

## Appendix A

Original Officer Report and associated Update Sheet in respect of Application 18/0873/FUL presented to ECC Planning Committee on the 3<sup>rd</sup> December 2018.

# Agenda Item 11

## PLANNING COMMITTEE

3 DECEMBER 2018

### ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

#### **Item 5 : 18/0873/FUL : Pages 21-38 : Land at Ribston Avenue**

Since the main report was prepared 13 further representations have been received, some from new people and some from those who had already objected but wished to re-iterate their views.

These 7 further representations raise similar issues to those raised in the other representations as summarised in the main report and raise no significant new issues.

One of these late representations questions the relevance of the recent appeal decision referred to the main officer report to Committee, questioning the conclusions regarding 'fear' as a material consideration and suggesting the site in Wales has a different context.

#### **Item 6 : 15/0640/OUT and 15/0641/OUT : Pages 39-72 : Aldens Farm, Alphington**

One additional letter of objection to both applications from the Exeter Civic Society.

Concerns/objections raised:-

- i) Inadequacy of highway data and road safety audit produced by applicant, as highlighted by DCC, which not been resolved;
- ii) Contribution from these applications should be sought for off-site improvements to link existing infrastructure, and any approval should condition the provision of dedicated cycle routes within the development rather than shared paths;
- iii) Through routes should be reviewed (to avoid rat-runs) except for bus routes if deemed essential;
- iv) In developing bus services the development of the wider area should be considered rather than this development in isolation;
- v) In any approval of these applications it should be mandated that footpaths/cycle paths are linked to adjoining sites to give access to community facilities;
- vi) If the western application is approved it should be mandated that the applicant provides a pavement to the north of Shillingford Road together with a zebra crossing to ensure this site is linked to Alphington infrastructure;
- vii) It is important that pedestrian and cycle access is developed off-site to both Alphington primary school and the proposed new school to the south of the A379 and these developments should contribute towards this if necessary.

#### **Item 7 : 18/1088/ECC : Pages 73-80 : Mallison Bridge, Exeter Quay**

Nothing further to report.

# Agenda Item 5

**COMMITTEE DATE:** 03/12/2018

**APPLICATION NO:** 18/0873/FUL  
**APPLICANT:** Cygnet Health Care  
**PROPOSAL:** The construction of a 54-bed independent hospital with access, car parking, landscaping/open space and associated works.  
**LOCATION:** Land At Ribston Avenue, Ribston Avenue, Exeter, EX1 3QE  
**REGISTRATION DATE:** 05/06/2018  
**EXPIRY DATE:**

## **HISTORY OF SITE**

There is no planning history relating to the application site which is considered directly relevant to the current application.

The adjoining land, also formerly part of the old St Lukes School is the subject of the following application for residential redevelopment that is now the subject of an appeal following refusal of planning permission by the City Council –

18/0534/FUL - Construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure. Currently undetermined.

## **DESCRIPTION OF SITE/PROPOSAL**

The application site extends to approximately 1ha and slopes gently from north to south. The site is bounded to the north by existing residential properties on Sargent Close and Ribston Avenue, to the east by Ribston Avenue, to the south by land also formerly comprising part of the school which is currently subject of an application for residential redevelopment, and to the west by the rear of properties on Warwick Road. Along this western boundary there is a belt of existing trees which provide a screen between those properties and the application site. There is an existing access point in the south west corner of the site at the junction of Ribston and Bramley Avenue.

Planning permission is sought for the construction of a 54 bed secure independent hospital that will specialise in treatment of patients with mental health care needs, along with associated parking, landscaping and boundary treatments. Vehicular access to the facility is proposed by an access onto Ribston Avenue. The proposal also includes the provision of an element of public open space on the northern part of the site. The hospital building will be located on the southern part of the site with parking and servicing to the front and rear of the building. An internal access road connects the front and rear parking areas running between the hospital site and the open space. The hospital building proposed is predominantly 2 storey in height and fencing will separate the hospital and grounds from the open space.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by the following supporting documents –

- Planning Statement
- Explanation of service/facility proposed
- Design & Access Statement
- Level 1 Flood Risk Assessment & Drainage Strategy
- Drainage Strategy
- Preliminary Ecological Appraisal
- Transport Statement
- Travel Plan Statement
- Statement of Archaeological Potential, Impact and Mitigation
- Arboricultural Report
- Statement of Public Consultation

