

PLANNING

Date: Monday 15 January 2024

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 Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486.

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

Membership -

Councillors Knott (Chair), Asvachin (Deputy Chair), Bennett, Hannaford, Jobson, Ketchin, Miller, Mitchell, M, Patrick, Sheridan, Vizard, 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 Declarations of Interest

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

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

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

Public Speaking

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

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|------|---|-------------------|
| 4 | Planning Application No. 23/0490/FUL - Land at Summerland Street (Between Red Lion Lane And Verney Street), Exeter | (Pages 5 - 40) |
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| 5 | Planning Application No. 22/1548/FUL - Exeland House, Tudor Street, Exeter | (Pages 41 - 76) |
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| 6 | Planning Application No. 22/1223/FUL - 58 Main Road, Pinhoe, Exeter | (Pages 77 - 106) |
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| 7 | List of Decisions Made and Withdrawn Applications | (Pages 107 - 130) |
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 | | |
| 8 | Appeals Report | (Pages 131 - 134) |

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 19 February 2024** at 5.30 pm in the Civic Centre.

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

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Planning Committee Report 23/0490/FUL

1.0 Application information

Number:	23/0490/FUL
Applicant Name:	McLaren (Exeter) Limited
Proposal:	Demolition of existing buildings and the construction of a 145 bed-space co-living development (up to 6 storeys in height) and associated works.
Site Address:	Land At Summerland Street (Between Red Lion Lane And Verney Street) Exeter
Registration Date:	14 April 2023
Link to Documentation:	https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0490/FUL
Case Officer:	Howard Smith
Ward Member(s):	Cllr Branston, Cllr Ketchin, Cllr Vizard

REASON APPLICATION IS GOING TO COMMITTEE: The Service Lead - City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

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

3.0 Reason for the recommendation

It is considered that on balance the benefits of the development by providing residential accommodation on a previously developed but underused site in this highly sustainable location outweighs the identified harms through reduced daylight, outlook and privacy to affected neighbouring dwellings when assessed against the policies of the NPPF and the Development Plan taken as a whole. As such, this application is recommended for approval.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development – loss of existing retail and employment uses.	There is no planning policy objection to the loss of the retail and food and drink uses which are not within the defined primary or secondary frontages.

Issue	Conclusion
	<p>The windscreen repair company depot has relocated within the city leaving that unit vacant. Therefore, there will be minimal loss of jobs to the city and new jobs will be created in and by the proposed development.</p> <p>The loss of the B1 employment use is not considered to harm business opportunities in the area overall.</p>
Principle of development – redevelopment of site for residential	Redevelopment of this brownfield site in a highly sustainable location for 145 co-living beds conforms to the spatial principle of redeveloping such sites in preference to greenfield sites and is strongly supported in national and local planning policy.
Scale, design, impact on character and appearance	<p>The application seeks to comprehensively redevelop the site, demolishing existing low rise commercial to replace them with a 5 and 6 storey residential proposal with associated landscape, and public realm enhancement.</p> <p>The application has been amended since first received to reduce the height of the building by one storey, reduce the number of residential rooms, improve ground floor internal arrangements, to improve the design of the building and entrances and officers are now satisfied with the appearance and internal layout of the proposed redevelopment of this brownfield site.</p>
Impact on existing residential amenity	<p>The proposed development will result in a reduction in direct sunlight and reduction in diffuse light levels to some neighbouring properties.</p> <p>The applications for the development of Ackland House and Wheaton House anticipated the redevelopment of this site and a building footprint similar to that now proposed. The height of the building anticipated at that time is however not</p>

Issue	Conclusion
	<p>stated.</p> <p>Twelve single aspect flats in Ackland House and Wheaton House adjacent and facing the site across and newly enclosed courtyard/light well space will experience a loss or 60% plus reduction in direct sunlight in winter, and substantial reduction (30-80%) of direct sunlight in summer.</p> <p>The reduction in diffuse light levels is considered to be a more appropriate measure in this urban location and more closely related to acceptability of living conditions of residents. The BRE guidance is that if windows experience a Vertical Sky Component (VSC) of less than 27 and experience a reduction of greater than 20% of the level without the proposed development then the reduction will be noticeable. A very substantial (40-70%) reduction in diffuse light levels will be experienced by those dwellings. With VSC levels in these dwellings above ground floor level above or close to the BRE recommended level of 27 being reduced to between 9 and 19, substantially below the BRE recommended level.</p> <p>Other properties in Sidwell Street, Summerland Street and in the above mentioned blocks will be affected to a much lesser degree.</p> <p>These are significant harms that will be experienced by occupiers of these neighbouring dwellings. This should be given weight in decision making.</p> <p>The windows of the bedrooms of the proposed building will stand 20.5 metres from 9 flats and 17.9 metres for 3 flats in the neighbouring Ackland House and Wheaton House which the development opposes across an enclosed space. Whilst these distances are below the 22 metre separation set out in the Exeter Local Plan Policy DG4 these distances are as</p>

Issue	Conclusion
	<p>anticipated at the time those blocks were consented, the indicative footprint of a future development on the application site being set out on the plans of the consents for Ackland and Wheaton House.</p> <p>The arrangement of buildings is not considered to give rise to a degree of a loss of in building privacy impact that is not acceptable in this urban setting. In this respect the proposed development accords with the aims of saved policy DG4 of the Exeter Local Plan 1st Review.</p> <p>Subject to the proposed conditions, the potential for noise from the development to affect neighbouring occupiers has been assessed to be acceptable and the conditions to give a basis for enforcement should nuisance arise.</p>
Impact on heritage assets	<p>Current development on the site makes a negative contribution to the setting of the St Sidwells Conservation Area</p> <p>The low rise nature of existing development does however result in the Cupola of the Grade II* list Methodist Church on Sidwell Street being prominent in views from either side of the Sidwell Street ridge.</p> <p>The revisions reducing the height to 5/6 storey have reduced the impact of the scheme on the historic environment and the revised scheme represents the maximum acceptable mass in heritage terms.</p> <p>Risk to unknown archaeological deposits should be managed by the addition of the standard archaeological condition to any permission.</p>
Amenity of future occupiers	The proposals are for co-living ensuite private rooms that are predominantly 20 square metres, with 18 rooms between 16

Issue	Conclusion
	<p>and 20 square metres and 9 larger accessible standard. These are supported by internal amenity space provided on ground floor and fifth floors, and an external communal space at roof level.</p> <p>In total 740 square metres of communal internal amenity space are provided, including two kitchen spaces of 44 square metres and 70 square metres. The outdoor terrace garden at roof level is 165 square metres. Exeter does not have adopted space standards for co-living accommodation, however the standards are comparable to the draft London guidance.</p> <p>The distance across the internal court is slightly less than 13.5m between opposing windows. The 'bed zones' within each studio commence approximately 2.4m further within, therefore there is approximately 18.3m between opposing sleeping areas. Whilst visual privacy can achieve an alternative ventilation strategy to open windows is required.</p> <p>The provision for the amenity of future occupiers is considered acceptable given the tenure and occupancy of the proposed accommodation and the city centre location.</p>
Access and Parking	<p>The proposed development is car free with servicing from Red Lion Lane and Verney Street. The area is subject of on street parking controls and the development can be excluded form eligibility for residents parking permits.</p> <p>Good provision is made for resident's cycle parking.</p> <p>The development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe and hence there are no grounds for</p>

Issue	Conclusion
	refusal of the application for Highways reasons.
Ecology and Biodiversity	<p>The proposed development includes a biodiversity net gain through the introduction of bat and bird boxes and through landscaping at street and roof levels.</p> <p>Contributions to mitigate the identified impacts of the proposed residential development on the Exe Estuary SPA can be secured.</p>
Pollution	<p>The site is identified as likely to be subject of ground contamination however officers are satisfied that the development proposed can safely be permitted subject to standard remediation conditions.</p> <p>Through reduced vehicular traffic movements in the peak hours, the development would not reduce air quality.</p>
Community Balance	The proposed development of co-living housing is in an inner urban area which has a flatted housing stock and a high proportion of purpose built student accommodation. Whilst it is a single residential type and tenure, it adds to the accommodation types in this area and it is not considered that it would result in an over concentration of this particular residential use type in the area.
Affordable Housing	20% of the proposed Co-Living Units as private rent Affordable Housing in accordance with national Planning Practice Guidance and is consistent with other Build to Rent developments granted permission in the city. The affordable housing can be secured in a s106 legal agreement.
Economic benefits	The development would provide economic benefits in construction phase. The development of these additional residential units, including affordable housing, will

Issue	Conclusion
	support the labour supply in the local economy.
Sustainable Construction and Energy Conservation	<p>The proposed development includes Air Source Heat Pumps and solar photovoltaic panels. The site can be secured to be able to connect to a future District Heat Network.</p> <p>A sustainable construction waste strategy will be secured by a condition.</p>
Housing Supply	The development would provide 145 units of co-living accommodation, which would be counted as 81 dwellings and should be afforded substantial positive weight in the planning balance.
CIL and S106 contributions	<p>A Section 106 legal agreement can secure:</p> <ul style="list-style-type: none"> • Sustainable Transport measures contribution £87,000 towards pedestrian and cycle improvements in the vicinity of the site • On-site Affordable Housing of 20% of units as private affordable rent • Public Open Space enhancements contribution of £56,000 • Travel Plan for residents, • Traffic Order amendments • Management Plan (co-living) • Habitats Mitigation for residential where CIL is not payable. <p>The development will also generate approximately £164,880 in CIL.</p>

5.0 Description of site and surroundings

The site is 0.13ha and is within the defined extent of Exeter City Centre for planning purposes, fronting onto Summerland Street to the south-west. The site is bounded by Red Lion Lane and Verney Street either side and falls from Red Lion lane towards Verney Street. At the rear the site adjoins Wheaton House and Ackland House, which are four storey residential flats. A three storey Victorian terrace of shops with Residential Accommodation above, that is part of the St Sidwells Conservation Area, backs on to Red Lion Lane adjacent the site. The Unit 1 Nightclub opposes the site on Verney Street.

The site currently comprises three commercial buildings in use as a supermarket, windscreen repair depot and a café.

There is an extant planning consent for a five storey block comprising 28 one-bed flats and a ground floor restaurant on part of the site adjoining Red Lion Lane and Summerland Street that is currently occupied by the supermarket.

Within the immediate environs of the proposed development there is the Grade 2* Sidwell Street Methodist Church, which is an iconic example of early 20th century architecture with a cupola designed to be the dominant, recognisable form across the cityscape. To the southeast side of Sidwell Street the Conservation Area includes the gabled terrace of shops with flats over dating from 1896 because of “the strong rhythm of the steep gables, together with the embellishments of contrasting stone and brickwork”. The Conservation Area extends to the edge of Red Lion Lane immediately opposite part of the proposed development site.

The site is in Flood Zone 1. Sidwell Street is within the Air Quality Management Area (AQMA).

6.0 Description of development

The Proposed development comprises the demolition of existing buildings and the construction of a five and six storey co-living residential building. This with communal facilities on the ground floor, and with a further kitchen and dining space and a roof terrace at uppermost floor, with 145 ensuite co-living rooms on the first to sixth levels.

The building is arranged with perimeter block and internal court on upper levels and a ground floor that has roof lights from the rear court to give natural light to the rear most spaces with more active uses arranged on street frontages. The main entrance is on Summerland Street and service accesses from Red Lion Lane and Verney Street.

The application has been revised since first submitted to reduce the height by one storey and reduce the number of rooms by 22. Communal kitchen-diner spaces on each floor have been amalgamated on be provided at ground and uppermost floors.

7.0 Supporting information provided by the applicant

The application as received on 14th April 2023 was amended by plans and supporting information received on 15th September, 11th October, and on 4th and 21st December 2023. The application forms and fee are supported by:

- Plans, Elevations, Sections
- Landscape Plans
- Topographical and Site Levels Survey
- Planning Statement
- Design and Access Statement
- Design and Access Statement Addendum
- Daylight and Sunlight Report
- Daylight and Sunlight Addendum
- Pre-Demolition Waste Management BREEAM Audit
- Bat and Bird Emergence Survey

Flood Risk Assessment
 Management Plan
 Sustainability and Energy Statement
 Proposed M and E Design Strategy
 Built Heritage and Views Appraisal
 Addendum Built Heritage and Views Appraisal
 Archaeology Report
 Typical studio layout
 Statement of Community Involvement
 Sustainability and Energy Statement
 Outline Fire Strategy
 Travel Plan
 Transport Statement
 Management Plan
 BREEAM Security Needs Assessment September 2023
 Energy Statement Rev B
 Pre-Demolition Waste Management BREEAM Audit
 Air Quality Assessment
 Co-Living Report
 Detailed UXO Risk Assessment
 Noise Impact Assessment
 Noise Impact Assessment - Addendum
 Preliminary Ground Investigation
 Flood Risk Assessment and Drainage Strategy

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
13/0042/FUL	Redevelopment to provide five storey building with 28 flats and retail/restaurant unit at ground floor and associated works	PER	22.11.2013

9.0 List of constraints

- Air Quality Management Area
- Setting of St Sidwells Conservation Area
- Setting of Grade II* Methodist Church on Sidwell Street
- Exe Estuary Habitat Buffer
- Potentially contaminated land

10.0 Consultations

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

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development. Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

D&S Fire and Rescue Service have studied the [revised] drawings and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by Local Authority Building Control (or an Approved Inspector).

NHS Royal Devon University Healthcare Trust (RDUH) support this application for affordable rented accommodation in Exeter. A considerable number of our staff across all grades struggle to find affordable housing across the city. The co-living approach can in principle represent a more affordable and modern way of living, especially for those staff having recently moved on from student housing or recently arriving into the Devon area which could be from within the UK or overseas. In recent years we have been heavily involved in overseas nursing recruitment and having co-living or HMO accommodation available ahead of their arrival is key to supporting our recruitment and retention workforce strategy. Vacancy rates for health and social care staff across the south west are significantly higher than the national average and so we welcome the Council's support to this area of housing development as it helps the NHS tackle the workforce challenge.

The Designing Out Crime Officer's only observation in relation to the design of the scheme is to ensure where possible that defensible space is afforded to elevations and ground floor windows. Private space immediately abutting public space, particularly in a city centre location, without any buffer between the two, can cause conflict, damage, theft and break in attempts via windows etc. My concern with the [co-living] concept is that its success is largely dependent on creating a cohesive community and ensuring the development is well managed. HMOs can unfortunately attract higher levels of crime and anti-social behaviour (ASB) compared with non-sharing living arrangements, I suggest in part due to some of the

points outlined above. The supplementary document essentially acknowledges that co-living schemes are in effect large HMOs so if applications progress, they must consider security and opportunities to reduce crime and ASB. I support the recommendations within the Security Needs Assessment and propose that they are implemented into the scheme. Could also I respectfully request that [four] conditions are considered should the application progress.

DCC Lead Local Flood Authority have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the recommended pre-commencement planning condition are imposed on any permission.

DCC Highways (response following consultation on revised plans and supporting documents) This is proposed to be a car free development and as such will represent a decrease in the levels of vehicle movements and likely an increase in movements from Non-Motorised Users (NMU's). There is a significant level of Personal Injury Collisions (PICs) within the vicinity of the proposed development. The Highway Authority has reviewed the details of the PICs and conclude that these PICS do not highlight a systemic issue of safety for the surrounding highway. It is the opinion of the Highway Authority that there is no reason under the NPPF to recommend refusal if there is no severe highway safety impacts.

The site currently has access to serve each of the existing units. This is a proposed car free development, but there will be a need for vehicular service access to the site. The cycle parking spaces are broadly acceptable and in line with the SPD. Areas for servicing or charging of e-bikes within the cycle storage area would be beneficial to all users.

The location of the development it is possible for the residents to be able to use and utilise the wider public transport network. There is access to railway stations and the bus station is in close proximity which will allow for more sustainable travel methods. It would be beneficial for the applicant to consider installation of a cycle hire station in close proximity to the development to encourage sustainable transport within the city.

The submitted Travel Plan would help to encourage residents to use the local sustainable transport network and a Travel Plan Coordinator (TPC) who will help to monitor the targets of the Travel Plan. A voucher schemes to encourage cycling and public transport is welcomed by the Highway Authority and would be beneficial if it were to secured within the S106 for the development to ensure that such vouchers are available for all users

Under no circumstance should water and detritus be allowed to be discharged onto the highway. The developer would need to contribute towards and TRO that might be required to vary on street parking controls.

As part of the resubmission the developer has provided a Copenhagen style crossing on Red Lion Land and Verney Street. With the proposed increase of pedestrians that the development would create, this would be welcomed by the Highway Authority. The front of the proposed building has been moved away from the highway to incorporate a planting scheme on the front of the building. This planting looks like it would located within the highway as well as a scheme of structures within the highway. This would require a license from the Highway Authority for these to be placed within the extent of the highway.

There would have to be an agreement to ensure that costs of the maintenance would not fall on the expense of the Highway Authority.

There is a future aspiration to ensure that Summerland Street is a movement corridor accommodating NMU movement increases. A contribution of £600 per flat to be secured.

suitable legal agreement would be required by the Highway Authority. This will contribute towards any future upgrading of Summerland Street.

Taking the above into account, the Highway Authority raises no objection to the planning application subject to S106 and suggested conditions.

ECC Environmental Health Officer advised that the submitted air quality assessment concludes that no specific mitigation is required for air quality and this conclusion is accepted. The report includes Air Quality mitigation measures for the construction phase and these should be included in the CEMP (see condition below). We suggest the standard contaminated land condition below because the submitted report identifies that further assessment will be required once access to the entire site is possible. The geotechnical part of the report concludes that piled foundations are likely to be required. Driven piling would not be acceptable in this location (see CEMP condition). We are happy with their [noise] assessments now but further design is still required. Therefore we would recommend approval with conditions: CEMP, contaminated land, and noise attenuation.

ECC Waste refer the developer to the 'Recycling and Rubbish Storage Guide for Developers' and the need to accommodate enough capacity for fortnightly collection. If the bin store isn't big enough to house this number of bins, the manager will need to organise a commercial collection to complement the domestic collections to ensure the bins do not become overfilled.

ECC Ecology and Biodiversity Officer is satisfied with the further bat survey and detail, and does not consider bats a constraint to the proposals. The report recommends some precautionary measures for bats and birds and it is suggested if approved, there is an informative. The number of boxes proposed has been increased to sixteen swift boxes, which is satisfactory for this build, and demonstrates a net gain in line with the NPPF and I suggest a condition is used to secure this.

ECC Public and Green Space team have no objection to the submitted application from a Public and Green Spaces perspective, subject to approval of off-site contributions to mitigate the impact of additional demand on off-site public spaces. It is also noted that the application does not commit to the provision of facilities for sports and physical activity, and as such there will be an increased off-site demand for both public and private provision of these facilities. Considering the likely demographics of residents of a co-living scheme, we are satisfied that children's play provision is not required as part of this application. We also consider that within this city centre location it is appropriate to rely on off-site POS provision, subject to the agreement of an appropriate financial contribution to permit works in neighbouring parks to mitigate the impact of additional demand from the development. We therefore recommend a pre-occupation outdoor leisure contribution of £56,000 for the maintenance and upgrade of off-site play areas serving the development, to be spent on the installation of outdoor adult fitness equipment within the area serving the site.

ECC Heritage Officer advises that the applicant has submitted amended plans which responded to the concerns regarding the height and massing in regards to the heritage assets adjacent to the proposed development site by reducing the height by one storey and this and the softened architectural approach to the design have resulted in a reduced cumulative harm. The revised scheme represents the maximum acceptable mass and in my opinion could be further improved by further reduction however it is my opinion that an objection on these grounds would be unsustainable and therefore I advise that the proposed development meets current national and local heritage legislation and guidance. The Heritage Officer further advises that the proposed scheme would require excavation to a horizon that has the potential to damage previously unknown archaeological deposits, a risk which should be managed by the addition of the standard archaeological condition to any permission.

ECC Urban Design and Landscape Officer responding to revised plans advised that: The scale of the proposals is now acceptable, and the introduction of improved fenestration presenting back towards the Sidwell Street junction is welcomed. The landscape of the terrace and its balustrade is still weak, but improved detailed design may be secured through a condition embracing constructional and planting details for the external works. The wider section of Verney Street has a weakened relationship back to Summerland Street, now characterised by this end wall but still lacks interest or aesthetic merit. The silhouette of the lantern and cupola to the Methodist Chapel is significant, as one of the defining elements of the Exeter skyline on this side of the city centre. The [reduced] proposals now reveal the cupola, if not the associated roofscape, in full silhouette, which is more satisfactory. Poor relationship between ground storey of building and public scale much improved, no clear design intent regarding the landscape as part of the public realm / streetscape, but improved detailed design may be secured through a condition embracing constructional and planting details for the external works. Pedestrian crossings to secondary streets introduced and welcomed, but width of highway entries/exits could have been reduced? Streetscape acceptable as a strategy but improved detailed design may be secured through a Condition. Improvements are most notable to the western wing of the proposals which now has, with the centre section, a more confident identity. The architectural character of the eastern wing is by comparison less successful and has enjoyed fewer refinements. The reductions in height are welcome and the general massing and scale in relation to the surrounding townscape is acceptable. None of the internal corridors nor the two stair-cores benefit directly from natural light and ventilation. The stairs will therefore present as a relatively unattractive environment and this is likely to promote the greater use of the lift, which is counter to achieving goals of good health and well-being (in terms of residents) and sustainability (in terms of energy usage). The minor, but significant, improvements to the planning of the ground floor are welcome and address, at least to some extent the legibility of the interior. Greater access to natural light and ventilation is thwarted by the general arrangement. The distance across the internal court between rooms in the proposed building is slightly less than 13.5m between opposing windows. The 'bed zones' within each studio commence approximately 2.4m further within, therefore there is approximately 18.3m between opposing sleeping areas. Internal corners of the court are immediately adjacent 3 metres apart, visual privacy can be mitigated with blinds. Cycle parking could have been provided as part of improved public realm as part of the development. The reductions in general height now proposed will have some beneficial effects although the loss of natural light (daylight and sunlight) to the neighbouring development will continue to be substantial.

RSPB in responding to the initial plans are concerned that the number of bird and bat boxes is insufficient and ignores the Requirements of the SPD referred to or the more recent BS42021:2022 Integral nest boxes — Selection and installation for new developments Integral nest boxes, or what is currently deemed to be best practice. We therefore recommend that at least 28 universal boxes are installed in clusters of 2/3 approximately one metre apart on sheltered/primarily east facing elevations and these are shown on a Bird Box plan with details of the type(s) of boxes on the selected locations.

