

ITEM NO.**COMMITTEE DATE:**

24/07/2017

APPLICATION NO:

17/0461/03

FULL PLANNING PERMISSION

APPLICANT:

Mr A West

Persimmon Homes (SW) Ltd

PROPOSAL:

Construction of ground floor Retail Unit (218m² gross internal floor area) and 20 residential apartments with associated amenity space, parking and associated works, and provision of an additional 20 parking spaces for use in conjunction with Newcourt Community Centre.

LOCATION:

Land adjoining Omaha Drive and, Blakeslee Drive,
EXETER

REGISTRATION DATE:

21/03/2017

EXPIRY DATE:

20/06/2017

HISTORY OF SITE

02/1402/01	Redevelopment to provide residential units, community facilities and primary school, highway access improvements, car parking and associated works (siting, design, landscaping and external appearance reserved for future consideration)	PER	15/01/2003
07/1176/02	Redevelopment to provide 398 dwellings, offices, shops, parking and associated works (approval of reserved matters on Ref. No. 02/1402/01 granted 19 July 2004) for siting, design, landscaping and external appearance	PER	28/01/2008

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 0.31 hectare parcel of land situated at the junction of Omaha Drive and Blakeslee Drive, opposite the Newcourt Community building. The site is currently informally used as open space.

Permission is sought for a 3 storey building containing a small retail unit and 20 apartments. The retail unit (GIA 218m²) would occupy the part of the ground floor on the corner with frontage to both Blakeslee and Omaha Drive (but with the customer access from the Omaha Drive frontage). The remainder of the ground floor would provide 4 apartments. The 16 remaining apartments would occupy two floors above the retail unit and ground floor apartments. 20 parking spaces to serve the apartments would be provided to the rear of the building accessed via Blakeslee Drive under the archway to existing adjoining apartments. A communal area of amenity space would also be provided to the rear of the building to serve the apartments.

The proposal also incorporates the provision of a further area of parking spaces (18) on the front part of the site on the corner of Blakeslee and Omaha Drive which it is indicated would serve both the adjoining Community Building and retail unit.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

- Design and Access Statement

- Ecological Appraisal
- Site Briefing Note
- Commercial Report

REPRESENTATIONS

38 objections to the application have been received raising the following issues –

- Loss of green space for children to play outweighs need for retail facility
- Noise pollution, especially associated with retail unit unsociable hours
- Loss of space used by older children/teenagers – provision on estate inadequate
- Loss of light
- Loss of privacy/overlooking
- Will exacerbate parking problems in locality – not enough spaces already
- Air pollution
- Adverse highway safety impacts
- Exacerbate access problems for buses
- Main park/play only suitable for younger children
- Contrary to community wishes
- Detrimental to visual qualities of area/quality of life
- Retail encourage congregation of people and associated anti-social behaviour, especially if alcohol sold
- Retail unit not required given other retail in locality (Tesco/Ikea/Countess wear)
- Overdevelopment
- Lack of cycle parking for retail unit
- Contrary to Residential Design SPD advice
- Flat cycle parking poorly located in terms of surveillance/distance – Sustainable Transport SPD
- Absence of e-bike charging provision
- Contrary to Core Strategy policy CP17 and NPPF
- Design/street scene parking dominated
- Adverse impact of deliveries to retail unit, what is provision?
- Developer greed
- No need for further housing here
- Negative impact on sense of community and well-being of existing residents
- Inadequate amenity space for flats
- Undermine delivery of local store within Seabrook Orchards development and associated local centre
- Lack of affordable housing as part of proposal.

CONSULTATIONS

Environmental Health Officer – recommends conditions relating to Construction Environment Management Plan (CEMP), contaminated land and noise assessment.

South West Water – Highlight location of public water main and easement requirements, and hierarchy for surface water disposal.

