of rear outbuildings such as sheds and conservatories were in the main, only modestly higher than the fence boundary. Therefore it was felt the issue with this specific application was its construction on the elevated terrace (0.85m higher than ground level) which materially elevated the whole building higher than the fence line making it unnecessarily prominent, resulting in an incongruous and ill-considered additional building that was out of context with its surroundings.

In addition, the Inspector believed the siting of the building, with its large expanse of glass would result in a loss of privacy for the neighbouring properties. The enclosed building would be used more than the existing open air garden terrace and the addition of window blinds and vegetation on the boundary would not adequately ensure the neighbour's privacy.

Consequently, the appeal has been dismissed.

## 4. New Appeals

- 4.1 [22/1382/FUL](#) & [22/1383/ADV](#) – Pavement Outside 250 High Street – *Installation of a multifunction Hub unit, 2.6m in height, with integral advertisement display and defibrillator. & Integral advertisement LCD screen for illuminated static displays within multifunction hub unit.*

- 4.2 [23/0362/FUL](#) – **3 Third Avenue, Heavitree** - *Rear extension and adjoining, partial replacement of side extension.*
- 4.3 [23/0438/FUL](#) – **95 St Katherines Road** - *Construction of rear dormer and retention of cladding to bay window (Retrospective Application).*
- 4.4 [23/0439/FUL](#) – **2 Baring Crescent** - *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