Exeter Cycle Campaign continue to believe it is suitable to see a car free development being proposed in this city centre location. We previously objected to this application due to the lack of step-free internal access to cycle storage for disabled residents. This has now been addressed with storage suitable for adapted bicycles. As such we lift our objection. The developer has not provided details on this storage and this information should be provided to ensure the provision is fit for purpose. The developer has also provided ambiguous information on the number of cycle spaces that will be provided overall; 79 or 90. This should be clarified, with the larger number preferable from our perspective. We are grateful that the developer has taken on board our comments and made changes that improve the development for disabled residents.

Exeter Civic Society comments following consultation on revised plans and supporting documents. We consider the location of this site for a co-living development to be well positioned. We are pleased that the applicant has made changes following comments received for the previous submission. Having given additional consideration to the appearance of the proposals, we have concerns that the roof level design for the elevations from Summerland Street to Red Lion Lane offers no architectural interest. The Society has had concerns for some time about the size of co-living rooms, we would hope that room sizes should not be less than 20sq.m. We have significant concerns about the size of the accessible rooms. We were previously concerned that the shared kitchen/dining social space on floors 1-5 was inadequate for 30 studios on each floor level. The amended proposals has only one communal cooking and dining space on the top floor which we find unacceptable – we object to the lack of adequate cooking and dining facilities. We note that the level of social space per room has reduced, and few communal spaces have views out. We believe that the residents will not benefit sufficiently from natural light and ventilation. For these reasons we object to the reduced level of social space and its configuration. Bins arrangements will block Red Lion Lane.

In respect of access to the city centre and amenities, the developer has failed to recognise the narrow width of the pavement alongside 134 Sidwell Street on Summerland Street, the pavement is much less than the 2.0m, and not wide. We urge ECC and the Highway Authority to request that the developer widens the length of pavement from Red Lion Lane to Sidwell Street to at least 2.0m. The crossing points on Sidwell Street (North) and York Road have central islands to assist pedestrians, we urge the highway authority to review traffic and pedestrian arrangements across this junction. We urge the Highway Authority to develop high quality cycle provision on Summerland Street from Belmont Chapel on Western Way to Sidwell Street to support cycle use across the wider the area.

Exeter Chamber support for McLaren's proposed development. Many members of the Chamber regularly tell us that attracting and retaining young and skilled employees remains a challenge in Exeter, largely due to the availability of suitable accommodation within the City

Centre. McLaren's proposals will help provide the type of high-quality accommodation that will be attractive to young professionals and those working in Exeter on a short to medium term basis, including key workers. The plans also include for 20% affordable homes, targeted specifically at local key workers, and will help alleviate pressure on Houses in Multiple Occupancy. The Chamber also welcomes inward investment in Exeter and the city centre location.

Design Review Panel: The applicant chose not to present the scheme to Design Review.

11.0 Representations

The application has been advertised at first submission and revised submission by neighbour letter, site notice and press notice. Objections were received from 5 individual respondents raising the following concerns:

- significant overshadowing to the adjacent properties.
- only two windows in my property and the daylight is already very low
- loss of light more than double that considered best practice under the Building Research Establishment guidelines
- these changes to daylight and sunlight will significantly impact my health and wellbeing.
- Loss of privacy
- design of the building to set back the frontages, along with lowering the height of the building
- taking more than its fair share of light at the cost of its neighbours' natural light when these buildings have allowed for future developments to have a similar access to daylight.
- reducing the building height to six storeys is negligible improvement
- 8 properties will see a 100% total loss of their winter APSH to their living area,
- 2 properties will have greater than 80% loss of winter sunlight hours.
- their living conditions extremely dark and depressing over the winter months.
- height is still not in keeping with the existing surrounding buildings
- will still be significantly overbearing.
- increasing height of the proposal to six storeys at the Verney Street end does not seem to be in keeping with the surroundings and the lay of the land
- infrastructure on the top of the building adds additional height
- additional planting and improvements for pedestrians will improve the look of the area.
- Unaffordable housing
- With serious health issues and unable to move house this will have a life threatening impact on me
- Loss of light, and noise will exacerbate existing health problems
- Loss of view
- Seating could increase antisocial behaviour from the nightclub
- unaffordable even with a discount for key workers.
- Will not be used by local or younger people who need housing
- Further improvement could be made with regards to this to balance the conditions of existing residents with the new residents.

- New building façade should align with neighbouring building not stand forward and take light
- Disruption to neighbours during construction
- Disruption to neighbouring businesses
- Will be unable to sell neighbouring flats with loss of light
- Impact on daylight and sunlight for the residents of Acland House and Wheaton House will have a near total reduction on access to and quality of daylight/sunlight
- Loss of privacy
- This will destroy our quality of life

12.0 Relevant policies

National Planning Policies

National Planning Policy Framework (NPPF) (2023) – in particular sections:

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

National Design Guide (MHCLG, 2021)

Technical housing standards – nationally described space standard (DCLG March 2015) (NDSS)

Planning Practice Guidance (PPG):

- Consultation and pre-decision matters
- Design: process and tools
- Effective use of land
- Housing needs of different groups
- Planning obligations
- Use of planning conditions

Development Plan

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

- CP1 – Spatial strategy
- CP3 – Previously developed land
- CP4 – Density
- CP5 – Mixed Housing
- CP7 – Affordable Housing

CP9 – Transport
CP10 – Community Facilities
CP11 – Pollution
CP13 – Decentralised Energy
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

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

AP1 – Design and location of development
AP2 – Sequential approach
E3 – Retention of employment land or premises
H1 – Search sequence
H2 – Location priorities
H5 – Diversity of Housing
H7 – Housing for disabled people
S3 – Shopping Frontages
L4 – Provision of playing fields
T1 – Hierarchy of modes
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes
T5 – Cycle route network
T9 – Access to buildings by disabled persons
T10 – Car parking standards
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
EN2 – Contaminated land
EN3 – Air and water quality
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy Conservation
DG6 – Residential Parking
DG7 – Safe Design

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other material considerations

Residential Design Guide SPD 2010

Affordable Housing SPD 2014.

Sustainable Transport SPD 2013

Public Open Space SPD 2005

Implementing Open Space Requirements SPG (2006)

Trees and Development SPD 2009

Planning Obligations SPD 2014

St Sidwells Conservation Area Appraisal

Exeter Plan Full Draft Plan (October 2023)

The site is identified for mixed use development in the emerging Exeter Plan, as part of the East Gate Strategic Regeneration area.

Liveable Exeter: A transformational housing delivery programme

Liveable Exeter Principles.

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 residential properties where they will be some impact on amenity including reduction of natural light and increase in overlooking. 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 and affordable housing.

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.

Material considerations

- A contribution of £87,000 towards pedestrian and cycle improvements in the vicinity of the site
- On-site affordable housing of 20% of units for Build-to-rent development
- £56,000 towards the provision and maintenance of off site outdoor adult fitness equipment

Non-material considerations

- The CIL contribution is estimated as £164,880.

The proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated when the decision is issued, following completion of the S106 agreement and taking into account any qualifying exemptions and any indexation of the CIL rates. Exeter City Council's revised CIL Charging Schedule implemented 1st January 2024 will apply. CIL will be chargeable on co-living/Build-to-rent (£50sqm). Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt.

The proposal will generate Council Tax in occupation phase.

16.0 Planning assessment

This is set out in the following order.

1. Principle of development – loss of existing retail and employment uses.
2. Principle of development – redevelopment of site for residential
3. Scale, design, impact on character and appearance
4. Impact on existing residential amenity
5. Impact on heritage assets
6. Amenity of future occupiers
7. Access and Parking
8. Ecology and Biodiversity
9. Pollution
10. Community Balance
11. Affordable Housing
12. Economic benefits
13. Sustainable Construction and Energy Conservation
14. Housing Supply
15. CIL and S106 contributions
16. Development Plan, five year housing land supply, and presumption in favour of sustainable development

1. Principle of development – loss of existing retail and employment uses.

There is no planning policy objection to the loss of the retail and food and drink uses which are not within the defined primary or secondary frontages defined in Policy S3 of the Exeter Plan First Review. The windscreen repair company depot operated a B1 use that has relocated within the city leaving that unit vacant. Therefore, there will be minimal loss of jobs to the city and new jobs will be created in and by the proposed development.

The loss of the B1 employment use is not considered to be contrary to policy E3 of the Exeter Local Plan 1st Review as it is not considered to harm business opportunities in the area overall.

2. Principle of development – redevelopment of site for residential

The site is a 'windfall', that is to say it is an unallocated, brownfield development site in a highly accessible urban location. Residential development is strongly supported in national and local policy and follows the development hierarchy set out in Local Plan 1st Review policies AP1, AP2 and H1, which are the key tests against which new proposals will be judged.

Bringing forward the redevelopment of brownfield sites to meet identified housing need as set out in Core Strategy policies CP1 and CP3 helps to protect other less sequentially preferable and greenfield sites from development, conserve the natural environment and protect the landscape setting of the city.

Redevelopment of this brownfield site in a highly sustainable location for 145 co-living beds meets housing need and, in line with national policy for Build-to-Rent development 20% of these dwellings will be secured as affordable private rent housing let by the operator. As such, the proposals are considered to accord with the aims of policies H2 and H5 of the Exeter Local Plan 1st Review and CP5 of the Exeter Core Strategy.

The development includes 9 accessible units and 5% of the affordable units are required to be M4(3) wheelchair accessible standard. As such, the development is considered to comply with the aims of policy H7 of the Exeter Local Plan 1st Review.

3. Scale, design, impact on character and appearance

The layout of the proposed building forms a perimeter block with a internal court. The ground floor occupies the whole of the site, as do existing buildings. The floor of the court is at first floor level and comprises a landscaped roof. The proposed building is five storeys on the Red Lion Lane frontage, with a roof terrace for residents, and steps up to six storeys on the Verney Street frontage. The levels fall across the Summerland Street frontage with the building being on a single floor plate. Residential accommodation comprising 145 Co-living rooms, supported by communal facilities, are provided.

The application has been amended since first received to reduce the height of the building by one storey, reduce the number of residential rooms, improve ground floor internal arrangements, to improve the design of the building and entrances. The design and layout was amended to improve the external appearance and also to concentrate kitchen and dining communal provision on to the uppermost and ground floors. The applicant has advised that any further reduction in the number of storeys would result in the development being unviable to deliver.

Officers are now satisfied with the appearance and internal layout of the proposed redevelopment of this brownfield site. The proposals, for the reasons given above, are considered to accord with the aims of Exeter Local Plan 1st Review policies DG1, DG4, DG7 and H5, and the aims of NPPF Section 12.

4. Impact on existing residential amenity

Daylight and Sunlight

The proposed development will result in a reduction in direct sunlight and diffuse light levels to some neighbouring properties. This is documented in the applicant's Sunlight and Daylight analysis. Currently the low level of buildings on the site means that there is very little over-shadowing of neighbouring dwellings from the site other than at ground floor level.

Local Plan policy supplemented by the Residential Design Guide SPD guides that reference should be had to British Standards and Buildings Research Establishment (BRE) good practice guidance in assessing quality of daylight.

The proposed development will result in a reduction in direct sunlight and reduction in diffuse light levels to some neighbouring properties.

Twelve single aspect flats in Ackland House and Wheaton House adjacent and facing the site across the newly enclosed courtyard/light well space will experience a loss or 60% plus reduction in direct sunlight in winter, and substantial reduction (30-80%) of direct sunlight in summer. The reduction in diffuse light levels is considered to be a more appropriate measure in this urban location and more closely related to acceptability of living conditions of residents. The BRE guidance is that if windows experience a Vertical Sky Component (VSC) of less than 27 and experience a reduction of greater than 20% of the level without the proposed development then the reduction will be noticeable. A very substantial (40-70%) reduction in diffuse light levels will be experienced by those dwellings. With VSC levels in these dwellings above ground floor level above or close to the BRE recommended level of 27 being reduced to between 9 and 19. Diffuse light levels will therefore be substantially reduced and will be below the BRE recommended levels.

Other properties in Sidwell Street, Summerland Street and in the above mentioned blocks will be affected to a much lesser degree.

The applicant has advised that whilst the building has been able to be reduced by one storey further reduction in height would mean that the development would be unviable.

These are significant harms that will be experienced by occupiers of these neighbouring dwellings. In this respect the proposed development is contrary to the aims of policy DG4 of the Exeter Plan 1st Review and this should be given weight in decision making.

Outlook and privacy

The supporting text to Exeter Plan 1st Review Policy DG4 guides that an acceptable degree of privacy allowing people to feel at ease in their own homes can be achieved by providing a minimum distance of 22 metres between [windows of] habitable rooms

or by imaginative design. The Residential Design Guide SPD repeats this advice but, further guides that where buildings of different heights back on to each other the privacy distances will need to be increased. In terms of outlook the SPD guides windows of habitable rooms should not face high blank walls, and that developers should produce an analysis to demonstrate that dwellings have sufficient daylight. The Residential Design Guide SPD was adopted to support the delivery of the spatial strategy and strategic allocations in the Exeter Core Strategy, which were urban extensions on largely greenfield sites. The standards set out in that guidance are not all directly transferable to the type of development or the spatial strategy being brought forward by the emerging Exeter Plan, or the regeneration areas identified in the Core Strategy policy CP17 that include the City Centre and Grecian Quarter Regeneration Area, Canal and Quay Basin and Water Lane Regeneration Area, which are urban brownfield sites. As such it is considered that the guidance in the SPD should be applied flexibly in some aspects in this location.

The windows of the bedrooms of the proposed building will stand 20.5 metres from 9 flats and 17.9 metres for 3 flats in the neighbouring Ackland House and Wheaton House which the development opposes across an enclosed space. Whilst these distances are below the 22 metre separation set out in the supporting text of Exeter Local Plan Policy DG4 these distances are as anticipated at the time those blocks were consented, the indicative footprint of a future development on the application site being set out on the plans of the consents for Ackland and Wheaton House. The arrangement of buildings is not considered to give rise to a degree of a loss of building privacy impact that is unacceptable in this urban setting. In this respect the proposed development accords with the aims of saved policy DG4 of the Exeter Local Plan 1st Review.

Noise

The site is in a city centre location with noise generating uses and activities in close proximity. The potential for noise to adversely affect residents has been addressed and it is considered that provided suitable attenuation is secured by condition the impact on future residents can be considered acceptable. As such, the proposals are considered to accord with the aims of Exeter Local Plan 1st Review policy DG4.

5. Impact on heritage assets

The amended plans responded to the concerns regarding the height and massing in regard to the heritage assets adjacent to the proposed development site by reducing the height by one storey to be 5 and 6 storeys, and this results in a reduced cumulative harm to the setting of the St. Sidwells Conservation Area and the Grade II* Listed Methodist Church. The silhouette of the lantern and cupola to the Methodist Chapel is significant, as one of the defining elements of the Exeter skyline on this side of the city centre. The reduced proposals now reveal the cupola, if not the associated roofscape, in full silhouette in longer range views, which is more satisfactory. The revised scheme represents the maximum mass that is acceptable and whilst the impact on heritage assets could be reduced through further reduction in height, it is considered that an objection on these grounds would be unsustainable, and therefore the proposed development meets current national and local heritage

legislation and guidance. The development would require excavation to a horizon that has the potential to damage previously unknown archaeological deposits, a risk which should be managed by the addition of the standard archaeological condition to any permission.

As such the proposals are considered to accord with aims of policies C1 and C3 of the Exeter Local Plan 1st Review, policy CP4 of the Exeter Core strategy, and the NPPF.

6. Amenity of future occupiers

The proposals are for co-living of 145 rooms supported by amenity space provided on ground floor and fifth floors. On the ground floor spaces include a kitchen diner space, private dining space, lounges, laundry cinema room, work spaces, and gym. The operation of the co-living accommodation is supported by an on-site management presence in an office, reception, and post room. Internal bin store, cycle store and plant rooms are at ground floor level. In total 740 square metres of communal internal amenity space are provided, including two kitchen spaces of 44 square metres and 70 square metres. The outdoor terrace garden at roof level is 165 square metres.

The Draft Exeter Plan is currently out to consultation and includes Policy H5 relating to co-living standards. This policy currently carries no weight in decision making. The Draft London Plan guidance on large-scale purpose-built shared living does not carry weight but in the absence of other standards it is worth noting, this requires 5 sqm for communal living accommodation (including 0.6 sqm of equipped kitchen space), and 1 sqm of external amenity space per resident; this would equate to 725 square metres of communal space (of which 87 square metres of kitchen space) and 145 sqm of communal external space for this development.

Co-living ensuite private rooms are predominantly 20 square metres, with 18 rooms between 16 and 20 square metres and 9 larger accessible standard rooms.

The distance across the internal court is slightly less than 13.5m between opposing windows. The 'bed zones' within each studio commence approximately 2.4m further within, therefore there is approximately 18.3m between opposing sleeping areas. Although set at 90 degrees to each-other, units forming the internal corners of the court are immediately adjacent which means that centreline to centreline of glazing is only approx. 3 metres apart. Whilst visual privacy can probably be mitigated with suitable blinds, acoustic conditions could be difficult for residents - especially during summer months when an alternative ventilation strategy to open windows is required.

In this respect, the proposed development is considered to accord with the aims of policy DG4 of the Exeter Local Plan 1st Review.

7. Access and Parking

The proposed development is car free with servicing from Red Lion Lane and Verney Street. The area is subject of on street parking controls and the development can be excluded form eligibility for residents parking permits.

Provision is made for resident's cycle parking in a dedicated internal cycle store accessed from Verney Street and internally form the building core. This provides provision for cycle storage in accordance with the requirements of the Sustainable Transport SPD.

The proposals are considered to accord with the aims of Exeter Local Plan 1st Review policy T3, Core Strategy policy CP9 and the aims set out in section 9 of the NPPF.

We note the advice of DCC as Highway authority and agree that the development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe. Hence, as guided by paragraph 115 of the NPPF 2023, it is not considered that there are grounds for refusal of the application for highways reasons.

8. Ecology and Biodiversity

The national requirement for development to deliver a 10% Biodiversity Net gain has been delayed, to be implemented in early 2024. The proposed development includes a biodiversity net gain through the introduction of bat and bird boxes and through landscaping at street and roof levels which can be secured by condition.

An Appropriate Assessment required under the Habitats Regulations concluded that whilst the development has the potential to have a significant effect on the Exe Estuary Special Protection Area, and an adverse impact on the achievement of the conservation objectives for the site, the adverse impacts of increased visitor pressure arising from the development can be mitigated by a contribution to the South East Devon European Sites Mitigation Strategy. These can be taken form CIL payments and where no CIL is liable (for example affordable dwellings) the contributions would be secured separately and can be included within an S106 agreement.

For the reasons set out above, the proposed development is considered to accord with the aims of Exeter Local Plan policy DG1 and the objectives of Section 15 of the NPPF respecting nature conservation.

9. Pollution

Exeter Local Plan 1st Review policy EN2 seeks to protect future occupiers and neighbours of a development from risk to health through exposure to contamination. The site is identified as likely to be the subject of ground contamination, however there is no indication in the submitted assessment or other records that the site cannot be remediated to ensure future occupiers and neighbours are not exposed to

unacceptable contamination risk. Currently the site is covered by buildings and would continue to be so following development. The responsibility for securing a safe development rests with the developer and landowner. Both the Environment Agency and ECC Environmental Health are satisfied that the proposed development can be permitted subject to a condition requiring further ground investigation and the agreement of a ground contamination remediation plan prior to the construction of buildings, and verification that any remedial measures that are required have been carried out prior to occupation. As such the development is considered to comply with the aims of policy EN2 and paragraph 189 of the NPPF 2023.

Roads around the site are subject to air quality issues related to traffic and are part of the designated Air Quality Management Area. The proposed development, which is sustainably located near services, incorporates reduced car parking standards, and is supported by sustainable transport measures. It would also result in fewer vehicle movements. As such, the development would have a lower impact on air quality than the current use and is not contrary to policy EN3 of the Exeter Local Plan 1st Review and would contribute to the improvement of air quality as sought by policy CP11 of the Exeter Core Strategy and paragraph 192 of the NPPF 2023.

10. Community Balance

The proposed development of co-living housing is in an inner urban area which has a flattened housing stock and a high proportion of purpose built student accommodation. Whilst it is a single residential type and tenure, it adds to the accommodation types in this area and it is not considered that it would result in an over concentration of this particular residential use type in the area.

The area immediately surrounding the site contains leisure and commercial uses, and residential in a mix of purpose built student accommodation and flats.

The proposed development consists of 145 beds of co-living accommodation. In accordance with nationally set policy, 20% of all of these units would be private affordable rent.

Policy H5 of the Exeter Local Plan 1st Review guides that the conversion to or construction of special needs housing, bedsits, houses in multiple occupation and student housing will be permitted provided that the criteria set out in that policy are met. These criteria include that the development should not cause an over concentration of the use in any one area of the city that would change the character of the neighbourhood.

The development will co-living accommodation the local residential mix of flats and purpose built student accommodation, and will broaden the residential mix.

The proposed development is not considered to result in an over concentration of a particular residential use type in the area and as such is considered to accord with the aims of policy H5 of the Exeter Local Plan 1st Review.

11. Affordable Housing

The development would provide 20% of the co-living units as private affordable rent housing which can be secured through a S106 agreement. This is in accordance with the national planning practice guidance requirement which has precedence over Local Plan policy for these residential tenure types. Of the affordable dwellings, 5% will be disabled accessible standard. As such, the proposals meet the requirements of Exeter Core Strategy policy CP7, Exeter Local Plan 1st Review policy H7 and the Affordable Housing SPD.

12. Economic benefits

Redevelopment will involve the loss of existing employment uses. However, it is noted that former tenants have relocated elsewhere in the city.

The development will provide economic benefits in the construction phase through direct employment, through the construction and professional services supply chain, and the follow-on economic benefit to the local economy.

The development of these additional residential units, including affordable housing, will help support the labour supply in the local economy, including the care sector as highlighted in the NHS response.

13. Sustainable Construction and Energy Conservation

The proposed development includes Air Source Heat Pumps and solar photovoltaic panels, and the site can be secured to be able to connect to any future District Heat Network at the site boundary in accordance with Core Strategy policy CP13 requirement and NPPF 2023 paragraph 162.

Sustainable waste strategies built around a hierarchy, cascading from waste minimisation to reuse and recycling before allowing removal to landfill, will be secured by a condition for a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.