County Head of Planning, Transportation and Environment (Highways) – Detailed comments are provided in relation to the main considerations relevant to assessment of the proposal from a transportation perspective, namely vehicular access, pedestrian and cycle access, trip generation, parking, loading, travel planning, and construction. The consultation

response concludes that the proposal is considered acceptable in terms of potential traffic generation, access arrangements, levels of parking provision and raises no objection subject to the imposition of appropriate conditions.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):-

4. Promoting sustainable transport
5. Supporting high quality communication infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Paragraph 11 - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 - At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking...For decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP2 - Employment
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP8 - Retail
- CP9 – Transport
- CP10 – Meeting Community Needs
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP14 – Renewable and low carbon energy
- CP15 – Sustainable design and construction
- CP16 – Strategic green infrastructure
- CP17 – Design and local distinctiveness

CP18 – Infrastructure requirements and developer contributions
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
E3 - Retention of Employment Land or Premises
H1 – Housing land search sequence
H2 – Housing location priorities
H3 – Housing sites
H6 – Affordable housing
H7 – Housing for disabled people
S1 - Retail Proposals/Sequential Approach
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T9 - Access to Building by People with Disabilities
T10 – Car parking standards
C5 – Archaeology
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG3 - Commercial Development
DG4 – Residential layout and amenity
DG5 – Provision of open space and children’s play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Development Delivery Development Plan Document (Publication Version):-

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

DD1 - Sustainable Development
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing Out Crime
DD31 - Biodiversity
DD33 - Flood Risk
DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2013
Archaeology and Development SPG 2004

Planning Obligations SPD 2009
Public Open Space SPD 2005
Residential Design SPD 2010
Sustainable Transport SPD 2013

OBSERVATIONS

Introduction

This site forms part of the original former Royal Navy Stores Depot for which outline consent was granted for residential redevelopment in 2004 (planning application reference no 02/1402/01). The outline consent was subject to a S106 agreement which amongst other things required the provision of a certain amount of residential and office floor space within the development, 710m² and 1360m² respectively. Subsequently reserved matter approval (ref 07/1176/02) was granted in January 2008 for 'Redevelopment to provide 398 dwellings, offices, shops, parking and associated works'. The retail/office and associated flat element comprised a 3 & 4 storey building with retail units on the ground floor and the office and 8 flats above. The majority of this consent has since been implemented, however the element containing the retail/office floor space (with flats over) and associated vehicle circulation space was not constructed and the area of land earmarked for this part of the development has in the intervening period been informally used by the public as open space. The fact that the majority of the consented development has been constructed means that the original permission is kept alive in perpetuity and therefore the consented retail/office floor space (and flats over) earmarked for this currently open area could be implemented by the developer at any point without the need for any further consent from the Local Planning Authority.

Notwithstanding this the developer has been reviewing the demand for, and viability of delivering, the approved retail/office accommodation. The application is accompanied by a report from Herridge Property Consulting which concludes that the location, surrounding context and lack of dedicated parking facilities, together with prevailing market conditions are such that there is no realistic demand for office floor space in this location, and that it would be financially unviable to deliver this element of the original scheme. The report reaches similar conclusions, based on an analysis of current retail operator interest and trends, on the demand for the level of retail floor space originally proposed. Consequently the developer has come forward with revised proposals for this part of the site, which comprise a single retail unit of significantly reduced floor space to the original scheme, no office floor space, and 20 residential apartments with associated amenity space and parking provision, and an element of additional parking spaces to serve the wider locality.

The main considerations in respect of the current application relate to the acceptability in principle of development on this part of the site, the merits of departing from the previously agreed provision of retail/office floor space, affordable housing provision, design/layout/amenity standards, transportation matters, and ecology/sustainability.

Principle of development of the application site

As stated above a valid consent exists for development on this site which could be implemented at any time. Consequently whilst it is acknowledged that residents in the locality have had the benefit of the informal use of this land as an extension of the formal open space with the developers permission it was always earmarked for development. Whilst representations have raised the lack of adequate amenity space to serve the needs of all the residents of various age ranges occupying the wider locality, the overall level of amenity space provision was assessed

and deemed acceptable at the time the original permission was granted. Consequently it has to be accepted that the principle of development on the application site is acceptable.

When the former Royal Naval Stores Depot was originally allocated for development it was also intended that it would include an element of retail/commercial floor space, and this was incorporated in the approved plans. As indicated above the consent for the retail/commercial floor space on this part of the site remains valid. Indeed the permitted amount of retail floor space is far greater (710m²) than that proposed in the current application 218m². In this context the principle of the provision of the retail floor space comprised in the application is considered, and as it forms part of a Local Plan allocation is consistent with Central Government advice contained in the NPPF regarding the sequential approach to the provision of retail development.