## **REPRESENTATIONS**

212 letters of representation have been received raising the following matters –

- Lack of parking for staff/patients/visitors leading to more parking congestion and associated highway safety implications and potential hindrance of access for emerging vehicles in locality
- Security – fencing, patient controls on access/leaving facility, risk of escape
- Nature of patients – Mental health, severity of risk, potentially disruptive and violent
- Inappropriate location – proximity to school and in residential area with many elderly residents
  - Safety of community generally but especially safeguarding of school children/young children in area given potential backgrounds of patients
  - Irresponsible to allow it and endanger local community
  - Exposure to inappropriate language, behaviour/activities
  - Perception of fear – in relation to both safety and crime
  - Antisocial behaviour
  - Adverse impact on attractiveness of the school as a choice for future parents
  - Poor location/environment for patients
- Increased traffic – congestion, roads inappropriate/adequate, already a 'rat run', roads already in poor condition
- Inadequate infrastructure to serve facility – road conditions etc.
- Impact on bus service – increased use, exacerbate difficulties for bus access on roads
- Lack of cycle path on site, level and location of cycle parking provision, facilities for staff cycling to work
- Track record/competency of operator – poor treatment of patients CQC (Care Quality Commission) findings/concerns at their other hospitals
  - Staffing levels/skills
  - Administration/record keeping
  - Quality of facility and safety

- Security
- Other better locations e.g. industrial estates or rural areas, Cranbrook, Former L&M headquarters at Clyst St Mary, somewhere in a new development where people can choose to live near it
- Lack of consultation – misleading/vague by developer and not extensive enough by Council
- Lack of adequate external space for patients
- Noise pollution
- Air pollution
- General disturbance to local community arising from shift work, change overs at unsociable hours
- Ability to staff facility – drain on NHS staff
- Demand for such a facility (Need)
- Building too big/overdevelopment
  - Loss of view
  - Loss of privacy to surrounding properties
  - Overshadowing/overbearing
  - Design out of keeping with area
- 24 hour operation – impact on surrounding residential area
- Why is open space provided
  - encourage youth gathering at night
  - better used to provide additional parking or amenity space for patients
- Why remove existing fence around site
- Impact on property values/saleability
- Should remain in educational use, thought there was a covenant on land relating to community/education use only
- Lack of open space/play areas locally
- Increase undesirable activities in locality – drug taking/dealing
- Disruption during construction – traffic, noise, dust
- Construction traffic – safety and amenity issues
- Not what the community wants
- Better uses for site – more community or business focused
- If allowed a very high fence around site is required

## **CONSULTATIONS**

**County Head of Planning, Transportation and Environment** – Concludes no objection and recommends various conditions relating to transportation matters such as the delivery of pedestrian access points, provision of parking/access prior to use of building commencing, cycle parking details, CEMP and Travel Plan. The response includes detailed comments on transportation matters associated with the proposal which will be referred to later in this report.

**Environmental Health** – Initially identified a need for additional information comprising an Air Quality Assessment, land contamination risk assessment and background noise survey. Further information in respect of these matters has subsequently been provided. The submitted documents are considered acceptable and therefore in the event of approval the following

conditions have also been recommended – CEMP, land contamination, noise and kitchen extraction.

**Wales & West Utilities** – “Wales & West have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.”

**South West Water** – Highlight proximity of a public sewer, confirm clean potable water can be provided for the development, comment on surface water drainage and need to ensure this is discharged as high up the hierarchy of drainage options as is reasonably practicable. Confirm no concerns in terms of drainage connections.

**DCC (Lead Local Flood Authority)** – Refer to Core Strategy policy CP12 (mitigation of flood risk) and identify further additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

**Police (Designing Out Crime Officer)** – Comments on the proposed boundary treatments, physical security standards e.g. window/door designs, internal arrangements, lighting, CCTV and sought confirmation the development will be constructed to ‘Secure by Design’ standards.