14. Housing Supply

The Council does not have a 5 year housing land supply. As set out in the 5 year housing land supply statement dated May 2023 and as agreed through various recent appeals, the Council can currently demonstrate a housing land supply of circa 4 years and 4 months. This would have meant that the 'tilted balance' as referred to in paragraph 11d) of the NPPF in favour of granting permission would apply. However, the NPPF was updated in December 2023 and it has reduced the requirement to demonstrate supply to from 5 years to 4 years for local planning authorities with an emerging local plan that has either been submitted for examination or has reached Regulation 18 or 19 stage, including a policies map and proposed housing allocations. The reduced housing supply requirement applies for a period of two years. As the Council has reached this stage in the preparation of its new Local Plan

(‘the Exeter Plan’), it currently only needs to demonstrate a 4 year supply of deliverable housing sites. The Council will still need to be able to demonstrate a five year housing land supply at the point of adoption of the Exeter Plan.

As the Council considers that it can demonstrate a 4 year housing land supply. This means that the ‘tilted balance’ does not currently apply to housing applications, provided there are relevant development plan policies to determine the application and the most important policies in this respect are not out-of-date. In this case, the relevant development policies are set out in section 12 above, which are considered to be up-to-date. Therefore, the so called ‘tilted balance’ does not apply to this application, and the application must be determined in accordance with the adopted Core Strategy and saved policies of the Local Plan First Review, unless material considerations indicate otherwise.

The proposed development would provide 145 units of co-living accommodation which would be counted as 81 dwellings in contribution towards meeting identified housing need, and should be afforded substantial positive weight in the planning balance.

15. CIL and S106 contributions

The following matters are considered necessary to make the development acceptable in planning terms, to be directly related to the development, and fairly and reasonably related in scale and kind to the development meeting the tests set out in Regulation 122.

- A contribution of £87,000 towards pedestrian and cycle improvements in the vicinity of the site
- On-site affordable housing of 20% of units for Build-to-rent development
- £56,000 towards the provision and maintenance of off-site outdoor adult fitness equipment
- Travel Plan for residents,
- Traffic Orders
- A Management Plan (co-living)
- Habitats Mitigation for residential use where CIL is not payable.

The proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated when the decision is issued, following completion of the S106 agreement and taking into account any qualifying exemptions and any indexation of the CIL rates. Given the need to complete a S106, Exeter City Council’s revised CIL Charging Schedule to be implemented 1st January 2024 will apply. CIL will be chargeable on co-living/Build-to-rent (£50sqm). Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt. The CIL contribution is estimated as £164,880.

16. Planning Balance

The key benefits of development are considered to include:

- Regeneration of a sustainable brownfield site that is currently underused and unattractive
- Provision of 145 units of co-living accommodation 20% of which will be affordable private rent

Identified key harms include:

- Reduction in natural light and privacy to neighbouring dwellings
- Less than substantial harm to the setting of the St Sidwell's Conservation Area and the Grade II* Listed Methodist Church

It is considered that on balance the benefits of the development outweigh the identified harms when assessed against the policies of the NPPF and the Development Plan taken as a whole.

NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means c) approving development proposals that accord with an up-to-date development plan without delay.

The proposal, subject to the imposition of conditions, is considered to accord with the Development Plan when taken as a whole.

17.0 Conclusion

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

18.0 Recommendation

- DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE BENEFITS SET OUT IN SECTION 15 ABOVE.

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

And the following conditions (and their reasons) the wording of which may be varied:

Conditions

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 15 September and 21 December 2023 (including drawings numbers listed below), as modified by other conditions of this consent.

154670-STL-ZZ-00-DR-A-10000-Proposed Ground Floor Plan_ Rev. S2_P24
154670-STL-ZZ-01-DR-A-10001-Proposed First Floor Plan_ Rev. S2_P23
154670-STL-ZZ-02-DR-A-10002-Proposed Second Floor Plan_ Rev. S2_P23
154670-STL-ZZ-03-DR-A-10003-Proposed Third Floor Plan_ Rev. S2_P23
154670-STL-ZZ-04-DR-A-10004-Proposed Fourth Floor Plan_ Rev. S2_P23
154670-STL-ZZ-05-DR-A-10005-Proposed Fifth Floor Plan_ Rev. S2_P234
154670-STL-ZZ-07-DR-A-10007-Proposed Roof Plan_ Rev. P23
154670-STL-ZZ-XX-DR-A-20001-Proposed Verney Street and Red Lion Lane
Elevation_Rev. P23
154670-STL-ZZ-XX-DR-A-20002-Proposed Summerland Street and Rear
Elevations_Rev. P23
154670-STL-ZZ-XX-DR-A-20003-Proposed Courtyard Elevations_Rev. P23
154670-STL-ZZ-XX-DR-A-20010-Proposed Context Elevations_Rev. P23
154670-STL-ZZ-XX-DR-A-30000-Proposed Section A B_Rev. S2_P23
154670-STL-ZZ-XX-DR-A-30001-Proposed Section C D_Rev. S2_P23
GIA Plans_1.0 154670-STL-XX-XX-DR-A-S7000 Rev. S2_P24
GEA Plans_1.0 154670-STL-XX-XX-DR-A-S7001 Rev. S2_P24
Ground level Softworks 668-CTF-XX-00-DR-L-50001 P02
Roof Plan Softworks 668-CTF-XX-ZZ-DR-L-51001 P02
Level 1 Roof Plan - Ecological Features 668-CTF-XX-01-DR-L-41001 P02
Level 05 Roof Plan - Hardworks 668-CTF-XX-05-DR-L-41001 P02

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

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

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.

- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

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

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

4) Prior to commencement of construction (excluding demolition and site clearance) a building services plant noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The building shall only be occupied and operated in accordance with the noise level limits set out in the approved assessment.

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

5) No part of the development hereby permitted shall be commenced (excluding demolition and site clearance) until a detailed surface water drainage management plan, for the full period of the development's construction and operation, has been submitted to, and approved in writing by the Local Planning Authority. The temporary and permanent surface water drainage management systems shall then be constructed and operated in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, throughout the construction period and during the operation of the approved development.

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

6) Prior to the commencement of works, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved by the local planning authority. The plan will show the locations, position on the buildings, installation instructions and specification of bat and bird boxes to be installed. The plan must include a minimum of sixteen integral universal swift bricks and two bat boxes as per section 6.4 of the Bat and Bird Survey Report (Delta Simons 2023), as well as the timings of when the boxes will be installed. All boxes shall then be installed in accordance with approved BEP.

Reason: In the interests of protecting and enhancing the natural environment.

7) No development, other than demolition and clearance to ground level, shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building 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 protecting the environment and human health.

8) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development (excluding demolition and site clearance), the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

10) Prior to commencement of any construction (excluding demolition and site clearance) of the building hereby approved an Acoustic Insulation Implementation and Verification Plan shall be submitted and approved in writing by the Local Planning Authority. This plan shall include details of the insulation to be installed and describe how the installation shall be tested so as to demonstrate the achievement of suitable internal noise levels. Prior to the occupation of the building hereby approved an Acoustic Installation Verification Report shall be submitted. This report shall document the successful completion of the acoustic insulation work and post-installation testing.

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

11) No development related works (other than the demolition of the existing buildings to ground level) shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

12) Prior to occupation of the development hereby permitted a management plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include due consideration for staffing (including on site staffing), management of ASB, security and incident management, vetting of residents, tenancy agreements, unacceptable behaviour etc.

Reason: In order to reduce the likelihood of crime, conflict, disorder and anti-social behaviour and to enhance the safety of residents of the scheme.

13) Prior to occupation of the development hereby permitted access control measures as per the Security Needs Assessment shall have been put in place to prevent casual intrusion beyond public space and into private space, this includes no trades person access for mail delivery or utility readings.

Reason: To prevent unlawful access to private/semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour.

14) The residential use hereby approved shall not be occupied until secure cycle parking facilities for residents and visitors cycle parking have been provided in accordance with details set out in the approved plans and Design and Access statement, or in accordance with such details as may be subsequently agreed in writing by the LPA. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

15) The development shall only be carried out in accordance with the recommendations of the UXO report received 14 April 2023.

Reason: In the interests of public safety.

16) A schedule of the materials it is intended to use externally in the construction of the development (including hard surface and road materials), and where requested by the Local

Planning Authority samples of those materials, shall be submitted to the LPA. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples/details in all respects.

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

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

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

18) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that the internal systems for water heating are capable of being connected to a low temperature hot water district heat network. This shall include a point of connection on the boundary of the site as identified on the approved plans.

Reason: To ensure that the proposal complies with Policy CP13 of the Council's adopted Core Strategy and paragraph 153 of the National Planning Policy Framework and in the interests of delivering sustainable development.

19) CCTV with a clear Operation Requirement to be distributed throughout the development, as per the Security Needs Assessment.

Reason: To prevent unlawful access to private/semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour.

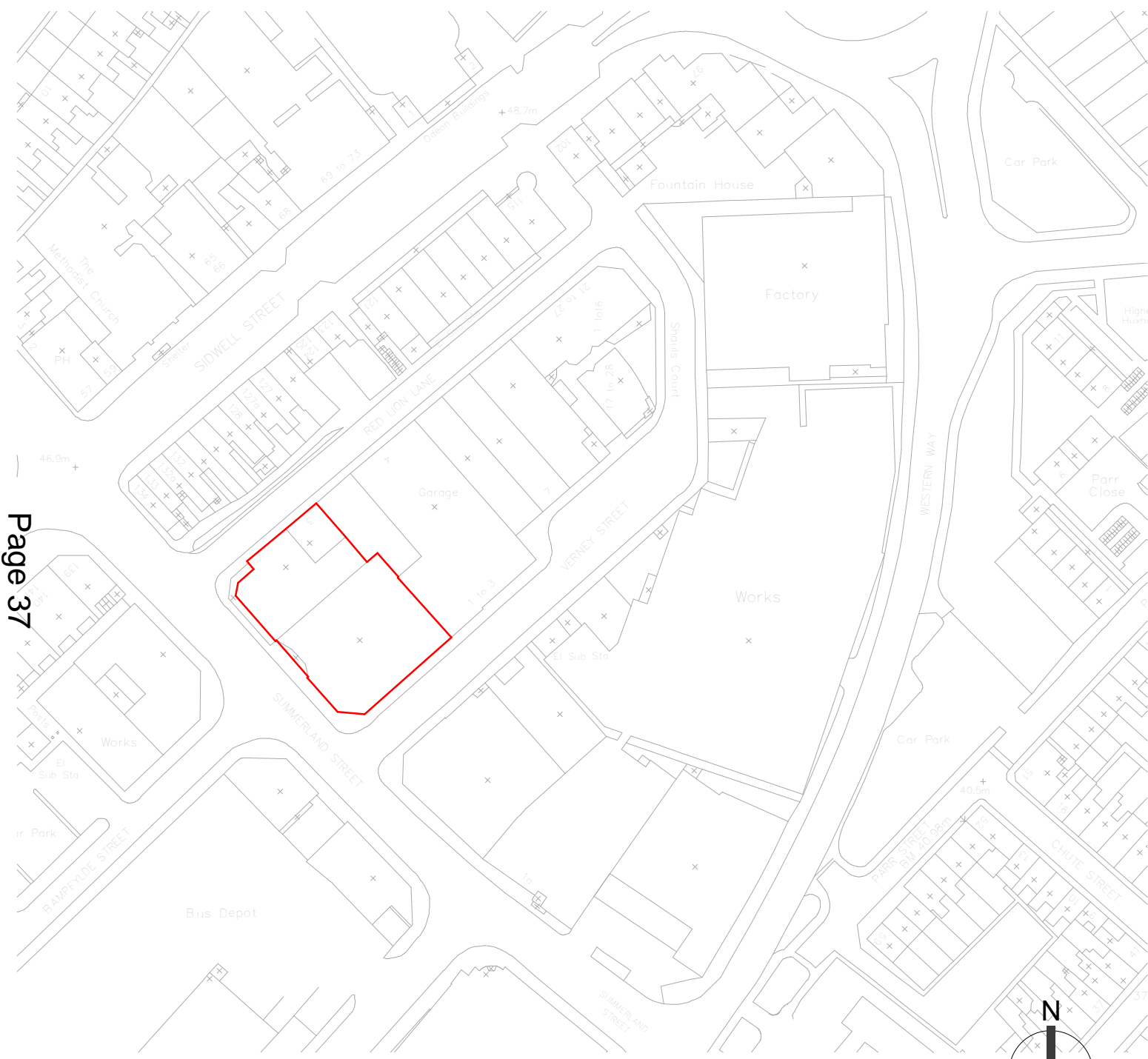
- b) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN 6 MONTHS FROM THE DATE OF COMMITTEE, OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)

Responsibility is not accepted for errors made by others in scaling from this drawing.
All construction information should be taken from figured dimensions only.

KEY

 Boundary Line

Page 37



PL	P19	28.03.2023	FOR PLANNING
S2	P18	20.03.2023	General Update
S2	P16	06.03.2023	Stage 2 Design Freeze
S2	P06	02.12.2022	First Issue.

STATUS	REV	DATE	DESCRIPTION	REVISED BY
				ES
				LD
				154670

CLIENT
McLaren (Exeter) Limited

CONSULTANT
STRIDE TREGLOWN

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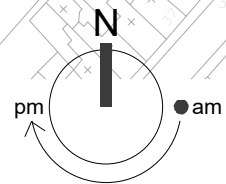
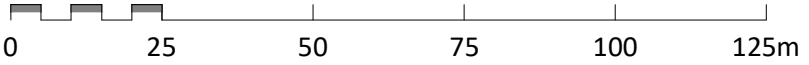
PROJECT
**Summerland Street
Exeter**

DRAWING TITLE
Site Location Plan

SUITABILITY STATUS
PL : Authorized and accepted 1 : 1250@A4

DRAWING USAGE: **PLANNING SUBMISSION**

PROJECT - ORIGINATOR - VOLUME - LEVEL - TYPE - ROLE - CLASS - NUMBER	STATUS_REVISION
154670-STL-ZZ-ZZ-DR-A-ZZ-00001	PL_P19



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Planning Committee Report – 22/1548/FUL

1.0 Application Information

Number:	22/1548/FUL
Applicant:	Bennik Developments Limited
Proposal:	Renovation, conversion and change of use Exeland House from retail unit and office to form a co-living scheme of thirty-four units including communal facilities and a co-working office space, front extension with four floors, link building, public plaza on the existing car park and renovation of existing bridge link to New Bridge Street.
Site Address:	Exeland House, Tudor Street Exeter, EX4 3BR
Registration Date:	04/11/2022
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RKTZIFHBJYK00
Case Officer:	Roger Clotworthy
Ward Member(s):	Cllrs Moore, Read & Sparling

Reason Application is going to Committee: The Service Lead - City Development considers the application to be a significant, controversial and/or sensitive application that should be determined by the Planning Committee in accordance with the Exeter City Council

2.0 Summary of recommendation

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

3.0 Reason for the recommendation

The Council does not have a 5-year housing land supply. As set out in our 5-year housing land supply statement dated May 2023 and as agreed through various appeals, the Council can currently demonstrate a housing land supply of circa 4

years and 4 months. This would have meant that the 'tilted balance' as referred to in paragraph 11d) of the NPPF in favour of granting permission would apply. However, the NPPF was updated in December 2023, and it has reduced the requirement to demonstrate a 5-year supply to 4 years, for local planning authorities with an emerging local plan that has either been submitted for examination or has reached Regulation 18 or 19 stage, including a policies map and proposed housing allocations. As the Council has reached this stage in the preparation of its new Local Plan ('the Exeter Plan'), it now only needs to demonstrate a 4-year supply of deliverable housing sites.

The Council considers that it can demonstrate a 4-year housing land supply. This means that the 'tilted balance' no longer applies to housing applications, provided there are relevant development plan policies to determine the application and the most important policies in this respect are not out-of-date. In this case, the relevant development policies are considered to be up to date. Therefore, the so called 'tilted balance' does not apply to this application, and the application must be determined in accordance with the adopted Core Strategy and saved policies of the Local Plan First Review, unless material considerations indicate otherwise.

Having assessed the application against relevant policies and guidance, Officers conclude that the application accords with the Development Plan as a whole. The proposed development delivers significant planning merit that outweighs any limited harm identified. The contribution towards housing delivery on a sustainable brownfield site carries substantial weight in line with the development plan and NPPF objectives. The scheme's high-quality design, subject to conditions, preserves the Conservation Area while enhancing townscape character and rejuvenating an underutilised site.

Although the setting of the Mission Hall suffers some architectural impact, the wider enhancements to townscape and heritage assets, coupled with public benefits, lend support as per the NPPF tests. Noise, privacy, and amenity impacts have been sufficiently mitigated through design changes. Moreover, the car-free approach, cycle facilities and accessibility to sustainable transport modes attract merit regarding sustainability and movement.

While objections and concerns raised by statutory consultees and third parties are noted, they have been addressed through design development and mitigation measures secured by condition. On balance, and subject to the withdrawal of the objection by the Environment Agency, there are no overriding areas of conflict with the development plan. The proposal comprises sustainable development, consistent with local and national planning objectives. Consequently, having weighed all submissions, the recommendation is to approve planning permission subject to conditions and completion of the S106 agreement.

4.0 Table of key planning issues

Issues	Conclusions
Principle of development	Local Plan policies on housing mix and diversity support the introduction of a co-living scheme. It will contribute positively to the housing needs and economic vitality of the city centre.
Flooding	Revised plans address Environment Agency concerns over flood risk, access, and drainage.
Amenity	Privacy, overlooking, and noise impacts are sufficiently mitigated through design changes, which have successfully addressed the potential for unacceptable harm.
Parking Provision and Sustainable Mobility	The car-free approach accords with policy H2 and sustainability objectives, encouraging use of active and public transport.
Cycle Parking	Proposed provision exceeds one space per unit, demonstrating a commitment to promoting cycling.
Sustainable Energy Approach	The scheme exceeds energy efficiency targets through a combination of fabric standards, renewables, and retention of existing building.
Harmony of Contemporary Design with Heritage Context	The contemporary scheme preserves the Conservation Area's special interest and enhances public realm through the new plaza.
Archaeology and Cultural Heritage	Some limited impacts occur but are outweighed by public benefits. Archaeological investigation provides opportunities to expand knowledge.
Mitigation of Construction Impacts	Submission of Construction Environmental Management Plan will address disruption concerns.
Studio Size Considerations	Proposed studio sizes match precedents of approved co-living schemes locally.

Issues	Conclusions
Community Safety and Crime Prevention	Comprehensive strategy including vetting, management plan, CCTV and secure cycle storage aims to design out crime risks.

5.0 Description of site

The application site is located at the southern end of Tudor Street, near Exe Bridges in Exeter city centre. The site comprises the existing Exeland House, formerly known as Mission Hall, and its frontage which is currently used for car parking.

Exeland House is a two and a half storey building constructed in 1876. It has a rendered facade and slate pitched roof. The building was previously used as a mission hall but is currently in office and retail use. It sits raised above street level with no disabled access. The front car park is enclosed by a low stone wall with gated access from Tudor Street.

To the north of the site is The Leat, a modern five storey student accommodation block. Eagle House, a Grade II listed mid-terrace house, sits adjacent to the west. The southern boundary of the site fronts onto Frog Street, a busy route connecting Exe Bridges with Western Way. Buildings along Frog Street are typically 3 to 5 storeys with commercial uses.

The site falls within the Riverside Conservation Area. The area comprises a mix of historic and more contemporary buildings. Key listed buildings nearby include the Grade I listed St Mary Steps Church and the Grade II* Tudor House on Tudor Street.

The site occupies a gateway location on a key route into the city centre from Exe Bridges and the south. Its prominence increased following construction of the inner ring road.

6.0 Description of development

The application seeks full planning permission for the change of use and extension of Exeland House to provide co-living accommodation.

The proposals would convert the existing Exeland House into sixteen residential rooms across three floors, retaining the building's exterior. New window openings would be formed internally between existing windows. Dormer windows are proposed to the rear roof slope.

A part three, part four storey extension is proposed to the front of Exeland House. This would be linked to the existing building via a new glazed atrium entrance. The extension would provide a further eighteen co-living rooms.

The residential floors would be grouped into six clusters, each having a communal kitchen.

The extension would have a red brick facade and use traditional proportions. The top floor would be set back and finished in standing seam zinc cladding. The proposed extension aims to respect the scale of adjacent buildings and provide a transition between Exeland House and the more contemporary Frog Street development.

The existing frontage would be re-landscaped to provide a new public plaza, residents' cycle parking and co-working office accommodation on the ground floor. Vehicular access would be maintained via Hick's Court at the rear.

7.0 Supporting information provided by the applicant.

The application is supported by:

- Plans, sections, and elevation drawings.
- Design and Access Statement
- Ecological Assessment
 - A European Protected Species Licence is necessary due to the presence of bats. The developer will apply to Natural England for this once planning permission has been granted. No works will take place where bats have been found to be roosting until the Licence has been issued.
- Flood risk assessment
 - The report concludes that the proposed development is suitable, meeting the criteria outlined by the Environment Agency Standing Advice and the NPPF.
- Heritage statement
 - The heritage statement assesses the impact on designated and non-designated heritage assets, focusing on the Mission Hall, Riverside Conservation Area, and the Setting of Grade II* Listed Tudor House. Proposed alterations to the non-designated Mission Hall are deemed to cause a low level of harm to its architectural interest but contribute positively to its setting, with benefits outweighing the harm as per the NPPF guidelines. Similarly, impacts on the Riverside Conservation Area and Tudor House setting are considered beneficial, aligning with the historic and modern contexts of the site. The design development incorporates scale, form, urban grain, and material palette, demonstrating compatibility with the Conservation Area and Tudor House setting. The overall conclusion is that the proposals meet the

criteria of Policies C1, C2, and DG1 of the Exeter Local Plan, supporting their appropriateness for approval.