Merits of departing from previously approved provision of retail/office floor space

The inclusion of retail and commercial floor space within the original proposals reflected Local plan policy aimed at delivering an attractive and sustainable expansion of the urban area at Newcourt. The developer has not delivered the commercial/retail element of the approved scheme for commercial reasons as set out in the Herridge Property Consulting report submitted in support of this current application. A significant period of time has elapsed since the outline and reserved matters consents were granted in 2003 and 2008 respectively. The majority of the residential element of the original proposal has been complete for some time and it is acknowledged that the approach of reduced levels of parking provision prevalent at that time have translated into some on-going issues across the development. This would tend to add weight to the arguments advocated by the applicant's consultant regarding the attractiveness of the application site as a location for significant commercial/office provision. The retail market has also changed significantly since the original consents were granted, and it is accepted that there is unlikely to be sufficient demand for the level of retail floor space provision originally envisaged to make its delivery viable.

In these circumstances it is not considered that a sustainable argument could be advocated to resist revisiting the provision of the consented commercial/retail floor space. In assessing the merits of the submitted scheme it is still considered desirable to secure provision of a suitable retail facility to meet the local needs of residents in the locality. The applicant has indicated that there is some operator interest in provision of a reduced scale retail unit as included in the current proposal.

Affordable housing

Although the application includes 20 apartments the previously consented scheme covering this part of the site included 8 apartments, for which the required proportion of affordable housing has already been provided as part of the wider already constructed housing. Hence this application comprises a net increase of 12 apartments, and it is these 12 units upon which the requirement for affordable housing as part of this scheme should be calculated. This would generate a requirement for 4.2 affordable dwellings (i.e. 35% of 12), of which 70% should be social rented and 30% intermediate housing (approx. 3 and 1 units respectively).

Following negotiations the developer has proposed 4 apartments as affordable dwellings (2 x 1bed and 2x 2bed). Although this is 0.2 of a unit short of the relevant policy requirement it has been proposed that all 4 affordable dwelling units are of social rent tenure. It is considered that this over provision of social rented units, taken together with the 18 proposed parking spaces for community/wider use, are sufficient benefits of the proposal to outweigh the minor under provision required by the policy requirement for 35% affordable units.

Therefore the proposed number of units and tenure of the affordable provision is considered acceptable. This provision would need to be secured through an appropriate S106 agreement.

Design/layout/amenity standards

The built form now proposed largely follows the footprint of the approved buildings on the site, although the depth of the residential apartment element is reduced from the previous scheme. The proposed building would be in line with the front of the adjoining dwellings (Nos 9/11 Jack Sadler Way) before kinking to become parallel with Omaha Drive. A demarcated landscape strip is proposed in front of the building providing both defensible space to the ground floor apartments and space around the retail building. Communal amenity space is provided to the rear of the building to serve the apartments, the extent of which is considered acceptable and appropriate for this form of development. The majority of the upper floor apartments are provided with additional amenity space in the form of balconies on the rear elevation of the building which will benefit from a predominantly southern aspect.

The approved building for this part of the site has a deeper footprint and in part extends to 4 storeys as opposed to the 3 storeys currently proposed. Consequently the current proposal will have a better relationship to surrounding buildings in terms of its relative scale, and potential impact in terms of overshadowing.

The external appearance of the building will comprise a mix of brick and render finishes which is consistent with the prevailing character of the surrounding development. 20 parking spaces to serve the apartments will be provided to the rear of the building, accessed via the archway off Blakeslee Drive under the existing apartments. This will form an expansion of the parking area serving existing units and is consistent with the originally approved plans for parking to serve development on this part of the site.

Overall, in the context of the extant consent, and character of the area, the proposed development represents an appropriate form of development in terms of scale/massing and overall layout.

Transportation matters

The proposal provides 20 parking spaces to serve the 20 apartments located to the rear of the building. This level of provision is considered acceptable in the context of the site constraints, previous approval and guidance within the Council's adopted Residential Design and Sustainable Transport SPD's. Additional parking is provided in front of the building comprising a further 18 spaces which could be utilised as additional parking for the nearby Community building and the proposed retail unit. Cycle parking is also provided to serve both the residential and retail elements of the proposal.