**OFSTED** – No comments received.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework (NPPF):- specifically

- 2. Achieving sustainable development
- 4. Decision Making
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

### **Exeter Local Development Framework Core Strategy 2012**

Objectives 1-10

CP1 – Spatial approach

CP9 – Strategic transport measures to accommodate development

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

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

AP1 – Design and location of development  
AP2 – Sequential approach  
T1 – Hierarchy of modes of transport  
T2 – Accessibility criteria  
T3 – Encouraging use of sustainable modes of transport  
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  
DG4 – Residential layout and amenity  
DG5 – Provision of open space and children’s play areas  
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  
DD13 - Residential Amenity  
DD20 - Sustainable Movement  
DD21 – Parking  
DD25 - Design Principles  
DD26 - Designing Out Crime  
DD30 - Green Infrastructure  
DD31 - Biodiversity  
DD34 - Pollution

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

Archaeology and Development SPG 2004  
Planning Obligations SPD 2009  
Sustainable Transport SPD 2013  
Trees and Development SPD 2009

### **OBSERVATIONS**

#### Background

The development comprises a 54 bed independent hospital to meet a need identified by the applicant/operator following discussions with the Devon Partnership NHS Trust. The proposed hospital would have 3 services as a dedicated inpatient service:-

- 17 beds for men with acute mental health needs

- 21 beds for men who require a period of longer term mental health rehabilitation
- 16 beds for women who require a low secure environment for treatment of an emotionally unstable personality disorder
- The submitted documents state this will meet an unmet need locally for patients who currently have to access such services outside of Devon and the South West.

The main material planning considerations relevant to the assessment of this proposal are considered below –

#### Nature of proposed use

During the processing of the application the exact nature of the facility proposed has been clarified as an independent hospital for the provision of care to people in need of care, particularly in respect of mental health related matters and treatment. The applicant's agent has confirmed that the range of mental health facilities is as follows –

- Acute
- Low secure
- Medium secure, and
- High secure (being the highest security level)

It has been confirmed that the facility the subject of this application will be for the provision of care and treatment to patients falling in the 'Acute to Low Secure' range.

In the context of this proposal the reference to security refers to the fact all the outside doors of the building are access controlled with staff managing them so that no-one is able to enter or leave the building without their knowledge. It has also been confirmed that all patients of the facility would be risk assessed by a multi-disciplinary team before they are allowed leave to the community, i.e. to leave the building, and that often such leave will be accompanied by a care worker or family member.

Given the profile and needs of the intended patients the 'security' nature of the proposed facility is necessary to ensure the safety of the patients as people vulnerable to exploitation by others, and to prevent them from harming themselves, rather than there being a danger to society generally from these patients.

The difference between 'security' in this context and that in respect of secure residential institutions falling within Class C2a, including secure hospitals alongside uses such as prisons, detention centres and custody centres, which might be considered less appropriate in a residential area has previously been recognised in the Courts. The difference being that in respect of a C2a use their main purpose is to keep persons under control who are a potential danger to society at large as opposed to residential institutions whose primary function is the provision of care to people in need of care but they may incorporate ancillary security measures as part of the delivery of that care.

Consequently it is considered that in planning terms the proposal would be a Residential Institution falling within Use Class C2 rather than a 'Secure Residential Institution' within Use Class C2a. As such it is considered appropriate for the residential institution proposed in this application to be located within the residential context of the application site.

#### Layout/design/physical relationship of building to surroundings



Levels across the site fall from the highest point to the north down to the lowest point on the southern boundary. The western boundary of the site adjoining properties in Warwick Road comprises an existing mature tree belt.

The proposed layout of the site has been having regard to the level changes utilising the relatively level northern part of the site as open space and cutting the hospital building into the existing ground to create a level change with retaining wall and boundary fence separating the private space (hospital and its immediate grounds) from the public open space. Ground levels on the southern part of the site have been raised slightly to create a level site for the hospital building. The proposed layout provides for active frontage to Ribston Avenue with the entrance of the hospital building on this elevation. The vehicular access to the site is proposed from Ribston Avenue with the main parking area situated between the building and the road. A service road leads from this public parking area around the north of the building giving access to additional parking and servicing area to the rear of the building. This service road incorporates gates to enable access to this part of the hospital site to be controlled.

The building design incorporates 4 landscaped external courtyard gardens contained within the building envelope that will only be accessible internally from within the building. These spaces will provide safe outdoor amenity space for both patients and staff.

The hospital building itself is single storey in height on the northern part and 2 storey for the remainder giving it a domestic scale appropriate to the residential character of the surrounding area. The design incorporates separate pitched roof elements to the NE, NW and SE elevations which screen flat roof elements behind from public view. The existing trees along the western boundary are to be retained and will provide some screening of the building from the view of properties on Warwick Road.

External materials are predominantly brick with limited sections of render, aluminium windows/doors work and a grey zinc roof/cladding.

It is considered that the design and massing of the building is appropriate to the context of the site and its relationship to surrounding properties.