- Archaeology Assessment
 - The assessment, based on historical research and site characteristics, reveals the site's historical context, including its location south of the Roman City walls in the floodplain of the River Exe. The area has evidence of Medieval leats, and the site, undeveloped until the 16th–17th century, likely contains below-ground remains of early houses on Tudor Street. The report suggests a medium significance for these remains, with the proposed development potentially causing a medium degree of impact but resulting in an overall high potential for a minor adverse effect. Recognising the potential impact on a non-designated heritage asset, the report recommends a program of archaeological work as appropriate mitigation, to be undertaken as a condition of planning consent, considering the public benefits of town centre accommodation creation on the underdeveloped plot.
- Noise impact assessment
 - The assessment, based on a noise survey and 3D noise model, has determined façade noise levels across the development. A comprehensive acoustic specification for windows, trickle vents, mechanical vents, and walls has been provided, ensuring compliance with the internal noise criteria of the relevant British Standard. Evaluation of noise impact on ground floor commercial spaces has resulted in tailored acoustic specifications for windows, ventilation, and external walls to mitigate potential complaints in noise-sensitive areas such as meeting rooms. Plant noise limits for both day and night periods have been proposed, demonstrating proactive measures to address and manage noise concerns associated with the development.
- Energy strategy
 - The report highlights the energy performance of the proposed development, encompassing target, new build, and existing building refurbishment aspects. The results, based on assumed usage patterns, indicate that the proposed energy strategy achieves a notable 47% improvement over target requirements for the new building and a commendable 30% improvement for the entire development, including the existing building. While acknowledging that actual energy usage could exceed estimates due to occupants' habits, the report emphasises the nearly "carbon-neutral" operational perspective when considering electricity generation from rooftop PVs. The proposed strategies, incorporating high thermal performance, efficient Air Source Heat Pumps, and PVs, significantly reduce CO2 emissions, presenting a low-carbon solution for the site. The report asserts that all practically possible energy and carbon-saving measures have been implemented, and further improvements would only be feasible by demolishing the existing building, an action deemed undesirable due to associated increases in embodied energy and carbon.

- Overheating report
 - The thermal comfort study detailed in this report assesses compliance with overheating requirements outlined in the Building Regulations. The findings indicate that no apartments are at risk of overheating. However, attention is drawn to the Stair Core in the existing building, which is expected to experience overheating. The report suggests a potential solution through the addition of mechanical ventilation to address this issue. Recommendations are provided to enhance rooms that may fall short of thermal comfort standards, emphasising a comprehensive approach to ensure the overall compliance of the development with the regulatory requirements.
- Geo Environmental Desk Study
 - The geo-environmental considerations for the proposed development at the Exeland House site reveal moderate contamination risk, with localised contamination potential that may pose hazards to future site users and construction workers. An intrusive investigation is recommended to assess risks to human health and proposed water mains. Asbestos-containing materials may be present in existing buildings and soil due to past demolitions, necessitating a pre-refurbishment/demolition asbestos survey and soil testing. Ground gas considerations include the need for basic radon protection, given the site's location in a radon-affected area. Varying thicknesses of Made Ground and alluvium prompt further ground gas assessment. Geotechnical constraints on conventional foundations for low-rise structures are anticipated due to likely Made Ground and alluvium presence, pending intrusive investigation findings. The underlying geology may limit the effectiveness of soakaways for surface water drainage. Significant considerations for ground investigation and design involve soft alluvial soils, Made Ground soils, and the percolation characteristics of underlying strata for soakaway design. A preliminary UXO Risk Assessment indicates a 'High' risk of unexploded ordnance, emphasizing the need for careful site management and appropriate safety measures.

8.0 Relevant planning history

There is no planning history relevant to this proposal.

9.0 List of constraints

- Area of Archaeological Importance
- Air Quality Management Area (main roads nearby)
- Conservation Area
- Listed and Locally Listed Buildings (nearby)
- Smoke Control Area

- Flood zone 3

10.0 Consultation

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

The **Environment Agency** objects to the application on flood risk grounds:

- The inclusion of the safe access and egress route at the first-floor level to the new building is welcomed. However, the issue of the ground flood mitigation measures has not been addressed.
- The recent flood event (Sept 2023) from surface water and the leat, which affected the site, further justifies the need for comprehensive flood mitigation measures at the ground floor level.
- Detailed plans and technical notes on exactly what flood mitigation measures will be applied to the design are required. This must include full justification on why the ground floor of the existing building (including the plant room) cannot be raised higher than currently proposed.

Historic England raises no objections and makes the following comments:

- Welcomes revisions to the scheme through pre-app process, creating greater sense of place and responding better to historic context.
- Notes the site offers opportunity to address issues in this part of the conservation area which currently lacks definition.
- The proposal allows for views to the Mission Hall and reinstates a sense of the former street layout. It provides a transition between areas of differing scale.
- Historic England has no objection on heritage grounds. The scheme meets NPPF objectives.

South West Water:

- There is a public water main running through the site which has a 3.5m easement - diversion required if encroached.
- Clean water and foul drainage connections can be provided subject to technical approval.
- Surface water discharge to public sewer is not acceptable - sustainable drainage following the hierarchy of options should be demonstrated.
- Discharge to ground, water body or surface water sewer should be explored first ahead of combined sewer.

The Devon and Cornwall **Police Designing Out Crime Officer's** comments are as follows:

- The police maintain concerns over the co-living model and transient nature of residents potentially leading to lack of community/ownership and issues around conflict and antisocial behaviour.

- Request for conditions around ongoing vetting of tenants and onsite management to mitigate this.
- Concerns are raised over the proposed undercroft area design which could attract rough sleeping and antisocial behaviour. Recommend design changes to discourage loitering.
- Recommendation for secure and enclosed cycle parking to prevent theft risks.
- Access control is essential to prevent casual intrusion into private areas.
- Effective CCTV coverage and lighting is important across the development.
- Robust ongoing management and maintenance is key to reducing crime risks inherent in the co-living model.

NHS Devon has the following observations:

- Local GP surgeries are already significantly over capacity. New development will increase local population further.
- Calculation undertaken to determine additional healthcare space needed to support new residents based on existing over-capacity.
- This equates to a request for £18,240 S106 contribution to mitigate impacts.

The **Highway Authority's** does not raise an objection to the planning application subject to conditions and a S106 contribution. The car-free approach is acceptable given the site's sustainable city centre location near employment, public transport links, and cycling/walking routes. This would likely reduce vehicle trips compared to existing uses.

While no parking is proposed, a disabled space must be provided on site for any resident with mobility needs. It is recommended that the applicant submits a plan for a disabled space prior to works commencing. Proposed cycle parking provision is in line with the relevant City Council standards. The applicant must not discharge water or detritus onto the highway or assume connection to highway drainage infrastructure. Any works affecting the highway require appropriate permissions/agreements with the Highway Authority.

A S106 contribution of £5,000 is requested towards the Exeter Local Cycling and Walking Infrastructure Plan.

Recommended conditions cover a construction management plan, surface water disposal, and disabled parking provision.

The Exeter Cycling Campaign makes the following observations:

Initial response:

- Concerns over inconvenient and potentially insecure access route to residential cycle parking. Direct access from common areas recommended.

- Proposed cycle parking numbers fall below expected standards for a car-free city centre scheme. Recommend min. 1 space per bed.
- Vertical cycle racks exclude some users - horizontal stands recommended in fully enclosed and secure store.
- No provision for non-standard cycles, maintenance area, or e-bike charging. Recommend 5% for non-standard bikes.
- No covered secure parking shown for co-working space users. Recommend secure parking and end of trip facilities.
- Improvements requested to Frog Street/Tudor Street junction to benefit walking and cycling.
- Widen pavement on Frog Street to improve pedestrian access to New Bridge Street steps.

Updated response:

- While visitor parking increased and now covered, other previous concerns not addressed.
- Still recommend increased residential cycle parking to recognised standards for car-free development.
- Fully enclosed secure parking, with horizontal stands, should be provided for all residents.
- Provision for non-standard cycles, maintenance area and e-bike charging still needed.

Exeter City Council's **Environmental Health Officer** has no objections and makes the following comments:

- Recommends conditions for construction method statement, noise assessment, and contaminated land investigation.
- Notes potential HMO licensing issues for the co-living scheme which would need further consideration if kitchens were shared rather than self-contained studios.

The City Council's Principal Officer – **Ecology and Biodiversity** has no objection to the proposals, subject to conditions. He comments:

- Bat surveys identified a low status soprano pipistrelle roost at the site. Mitigation is proposed including retaining loft space above the dormers specifically for bats.
- A bat licence should be obtained from Natural England prior to works commencing.
- Conditions are recommended to require submission and approval of an Ecological Enhancement Plan, including timing of installation.
- Compliance with the proposed bat mitigation measures outlined in the Ecological Impact Assessment is also required by condition.

The City Council's **Urban Design and Landscape Officer's** views are as follows:

- The massing and composition are broadly supported as a successful response to the sensitive context.
- Conditions recommended for: full hard/soft landscape details including lighting; material samples and junction details.

11.0 Representations

Twenty-eight representations have been received raising the following issues: -

- Concerns over loss of privacy, overlooking and noise disturbance from large windows near existing homes on New Bridge Street and Mission Court (multiple representations)
- The proposed building height and massing would have an overbearing impact on surroundings and amenity (multiple representations)
- Potential for overshadowing and loss of natural light to existing homes (multiple representations)
- Lack of parking provision for the number of units proposed, will lead to increased congestion, and no disabled parking contrary to policy (multiple representations)
- Flood risk concerns given local flood history, size of development and hard landscaping (multiple representations)
- A (Exeter Civic Society and multiple representations)
- Concerns around disruption, access and potential damage during construction works (multiple representations)
- Impact on existing small businesses nearby during construction and from parking and access issues (multiple representations)
- Inaccuracies in site boundary and naming of adjacent streets (multiple representations)
- Proposed studio sizes below minimum national space standards (one representation)

12.0 Relevant policies

Development Plan

National Planning Policy Framework 2023

Paragraph 127

"Local planning authorities should...take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to...use retail and employment land for homes in areas of high housing demand, provided this

would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework."

Paragraph 203

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 173

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁹. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

Paragraph 109

"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health."

Paragraph 128

“Decisions should support development that makes efficient use of land, taking into account...the identified need for different types of housing.”

Paragraph 108

“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that...opportunities to promote walking, cycling and public transport use are identified and pursued.”

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP14 – Renewable and low carbon energy
- CP15 – Sustainable design and construction
- CP17 – Design and local distinctiveness
- CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H5 – Diversity of housing
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes of transport
- T5 – Cycle route network
- T9 – Access to building by people with disabilities
- T11 – City centre car parking spaces
- C1 – Conservation areas
- C2 – Listed buildings
- C3 – Buildings of local importance
- C5 – Archaeology
- EN2 – Contaminated land
- EN3 – Air and water quality
- EN4 – Flood risk
- EN5 – Noise
- EN6 – Renewable energy
- DG1 – Objectives of urban design
- DG2 – Energy conservation
- DG3 – Commercial development
- DG4 – Residential layout and amenity
- DG7 – Crime prevention and safety

Other material considerations

Exeter City Council Supplementary Planning Documents

Archaeology and Development SPG 2004

Planning Obligations SPD 2014

Sustainable Transport SPD 2013

Conservation Area Appraisals and Management Plans

Riverside 2005

Devon Waste Plan

Policy W4: Waste Prevention

Policy W10: Protection of Waste Management Capacity

Policy W21: Making Provision for Waste Management

Devon County Council Supplementary Planning Document

Waste Management and Infrastructure

13.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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 including reduction of natural light and increase perception of overlooking. 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 and affordable housing.

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

14.0 Public sector equalities duty

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

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

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and person 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.

Material considerations

- On-site Affordable Housing 7 co-living units
- £18,240 for local GP surgeries expansion
- £5,000 towards the implementation of the Devon County Council Exeter Local Cycling and Walking Infrastructure Plan.

Non material considerations

CIL contributions

This proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated at the point the decision is issued following completion of the S106 agreement and considering any qualifying exemptions and any indexation of the CIL rates. CIL for Co-Living is charged at £50 per square metre. Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt. The CIL contribution is estimated as £80,000.

The proposal will generate Council Tax and Business Rates when occupied.

16.0 Planning assessment

Principle of development

The proposed development introduces a co-living scheme, which aligns with the Residential Mix Policies outlined in the Exeter Local Plan First Review and Core Strategy (CP5). The design embraces a build-to-rent approach, ensuring that 20% of the units will be let at affordable private rent, consistent with the objectives of policies H2 and H5. This commitment addresses the need for diverse housing options and contributes positively to the housing mix in the area.

The development is strategically aligned with both the Local Plan and Core Strategy. It conforms to the National Planning Policy Framework (NPPF) Paragraph 127 by contributing to the vitality and viability of the town centre. The provision of a mix of housing tenures and types, in line with the NPPF, supports the diverse needs of the community.

In addition to meeting housing needs, the proposed scheme offers economic benefits, thereby contributing to the economic well-being of the town centre. This aligns with the goals set out in Core Strategy policy CP1, emphasising a spatial approach and fostering economic development.

An earlier version of the scheme was presented to the City Council's Planning Member Working Group. Members raised no objection in principle to the

development or the proposed design and welcomed improvements to the public realm.

Flooding

In accordance with the **sequential test**, the assessment of flooding risks is a critical component in determining the appropriateness of development in a particular location. The sequential test aims to guide development towards areas with the lowest risk of flooding, aligning with broader sustainable development objectives.

The applicant must submit a comprehensive 'sequential test' as part of their application, and the Local Planning Authority (LPA) is responsible for reviewing and accepting the test. To ensure consistency, the LPA must adhere to established guidelines when providing pre-application advice and when making determinations on planning applications.

The Council has adopted a position that development on brownfield or previously developed land within the urban area inherently satisfies the sequential test. This stance is grounded in guidance emphasising the application of the sequential test in alignment with sustainable development objectives. The Core Strategy explicitly endorses this approach. Paragraph 023 of the Planning Practice Guidance (PPG) bolsters this position, stating that the sequential approach, when applied, directs development to areas of the lowest risk in consonance with sustainable development goals.

Key national policies, including Paragraph 119 of the National Planning Policy Framework, underscore the importance of strategic policies prioritising brownfield land use to meet housing needs. Moreover, Paragraph 89 of the NPPF encourages the utilisation of previously developed land, particularly when well-related to existing settlements.

The Exeter Core Strategy, in line with these national directives, articulates a clear vision and objectives. The strategy emphasises maximising the use of previously developed land within the city, aligning with sustainable development objectives. The first objective explicitly underscores the importance of contributing to climate change mitigation and adaptation by maximising the use of previously developed land.

In conclusion, when considering sustainable development objectives, the sequential test supports the proposition that development on brownfield or previously developed land within the urban area is sequentially appropriate. This aligns with the goal of promoting sustainable development and efficiently using existing urban infrastructure. **Officers are satisfied that the sequential test has been met in this instance.**

The **exception test**, as outlined in the NPPF, is a process that local planning authorities use to assess planning applications for development in areas at risk of flooding. The purpose of this test is to ensure that development in flood risk areas is only permitted in exceptional circumstances.

Under the exception test, a planning application for development in flood risk areas must demonstrate that it meets certain criteria to be considered exceptional. These criteria typically include:

- Flood risk management: The proposed development must incorporate appropriate flood risk management measures to minimise the potential impact of flooding.
- Vulnerable uses: The development should not include vulnerable uses, such as residential properties or essential infrastructure, unless there is a clear and demonstrated need for such development in that specific location.
- Sustainability: The development must be environmentally sustainable and not hinder the ability of the area to adapt to climate change.

The applicant's agent has responded to Environment Agency concerns by revising the design to provide a first-floor link between the existing and proposed buildings to provide safe access and egress for all occupants. Critical systems for plant will now be in the third-floor plant room. The proposed ground floor uses are non-essential to the operation of the building in the case of an emergency flood event. The site's drainage has been designed to be sustainable and not contribute to an additional risk of flooding in the area. In response to an issue identified by South West Water, it has been clarified that surface water is attenuated through an attenuation tank and tree pits.

Notwithstanding the above, the Environment Agency has not withdrawn its objection to the application. The principal reason for maintaining an objection is that the EA considers the issue of the ground flood mitigation measures has not been addressed. Therefore, the exception test has not been satisfied. Detailed plans and technical notes on exactly what flood mitigation measures will be applied to the design are required. This must include full justification on why the ground floor of the existing building (including the plant room) cannot be raised higher than currently proposed.

Officers continue to pursue this matter with the applicant and the EA. If by the time this report is considered by the Planning Committee, agreement has not been reached and the EA maintains an objection, the recommendation may be changed to one of refusal.

Amenity

The apprehensions voiced by neighbouring residents regarding privacy, overlooking, and noise disturbance resulting from large windows warrant careful consideration. The design has been developed through the pre-application

advice process with the Council's Officers over an extended period. Privacy and overlooking were a key area that were discussed and resulted in the removal of bedrooms from the south east elevation. Furthermore, the design proposes obscured windows and privacy screens to prevent any overlooking which might have occurred between the communal spaces which now occupy some of the rooms on this elevation.

Regarding the perception of noise disturbances, the applicant has had a noise assessment carried out and submitted as part of the planning application. The Council's Environmental Health Officer is satisfied with this information subject to a condition securing compliance with the recommendations of the report.

The perceived overbearing impact of the proposed building height and massing on its surroundings is a valid consideration. Throughout the design process the design has been refined and reduced in size to ensure that the proposal responds to the scale and character of the context. The proposed block is significantly lower than the existing Exeland House and other buildings within the vicinity such as the terraces on New Bridge Street and Renslade House. The height and massing are acceptable.

Multiple representations express concerns over overshadowing and potential loss of natural light to existing homes. The original proposal started as a 7-storey building of a much greater mass which has been reduced to create a much smaller proposal of four storeys. At the closest point, the proposed block is 13m to the nearest building on New Bridge Street but is located to the north and therefore there will be very limited loss of light and no direct overshadowing. Furthermore, the footprint of the building angles away from New Bridge Street so this distances quickly increases and opens up the site to natural light to the South. There is no unacceptable loss of light to neighbouring properties.

Parking Provision and Sustainable Mobility

The design of this project aligns with Exeter's Local Plan policy H2, emphasising a car-free development strategy. This approach is rooted in the vision to reduce carbon emissions and dependence on cars for short journeys, a stance crucial for sustainable urban planning.

Situated near the city centre amenities and boasting excellent public transport accessibility, the development promotes active travel options. The deliberate decision to forgo traditional parking arrangements reflects a commitment to fostering sustainable and environmentally conscious living. While recognising the importance of addressing congestion concerns, the emphasis on reducing reliance on private vehicles is a positive step towards creating an eco-friendlier urban environment. This aligns with Exeter's overarching sustainability objectives and supports a shift towards alternative, greener modes of transportation.

Cycle Parking

The proposal demonstrates a commitment to promoting sustainable transport and aligns with the City Council's Sustainable Transport Supplementary Planning Document (SPD). With the provision of twenty-five secure cycle parking spaces and an additional twelve cycle spaces within the undercroft, the development achieves more than a 1 to 1 ratio of cycle spaces to units. This is a proactive approach to encourage and facilitate cycling among residents and visitors.

Addressing access concerns in the latest plans, the cycle storage has been designed to ensure secure access only, contributing to the overall safety and protection of bicycles. By incorporating these measures, the proposal aligns with the principles of the SPD, which emphasises the importance of encouraging sustainable modes of transportation, including cycling.

The secure cycle parking provisions not only adhere to the standards set by the City Council but promote an environmentally friendly and healthy mode of transport. This consideration of sustainable transport aligns with broader city objectives, fostering a greener and more sustainable urban environment.

Sustainable Energy Approach

The decision to repurpose the existing building aligns with principles of sustainable development. The comprehensive energy strategy outlined in the report demonstrates a robust approach to achieving high-performance standards. The emphasis on refurbishing the existing structure contributes to reducing the project's overall environmental impact.

The energy strategy, as detailed, sets ambitious targets, with the proposed development exceeding requirements for both new build and overall improvements. The incorporation of technologies such as Air Source Heat Pumps and rooftop PVs makes effective use of renewable energy sources. The reported 47% improvement over target requirements for the new building and a 30% improvement for the entire development, including the existing building, underscore the effectiveness of the proposed measures.

Harmony of Contemporary Design with Heritage Context

Historic England's support for the contemporary design and massing, coupled with the heritage statement submitted as part of the application, provides a robust justification for the design choices. The heritage impact assessment carefully considers the coexistence of contemporary and historic buildings within the vicinity. The proposed design intentionally incorporates elements from both styles, aiming to seamlessly integrate with the existing context.

Considering the positive reception from Historic England and the contextual sensitivity demonstrated in the design, it can be asserted that the proposal aligns with the conservation area's character. The blend of contemporary and historic influences contributes to a diverse and visually compelling urban landscape without compromising the heritage significance of the area.

The introduction of the proposed plaza stands as a commendable initiative, contributing significantly to the enhancement of the public realm. The envisioned space promises to be a vibrant and inviting area, fostering community engagement and social interaction. The commitment to high-quality surfacing, selected planting, and aesthetically pleasing street furniture underscores the attention to detail and the desire to create a welcoming urban environment. The quality can be ensured by an appropriate condition.

The incorporation of such elements not only adds to the visual appeal of the surrounding area but also elevates the overall pedestrian experience. The plaza can enhance the quality of life for both residents and the wider community. This approach aligns with the principles of placemaking, contributing positively to the character and identity of the locality. The proposed enhancements will create a dynamic and aesthetically pleasing public space that can be enjoyed by all who interact with it.

Archaeology and Cultural Heritage

The heritage statement and archaeological assessment submitted with the application provide a detailed analysis of the potential impacts on cultural heritage assets at the site and in the surrounding area. The statements demonstrate that while some low levels of harm may occur to the architectural significance of the non-designated Mission Hall building, the public benefits of the proposal in providing much-needed housing outweigh this less than substantial harm. Moreover, the setting of the nearby Listed Tudor House is expected to be enhanced.

The archaeological assessment reveals the archaeological potential of the site given its location just outside the Roman city walls and its largely undeveloped state until more recent centuries. There is potential for below-ground remains relating to the post-medieval origins of Tudor Street. As such, a program of archaeological investigation is recommended via a condition to record and advance understanding of these heritage assets. This aligns with Local Plan policy regarding mitigation of impacts on archaeology.

Overall, while some limited impacts are expected, the proposal avoids substantial harm to designated heritage assets in accordance with the NPPF tests. Through investigation and recording, the scheme also provides opportunities to expand knowledge of the area's archaeology and history, bringing heritage benefits to the community. As such, the proposals are acceptable in terms of archaeology and cultural heritage.

Mitigation of Construction-Related Concerns

To address concerns and ensure the smooth execution of construction activities, it is proposed that a pre-commencement condition be included in the decision to require the submission and approval of a comprehensive Construction

Environmental Management Plan (CEMP). The CEMP would serve as a strategic document outlining measures to mitigate disruption, manage construction-related impacts on access, and prevent potential damage to nearby properties.

