

**ITEM NO. 10****COMMITTEE DATE:** 20/03/2017

**APPLICATION NO:** 16/0318/03      **FULL PLANNING PERMISSION**  
**APPLICANT:** McCarthy and Stone Retirement Lifestyles Ltd  
**PROPOSAL:** Erection of part three part four storey building comprising 39 retirement living apartments with associated communal facilities car parking access and landscaped grounds

**LOCATION:** Land adj Pinhoe Hoard Public House, Pinhoe Road, Exeter, EX4 8EW

**REGISTRATION DATE:** 04/03/2016  
**EXPIRY DATE:** 03/06/2016

**HISTORY OF SITE**

14/0963/03 -	Three storey building containing 41 retirement apartments including communal facilities and associated car parking and landscaping. Appeal was refused on Affordable Housing grounds.	REF	05/06/2015
14/0057/03 -	Three storey building containing 41 retirement apartments including communal facilities and associated car parking and landscaping	REF	17/04/2014

**DESCRIPTION OF SITE/PROPOSAL**

Erection of part three/part four storey building comprising 39 retirement living apartments with associated communal facilities car parking access and landscaped grounds. Vehicular access to the site is taken from a spine road which has already been granted consent.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The following documents have been submitted in support of the application:

- Drainage layout and details
- Refuse and Fire Vehicle Tracking
- Perspective views
- Landscape and planting plans
- Landscape details
- Tree Survey
- Tree constraint plan
- Planning Statement
- Design and Access Statement
- Acoustic Survey 2013
- Topographical Survey
- Reptile Report 2013

**REPRESENTATIONS**

2 objections were received regarding green roofs, time restriction on building works, the numbers of storeys and the north elevation's impact on surrounding area.

**CONSULTATIONS****Devon County Council, Highway Authority**

The Highway Authority refer to responses to the previous applications on the site that it is satisfied with the vehicular access and turning area. They have no objection to the development subject to conditions to the provision of access, turning area, parking, secure cycle storage and prevention of surface water on to the highway.

The Authority have, for safety reasons, asked for an improvement of the access onto the pedestrian/cycle lane. This pedestrian/cycle lane is part of the strategic regional cycle

network and therefore of strategic importance to improve the cycle route. To improve the safety and functionality of the pedestrian/cycle lane the Highway Authority propose to increase its width using approximate 0.5 metres of the northern boundary of the application site to improve the lane.

### **ECC Environmental Health**

Environmental Health refer to responses to the previous application and has no objection subject to planning conditions relating to ambient noise and construction/demolition hours.

### **South West Water**

SWW have no objection but advise that they have water mains within the site. For comments see previous application 14/0963/03.

### **Environment Agency**

Have no objections to the proposal providing development proceeds in accordance with the Flood Risk Assessment submitted in application 14/0963/03. For comments see previous application.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework

### **Exeter Local Development Framework Core Strategy**

CP1 - Spatial Strategy  
CP3 - Housing  
CP4 - Density  
CP5 - Meeting Housing Needs  
CP7 - Affordable Housing  
CP9 - Transport  
CP10 - Meeting Community Needs  
CP11 - Environment  
CP13 - Decentralised Energy Networks  
CP15 - Sustainable Construction  
CP16 - Green Infrastructure  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure  
CP19 - Strategic Allocations

### **Exeter Local Plan First Review 1995-2011**

AP1 - Design and Location of Development  
AP2 - Sequential Approach  
H1 - Search Sequence  
H2 - Location Priorities  
H7 - Housing for Disabled People  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
C5 - Archaeology  
LS2 - Ramsar / Special Protection Area  
EN2 - Contaminated Land  
EN3 - Air and Water Quality  
EN5 - Noise  
DG1 - Objectives of Urban Design  
DG4 - Residential Layout and Amenity  
DG5 - Provision of Open Space and Children's Play Areas

### **Exeter City Council Supplementary Planning Documents**

Archaeology and Development SPG

Planning Obligations SPD  
Public Open Space SPD  
Residential Design Guide SPD  
Trees and Development SPD

## **OBSERVATIONS**

A similar application (14/0057/03) was refused on Affordable Housing grounds. The Officers recommendation was to approve the application if an acceptable Affordable Housing contribution could be agreed. In the absence of such an agreement the application went to appeal and was refused.