#### Residential amenity impact

It is clear from the representations received that there is a public perception of fear surrounding the nature of this proposal in terms of its potential impact on residential amenity and the safety and well-being of surrounding residents, including children attending the nearby primary school arising from anti-social or criminal behaviour associated with patients of the facility. Based on case law the risk and perception (fear) of anti-social/criminal behaviour arising from the proposed use is capable of being a material consideration in the assessment of the acceptability of planning proposals. However, in order to carry 'weight' in the determination of the application such 'fears' must be based on sound reasons, and be supported by a reasonable evidential basis for those 'fears'. Case law has established that unfounded fear in itself would rarely (if ever) be a reason to justify the withholding of planning permission.

Therefore it is important to consider the evidence when attributing weight to the fears raised in objections submitted in respect of this application as a material consideration. Although some of the representations have referred to adverse Care Quality Commission and press reports relating to standards/issues at other similar facilities (including some run by the same applicant – Cygnet) these relate to patient treatment and accommodation standards rather than matters

relating to incidents of anti-social or criminal behaviour in areas around other hospitals associated with patients of them. Objectors' concerns and anxiety about the proposed use are acknowledged. However there has been no solid evidence to demonstrate that the proposal would result in an increase in anti-social or criminal behaviour as a direct result of the proposed hospital and its use as such. It is noted that the applicant runs many other similar facilities throughout the country that are also located within residential areas and in close proximity to educational establishments without any apparent significant adverse impacts. Similar facilities are also operated by other providers in similar locations.

The applicant has clarified that security measures will ensure that no-one can enter or leave the building without the staff managing that, and in addition all patients will be risk assessed by a multi-disciplinary team before they are allowed leave to the community.

Therefore, based on the nature of the proposed use, security measures/practices that will be implemented by the operator, other comparable facilities in the country it is not considered that the proposal would significantly affect residential amenity in the locality, nor give rise to unacceptable impacts in respect of anti-social or criminal behaviour. In light of this, and the recognised need for this type of facility locally, it is concluded that little weight can be afforded to the perception of fear raised in representation, and that this would not constitute a justifiable reason to refuse permission for the development.

A recent planning appeal decision in Wales (November 2018) in respect of a hybrid application for full planning permission for a 54 bed low secure mental health unit and outline for housing addressed similar issues to those raised in this application. The application was refused contrary to officer advice. In allowing the appeal the Inspector commented as follows:

*"10. Although not clearly expressed in the reason for refusal, Members' concerns appear to have included the level of security of the Low Secure Unit and its compatibility with neighbouring residential areas and schools. As explained in the Council's committee report, the hospital unit would be designed and operated to prevent escape and to provide accommodation that is secure in terms of the health and well-being of its patients. Such units are for the treatment of low risk patients who do not need the level of physical security provided by Medium or High Secure Units.*

*11. There is a need for units of this sort in North Wales, and the proposal is supported by UDP Policy H11, which covers the provision of residential care homes, nursing homes and specialist health care services. In view of the secure nature of the unit and the low risk of its patients, I do not consider the proposed use would significantly affect the neighbouring land uses."*

Costs were also sought by the applicant, and in his letter relating to the costs application the Inspector commented as follows –

*"8. As to concerns about the use, I have taken that to refer to perceptions of risk associated with the low secure hospital unit, which I have concluded would not significantly affect the neighbouring land uses. However, no explanation of these perceptions has been provided, and no justification has been produced for this element of the refusal."*

On this basis the Inspector concluded that the Council had 'failed hopelessly' and ordered it to pay full costs to the applicant.

In response to comments about potential noise impacts arising from the development from the Council's Environmental Health officer an Acoustic report has been submitted establishing prevailing ambient noise levels to facilitate assessment of the potential impact of the building. The submitted information has identified maximum plant noise levels for each boundary to ensure that there is no significant adverse impact on the residential amenities of surrounding properties associated with the development. These levels have been agreed with the Council's Environmental Health officer and will be secured through an appropriate condition attached to any approval.

#### Highway/Transportation matters

The application site is located approximately 2.7 miles from the centre of Exeter and is served by an existing bus route that has a bus stop directly outside the site. The scheme provides a total of 49 parking spaces to serve the development, along with the provision of cycle parking in front of the building. The application is accompanied by a Transport Statement and an Air Quality Assessment.