The inclusion of such a condition aligns with best practices in planning and construction management. It ensures that the developer proactively addresses and mitigates the concerns raised by the community. Through the careful planning and implementation outlined in the CEMP, the aim is to minimise disruption to local residents, safeguard the interests of nearby small businesses, and manage issues related to parking and access during the construction phase. This proactive measure demonstrates a commitment to responsible construction practices, fostering a positive relationship between the proposed development and the existing community.

Studio Size Considerations

A concern has been raised regarding the proposed studio sizes falling below minimum national space standards. For co-living developments, there is no prescribed minimum space standard. The design of the studio spaces ensures a practical layout, complemented by communal spaces distributed throughout the building. The sizes of the proposed studio flats (average 19sqm) align closely with those of other approved co-living schemes within the city. Examples include the Harlequins scheme at 18sqm, and The Gorge at 19.1sqm. This consistency in approved schemes underscores the conformity of the proposal with established precedents in the locality.

Community Safety and Crime Prevention

Recognising the challenges posed by the location within the St Davids ward, which experiences relatively high levels of crime, the development has incorporated a strategy to design out crime and enhance safety. The proposed scheme has taken into consideration the potential challenges associated with creating a cohesive community, particularly given the transient nature of the typical resident demographic. To address this, a robust management plan is proposed, emphasising onsite management, and vetting of potential tenants. This proactive approach aims to foster a sense of community and ownership among residents, thereby minimising the risk of areas being less cared for.

In response to the Designing Out Crime Officer's recommendations, the proposal includes elements such as indefinite onsite management, stringent vetting of tenants, and the installation of CCTV throughout the development. These measures align with crime prevention principles, aiming to reduce the likelihood of crime, conflict, disorder, and anti-social behaviour.

Furthermore, the development incorporates specific design features to discourage unwanted congregation, rough sleeping, and potential antisocial behaviour, particularly in sheltered spaces such as the undercroft area on the piazza. The external cycle parking for residents is secured through gated access,

limited to residents and staff, with additional security measures such as CCTV coverage and well-lit surroundings.

The agent's assurance that the main entrance will be staffed 24/7 and the cycle storage will be accessible only to residents and staff through gated access, coupled with CCTV coverage, demonstrates a commitment to maintaining a safe and secure environment. Overall, the proposed measures align with the recommendations of the Designing Out Crime Officer and aim to create a development that prioritises community safety and crime prevention.

Site Boundary and Naming Clarification

Several representations have highlighted concerns regarding inaccuracies in the site boundary and the naming of adjacent streets. The applicant's agent has clarified that site boundary determination was derived from information presented in the title deeds and land registry plan. This delineation was then cross-referenced with a measured topographical survey to ensure accuracy.

In terms of adjacent street names, the information relied upon for naming was directly sourced from Ordnance Survey (OS) map data, a widely accepted and authoritative reference. However, it is acknowledged that local names may deviate from official mapping conventions, as is often the case.

While the accuracy of site boundaries is crucial for planning considerations, the variation in local names, although noted, is not deemed a material planning consideration. The focus remains on the precise determination of the site boundary to ensure compliance with planning regulations and standards. Any differences in street naming, while recognised, do not impact the substantive planning assessment.

17.0 Conclusion

The Council does not have a 5-year housing land supply. As set out in our 5-year housing land supply statement dated May 2023 and as agreed through various appeals, the Council can currently demonstrate a housing land supply of circa 4 years and 4 months. This would have meant that the 'tilted balance' as referred to in paragraph 11d) of the NPPF in favour of granting permission would apply. However, the NPPF was updated in December 2023, and it has reduced the requirement to demonstrate a 5-year supply to 4 years, for local planning authorities with an emerging local plan that has either been submitted for examination or has reached Regulation 18 or 19 stage, including a policies map and proposed housing allocations. As the Council has reached this stage in the preparation of its new Local Plan ('the Exeter Plan'), it now only needs to demonstrate a 4-year supply of deliverable housing sites.

The Council considers that it can demonstrate a 4-year housing land supply. This means that the 'tilted balance' no longer applies to housing applications, provided

there are relevant development plan policies to determine the application and the most important policies in this respect are not out-of-date. In this case, the relevant development policies are considered to be up to date. Therefore, the so called 'tilted balance' does not apply to this application, and the application must be determined in accordance with the adopted Core Strategy and saved policies of the Local Plan First Review, unless material considerations indicate otherwise.

Having assessed the application against relevant policies and guidance, Officers conclude that the application accords with the Development Plan as a whole. The proposed development delivers significant planning merit that outweighs any limited harm identified. The contribution towards housing delivery on a sustainable brownfield site carries substantial weight in line with the development plan and NPPF objectives. The scheme's high-quality design, subject to conditions, preserves the Conservation Area while enhancing townscape character and rejuvenating an underutilised site.

Although the setting of the Mission Hall suffers some architectural impact, the wider enhancements to townscape and heritage assets, coupled with public benefits, lend support as per the NPPF tests. Noise, privacy, and amenity impacts have been sufficiently mitigated through design changes. Moreover, the car-free approach, cycle facilities and accessibility to sustainable transport modes attract merit regarding sustainability and movement.

While objections and concerns raised by statutory consultees and third parties are noted, they have been addressed through design development and mitigation measures secured by conditions. On balance, and subject to the resolution of the flooding issues raised by the EA, there are no overriding areas of conflict with the development plan. **The proposal comprises sustainable development, consistent with the development plan and local and national planning objectives.**

Consequently, having weighed all submissions, the recommendation is to approve planning permission subject to conditions and completion of the S106 agreement.

18.0 Recommendation

a) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE WITHDRAWAL BY THE ENVIRONMENT AGENCY OF ITS OBJECTION AND TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- On-site Affordable Housing at 20 per cent for Build-to-Rent
- £18,240 for local GP surgeries expansion

- A Management Plan (Co-living) to include details of tenant vetting and on-site management.
- Pedestrian rights of way across the approved Plaza
- £5,000 towards the implementation of the Devon County Council Exeter Local Cycling and Walking Infrastructure Plan.

And the following conditions (and their reasons) the wording of which may be varied:

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 November 2022, 13 December 2022, 12 October 2023 and 20 October 2023 (including drawings numbers 20.80_PL_07C, 08D, 09C, 10C, 11B, 12B & 13B) as modified by other conditions of this consent.

Reason: To ensure compliance with the approved drawings.

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

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

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

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

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

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

f) Wheel washing facilities.

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

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

i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.

j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00

to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

4) Pre-commencement condition: No development shall take place until an investigation has taken place to determine the risk to development posed by Unexploded Ordnance. The results, together with any further works or recommended working practices deemed necessary shall thereafter be implemented on site.

Reason for pre-commencement condition is to ensure that risks are determined as early as possible in the interests of public safety.

5) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy. This surface water drainage system shall be designed up to the 1 in 100-year (+ climate change) rainfall event without any flooding predicted within the modelling.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

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

6) Pre commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before

development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

7) Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

8) No development shall take place until an Ecological Enhancement Plan is submitted to and approved in writing by the local planning authority. The plan shall include the locations and specifications of the enhancements detailed in the Ecological Impact Assessment (Colmer Ecology, 2022), and shall show both a plan view on site and an elevations view of the buildings. The plan shall also include a commitment to auditing the installation of the features proposed, which shall be conducted prior to final occupation and a record kept for three years. Reason: in the interests of protecting and enhancing the natural environment.

9) No above ground development shall take place until a construction ecological management plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. Specific regard shall be given to the timings proposed for bat licensing, a summary of the bat mitigation, and any measures to be implemented to ensure bat roosts are protected prior to licensable works taking place. Reason: In the interests of protecting and enhancing the natural environment.

10) No above ground development shall take place until such time as the detailed design of the external site levels, minimum floor levels and the proposed flood water passage route has been submitted to, and approved in writing by, the

local planning authority. The agreed design shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.
Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

11) No above ground development shall take place until such time as the detailed design of flood resistance and resilience measures for the whole site has been submitted to, and approved in writing by, the local planning authority. The agreed measures shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

12) Prior to the commencement of the above ground works, full constructional drawings of the junction details shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.

Reason: To ensure that the construction of the development is to a high standard.

13) No parts of any building hereby approved shall be occupied until the secure cycle parking facilities for residents and visitors have been provided in accordance with the approved plans. Thereafter the said cycle parking facilities shall be always retained for that purpose.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

14) Prior to the occupation or bringing into use of any part of the development hereby approved details of the arrangements that have been put in place for the ongoing management and maintenance of the communal spaces, landscaping, surfaces, street furniture, means of enclosure, access controls and cycle parking shall have been submitted to and approved in writing by the local planning authority and these arrangements shall have been secured on an ongoing basis.

Reason: To ensure the communal spaces are maintained and continue to serve and provide amenity to the occupiers of the dwellings hereby permitted, and in the interests of public amenity.

15) Works impacting the existing roof void, or any other feature where a bat roost has been identified and is likely to be impacted by the proposed works, shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England authorizing the specified activity to go ahead; b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or c) the submission and approval by the LPA of full justification detailing why a bat licence is no longer necessary.

Reason: to protect bats.

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

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

17) A detailed scheme for hard and soft landscaping and lighting, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

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

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

19) Total noise from all building services plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 52dB (07:00 to 23:00) and 49dB (23:00 to 07:00), measured at 1m from the façade of noise sensitive receptors.

Reason: In the interests of the amenity of occupants and neighbours.

20) The sound insulation performance of glazing, mechanical vent openings and walls shall achieve at least the levels specified in sections 7.2 and 7.3 of the submitted Mach Group Environmental Noise Assessment RP1600 dated 22/02/2023.

Reason: In the interests of the amenity of occupiers.

21) Notwithstanding the approved plans no external lighting shall be installed on the site unless the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the residential occupiers and in the interest of highway safety.

22) Unless otherwise agreed in writing prior to construction of the buildings hereby approved construction shall only be carried out in accordance with the standards and technologies described in the submitted Design Foundry Energy Strategy dated December 2022.

Reason: In the interests of securing the described energy performance of the buildings which are significant material consideration in determining the application.

23) Provision shall be made within the site for the disposal of surface water (other than flood water) so that none drains on to any County Highway.

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

24) Pre-commencement condition: Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works.

(b) daily hours of construction.

(c) any road closure.

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.

(h) hours during which no construction traffic will be present at the site.

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason for pre-commencement condition: To minimise disruption during construction and in the interests of minimising the impact on the highway and traffic movements.

25) Pre-commencement condition: Prior to commencement of the development hereby permitted, the applicant shall submit a plan for the provision of a disabled parking space. This space must be made available prior to first occupation of the development.

Reason for pre-commencement condition: To ensure that the design of the scheme is capable of accommodating a disabled car parking space, and to ensure that there is appropriate disabled car parking provision.

INFORMATIVES

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

2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the Southeast Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly, your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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

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

5) The residential development hereby approved will not be eligible for Residents Parking Permits for on street parking.

Alternative Recommendation:

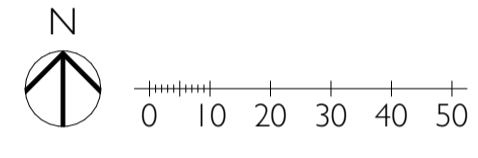
b) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 15 JULY 2024 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)

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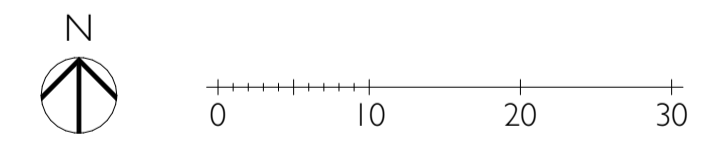
Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number: 10002412

Site Location Plan
Scale 1:1250 @ A1



Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number: 10002412

Block Plan
Scale 1:500 @ A1



Minerva House
Highweek Street
Newton Abbot
TQ12 1TQ

01626 572250
info@pmr-architecture.co.uk
www.pmr-architecture.co.uk

Client: Bennik Developments Limited
Project: Mission Hall, Tudor Street Exeter
Drawing Title: Site Location and Block Plan
Drawing No: 20.80_PL_01
Revision: -
Date: October 2022
Status: PLANNING
Scale: 1:1250, 1:500 @ A1

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Planning Committee Report 22/1223/FUL

1.0 Application information

Number: 22/1223/FUL
 Applicant Name: Mr Chilcott, Zenal Management Ltd
 Proposal: Replacement of existing garage, forecourt and retail units with a mixed-use development including residential and commercial (Revised plans).
 Site Address: 58 Main Road
 Pinhoe
 Exeter
 Registration Date: 7 September 2022
 Link to Documentation: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=22/1223/FUL>
 Case Officer: Zulema Nakata
 Ward Member(s): Cllr David Harvey, Cllr Mollie Miller, Cllr Duncan Wood

REASON APPLICATION IS GOING TO COMMITTEE

In accordance with the Delegation Briefing decision made on 3rd October

2.0 Summary of recommendation

GRANT permission subject to conditions as set out in report.

3.0 Reason for the recommendation:

The impact on amenity has been mitigated though appropriate back-to-back separation distances. The development's position is also at a reasonable distance and at an obscure angle in relation to the existing neighbouring residential properties to the rear.

Furthermore, the Highway Authority have confirmed that they support the provision of a car free scheme despite there not being a control parking zone in operation, the majority of residential properties in close proximity to the site have existing off street parking and much of the surrounding streets are controlled with double yellow lines. As such is it considered that any impact on parking in the area will be marginal.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development – Increase in residential use	The site is currently mixed use, consisting of commercial (employment) and residential. The proposal will retain commercial use on the ground floor, while increasing the residential offering from one flat to 8 no. flats and one

Issue	Conclusion
	<p>detached dwelling on this site.</p> <p>Outline planning permission was approved in 2005 (ref: 05/1277/OUT) for the 'residential development (siting, design, means of access, landscaping and external appearance reserved for future consideration)' and the permission was extended in 2010 (ref: 10/1353/EXT), which confirmed the Council's acceptance of the principle of redeveloping the site for mixed use residential .</p> <p>In addition, the proposal meets the sequential approach to development in accordance with Policy H1 and H2 of the Local Plan, in that it is <i>meeting housing needs on previously developed [brownfield] land and at the highest density that can be achieved without detriment</i>. It is also in line with Policy CP1 of the Core Strategy as it will make a contribution toward the plans for an additional 12000 houses within Exeter during the Plan period from 2006 to 2026.</p>
Scale, design, impact on character and appearance	<p>Scale: The Council's Urban Design Officer has stated that <i>'two storey housing occupies the other side of Main Road and this is both set back and is at a higher level. The increase in scale on the application site is considered therefore to be acceptable and is supported.'</i> The applicant has demonstrated that the use of intermittent glazed gaps in the roof plane also helps to reduce the appearance of bulk, which officers welcomed.</p> <p>Design: It is considered that the modern redevelopment of the site, which includes the removal of the canopy that served the former petrol station, the development varying from 1 to 3-stories high, with a pitched roof to the front elevation, the gable ends and appropriate use of different materials, brick and render, suitably reflects and compliments the existing character and appearance of the local area.</p> <p>The relationship to Main Road; a 2m minimum distance adjacent to the proposed layby has been provided with a set back to the proposal which is an improvement to the public realm;</p>
Impact on amenity	<p>The proposal provides 184sqm of communal amenity space for the 8 no. flats which is welcomed, considering it exceeds the requirement of the Residential Design Guide SPD, to provide 20sqm of communal open space per flat (160sqm). It is also therefore complies with Policy DG4 criterion (b) to <i>'ensure a quality of amenity which allows residents to feel at ease within their homes and gardens'</i>.</p>

Issue	Conclusion
	<p>The Gross Internal Areas (GIA) of the proposed residential units are in accordance with the Nationally Prescribed Space Standards and are therefore considered acceptable.</p> <p>Overlooking: Residential amenity is considered acceptable, as back-to-back distances are in accordance with the Residential Design Guide's SPD and exceed the 22m requirement for all but 2 of the 8 properties, which are 17m away at an oblique angle to the development.</p> <p>This is considered acceptable because in accordance with the SPD, the angle of the properties backing onto each other are 45° and/or the windows are not directly opposite each other (SPD paras. 7.17 and 7.19).</p> <p>Furthermore, the SPD allows for the separation distances to be reduced to 15m '<i>where the angle of properties backing onto each is 45 degrees or more</i>'.</p> <p>The proposal therefore complies with the Council's SPD with regard to residential amenity and therefore, it is considered that an acceptable level of privacy can be suitably achieved and the development is considered acceptable in this regard.</p> <p>Overshadowing: The north-west position of the site, in relation to the neighbouring properties on Langaton Lane, means that as the sun moves from east to west during the course of the day, those properties and their rear garden areas, which measure 100sqm or more, will not experience unreasonable level of overshadowing by the proposal, which is considered acceptable.</p> <p>Overbearing: As stated above, the existing garden areas for the properties on Langaton Lane are generous, measuring 100sqm or more. Furthermore, the shared boundary is 6.7-8m away from the rear elevation of the proposal and the gardens of the existing properties, run at an angle away from the rear elevation of the proposal. As such, long views down the rear gardens are skewed away from the proposal. As such, it is considered that an acceptable level of residential amenity for neighbouring occupiers, in terms of overbearing, will be achieved.</p> <p>Hours of operation for the commercial premises have been provided as follows:</p> <p style="padding-left: 40px;">Garage - Mon to Fri 8:30 - 18:00</p> <p style="padding-left: 40px;">Kiosk - Mon to Sat 8:30 - 18:00</p> <p style="padding-left: 40px;">Commercial - Mon to Sat 8:30 - 22:00, Sun 8:30 - 16:00</p>

Issue	Conclusion
	<p>Hours of operation will be a condition to the application and is therefore considered acceptable.</p> <p>A condition for details of external lighting will also be added to the proposal to mitigate harm to residential amenity.</p>
Impact on landscape or heritage assets	<p>There is an existing mature Ash tree on the site where the detached dwelling is proposed. An Arboricultural Assessment was submitted with the application. The assessment of the tree revealed that <i>the crown density is greatly reduced, consistent with the symptoms of Ash Dieback Disease (ADB)</i>. The Council's Arboriculturist made a site visit (dated 23.06.2023) and confirmed the diagnosis.</p> <p>The applicant has proposed the replacement of the existing tree with 3 no. Fastigate Oaks to mitigate the loss of the diseased tree, due to <i>'its very limited safe useful life expectancy'</i>. The Arboriculturist considers the proposed replacements suitable. This will be a condition to any approval.</p>
Social and Economic benefits	<p>The proposal provides an uplift in the existing dated buildings on site and creates 1 no. 104sqm unit and 2 nos. 72sqm units; use class E (<i>Commercial, Business and Service</i> - including retail, offices, creche and medical health services) and use class F2 (<i>Local Community Use</i> - including meeting spaces and shops). The proposed garage will measure 105sqm and 2 no. separate garage bays measuring 36sqm and 38sqm as well as 5 no. car parking spaces to facilitate the use. Hence providing a revitalisation of local service provision the designated Local Centre of Pinhoe which, is supported.</p>
Transport, Access and Parking	<p>The development includes the provision of a layby for loading and servicing, 10 no. secure, sheltered cycle parking bays for the 8 no. flats and 4 no. Sheffield stands for up to 8 no. cycle parking for visitors to the flats and commercial units. There will be 5 no. off street parking spaces for the commercial garage and 2 no. off street parking spaces for the proposed detached dwelling.</p> <p>The flats are proposed as car free which Highways Officers consider acceptable for the following reasons: The majority of homes in the area have access to off street parking and the surrounding roads in close proximity have double yellow lines.</p> <p>The site has easy access to bus routes direct to Exeter and Pinhoe railway station with connections to</p>

Issue	Conclusion
	<p>Exeter/London within 8 minutes walk.</p> <p>Highways Officers are of the opinion that the uplift in trip rates by the development are marginal and considering the sites sustainable location, are satisfied that the development would not lead to an unacceptable level of parking or congestion in the area.</p> <p>A travel plan will be conditioned to the application decision.</p>

5.0 Description of site

The proposal will replace and extend the existing one-and-a-half-storey, mixed used development, which currently consists of light industry – Car wash, MOT, a barbers and a restaurant at street level, with one, 2-bedroom residential unit at first floor level. It currently has an open frontage extending 110m directly onto Main Road. It is a triangular site backing onto private terraced gardens which are at an oblique angle to the rear and at a lower topography to the site, while semi-detached properties opposite, are at a higher ground level. The site is designated *Local Centre* within the Local Plan. Outline planning permission was granted in 2006 for residential development with all matters reserved. The permission was renewed in 2010, however the development was never implemented.

Surrounding area:

The area is characterised by two-storey terraced (at rear) and semi-detached (opposite) dwellings, with a mix of red-brick and render finishes with bay frontages and generous front gardens, many which have been converted to off street parking bays. The site has easy access to bus routes direct to Exeter and Pinhoe railway station, with connections to Exeter/London within 8 minutes walk. Main Road is a significant arterial road, B3181 into Exeter city centre.

6.0 Description of development

Replacement of existing garage, forecourt and retail units with a mixed-use development including residential and commercial (Revised plans).

The proposal includes ground floor commercial use and will provide residential development in close proximity to local amenities such as shops and schools. The proposal is for a two-and-a-half-storey development consisting of 4 no. 2-bedroom flats and 4 no. 1-bedroom flats, 447.82sqm of commercial development and associated landscaping and parking for the commercial use.