The extant approval for this part of the wider Upper RNSD development included 8 apartments, more extensive retail floor space and a substantial element of office/commercial floor space. It is considered that the revised proposals contained in this current application would be likely to generate significantly less traffic movements than the approved scheme, which could still be implemented. The site is also well served by public transport included a bus service and the nearby Newcourt Rail Halt. Consequently from a traffic and travel perspective the proposal is considered acceptable.

The parking, and associated circulation space to the front of the building has been designed with parking spaces parallel to the proposed store which would double up as provision for servicing the retail unit. DCC have confirmed that this is acceptable from a highway perspective.

DCC as Highway Authority have confirmed that they have no objection to the proposal on transportation grounds. The scheme as proposed is considered to satisfactorily address transportation matters associated with this revised proposal for this part of the wider site. The provision of additional parking spaces on part of the site to serve the wider area, i.e. adjoining community building, are seen as a positive element of the scheme that should help to ease existing parking pressures in the locality. Therefore the proposal is considered acceptable from a highway perspective.

Ecology/Sustainability

The submitted Ecological Appraisal has not identified any significant ecological constraints to the development of the application site. There is an opportunity to enhance the ecological interest of the site through the provision of appropriate landscaping, and the incorporation of integral nesting opportunities in the form of bird/bat bricks within the building fabric.

The arrangements for surface water disposal have been clarified and will comprise discharge to the adoptable surface water sewer laid as part of the original development. The flow from this surface water sewer is attenuated in an existing downstream basin before discharge into the adjacent stream. The basin and sewer were sized to take the relevant flows from the application parcel of land as part of the original development.

The provision of a local retail facility will reduce the requirement for residents of the development to travel to meet their immediate/top-up shopping needs.

Financial Considerations/S106 Agreement

The proposal will be CIL Liable at a rate of £159.60/m² for the retail floor space and 102.14/m² for the residential floor space. This would equate to £34,792.80 and £106,004.97 respectively and total CIL liability of £140,797.77.

For ease of calculations based on an assumption of Council Tax Band B for the flats the development would be estimated to yield £45,137.20 of New Homes Bonus payable to the City Council assuming current rules regarding the period of payment, baseline and on abatements continue to prevail following completion of the scheme.

A S106 Agreement will be required to secure the affordable housing provision (4 apartments for social rent), public availability and maintenance of the extra 18 parking spaces between the retail unit and Omaha Drive, and a contribution (£3000) from the developer towards a Traffic Regulation Order relating to the works within the public highway to provide a raised pedestrian/cycle crossing over Omaha Drive.

Conclusions

The inclusion of the 18 additional parking spaces on the front part of the site for community/public use is considered a positive element of the scheme that will in part help to ease parking pressures in the locality. Overall the proposal which seeks to retain an element of retail provision, albeit of less floor space than the extant approval, is considered an acceptable alternative development for this part of the site to the previously approved plans.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement covering the items referred to above **APPROVE** subject to the following conditions –

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 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 14th March and 26th June 2017 (including dwg. Nos. 001, RNSD-SK00 Rev P8, RNSD-SK201 Rev P8, RNSD-SK202 Rev P8, RNSD-SK203 Rev P8, sk1200 Rev P02 and sk1300 Rev P02) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include 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.
- 4) **Pre-commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 5) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) 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, emissions of noise and dust and arrangements in respect of site compound to serve the development and accommodation of construction workers vehicles on site during the course of the works. 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.

- 6) **Pre-commencement condition:** The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment, noise from deliveries and collections, and noise transmission through the structure of the building as well as air-borne noise.
If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.
Reason for pre-commencement condition: In the interests of the residential amenities of the occupants of the proposed apartments and surrounding residential properties.
- 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 a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 8) In the event of failure of any trees or shrubs planted in accordance with the approved scheme of landscaping indicated on drawing no. RNSD-SK203 Rev P8 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) No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the

approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

- 10) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

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

Reason: To ensure that the materials used are appropriate in the interests of the visual amenity of the area.

- 12) Prior to occupation of the development 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 shall be submitted to and approved by the Local Planning Authority. The Wildlife Plan shall include the incorporation of a minimum of 20 integral bird/bat bricks within the fabric of the building. 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