As highlighted earlier in this report the Highway Authority (DCC) have raised no objection to the proposal on the grounds of its potential highway/transportation impacts in their formal consultation response. In terms of traffic generation/impact on the highway network they commented as follows –

*“A transport assessment has been submitted with the application. Predictions of the likely traffic generated by the development have been derived via a count at a similar site – it was considered that TRIC's was not suitable due to the lack of sites within the database (this method is what you would expect with a typical application). This is considered a reasonable approach and in addition to this, the applicant has added a factor for robustness. The resultant analysis shows that the proposed development (on a weekday) is likely to generate 26 two-way trips during the AM peak period with 14 in the PM peak period. Trips generated on a weekend have also been shown to have a low impact on the highway. The analysis also shows that users/visitors of the hospital have more flexibility in travel times and therefore an opportunity to avoid the travelling through busy parts of the network at the most congested times. Given its location with proximity of bus stops (immediately next to the site and on the Honiton Road corridor), the proposals are unlikely to have a significant effect on the highway network and does not form a reason for refusal.”*

In terms of the proposed access arrangements to serve the development the Highway Authority commented as follows –

*“Vehicular access is proposed via a dropped kerb onto a stub end of Ribston Avenue. This meets sufficient visibility requirements (2.4m x 25m for 20mph) and is acceptable in principle. To accompany the new vehicular access, footways on either side of the access road are provided. Maintaining the safety and attractiveness of this junction is essential and to mitigate this, the applicant has proposed tactile crossing, as indicated on “Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P5”. Such an access should have a tight radius and tactile to provide appropriate facilities for pedestrian/cyclists. Tracking*

*diagrams have been produced, proving that a refuse lorry can negotiate the proposed access point. More detail will be required at S278 stage.*

*The applicant also wishes to accommodate a secondary emergency access point – this will be located just south of the bus stop. The applicant may wish to explore the option of double yellow lines to protect this access and therefore a monetary sum of £3k is required for Traffic Regulation Order purposes; this should be secured via a suitable agreement.*

*A secondary pedestrian access point onto Ribston Avenue is proposed together with a private, informal zebra crossing point and is welcomed. South of the vehicular access point is a footway that is proposed to be built to the southern boundary – this connection is conditioned appropriately as it may be subject to change (dependant on the access arrangements of the residential application immediately adjacent (Planning ref: 18/0534/FUL)). A link will provide suitable access arrangements, allowing pedestrians/cyclists to walk/cycle through to Ringswell Avenue/Warwick Road and eventually to Honiton Road. Such a link will enhance pedestrian/cycling permeability and is necessary to promote sustainability of the site.*

*The applicant is reminded that the access point/footway to the south is to be constructed partly on adopted highway, but also on private land (owned by DCC). The applicant should approach DCC for this area to be brought up to an adoptable standard through a S38 agreement.*

*The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to undertaking any work on the highway. A Section 38/278 licence will need to be applied for alongside a Road Safety Audit. The applicant has indicated that the proposed road serving the site will remain private.”*

The Highway Authority have also confirmed that the level of parking proposed is considered acceptable to serve the premises having regard to comparison with similar sites/schemes elsewhere in the country. Advice in the Council's Sustainable Transport SPD suggests a parking ratio of 1 space/4 staff and 1 space/3 visitors for hospitals. Based on predicted staffing levels set out in the submitted documents it is considered that the level of parking proposed is consistent with the Council's suggested standard.

The Air Quality Assessment has been considered by the Council's Environmental Health officer and it is accepted that the likely impact of the development upon the designated air quality management areas is not likely to be significant and that no further mitigation measures would be required in connection with this proposal.

Overall, having regard to both the representations raised relating to highway/transportation issues, and the consultation response from the Highway Authority, the proposal is considered acceptable in terms of its likely transportation related impacts.

#### Drainage/Ecology

The application is accompanied by both a drainage statement and flood risk assessment. Foul drainage will be discharged to the existing public foul sewer, and surface water discharged to the existing public surface water sewer network via at a controlled discharge rate. South West Water have confirmed that the proposed approach is considered acceptable. Additional clarification in response to the comments of DCC as Lead Local Flood Authority have been provided and confirm that ground conditions at the site are not conducive to infiltration based SuDs, underground surface water storage has been adopted due to site constraints preventing above ground attenuation ponds, and that a lower controlled discharge rate in line with DCC

comments can be achieved. The detailed design of the surface water drainage system can be agreed and secured via a condition attached to any approval.