7.0 Supporting information provided by applicant

Design and Access Statement, October 2023

Preliminary Ecological Appraisal, March 2022

Ecological Impact Assessment (Bats and Birds), September 2023

Phase 1: Preliminary Geotechnical and Contamination Assessment Report

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
22/1223/FUL	Replacement of existing garage, forecourt and retail units with a mixed-use development including residential and commercial (Revised plans).	PCO	
16/0022/FUL	Change of use to bar and restaurant and new canopy to front entrance	PER	15.07.2016
14/4852/FUL	Change of use from tyre fitting garage to a take away, hot food (A5)	PER	05.05.2015
12/1417/RES	Redevelopment to provide two and a half/three storey building comprising 7 terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearan	REF	18.12.2012
11/1963/RES	Redevelopment to provide three storey building comprising 7 terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for	REF	13.03.2012

	access, appearance, landscaping		
10/1353/EXT	Residential development (siting, design, means of access, landscaping and external appearance reserved for future consideration) (Extension of Time for extant Planning Permission Ref No. 05/1277/01 granted 19 May 2006)	PER	06.10.2010
05/1277/OUT	Residential development (siting, design, means of access, landscaping and external appearance reserved for future consideration)	PER	19.05.2006
03/1010/FUL	Partial change of use from garage services to car sales	PER	24.07.2003

9.0 List of constraints

The site is in a designated Local Centre

10.0 Consultations

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

Order for Consultees

National – N/A

External Agencies –

Devon and Cornwall to Police, Designing Out Crime

- The path running to the rear of the garages is gated in order to prevent unauthorised access;
- The green space should be afforded a suitable boundary treatment as per the front of the dwelling, to clearly define it and prevent casual intrusion;
- The external communal doors for apartment blocks must not have trades button
- Access for mail delivery or utility readings;
- Installation of CCTV is recommended to the commercial space and garage;
- Commercial units should be fitted with a monitored intruder alarm or at least the required infrastructure to enable easy installation of a system by the occupants

Exeter Cycling Campaign

- Raised objection due to inadequate provision of cycling facilities as follows:
- Given there are 4 two bed flats and 4 one bed flats this should mean 12 secure and covered spaces are provided
- In terms of the public bike storage, there are no racks in front of the other commercial units (A and C) and there is no provision at the food kiosk which would be ideally served by customers cycling.
- Provision should be made for both staff and customers.
- The spacing of racks must meet LTN 1/20 standards including enabling non-standard cycles to use them (e.g. trikes, recumbent, child trailers, cargo bikes) to ensure full accessibility and no discrimination.
- Where more than 20 people are to be employed, showers, lockers, and space to dry clothes to be provided within the units, as per LTN 1/20.
- Site analysis (i.e. inclusion in site plans or transport plans) relating to walking and cycling infrastructure, should indicate where new routes and links need to be made to improve the network
- The application has made no reference to local walking or cycling links or distances for walking or cycling to any local amenities meaning no analysis is possible.

Internal Agencies

Urban Design

- The Site Access / Dropped Kerb should not interrupt / deny the continuation of a level footpath across the site frontage.
- The footpath between any layby and the front of the built form would need to be 2m minimum
- Soft landscaping is not appropriate immediately next to the building frontages so, this area could be subsumed into a wider pathway.
- Two storey housing occupies the other side of Main Road and this is both set back and is at a higher level. The increase in scale on the application site is considered therefore to be acceptable and is supported
- The access to the Paladin-style refuse/recycling bins would need to be made wider.
- Take main roof across full front elevations (omit glazed gaps in roof plane crossing the ridgeline of the roof) to avoid disjointed appearance.
- There is a major tree existing at Langaton Lane and this forms a significant and important feature within the existing streetscape and represents a considerable ecological asset. There needs to be an assessment of its condition and justification made for its removal but its Root Protection Area is certainly in conflict with the location of the proposed dwelling. The achievement of a Biodiversity Net Gain as a result of the development will be made much harder if this tree is removed.
- The parking that is shown serving the individual dwelling, off Langaton Lane is within the Root Protection Area of some of the secondary trees that exist on the site (as well as the major tree) – a constructional strategy for providing

these spaces would need to be provided showing how the roots would be safeguarded.

- The important corner of this building (which presents to the junction of Main Road and Langaton Lane) is relatively weak in contributing to the three-dimensional form and general appearance within the streetscene. Consider ways to visually strengthen – including possibly extending the brick texture upwards to embrace the full façade at this corner?
- Reduction in the amount of space available for parked / turning vehicles should be carefully considered and layout revised
- The small public space next to the Kiosk will need to be provided with artificial lighting to make it safe to use into the evenings
- Can the residential amenity of the dwelling (66 Main Road) immediately behind and next to this small space be adequately protected?
- Where will refuse from this establishment be conveniently stored?
- No adequate details of the landscape proposals have been submitted.

Environmental Health

- Following submission of additional information and revised plans, Officers raised no objection subject to conditions relating to submission of a Contamination Environmental Management Plan (CEMP), hours of operation, lighting and limitation to noise emissions.

Ecology

- Raised no objections subject to conditions

Highways

- There is a restricted parking in the area to prevent parking along main road during the peak hours which would prevent there being a highway safety concern when the traffic flows are at their peak.
- It would seem that lots of the local residents do have off road parking already and on road parking was very low from previous visits in the immediate area.
- There isn't a residents parking scheme in the area that would allow for more control over the parking, but this is proposed to be car free, there are links to bus stops and Pinhoe railway station within very close proximity which would enable travel into Exeter and potentially discourage car ownership.
- It is unlikely that there would be a severe impact on the highway from the development of the 8 flats which are proposed to be car free.

Trees

- The Council's arboriculturist comments are as follows:
- T1 - Ash makes a significant contribution to the visual amenity of the area and therefore, robust justification is required if removal is to be approved.
- The supporting arboricultural report ref: TH/B534/0523 highlights the fact that *"The tree is a significant landscape feature but not realistically worthy of*

consideration for the protection offered by a Tree Preservation Order due to its very limited safe useful life expectancy.”

- The above conclusion is the outcome of the Project Arboriculturist’s assessment and observations that the crown density is greatly reduced, consistent with the symptoms of Ash Dieback Disease (ADB) and the anticipated decline as a result.
- A site visit by the Council’s Arboriculturist (dated 23.06.2023) and desktop search (Google Street View) to make an assessment, confirmed that T1 is showing signs consistent with ADB. Given this prognosis, the safe useful life expectancy of T1 is most certainly limited.
- It is noted that the above report includes recommendations for the planting of three Fastigate Oaks, in mitigation for the loss of T1 – Ash. From an Arboricultural perspective, the proposed replacements are considered to provide a suitable replacement.
- Although the removal of T1 may be justified, its loss will be noticeable and it is therefore imperative, that it is mitigated for by a significantly robust planting scheme that is to be approved by the council’s Landscape officer.

11.0 Representations

13 notification letters were sent to neighbours, a site notice was put up and the proposal was advertised in the Weekly List and local press.

7 objections received raising the following concerns:-

- Increased parking in surrounding roads
- Highway safety, new access for single dwelling
- Congestion of the highway for construction and operational servicing
- Design is out of character with the area
- Height (3-storeys)/ Overbearing
- Impact on outlook
- Overlooking/Privacy
- Communal back alley blocked;
- Overdevelopment

12.0 Relevant policies

Development Plan

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

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport

- 11. Making effective use of land
- 12. Achieving well-designed places

Planning Practice Guidance (PPG):

Air Quality

Appropriate assessment

Community Infrastructure Levy

Design: process and tools

Effective use of land

Healthy and safe communities

Housing and economic needs assessment

Housing needs of different groups

Housing: optional technical standards

Housing supply and delivery

Land affected by contamination

Noise

Renewable and low carbon energy

Town centres and retail

Travel Plans, Transport Assessment and Statements

Use of planning conditions

Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

Building for a Healthy Life” (Homes England’s updated Building for Life 12)

Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)

Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)

Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)

Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Development Plan

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

CP1 – Spatial strategy

CP3 – Previously developed land

CP4 – Density

CP5 – Mixed Housing

CP9 – Transport
CP10 – Community Facilities
CP11 – Pollution
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness

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

AP1 – Design and location of development
AP2 – Sequential approach
E3 – Retention of employment land or premises
E5 – Employment Use in Residential Areas
H1 – Search sequence
H2 – Location priorities
T1 – Hierarchy of modes
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes
T10 – Car parking standards
LS2 – Ramsar/Special Protection Area
EN2 – Contaminated land
EN3 – Air and water quality
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy Conservation

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other material considerations

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial Strategy
S2 – Liveable Exeter delivery principles
CE1 – Net Zero Exeter
H1 – Housing Requirement
EJ2 – Retention of Employment Land
STC1 – Sustainable Movement
STC2 – Active and Sustainable Travel in New Developments

STC3 – Active Travel Proposals
STC4 – Public Transport Proposals
NE3 – Biodiversity
NE4 – Green Infrastructure
D1 – Design Principles
H1 – Health and Wellbeing
IC2 – Community Facilities

Sustainable Transport SPD 2013
Trees and Development SPD 2009
Planning Obligations SPD 2014
Residential Design Guide SPD 2010

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
First Homes Planning Policy Statement (June 2021)
South-east Devon European Site Mitigation Strategy (June 2014)

Exeter Housing and Economic Land Availability Assessment (HELAA) First Edition (Sept 2022)
Exeter Brownfield Sites Studies (June 2020)
Urban Capacity Study Part 1 (July 2020)
Urban Capacity Study Phase 2 (July 2021)
Exeter Employment Study (August 2022)

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 website.

It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant). 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 eight additional residential units, including one dwelling house and 8 flats, contributing to the Councils overall housing provision in addition to essential facilities and local jobs, under the use class E and F2.

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.

Material considerations

The applicant has suggested that there is likely to be three additional jobs created as a result of the development

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 calculated per square metre plus new index linking, as follows:

CIL Rates	Residential	Out of City Centre retail	Flatted residential
Rate for permission granted in 2024	£136.07	£212.61	£0.00
	x 193sqm = £26,261.51	X170sqm = £36,143.7	£0.00

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.

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

will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

16.0 Planning assessment

Principle of development

Outline planning permission was approved in 2005 (ref: 05/1277/OUT) for the 'residential development (siting, design, means of access, landscaping and external appearance reserved for future consideration)' and the permission was extended in 2010 (ref: 10/1353/EXT), which confirmed the Council's acceptance of the principle of development.

The site is currently mixed use, consisting of commercial (employment) and residential. The proposal will retain commercial use on the ground floor with x3-units providing 248sqm, Use Class E2 and F and a commercial garage providing 179sqm. There is a proposed free-standing kiosk (8.5sqm) - *small, independent food outlet, selling local produce* at the north end of the site. The residential offering will be increased from one 2-bedroom flat to 4 no. 1-bedroom flats, 4 no. 2-bedroom flats and 1 no. detached dwelling on this site.

Policy and H2 of the Local Plan, in that it is *meeting housing needs on previously developed [brownfield] land and at the highest density that can be achieved without detriment*. It is also in line with Policy CP1 of the Core Strategy which plans for an additional 12000 houses within Exeter during the Plan period from 2006 to 2026. The latest calculation for the Council's housing supply has revealed 4 year and 4 months' supply of deliverable housing.

This development would contribute to the Council's housing supply by providing four, 1-bedroom flats and four 2-bedroom flats. No significant adverse impacts are identified in this scheme that would outweigh the benefit of these additional units.

Design (Previous applications)

Two reserved matters applications were submitted following the 2005 (ref: 05/1277/OUT) outline permission and extension (ref: 10/1353/EXT), as follows:

11/1963/RES - Redevelopment to provide three storey building comprising 7 terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearance, landscaping, REFUSED 3rd March 2012

Reasons:

- overdevelopment of the site, as a result of its design, position, height, scale and massing;

- loss of privacy and amenity as a result of overlooking, overbearing impact, overshadowing and noise;
- out of character, detract from local visual amenity;
- substandard outdoor amenity space, room sizes, refuse and cycle storage
- inadequately responds to Code for Sustainable Homes Level 3

12/1417/RES - Redevelopment to provide two and a half/three storey building comprising 7 terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearance; REFUSED 18th December 2012

Reason:

- overdevelopment of the site, as a result of its design, position, height, scale and massing;

The significant difference with the first reserved matters application (*11/1963/RES*) and the application subject to this report, is that the scheme proposed 7 houses, 4 flats and 1 duplex, which would create 12 residential units, over 3-storeys, with associated car parking and a proposed a roof top terrace for outdoor amenity space. In this case the amount of development at the site has been significantly reduced.

The second reserved matters application (*ref: 12/1417/RES*) referenced above, reduced the scale of the development from 3 to 2-storeys. However, there were still 12 units proposed on site, with a roof top terrace and off street parking to the rear. The materials proposed as part of the design were *part rendered and part timber boarded finishes* which did not reflect the local vernacular. Hence the application was refused, although the reasons relating to amenity were not upheld from the previous refusal.

The 2005 outline permission also allowed for the removal of the commercial element of the development, which will be retained and improved upon as part of this current scheme, which is supported.

Design (Current proposal)

Scale: The proposal is for buildings which will be part single-storey (garage), increasing to three-storeys in height (flatted residential). The existing proposal is single storey (garage) and one-and-a-half storey, which accommodates residential above the existing commercial.

There is a natural incline to the site, where properties opposite, on Main Road, are at a higher level and set further away. In addition, the highest element of the proposal is at the centre of the site and the height therefore reduces to the single-storey garages and two-and-a-half storey dwellinghouse on either end of the development. The applicant has demonstrated that the use of intermittent glazed gaps in the roof plane, in addition to the pitched roof design to the front façade, also helps to reduce the appearance of bulk, which officers welcomed. Notwithstanding the two-storey residential

dwellinghouses on Langaton Lane, those properties are set further away and although at a lower level to the site are at an angle to the development, further befitting from the removal of the canopy that served the former petrol station, previously giving the illusion of a two-storey building. As such, Officers consider the overall scale of the proposal to be in keeping with its surroundings and complies with National and Local Policies including Policy and is therefore acceptable.

Aesthetics: As mentioned earlier in this report, the area is characterised by two-storey terraced (at rear) and semi-detached (opposite) dwellings, with a mix of red-brick and render finishes with a front gable detail above bay frontages. It is considered that the modern redevelopment of the site, which includes the removal of the canopy that served the former petrol station, the development varying from 1 to 3-stories high, with a pitched roof to the front elevation, the gable ends and appropriate use of different materials - brick and render, suitably reflects and compliments the existing character and appearance of the local area.

The relationship to Main Road; the 2m width pavement adjacent to the proposed layby has been provided. In addition, a proposed tree and benches adjacent to the kiosk on the north-east end of the site and three additional Oak trees to replace the existing mature Ash (affected by Ash dieback disease), contribute to softening the edge of the site while increasing biodiversity and greening the locality. As such Officers consider the application to be in accordance with Local and National Policy and is therefore acceptable.

For the reasons set out above, the development is in line with National and Local Policy including DG1 and DG4 of the Local Plan and Policy CP4 of the adopted Core Strategy as well as the Residential Design Guide SPG.

Residential Amenity

The proposal provides 184sqm of communal amenity space for the 8 no. flats which is welcomed, considering it exceeds the requirement of the Residential Design Guide SPD, to provide 20sqm of communal open space per flat (160sqm). It is also therefore complies with Policy DG4 criterion (b) to *ensure a quality of amenity which allows residents to feel at ease within their homes and gardens*.

The Gross Internal Areas (GIA) of the proposed residential units are in accordance with the Nationally Prescribed Space Standards and are therefore considered acceptable.

Overlooking:

Residential amenity is considered acceptable, notwithstanding the two-storey residential dwellinghouses on Langaton Lane, which will, nonetheless, benefit from an improved outlook due to the removal of the existing canopy of the former petrol station. Back-to-back distances, with properties on Langaton Lane, are in accordance with the Residential Design Guide's SPD and exceed the 22m requirement for all but 2 of the 8 properties, which are 17m away, at an oblique angle to the development. This is considered acceptable because in accordance with the SPD, the angle of the properties

backing onto each other are 45° and/or the windows are not directly opposite each other (SPD paras. 7.17 and 7.19).

Furthermore, the SPD allows for the separation distances to be reduced to 15m '*where the angle of properties backing onto each is 45 degrees or more*'.

The proposal therefore complies with the Council's SPD with regard to residential amenity and therefore, it is considered that an acceptable level of privacy can be suitably achieved and the development is considered acceptable in this regard.

Overshadowing: The north-west position of the site, in relation to the neighbouring properties on Langaton Lane, means that as the sun moves from east to west during the course of the day, those properties and their rear garden areas, which measure 100sqm or more, will not experience unreasonable level of overshadowing by the proposal, which is considered acceptable.

Overbearing: As stated above, the existing garden areas for the properties on Langaton Lane are generous, measuring 100sqm or more. Furthermore, the shared boundary is 6.7-8m away from the rear elevation of the proposal and the gardens of the existing properties, run at an angle away from the rear elevation of the proposal. As such, long views down the rear gardens are skewed away from the proposal. As such, it is considered that an acceptable level of residential amenity for neighbouring occupiers, in terms of overbearing, will be achieved.

Hours of operation for the commercial premises have been provided as follows:

Garage: 8:30 - 18:00 Mondays to Fridays;

Kiosk: 8:30 – 18:00 Mondays to Saturdays;

Commercial: 8:30 - 22:00 Mondays to Saturdays, 8:30 - 16:00 on Sundays
and no time on public or Bank Holidays

Environmental Health Officers (EHOs) have accepted these operating hours and recommended that an appropriately worded condition to be added to any grant of permission in order to mitigate the possible impact to 'sensitive receptors' (residential), therefore, the proposal is considered acceptable in this respect.

In accordance with EHO recommendation, a condition for details of external lighting will also be added to the proposal to mitigate harm to residential amenity

Landscape

There is an existing mature Ash tree on the site where the detached dwelling is proposed. An Arboricultural Assessment was submitted with the application. The assessment of the tree revealed that *the crown density is greatly reduced, consistent with the symptoms of Ash Dieback Disease (ADB)*. The Council's Arboriculturist made a site visit (dated 23.06.2023) and confirmed the diagnosis.

The applicant has proposed the replacement of the existing tree with 3 no. Fastigate Oaks to mitigate the loss of the diseased tree, due to *its very limited safe useful life*

expectancy'. The Arboriculturist considers the proposed replacements suitable. This will be a condition to any approval.

Social and Economic benefits

The site is a Local Centre and therefore the Council will seek development which contribute to the active vibrant centre and provide local facilities. The proposal creates 1 no. 104sqm unit and 2 nos. 72sqm units; use class E (Commercial, Business and Service - including retail, offices, creche and medical health services) and use class F2 (Local Community Use - including meeting spaces and shops). The proposed garage will measure 105sqm and 2 no. separate garage bays measuring 36sqm and 38sqm as well as 5 no. car parking spaces to facilitate the use. The anticipated employment on the site will be an uplift of employees from 8 existing to 12 proposed. Hence, the development will provide a revitalisation of local service provision the designated Local Centre of Pinhoe which, is supported.

Transport, Access and Parking

The development includes the provision of a layby for loading and servicing, which ensure a minimum impact on the public highway especially when HGVs including refuse vehicles are servicing the site.

In terms of sustainable transport, the residential element of the development is proposed as car free. The Sustainable Transport SPD requires 1 space per dwelling (1-2 bedrooms) and 2 spaces for 3+bedrooms, while the development will provide 10 no. secure, sheltered cycle parking bays for the 8 no. flats and 4 no. Sheffield stands for up to 8 no. cycle parking bays for visitors to the flats and commercial units.

Exeter Cycling Campaign has objected on the grounds that the proposal does not meet National Guidance TN1/20 which is a planning material consideration. The report suggests a minimum of 1 cycle parking space per flat which would be 12 spaces in this as part of this proposed scheme. However, the development falls short of this requirement by 2 spaces. Notwithstanding this, the development complies with the Local Plan Policy T3 and the supporting text which states that 1 covered space is required per flat. Policy T3 also requires facilities for showering, an underprovision raised as a concern by Exeter Cycling campaign. The Council's Local Plan Policy T3 requires that *where more than 20 people are employed facilities for showering and changing are provided*. However, the applicant has advised that a maximum of 3 full-time equivalent employees are anticipated (3 per each commercial unit and 3 for the garage light industrial unit) and therefore although no shower/changing facilities have been provided and considering this site has good access to alternative means of sustainable transport and provides additional Sheffield stands on the forecourt for visitors, the provision of cycle parking and facilities is considered acceptable.

As such Highway Officers raised no objection, as the development is in accordance with Local Plan Policy AP1 and T1, T2 and T3 and the Sustainable Transport SPD which is

therefore considered acceptable. Furthermore, a condition will be applied to any grant of permission to ensure the cycle parking is implemented prior to occupation.

There will be 5 no. off street parking spaces for the commercial garage and 2 no. off street parking spaces for the proposed detached dwelling. The existing commercial operation has unmarked parking on site, however the area demarked for commercial parking of vehicles on plan, is not dissimilar in size and the nature of a vehicle repair garage, justifies a degree of car parking to be provided on site. As such the Highways Officers raised no objections as this in line with National and Local Policy AP1, E5 and T1 and the Sustainable Transport SPD and Officers therefore consider this to be acceptable.

Residents and Members have raised concern regarding excessive congestion and an increase in on-street parking. The flats are proposed as car free which Highways Officers consider acceptable for the following reasons: Despite there being no residents' parking restriction in place, the majority of homes in the area have access to off street parking and the surrounding roads in close proximity are otherwise covered by double yellow lines. The site has easy access to bus routes direct to Exeter and Pinhoe railway station with connections to Exeter/London within 8 minutes walk.

Highway Officers have stated that the average dwelling generates approximately 6 vehicle movements per day according to the TRICS database (Trip Rate Information Computer System) which is an industry accepted way of establishing trip rates. This development has 9 dwellings associated with it (8 flats and one detached house) which could potentially generate approximately 5 movements in the AM and PM peaks. This number is considered unlikely to place the existing highway over capacity. The existing legal use would already generate a level of movements and while these might not have the same peak times, the difference between total movements would not be significant and therefore there is unlikely to be a significant impact on the highway. As such, Officers support the car free scheme, as it accords with the Council's 2019 declaration of a climate emergency and the aim to be carbon neutral by 2030.

As such, Highways Officers therefore raised no objection on highway grounds for the proposed car free element of the scheme or the quantum of proposed cycle parking provision, which is in accordance with Policy AP1, E5, and T1, T2, T3 of the Local Plan. A travel pack/plan will be conditioned to the application decision.

17.0 Conclusion

It is concluded that concerns relating to residential amenity are mitigated by the natural angle and positioning of the site, and distance between properties in relation to neighbouring properties on Langaton Lane. Furthermore, Highway Officers have confirmed that the sustainable location and easy access to public transport, will mitigate concerns relating to congestion and parking, existing double yellow lines are present in the surrounding streets which will discourage rogue parking and the marginal uplift in trip rates, as a result of the new scheme, is not considered significant when compared

to the existing use/operation. As such, the development is not expected to have a significant impact on highways in terms of congestion and parking. Conditions attached to the planning application will satisfy concerns relating to cycle parking provision, Travel Plan and works required to the public highway to deliver the layby and other public realm improvements.

It is therefore recommended that the application be APPROVED subject to conditions.