The amount of the Affordable Housing contribution has now been agreed with the applicant. The S106 can therefore secure the affordable housing contribution, the connection to District Heating and the land to be part of the public highway.

The amount of Affordable Housing contribution has now been agreed. There is no principal grounds for refusal of a similar scheme to application 14/0057/03. There are differences between the applications regarding the design and what has been submitted as supporting information. For instance, this application has no longer the undercroft parking that was proposed in the previous application, neither is the supporting information as comprehensive. If granted this application will be subject to conditions that reflect the differences between the two applications.

## **CIL Liability**

The development is CIL liable. The liable amount is £413,360.58.

## **Affordable Housing and Viability**

Viability Assessments have been carried out during the applicant's negotiations with ECC Housing Development regarding contributions for Affordable Housing. Viability included CIL and decentralized energy network contribution. The proposed commuted sum of £900,000 as the off-site contribution for Affordable Housing contribution is acceptable. The Housing Team confirmed that they would accept this commuted sum as an affordable housing contribution, in the absence of onsite provision.

## **Highways and Transportation**

Vehicular access arrangements for this site are already established by a previous consent. The Highway Authority is satisfied that the road network has capacity to serve the development.

Cycle parking provision is necessary and therefore a condition has been added to secure the number of spaces in accordance with Sustainable Transport SPD 2013.

The Highway Authority have for safety reasons asked for an improvement of the access onto the pedestrian/cycle lane. This pedestrian/cycle lane is part of the strategic regional cycle network and therefore of strategic importance to improve this cycle route. To improve the safety and functionality of the pedestrian/cycle lane the Highway Authority propose to increase its width using approximate 0.5 metres of the northern boundary of the application site to improve the lane. The improvement is in accordance with Sustainable Transport SPD 2013, policy T5 – *Cycle route network* in the Local Plan and CP9 – *Transport* in the Core Strategy.

The applicant has agreed to improve the access onto the pedestrian/cycle lane and to use part of the site to increase the width of the lane. As part of making and forming this strip of land to a wider cycle/pedestrian lane this land needs to be transferred to the public highway and Devon County Council. Conditions will be added to ensure that above improvements for cycles and pedestrians are implemented and integrated into layout of the development.

## **Section A106 Agreement**

A legal agreement will be required to secure:

- i. Affordable Housing - £900,000
- ii. Connection to District Heating
- iii. Land to be part of the public highway

## **Ecology, biodiversity, wildlife and flood risk**

In the previous application several ecological surveys were submitted with the application including a biodiversity statement and Flood Risk Assessment. Environment Agency and Natural England were consulted and were satisfied as long as SuDS and biodiversity enhancements were carried out. In the previous application the RSPB wanted improvements in relation to bird nesting boxes. The Flood Risk Assessment and Biodiversity Report from application 14/0057/03 were not updated and submitted with this application. A Drainage Strategy with details was submitted with the application but not an acceptable SuDS scheme.

Conditions are added to cover areas where there are no submitted details in this application compared to the previous application or to secure matters which were highlighted in reports submitted in the previous application.

## **Design and amenity space**

The proposed design and materials are appropriate to the character of the area. The amenity space is less than required in the Residential Design Guide SPD but acceptable for the use described and with the constraints of this site. Therefore a condition regarding Occupancy Age Limits has been added.

## **RECOMMENDATION**

Recommendation is **APPROVAL** subject to:

- A Section 106 Agreement to secure the matters identified above
  - The following conditions (which may be varied or supplemented as appropriate)
- 1) C05 - Time Limit - Commencement
  - 2) C15 - Compliance with Drawings
  - 3) **Pre-commencement condition:** If not otherwise agreed with Local Planning Authority in writing samples of the materials that are intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason for pre-commencement condition:** To ensure that the materials conform with the visual amenity requirements of the area.
  - 4) **Pre-commencement condition:** No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
    - a) There shall be no burning on site during demolition, construction or site preparation works;
    - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
    - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
    - d) Site hoardings shall be kept clear of graffiti and fly-posting.