18.0 Recommendation

Delegate to the Service Lead (City Development) to grant permission, subject to the following conditions (and their reasons):

Conditions

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 04/09/2023 2023 including drawings numbers as follows:

20.94_PL_001A, 20.94_PL_002A, 20.94_PL_003A, 20.94_PL_004, 20.94_PL_005, 20.94_PL_006A, 20.94_PL_007B, 20.94_PL_008, 20.94_PL_009, 20.94_PL_100A, 20.94_PL_101A, 20.94_PL_102A, 20.94_PL_103A, 20.94_PL_104A, 20.94_PL_105A, 20.94_PL_106A, 20.94_PL_200A, 20.94_PL_201A, 20.94_PL_202A, 20.94_PL_203, 20.94_PL_204A, 20.94_PL_205A, 20.94_PL_206A, 20.94_PL_207, 20.94_PL_301, 20.94_PL_302

as modified by other conditions of this consent.

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

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

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

4) (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until an Road Safety Audit Stage 1 (RSA S1) and detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, any problems identified in the RSA S1 must be adequately rectified to a standard deemed acceptable by the Local Planning Authority.

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with saved policies T1 and T3 of the Exeter Local Plan First Review, the Sustainable Transport SPD and paragraphs 110 and 112 of the NPPF (2023)

5) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

6) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of

noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

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

7) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application hereby approved. These plans shall be adhered to in full and subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Tree Protection Statement (ref: TH/A862/0321), by a suitably qualified tree specialist. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

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

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

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

9) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

10) Prior to occupation of any dwelling hereby approved or any part of the development being brought into its intended use, the ecological enhancements submitted plan as part of the Ecological Impact Assessment (GE Consulting, September 2023) and hereby approved, shall be fully installed as per Figure 2 Ecological Enhancement Plan and sections 6.1, 6.2 and 6.3. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the ecological enhancement plan.

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

11) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

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

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

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

13) The use hereby approved shall not be carried on other than between the hours of insert Mondays to Saturdays and shall not be carried on at all on Sundays and public or Bank Holidays.

Reason: So as not to detract from the amenities of the nearby residential property.

14) Prior to occupation of the development hereby permitted, a travel pack for each occupier shall be provided, informing all residents of walking and cycling routes and facilities, public transport routes and timetables, car and cycle sharing schemes, and the location of local and central shopping and leisure facilities. The plan must also provide a method to inform occupiers that they would not be entitled to a residents' parking permit from Devon County Council and a review and monitoring mechanism, the form and

content of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

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

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

16) Total noise from all fixed building services plant and equipment shall not exceed a rating noise level of 42dB (07.00 to 23.00) and 31dB (23.00 to 07.00), measured in accordance with BS4142:2014 at 1m from any residential façade.

Reason: So as not to detract from the amenities of nearby occupiers.

Informatives

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

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

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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

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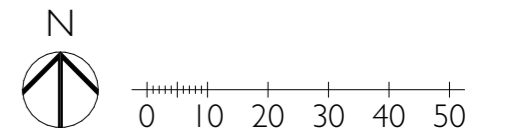
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Site Location Plan
Scale 1:1,250 @A3



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TQ12 1TQ
01626 572250
info@pmr-architecture.co.uk
www.pmr-architecture.co.uk

Client: Zenel Management Ltd
Project: Main Road, Pinhoe, Exeter
Drawing Title: Site Location and Block Plan
Drawing No: 20.94_PL_001
Revision: A
Date: August 2022
Status: PLANNING
Scale: 1:1250 @A3



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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 4th 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

All Planning Decisions Made and Withdrawn Applications between 24/11/2023 and 04/01/2024

Alphington	
Delegated Decision	
Application Number:	23/0624/LBC
Delegation Briefing:	02/11/2023
Decision Type:	Permitted
Date:	08/12/2023
Location Address:	The Cowick Barton 121 Cowick Lane Exeter Devon EX2 9HF
Proposal:	Replacement signage to exterior of building with 6 no. ground-mounted 10w LED lights, replacement signage at front of curtilage and change exterior paint colour scheme of building.
Delegated Decision	
Application Number:	23/0625/ADV
Delegation Briefing:	
Decision Type:	Permitted
Date:	08/12/2023
Location Address:	The Cowick Barton 121 Cowick Lane Exeter Devon EX2 9HF
Proposal:	Replacement signage: installation of 1 no. externally illuminated timber pictorial attached to existing bracket, 2 no. hand-painted house name and logo, 2 no. non-illuminated amenity boards, 1 no. non-illuminated history board, 1 no. externally illuminated entrance board and 6 no. ground-mounted 10w LED lights.
County Decisions	
Application Number:	23/1076/FUL
Delegation Briefing:	07/09/2023
Decision Type:	Permitted
Date:	06/12/2023
Location Address:	Alliance Healthcare Distribution Ltd Cofton Road Marsh Barton Trading Estate Exeter EX2 8QW
Proposal:	Installation of an external fridge unit. Unit to sit on existing yard surface. No excavations or building alterations required.
Delegated Decision	
Application Number:	23/1266/DIS
Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved
Date:	18/12/2023
Location Address:	Unit K1 Matford Green Business Park Exeter EX2 8FN
Proposal:	Condition Discharge: Condition 4 of approval 22/0503/RES
Delegated Decision	
Application Number:	23/1308/CAT
Delegation Briefing:	
Decision Type:	Permitted
Date:	28/11/2023
Location Address:	The Bungalow Dunsford Road Exeter EX2 9PW
Proposal:	T1 - Bay tree - reduce in height by approximately 2 metres (by half) and cut back by approximately 1 metre.T2 - Apple tree - crown reduce in height and crown spread by approximately 1-1.5 metres.T3 - Holly - reduce in height by approximately 2-3 metres (by half) and cut back by approximately 1 metre.T4 - Corkscrew willow - section fell to ground level.T5 - Apple reduce to height of fence

Delegated Decision	
Application Number: 23/1329/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 28/11/2023
Location Address: Orchard House Ide Lane Alphington Exeter EX2 8UT	
Proposal: T1 - Oak	Suggested Works: Reduce northern canopy by 1-2 metres (maximum diameter of cuts 50mm), reduce southern, eastern and western canopy over garden by 2-3 metres (MDC 70mm), reduce height by 2-3 metres (MDC 60mm). Rationale: These works are suggested as part of the reasonable maintenance of this large tree.
Delegated Decision	
Application Number: 23/1337/LBC	Delegation Briefing: 23/11/2023
Decision Type: Permitted	Date: 03/01/2024
Location Address: 6 Chapel Road Exeter EX2 8TB	
Proposal: New Slate Roof.	
Delegated Decision	
Application Number: 23/1386/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 02/01/2024
Location Address: Former Carrs Select Premises Yeoford Way Marsh Barton Exeter EX2 8LB	
Proposal: Display of 2 temporary advertising banners on external face of main building (8800mm wide x 1900mm high, PVC material, screw-fixed to external cladding) until 31 July 2024.	
Delegated Decision	
Application Number: 23/1443/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 01/12/2023
Location Address: Land At Hennock Trade Park Hennock Road North Exeter EX2 8AG	
Proposal: the installation of five electrical upstands to serve ten parking bays (nine standard and one accessible), substation, underground cabling and all associated works, including bollards	
Delegated Decision	
Application Number: 23/1487/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 20/12/2023
Location Address: 5 Little Johns Cross Hill Exeter EX2 9PJ	
Proposal: From and Shape Beech Tree	

Duryard And St James

Delegated Decision

Application Number: 22/0880/OUT Delegation Briefing: 25/08/2022
Decision Type: Permitted Date: 01/12/2023
Location Address: Marypole Service Reservoir Pennsylvania Road Exeter EX4 5EP
Proposal: Outline application for development of 1 dwelling (all matters relating to access, scale, layout, external appearance and landscaping reserved for future consideration)

Committee Decision

Application Number: 23/0232/FUL Delegation Briefing: 07/09/2023
Decision Type: Permitted Date: 20/12/2023
Location Address: Apparelmaster Cowley Bridge Road Exeter Devon EX4 5AD
Proposal: Construction of new buildings for purpose built student accommodation (Sui Generis use) with associated landscaping, servicing and infrastructure works (Revised Plans).

Delegated Decision

Application Number: 23/0765/ADV Delegation Briefing:
Decision Type: Refuse Planning Permission Date: 13/12/2023
Location Address: Lazenby House Prince Of Wales Road Exeter EX4 4PJ
Proposal: Install two welcome signs for Streatham Campus

Delegated Decision

Application Number: 23/1099/FUL Delegation Briefing: 05/10/2023
Decision Type: Permitted Date: 05/12/2023
Location Address: Biosciences Greenhouses Site Of University Car Park Stocker Road Exeter EX4 4QF
Proposal: The replacement of a gas fired boiler with a new externally located VRF System serving existing Biosciences Greenhouses.

Delegated Decision

Application Number: 23/1133/FUL Delegation Briefing: 05/10/2023
Decision Type: Permitted Date: 06/12/2023
Location Address: Cornwall House St Germans Road Exeter EX4 6TG
Proposal: The replacement of gas fired boilers with a new cascade system of air source and water source heat pumps to include a new external plant and bin store compound, replacement operators store, roof top services distribution and associated works to external elevations.

Delegated Decision	
Application Number: 23/1255/FUL	Delegation Briefing: 19/10/2023
Decision Type: Permitted	Date: 29/11/2023
Location Address: 43 Union Road Exeter EX4 6HU	
Proposal: Reconstruction of rear conservatory and timber deck (Retrospective Application).	
Delegated Decision	
Application Number: 23/1307/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 11/12/2023
Location Address: University Of Exeter Living Systems Stocker Road Exeter Devon	
Proposal: Discharge of conditions 1 and 2 attached to 23/0463/PDU - Construction of detached single storey prefabricated building on steel posts to store freezer units for Exeter Living Systems	
Delegated Decision	
Application Number: 23/1397/LBC	Delegation Briefing: 07/12/2023
Decision Type: Permitted	Date: 04/01/2024
Location Address: HMP Exeter New North Road Exeter EX4 4EX	
Proposal: Remove 2 existing rear timber windows on two buildings each side of the gate house and insert a glass louvre for smoke extract.	
Delegated Decision	
Application Number: 23/1511/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 20/12/2023
Location Address: 41 West Avenue Exeter EX4 4SD	
Proposal: Pollarding of lime trees	
Exwick	
Delegated Decision	
Application Number: 22/1376/FUL	Delegation Briefing: 17/11/2022
Decision Type: Refuse Planning Permission	Date: 04/01/2024
Location Address: Land Adjacent To Kinnerton Court Kinnerton Way Exeter Devon EX4 2EZ	
Proposal: Construction of three-storey building containing 3no. apartments with associated access, parking and landscaping.	
Delegated Decision	
Application Number: 23/0810/FUL	Delegation Briefing: 19/10/2023
Decision Type: Permitted	Date: 28/11/2023
Location Address: 22 Isleworth Road Exeter EX4 1QU	
Proposal: Single storey extension, internal remodelling and demolition of garage	

Delegated Decision	
Application Number: 23/1327/VOC	Delegation Briefing: 16/11/2023
Decision Type: Permitted	Date: 14/12/2023
Location Address: 73 Burrator Drive Exeter EX4 2EW	
Proposal: Variation of condition two of 17/0284/FUL to increase the size of the conservatory	
Delegated Decision	
Application Number: 23/1342/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 29/11/2023
Location Address: Northmore House Cleve Lane Exeter EX4 2AR	
Proposal: T1 - Sycamore - FellReasons - major cracking at the base of the tree, which appears to start below ground level, and continues vertically up the main stem, finishing between two main stems. The union between these two stems is weak, and the crack is evidence that failure of one or both stems is a high possibility.- Photos attached identify the crack.T2 - Beech - FellReasons - Beech bark disease was identified in a previous application to fell this tree. The disease has progressed to a stage where little cambium remains at the the base of the tree. The complete girdling of the tree due to lack of bark/cambium is possible in the next season or so. The crown has now died back fairly extensively due to the disease. I recommend felling because I feel the tree can now not survive and a risk of the failure of limbs or the entire tree over the road is a high possibility.- Photos identify the lack of bark at the base of the tree.	
Delegated Decision	
Application Number: 23/1344/TPO	Delegation Briefing:
Decision Type: Split Decision	Date: 29/11/2023
Location Address: 61 Gloucester Road Exeter EX4 2EE	
Proposal: The tree type is a Sycamore.The tree is approximately 12/13 meters tall and approx 18 meters wide.I would like to reduce the height by about a third, and the width by approximately halfthe reason for the work is the tree is now very close to the house, and it is blocking alot of light.The tree also causes concern in high winds and bad weather, as it sways considerably and looks like a possible hazzard.	
Delegated Decision	
Application Number: 23/1421/FUL	Delegation Briefing:
Decision Type: Withdrawn Returned (unlikely to be det.)	Date: 28/11/2023
Location Address: 43 Burrator Drive Exeter EX4 2EW	
Proposal: Installation of a through-floor lift for disabled occupant use, including the formation of the lift aperture	

Delegated Decision	
Application Number: 23/1458/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 20/12/2023
Location Address: The Cottage Old Coach Lane Exeter EX1 2FA	
Proposal: T1 - Walnut	Suggested Works: Dismantle in stages to near ground level. Rationale: Tree is becoming very large for this small garden and is no longer appropriate for the space.

Delegated Decision	
Application Number: 23/1463/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 07/12/2023
Location Address: 125 Sweetbrier Lane Exeter EX1 3AP	
Proposal: Change to shape and size of proposed new windows on rear elevation of extension. Omission of Juliet balcony. Non material amendment to 23/0565/FUL	

Mincinglake And Whipton

Delegated Decision	
Application Number: 23/0531/FUL	Delegation Briefing: 18/05/2023
Decision Type: Withdrawn by Applicant	Date: 01/12/2023
Location Address: 5 Brookside Crescent Exeter Devon EX4 8NF	
Proposal: Subdivide existing 1.5 storey house with rear dormer and ground floor extension into 2no. semi-detached two bed dwellings and associated external works (Revision of withdrawn application ref. 22/1619/FUL).	

Delegated Decision	
Application Number: 23/1234/FUL	Delegation Briefing: 26/10/2023
Decision Type: Refuse Planning Permission	Date: 08/12/2023
Location Address: 36 Woolsey Avenue Exeter EX4 8BJ	
Proposal: Single storey side extension	

Delegated Decision	
Application Number: 23/1306/FUL	Delegation Briefing: 02/11/2023
Decision Type: Refuse Planning Permission	Date: 04/01/2024
Location Address: 5 Pinwood Lane Exeter EX4 8NQ	
Proposal: Two-storey side extension, enlarged front porch and ground floor rear extension with alterations	

Delegated Decision	
Application Number:	23/1385/TPO
Decision Type:	Permitted
Location Address:	32 Excalibur Close Exeter EX4 8LH
Proposal:	T1 redwood. Works consist of light crown raising to T1, accomplished by the removal of the the first four lowest limbs with cut diameters up to 100mm. limb length of approximately six meters. Tip reductions of approximately 2 lowest retained limbs that overhang the neighbouring garden. these limbs are overextended when compared the the rest of the canopy. reduction by up to 1200mm and cut diameters up to 50mm works will be carried out to BS3998.

Newtown And St Leonards

Delegated Decision	
Application Number:	22/1410/FUL
Decision Type:	Refuse Planning Permission
Location Address:	52 St Leonards Road Exeter Devon EX2 4LS
Proposal:	Installation of solar PV panels.

Delegated Decision	
Application Number:	22/1411/LBC
Decision Type:	Refuse Planning Permission
Location Address:	52 St Leonards Road Exeter Devon EX2 4LS
Proposal:	Installation of solar PV panels.

Delegated Decision	
Application Number:	23/0653/FUL
Decision Type:	Permitted
Location Address:	Land And Garages Between Number 39-41 Toronto Road Exeter EX4 6LE
Proposal:	Demolition of existing garage block to construct 3 no. three bedroom terraced dwellings (C3 Use Class) with external amenity space, first floor rear balconies, landscaping and associated works (REVISED PLANS).

Delegated Decision	
Application Number:	23/1151/PD
Decision Type:	Prior Approval Not Required
Location Address:	34 Portland Street Exeter EX1 2EQ
Proposal:	Demolition of an existing brick built single storey extension, approximately 3.00m x 2.50. Erection of a new single storey timber frame extension to the rear of 34 Portland Street. Extension to be full width of the property, approximately 5.00m, and extend 4m from the rear of the original property. New extension to be timber frame in construction, south facing elevation will be faced in masonry, east elevation will be render and painted. Glazing to south elevation approx 1.60 x 0.9m.

Delegated Decision	
Application Number: 23/1273/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 11/12/2023
Location Address: 77 St Leonards Road Exeter EX2 4LS	
Proposal: Side extension to kitchen area.	
Delegated Decision	
Application Number: 23/1283/FUL	Delegation Briefing: 09/11/2023
Decision Type: Permitted	Date: 21/12/2023
Location Address: 35 Wonford Road Exeter EX2 4PG	
Proposal: Proposed Extension and Alterations.	
Delegated Decision	
Application Number: 23/1293/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 11/12/2023
Location Address: 32 Spicer Road Exeter EX1 1TA	
Proposal: Non-material amendments to planning permission 22/1643/FUL dated 22 February 2023 to amend roof design, including additional solar panels.	
Delegated Decision	
Application Number: 23/1302/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 07/12/2023
Location Address: 43 Fleming Way Exeter EX2 4TP	
Proposal: Ground floor rear, single storey extension.	
Delegated Decision	
Application Number: 23/1339/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 19/12/2023
Location Address: 6 Victoria Park Road Exeter EX2 4NT	
Proposal: T1 - Norway Maple - Reduce in height by 3-4 metres (previous pruning points, with 3 inch diameter cuts to make), and reshape the laterals by up to 2 metres to leave a balanced form.	
Delegated Decision	
Application Number: 23/1406/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 18/12/2023
Location Address: 14 Albion Place Exeter EX4 6LH	
Proposal: One Hawthorn Tree at end of front garden of 14 Albion Place, overhanging Albion Place [Location on SKETCH 1] Proposal is to reduce 20% (thin and reduce crown) as prior permission [[19/0774/CAT]. Approx height is 4m and it overhangs the front garden and Albion Place (restriction occasional vehicles) and will interfere with overhead cable connected to the nearby properties	

Delegated Decision	
Application Number: 23/1415/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 13/12/2023
Location Address: St Matthews Church Lower Summerlands Exeter EX1 2LJ	
Proposal: Photos of material samples	
Delegated Decision	
Application Number: 23/1441/CONR	Delegation Briefing: 07/12/2023
Decision Type: Permitted	Date: 02/01/2024
Location Address: Vue Cinema Cheeke Street Exeter EX1 2DD	
Proposal: Removal of Condition 20 under Planning Permission Ref. 02/0340/03 to allow for 24 hour openings, as varied by planning permission 05/0561/03 to extend opening hours until 2am	
Delegated Decision	
Application Number: 23/1444/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 02/01/2024
Location Address: 1 Penleonard Close Exeter EX2 4NY	
Proposal: T1 Holm Oak reduce by 33% and reshape following complaint from neighbour at 5 Victoria Park Road about loss of light. (TPO 331 Holm Bush).T2 and T3 Silver birch reduce by 25%T4 Yew hedge reduce by 25%T5 Leylandii Cyprus fell	
Delegated Decision	
Application Number: 23/1490/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 02/01/2024
Location Address: 7 Belmont Road Exeter EX1 2HF	
Proposal: Discharge of Condition 3 of Planning Permission Ref. 21/0294/FUL, granted on 14 July 2021, relating to front boundary wall	
Pennsylvania	
Delegated Decision	
Application Number: 23/0552/FUL	Delegation Briefing: 25/05/2023
Decision Type: Refuse Planning Permission	Date: 04/12/2023
Location Address: 1 Elmdon Close Exeter Devon EX4 6HH	
Proposal: First floor extension and Roof extension above existing garage.	

Delegated Decision	
Application Number:	23/1257/FUL
Delegation Briefing:	19/10/2023
Decision Type:	Permitted
Date:	07/12/2023
Location Address:	Harling Pennsylvania Close Exeter EX4 6DJ
Proposal:	Replace the existing conservatory, on the front (south) elevation of the house, with a new garden room. Replace the existing hung tile cladding from the first floor of the existing two storey rear extension with new metal cladding panels matching those of the new garden room. Form a larger kitchen window on the front (south) elevation. Adjust the landscaping of the raised patio area adjacent to the new garden room.
Delegated Decision	
Application Number:	23/1382/FUL
Delegation Briefing:	23/11/2023
Decision Type:	Permitted
Date:	02/01/2024
Location Address:	Rougemont Cottage Rosebarn Lane Exeter EX4 6EL
Proposal:	Replace existing corrugated garage roof and install new flat roof including photovoltaic panels. Widening of one of the two garage doors to make larger vehicle access.
Delegated Decision	
Application Number:	23/1383/LBC
Delegation Briefing:	23/11/2023
Decision Type:	Permitted
Date:	02/01/2024
Location Address:	Rougemont Cottage Rosebarn Lane Exeter EX4 6EL
Proposal:	Replace existing corrugated garage roof and install new flat roof including photovoltaic panels. Widening of one of the two garage doors to make larger vehicle access.
Pinhoe	
Delegated Decision	
Application Number:	23/0754/FUL
Delegation Briefing:	23/11/2023
Decision Type:	Permitted
Date:	11/12/2023
Location Address:	British Telecom Oberon Road Exeter Devon EX1 3QD
Proposal:	Provision of a secure storage container.
Delegated Decision	
Application Number:	23/0858/DIS
Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged
Date:	18/12/2023
Location Address:	Land To The South Of Tithebarn Way Tithebarn Way Exeter
Proposal:	Condition Discharge: Conditions 18 (Programme of Percolation Tests), 19 (Permanent Surface Water Drainage), 20 (Surface Water Drainage Construction) and 21 (Adoption and Maintenance) of approval 18/1145/OUT

Delegated Decision	
Application Number: 23/1195/FUL	Delegation Briefing: 12/10/2023
Decision Type: Refuse Planning Permission	Date: 04/12/2023
Location Address: 12 Broadparks Avenue Exeter EX4 9ET	
Proposal: Two storey side extension, single storey rear extension. Attic conversion to habitable use. Timber shed in front garden	
Delegated Decision	
Application Number: 23/1206/FUL	Delegation Briefing: 19/10/2023
Decision Type: Refuse Planning Permission	Date: 11/12/2023
Location Address: 41 Park Lane Exeter EX4 9HL	
Proposal: RETROSPECTIVE. Flat roof garage with English Cedar cladding	
County Decisions	
Application Number: 23/1220/FUL	Delegation Briefing: 19/10/2023
Decision Type: Permitted	Date: 30/11/2023
Location Address: 1 Bickleigh Close Exeter EX4 8QB	
Proposal: Part demolition of existing extensions, proposed new rear and side extensions with complete internal remodel	
Delegated Decision	
Application Number: 23/1316/FUL	Delegation Briefing: 09/11/2023
Decision Type: Permitted	Date: 02/01/2024
Location Address: 5 Denarius Road Exeter EX1 3WT	
Proposal: Install a Canopy on the rear of the property	
Priory	
Delegated Decision	
Application Number: 23/0594/FUL	Delegation Briefing: 25/05/2023
Decision Type: Permitted	Date: 08/12/2023
Location Address: 3 Mill Yard Cottages Mill Yard Exeter Devon EX2 6LL	
Proposal: A residential two storey extension to the rear of the property.	
Delegated Decision	
Application Number: 23/1226/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 04/12/2023
Location Address: 4 Fernpark Close Exeter EX2 6AW	
Proposal: Replacement of existing dormer with a large dormer	
Delegated Decision	
Application Number: 23/1282/FUL	Delegation Briefing: 26/10/2023
Decision Type: Permitted	Date: 06/12/2023
Location Address: 5 King Henrys Road Exeter EX2 6AJ	
Proposal: New roof to garage, porch and rear extension	

Delegated Decision	
Application Number: 23/1289/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 13/12/2023
Location Address: Millbrook Village Topsham Road Exeter	
Proposal:	T934 Sycamore - Fell T568 Tree of Heaven - FellT937 Alder - FellT938 Birch - FellT933 Oak - Remove deadwood greater than 30mmT933 Oak - Crown lift to 5m above existing internal road levelPLEASE NOTE - As we have no access to the actual TPO (no longer available on ECC website), we are unable to use the numbering within the schedule. The above T numbers relate to our supporting location plan - 05246 TLP 19.9.23 S1 & S1PLEASE SEE our documents 05246 TRA 20.9.23 and supporting letter 05246 TPO APPLIC 11.10.23 for full description and reasons for works.
Delegated Decision	
Application Number: 23/1297/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 29/11/2023
Location Address: 3 Headon Gardens Exeter EX2 6LE	
Proposal:	Proposed enlargement of the existing loft room to become habitable space.
Delegated Decision	
Application Number: 23/1336/FUL	Delegation Briefing: 16/11/2023
Decision Type: Permitted	Date: 18/12/2023
Location Address: 17 Rydon Lane Exeter EX2 7AN	
Proposal:	Single storey flat roof extension.
Delegated Decision	
Application Number: 23/1361/LBC	Delegation Briefing: 23/11/2023
Decision Type: Permitted	Date: 02/01/2024
Location Address: 199 Topsham Road Exeter EX2 6AN	
Proposal:	Render extension with sand/cement mix (white finish), replace vestibule with a wood-framed wall due to damaged glass panel.
Delegated Decision	
Application Number: 23/1394/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 18/12/2023
Location Address: Street Record Alice Templer Close Exeter	
Proposal:	T1 - BeechT2 - LimeT8 - LimeSuggested Works: Remove major hazardous deadwood.T22 - Horse ChestnutT23 - Horse ChestnutSuggested Works: Remove major hazardous deadwood. Reshape trees lightly as required, maximum diameter cut 100mm. Rationale: The above works are suggested as part of the reasonable maintenance of the safety and amenity of both the trees and the site.

St Davids

Delegated Decision

Application Number: 23/0592/FUL Delegation Briefing: 29/06/2023
Decision Type: Permitted Date: 27/11/2023
Location Address: 38 Southernhay East Exeter Devon EX1 1PE
Proposal: Change of use from guest accommodation (Sui Generis Use Class) to two bedroom dwellinghouse (C3 Use Class).

Delegated Decision

Application Number: 23/0743/DIS Delegation Briefing:
Decision Type: Condition(s) Partially Approved Date: 18/12/2023
Location Address: Isca Motors Water Lane Exeter Devon EX2 8BY
Proposal: Condition Discharge: Condition 4 (Remediation Strategy) and Condition 6 (SAP Calculations) of approval 19/0629/FUL.

Committee Decision

Application Number: 23/0880/FUL Delegation Briefing: 03/08/2023
Decision Type: Permitted Date: 07/12/2023
Location Address: Former Exeter Royal Academy For Deaf Education 50 Topsham Road Exeter Devon EX2 4NF
Proposal: Development of 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access roads, car parking and services

Delegated Decision

Application Number: 23/1021/FUL Delegation Briefing: 07/09/2023
Decision Type: Permitted Date: 28/11/2023
Location Address: 7 Victory House Dean Clarke Gardens Exeter EX2 4AA
Proposal: Change the use from offices to a family home.

Delegated Decision

Application Number: 23/1176/FUL Delegation Briefing: 12/10/2023
Decision Type: Permitted Date: 28/11/2023
Location Address: 50 Maritime Court Haven Road Exeter EX2 8GP
Proposal: Replacement of existing timber windows and doors with PVCu

Delegated Decision

Application Number: 23/1179/LBC Delegation Briefing: 05/10/2023
Decision Type: Permitted Date: 13/12/2023
Location Address: Ground Floor 2 Broadgate Exeter EX1 1HF
Proposal: Internal redecoration, and repainting windows externally. Additional fixed furniture and screens.

Delegated Decision	
Application Number: 23/1275/FUL	Delegation Briefing: 02/11/2023
Decision Type: Permitted	Date: 30/11/2023
Location Address: Second Floor Brittany House New North Road Exeter EX4 4EP	
Proposal: Change of use of second floor from office (Use Class E(g)) to educational facility (Use Class F1).	
Delegated Decision	
Application Number: 23/1309/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 01/12/2023
Location Address: St Andrews Yard Willeys Avenue Exeter EX2 8EP	
Proposal: Lawful development certificate for a two metre high steel fence. It runs the length of the property and is next to the public footpath/highway. This fence was in place when I purchased the property in March 2014.	
Delegated Decision	
Application Number: 23/1323/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 07/12/2023
Location Address: 2 Bedford Street Exeter EX1 1LT	
Proposal: Installation of replacement shopfront signage including 3 no. fascia signs, 2 no. projecting signs and 1 no. external ATM surround decal.	
Delegated Decision	
Application Number: 23/1358/VOC	Delegation Briefing: 23/11/2023
Decision Type: Permitted	Date: 03/01/2024
Location Address: Unit 3 Maclaines Warehouse Haven Road Exeter EX2 8GR	
Proposal: Variation of condition 2 of 19/1714/FUL to alter replacement window/door materials to timber	
Delegated Decision	
Application Number: 23/1367/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 29/11/2023
Location Address: Princesshay Centre St Stephens House 9 Catherine Street Exeter EX1 1EU	
Proposal: T005 London Plane - Reduce crown by 1m to clear building. T006 London Plane - Reduce crown by 1m to clear building. Crown lift to 5.2m for highway clearance. T028 Himalayan Birch - Crown lift to 2.4m for pedestrian clearance. T038 Bird Cherry - Crown lift to 3m for pedestrian clearance. All works completed to BS3998:2010.	

Delegated Decision	
Application Number: 23/1372/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 11/12/2023
Location Address: Unit 1 Maclaines Warehouse Haven Road Exeter EX2 8GR	
Proposal: Discharge of condition 5 (management plan) of 20/0217/FUL	
Delegated Decision	
Application Number: 23/1387/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 24/11/2023
Location Address: Street Record Deanery Place Exeter	
Proposal: T22 - Magnolia T23 - Pittosporum Suggested Works: Prune back secondary and tertiary branches to achieve 2 metres of clearance from flood lighting. These works have been requested by Exeter Cathedral to maintain the safety and security of the site, particularly with respect to the Christmas Markets.	
Delegated Decision	
Application Number: 23/1393/VOC	Delegation Briefing: 23/11/2023
Decision Type: Permitted	Date: 03/01/2024
Location Address: Unit 3 Maclaines Warehouse Haven Road Exeter EX2 8GR	
Proposal: Variation of condition 2 of 19/1715/LBC to alter replacement window/door materials to timber	
Delegated Decision	
Application Number: 23/1407/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 02/01/2024
Location Address: 12 Queens Terrace Exeter EX4 4HR	
Proposal: T1 - Willow tree To fell and remove willow tree. And grind out the stump. The tenants at this address have identified signs of historic die back within the tree crown. A full removal has been requested from the landlord/letting agency.	
St Loyes	
Delegated Decision	
Application Number: 23/0589/FUL	Delegation Briefing: 29/06/2023
Decision Type: Refuse Planning Permission	Date: 01/12/2023
Location Address: Fernleigh Nurseries Ludwell Lane Exeter Devon EX2 5AQ	
Proposal: Conversion of existing nursery buildings/garage to single dwelling	

Delegated Decision	
Application Number:	23/1330/FUL
Decision Type:	Permitted
Location Address:	15 Delius Crescent Exeter EX2 5QZ
Proposal:	The proposal is to remove an existing conservatory and build a two-storey extension to the existing house. The footprint of the proposed extension is very similar to the existing conservatory. The extension will extend 3.0 metres from the existing house wall and will not extend beyond the building line of the adjacent dwelling (Nr. 16 Delius Crescent). The two-storey extension will have pitched roof, brickwork and windows to complement the existing house details. The reason for requiring planning permission is that the extension will follow the line of the existing gable wall which is approximately 1.2 metres from the curtilage boundary and therefore within the 2.0 metres limit for Permitted Development. A new bedroom window is proposed on the gable end of the dwelling. In all other respects this extension proposal meets PD requirements.
Delegated Decision	
Application Number:	23/1389/FUL
Decision Type:	Permitted
Location Address:	33 Bathern Road Exeter EX2 7QE
Proposal:	Single storey rear extension to replace existing conservatory
St Thomas	
Delegated Decision	
Application Number:	23/0249/FUL
Decision Type:	Permitted
Location Address:	Garages Cecil Road Exeter Devon
Proposal:	Conversion of four garages and store into a dwelling and associated alterations.
Delegated Decision	
Application Number:	23/1134/FUL
Decision Type:	Permitted
Location Address:	27 School Road Exeter EX2 9AF
Proposal:	Construction of two rear dormer roof extensions.
Delegated Decision	
Application Number:	23/1208/FUL
Decision Type:	Permitted
Location Address:	115 Wardrew Road Exeter EX4 1EZ
Proposal:	Flat roof rear extension.

Delegated Decision	
Application Number:	23/1390/FUL Delegation Briefing: 16/11/2023
Decision Type:	Permitted Date: 04/01/2024
Location Address:	74 Wardrew Road Exeter EX4 1HA
Proposal:	Proposed conversion of existing garage into a 4th bedroom annex for ancillary use to the main residence.

Topsham

Delegated Decision	
Application Number:	23/0563/FUL Delegation Briefing: 01/06/2023
Decision Type:	Permitted Date: 24/11/2023
Location Address:	Passage House Inn Ferry Road Topsham Exeter Devon EX3 0JN
Proposal:	Proposed replacement kitchen extractor fans

Delegated Decision	
Application Number:	23/0564/LBC Delegation Briefing: 01/06/2023
Decision Type:	Permitted Date: 24/11/2023
Location Address:	Passage House Inn Ferry Road Topsham Exeter Devon EX3 0JN
Proposal:	Proposed replacement kitchen extractor fans

Delegated Decision	
Application Number:	23/0885/RES Delegation Briefing: 19/10/2023
Decision Type:	Permitted Date: 02/01/2024
Location Address:	Land Adjacent To Newcourt Road Topsham Devon
Proposal:	Approval of layout, scale, appearance and landscaping reserved matters pursuant to planning permission ref. 21/1940/OUT - Outline planning application for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure.

Delegated Decision	
Application Number:	23/1115/FUL Delegation Briefing: 05/10/2023
Decision Type:	Permitted Date: 19/12/2023
Location Address:	51 Greatwood Terrace Topsham EX3 0EB
Proposal:	Ground and first floor rear extensions and Internal Alterations

Delegated Decision	
Application Number:	23/1157/FUL Delegation Briefing:
Decision Type:	Withdrawn by Applicant Date: 29/11/2023
Location Address:	Old Glass House 74 Glasshouse Lane Exeter EX2 7BZ
Proposal:	INVALID Change of use from mixed use residential dwellinghouse and nursery school to a residential dwellinghouse (Use Class C3).

Delegated Decision	
Application Number: 23/1169/LBC	Delegation Briefing: 19/10/2023
Decision Type: Permitted	Date: 24/11/2023
Location Address: 7 Denver Road Topsham EX3 0BS	
Proposal: Remove existing render to front of property, repairs to cob where necessary, repairs to stone plinth, re-render and paint.	
Delegated Decision	
Application Number: 23/1198/LBC	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 14/12/2023
Location Address: 74C Fore Street Topsham EX3 0HQ	
Proposal: INVALID 05/10/23 NEED MORE INFORMATION Installation of flat roof solar panels	
Delegated Decision	
Application Number: 23/1210/FUL	Delegation Briefing: 02/11/2023
Decision Type: Refuse Planning Permission	Date: 08/12/2023
Location Address: 1 Sir Alex Walk Topsham EX3 0LG	
Proposal: Add a two-story rear extension and change the aesthetics of the approved two-story side extension whilst keeping the same approved footprint.	
Delegated Decision	
Application Number: 23/1318/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 19/12/2023
Location Address: 13 Strand Court Topsham EX3 0AZ	
Proposal: T1-CotoneasterTree has outgrown it's surroundings.Reduce overall crown dimensions via thinning by approximately 2.5m and prune away from building.T2-MulberryTree has previously suffered from splits and subsequently been propped. There are strong concerns it continues to deteriorate. Reduce height of tree by approximately 1.5m and prune to reshape. Significantly reduce end weight of lateral limbs to minimise risk of future branch failure.T3-AppleTree has outgrown it's surroundings.Reduce overall crown dimensions of tree via thinning by approximately 2-1.5m and prune to reshape.T4-CotoneasterTree has outgrown it's surroundings.Reduce overall crown dimensions of tree via thinning by approximately 2.5m and prune to reshape.T5-AppleTree has outgrown it's surroundings.Reduce overall crown dimensions of tree via thinning by approximately 2-1.5m and prune to reshape.	
Delegated Decision	
Application Number: 23/1324/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 14/12/2023
Location Address: Topsham Fire Station Fore Street Topsham EX3 0HF	
Proposal: Discharge of conditions 3 (materials), 10 (odour) and 11 (bin storage) of 23/0792/FUL	

Delegated Decision	
Application Number: 23/1347/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 08/12/2023
Location Address: Watermeadow Grange Land To The North Of Exeter Road Exeter Road Exeter Topsham	
Proposal: Discharge condition 4 (Part L Report) of permission ref. 21/0882/FUL - Construction of an 86-bed care home and associated parking with vehicular access from Bewick Avenue.	
Delegated Decision	
Application Number: 23/1360/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 28/11/2023
Location Address: 12 Majorfield Road Topsham EX3 0ES	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 23/1369/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 02/01/2024
Location Address: Land Adjacent To Newcourt Road Topsham Devon	
Proposal: Discharge of Conditions 4, 5, 6, 7, 8, 9, 10 and 11 of permission 21/1940/OUT - Outline planning application for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure (Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration).	
Delegated Decision	
Application Number: 23/1373/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 19/12/2023
Location Address: 3 Bridge Hill Topsham Exeter EX3 0QQ	
Proposal: T1 Oak Fell	
Delegated Decision	
Application Number: 23/1413/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 19/12/2023
Location Address: 39 The Strand Topsham EX3 0AY	
Proposal: T1 Holm Oak - Reduce and shape by approximately 2-3 metres to leave a more balanced tree at approximately 3-4 metres in height.	
Delegated Decision	
Application Number: 23/1427/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 19/12/2023
Location Address: Mansard Parkfield Road Topsham EX3 0ET	
Proposal: Fell Ginko and replace with heavy/standard Fastigate Oak.	

Delegated Decision	
Application Number: 23/1454/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 11/12/2023
Location Address: Yeoman Gardens Newcourt Road Topsham EX3 0BU	
Proposal: Discharge conditions 20 (Updated Acoustic Design Statement), 23 (Balconies Design Details) and 25 (Remediation Verification Report) of permission ref. 22/0269/FUL - Residential development of 16 dwellings (including 35% affordable housing), access from Newcourt Road and associated works.	
Delegated Decision	
Application Number: 23/1469/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 08/12/2023
Location Address: Land Adjacent To Newcourt Road, Topsham, Devon	
Proposal: Non-material amendment to approval 21/1940/OUT for revision to Condition 3 to allow relocation of site access approx. 5.6m further north	
Delegated Decision	
Application Number: 23/1488/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 20/12/2023
Location Address: 5A Fore Street Topsham EX3 0HF	
Proposal: Remove Eucaplytus Tree to ground level- emailed agent asking for picture of tree	
Delegated Decision	
Application Number: 23/1498/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 18/12/2023
Location Address: The Coach House 45B The Strand Topsham EX3 0BB	
Proposal: Woodburner flue to be increased in height to 1800mm above sedum/flat roof level. Non-material amendment to 21/1043/FUL	
Total Applications: 109	

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 15th January, 2024
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 (05/12/2023).

2. Recommendation:

2.1 Members are asked to note the report.

3. Appeal Decisions

3.1 [22/1177/FUL](#) **Land Adjacent to Gras Lawn and Fleming Way.** *Construction of two 1-bedroom, two-person dwellings with external space, landscaping and associated works.*

The appeal was allowed with costs

[summary to follow]

[Reference: APP/Y1110/W/23/3320777 \(planninginspectorate.gov.uk\)](#)

3.2 [22/1662/FUL](#) **15 Eton Walk, St Thomas, EX4 1FD** *Construction of single garage.*

The appeal site is one in a row of terraced dwellings located in a modern residential suburb of Exeter. To the rear of the property there is a car port that is shared with the neighbouring property, No 16. The application was submitted concurrently with a similar proposal at the adjoining property at no.16, and it was intended that the two garages should adjoin. The other terraced dwellings also have car ports that are shared between two properties.

The Inspector highlighted the main issues to be:

- (i) The effect of the proposed development on the character and appearance of the area
- (ii) The effect on the living conditions of the occupiers of neighbouring properties

The Inspector noted the proposal would be a substantial structure and more bulky and visually dominating than the existing car port. It would also interrupt the rhythm of the layout of the car ports to the rear of the dwellings that form a key part of the street scene, and the prevailing openness of this section of Eton Walk

would be eroded. As such the proposed development would be detrimental to the character and appearance of the area.

The Inspector also noted that the gardens to these properties are not overly spacious and the proposed car port, in isolation (i.e considered separately from the proposed adjoining garage for no. 16) would form a visually dominant mass in close proximity to the garden of no. 16. It would reduce outlook from no. 16 and cause unacceptable harm to the living conditions of the occupiers of that property.

He considered that a condition to ensure that both garages were constructed simultaneously would not be reasonable or enforceable.

Consequently, the appeal has been dismissed.

For the Decision, see:

[Reference: APP/Y1110/D/23/3324413 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3324413)

3.3 [22/1663/FUL](#) **16 Eton Walk, St Thomas, EX4 1FD** *Construction of a single garage.*

The appeal site is one in a row of terraced dwellings located in a modern residential suburb of Exeter. To the rear of the property there is a car port that is shared with the neighbouring property, No 15. The application was submitted concurrently with a similar proposal at the adjoining property at no.15, and it was intended that the two garages should adjoin. The other terraced dwellings also have car ports that are shared between two properties.

The Inspector highlighted the main issues to be:

- (i) The effect of the proposed development on the character and appearance of the area
- (ii) The effect on the living conditions of the occupiers of neighbouring properties

The Inspector noted the proposal would be a substantial structure and more bulky and visually dominating than the existing car port. It would also interrupt the rhythm of the layout of the car ports to the rear of the dwellings that form a key part of the street scene, and the prevailing openness of this section of Eton Walk would be eroded. As such the proposed development would be detrimental to the character and appearance of the area.

The Inspector also noted that the gardens to these properties are not overly spacious and the proposed car port, in isolation (i.e considered separately from the proposed adjoining garage for no. 15) would form a visually dominant mass in close proximity to the boundary of the appeal site with 17 Eton Walk (No 17) and it would form a visually dominant mass in close proximity to the garden of No 17. Due to its solid built form, as opposed to the existing open car port, the proposal would be considerably more overbearing when viewed from the garden of No 17 and dominate that garden space. As such, it would reduce outlook from No 17.

He considered that a condition to ensure that both garages were constructed simultaneously would not be reasonable or enforceable.

Consequently, the appeal has been dismissed.

For the decision, see:

[Reference: APP/Y1110/D/23/3324412 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3324412)

- 3.4 [23/0438/FUL](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3326666) **95 St Katherine's Road, Mincinglake.** *Construction of rear dormer and retention of cladding to bay window (Retrospective Application).*

The appeal was dismissed.

[summary to follow]

[Reference: APP/Y1110/D/23/3326666 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3326666)

4. New Appeals

- 4.1 [22/0944/FUL](#) **11 Friars Walk.** *Removal of existing double garage and construction of single storey, 1-bed unit with ancillary landscaping.*

[Reference: APP/Y1110/W/23/3330612 \(planninginspectorate.gov.uk\)](#)

- 4.2 [22/1404/FUL](#) **Trees Court Studio, Victoria Road, Topsham.** *Proposed change of use from window-to-window and external door.*

[Reference: APP/Y1110/W/23/3324304 \(planninginspectorate.gov.uk\)](#)

- 4.3 [23/0724/FUL](#) **79 Southbrook Road, Priory.** *Bike shed on the front driveway, measuring 3x1.5m and height of 1.7m.*

[Reference: APP/Y1110/D/23/3327567 \(planninginspectorate.gov.uk\)](#)

- 4.4 [23/0847/FUL](#) **5 High Croft, Duryard.** *Replacement of two existing clear glazed Velux windows by a dormer window with obscure glazing up to 1.7m above the floor, and having openable escape windows no more than 1.1m above the floor as required by Exeter City Council's Building Control Department. Significant upgrades to the insulation of the affected room. Replacement of a ceiling affected by bomb damage in February 2021.*

[Reference: APP/Y1110/D/23/3334293 \(planninginspectorate.gov.uk\)](#)

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