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

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

- 5) **Pre-commencement condition:** No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site (if not otherwise agreed in writing by the Local Planning Authority) to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the LPA and retained for the construction period.  
**Reason for pre-commencement condition:** To minimise obstruction of and damage to the adjacent highway, in the interest of public safety.
- 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 building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.  
**Reason for pre-commencement condition:** In the interests of the amenity of the occupants of the building hereby approved.
- 7) **Pre-commencement condition:** The applicant shall undertake a noise assessment to identify whether any sound insulation measures are required to protect future residents from noise from road and rail traffic. The assessment should be submitted for approval in writing by the LPA prior to commencement of the development. If, following the assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed development from noise. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.  
*The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.*  
**Reason:** Insufficient information has been submitted with the application and in the interests of residential amenity.
- 8) **Pre-commencement condition:** Before the commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning Authority, to establish the absence of reptiles, badgers and other protected species.  
**Reason for pre-commencement condition:** In the interest of conservation of habitats and species.
- 9) **Pre-commencement condition:** Before commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning Authority, to establish the absence of reptiles, badgers and other protected species.  
**Reason for pre-commencement condition:** In the interest of conservation of habitats and protected species.
- 10) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO<sub>2</sub> emissions including a 44% CO<sub>2</sub> emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the

Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

**Reason:** In the interests of sustainable development.

- 11) **Pre-commencement condition:** Prior to commencement of development the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 10 above will be met. The measures set out in that assessment shall subsequently be implemented prior to the occupation of development.  
**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.
- 12) **Pre-commencement condition:** A detailed scheme for landscaping to increase biodiversity and the amenity quality of the site, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason for pre-commencement condition:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of biodiversity and amenity.
- 13) **Pre-commencement condition:** Development details of the pedestrian access onto the shared cycle and pedestrian lane on Pinhoe Road and chamfer/taper to provide some visibility for pedestrians shall be submitted to and approved in writing by the Local Planning Authority, and no development shall take place until the LPA have approved the details. No part of the development hereby approved shall be occupied until the pedestrian access have been implemented in accordance with the approved details.  
**Reason for pre-commencement condition:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of highway safety for pedestrians and cyclists.
- 14) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the LPA.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and overlooking.
- 15) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme until the LPA have approved the scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with the LPA.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 16) No part of the development hereby approved shall be occupied until the vehicular parking facilities (as indicated in the proposed site block plan) have been provided surfaced and marked out in accordance with details that shall be approved in writing by the Local Planning Authority and retained for that purpose at all times.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

- 17) Unless otherwise agreed with Local Planning Authority in writing construction/ demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of the occupants of nearby buildings.
- 18) Prior to occupation of any dwelling hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.  
**Reason:** In the interests of preservation and enhancement of biodiversity in the locality.
- 19) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.  
**Reason:** To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 20) Prior to occupation of the development hereby permitted, a Travel Pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.  
**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options.
- 21) No part of the development hereby approved shall be occupied until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site and to ensure that cycle access and cycle parking is provided, in accordance with Exeter Core Policy CP9, Local Plan Policy T3 and Sustainable Transport SPD 2013.
- 22) No building hereby permitted shall be occupied until sustainable surface water drainage works (SuDS) have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details for the sustainable drainage scheme shall:

- i. show how the rainwater falling on roofs and other surfaces are managed to

- restrict both the flow rate and the volume surface runoff;
- ii. show how the SuDS scheme is achieving a flow rate and a volume surface runoff approximate to the site greenfield response;
  - iii. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - iv. show how the SuDS scheme is integrated in the landscape scheme and contributes to biodiversity;
  - v. include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure the satisfactory sustainable drainage of the development.

- 23) Each unit of the residential home hereby permitted shall be occupied only by:
- persons of state pensionable age;
  - persons living as part of a single household with such a person or persons;
  - persons who were living as part of a single household with such a person or persons who have since died.

**Reason:** The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

- 24) Prior to the occupation of each unit hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications. If not otherwise agreed in writing by the Local Planning Authority.

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

- 25) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

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

Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,  
Civic Centre, Paris Street, Exeter: Telephone 01392 265223