The submitted Ecological Appraisal has identified that the site has limited ecological value for wildlife, including protected species. It concludes that providing the development is implemented in accordance with the recommendations contained within the report the proposal would have no significant adverse ecological impacts. It also concludes that the development of the site actually represents an opportunity to enhance its ecological value/contribution through appropriate landscaping and incorporation of bat and bird boxes within the building.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

#### Landscaping/open space

The scheme proposed includes the provision of a large area of public open space on the northern part of the site that will be available for general use by the public (secured through a Section 106 agreement). This open space will be landscaped to with grass, specimen trees and wildflower/meadow planting and incorporate a footpath accessed from Ribston Avenue close to the existing bus stop providing a loop walk through the open space. This will provide an attractive amenity feature for the benefit of residents in the locality and create an attractive setting to the north of the building. It will be separated from the hospital and its immediate grounds by a gabion retaining wall and fencing.

#### Delegation Briefing

##### Meeting 03/07/18

Members discussed the application and some highlighted concerns in relation to highway matters and security which it was acknowledged would be raised by officers and the response reported back to a further delegation briefing.

##### Meeting 17/07/18

The proposed boundary treatments were clarified as comprising 1.8m high metal fencing (which on the norther boundary would sit on top of a gabion retaining structure. Security arrangements were clarified as outside security doors only accessible by staff and that the patient profile would comprise people who were vulnerable to the public rather than a risk to them. Members highlighted a discrepancy between the good working relationship with the nearby school head teacher suggested by applicant and the reality evident in the objection submitted by the head teacher. Some Members also suggested OFSTED would not approve of the development given its proximity to the school and that this would need to be considered by officers. It was noted that the application would be brought to a forthcoming Planning Committee for determination.

##### Meeting 20/11/18

Members were provided with an update on the position of the application, principally that the applicant's agent had clarified the nature of the hospital as an acute/low secure unit, and responded to the representations and consultation responses received. A question regarding the potential impact of any CCTV on the site in terms of relationship to the nearby school was raised. It was pointed out that the site was not actually directly adjoining the school, and was likely to be separated from it by future housing development. In this context it was not considered any CCTV employed by the hospital would impact upon the school. Members were

advised that officers considered the proposal acceptable and that it would be brought to Planning Committee on the 3<sup>rd</sup> December for determination.

### Section 106

A Section 106 agreement would be required in the event of approval of the application in respect of the following matters –

- Public open space – provision, public access and maintenance arrangements
- Traffic order contributions (£3000)

### Conclusions

The development is considered to be in accordance with relevant development plan policies and having regard to the 3 overarching objectives of sustainable development identified in the NPPF ( economic, social and environmental) the proposed development is considered to represent sustainable development.

The development is also considered acceptable in terms of its design, layout, relationship to surroundings, landscaping and transportation impacts. Therefore, in the absence of any significant material considerations to suggest that the application should be refused it is considered that the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF applies and the recommendation is one of approval.

### RECOMMENDATION

Subject to completion of a S106 covering the matters referred to above APPROVE the application subject to the conditions listed below:-

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the City Development Manager to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

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 5th June, 11th and 19th October 2018 (including dwg. nos. CYG-PHS-XX-ZZ-DR-A-90-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-003 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6, CYG-PHS-XX-00-DR-A-22-001 Rev P2, CYG-PHS-XX-01-DR-A-22-002 Rev P2, CYG-PHS-XX-ZZ-DR-A-27-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-20-001 Rev P5, CYG-PHS-XX-ZZ-DR-A-90-005 Rev P2, Landscape General Arrangement 001F, Landscape Design 003 and Landscape Site Sections 002D) 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 (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 parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.
- k) 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.

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

**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.

5) 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.

6) The building hereby approved shall not be brought into use until the landscaping has been completed in accordance with the approved plans and a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved maintenance schedule shall be adhered to.

**Reason:** In the interests of the visual amenity of area and to ensure appropriate maintenance measures are implemented to secure the longevity of the implemented landscaping scheme.

7) No part of the development hereby approved shall be brought into its intended use until the vehicular parking, on-site turning area, vehicular and pedestrian access points onto Ribston Avenue as indicated "Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that a safe and suitable access is achieved, in accordance with paragraph 108 of the National Planning Policy Framework.

8) No part of the development hereby approved shall be brought into its intended use details of the pedestrian/cycle access to the adjacent residential site (to the south of Ribston Avenue) have been approved in writing by the Local Planning Authority and the pedestrian/cycle access has been provided, surfaced and marked out in accordance with the approved plans. Thereafter the said access shall be retained for those purposes at all times.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraphs 108 and 110 of the NPPF and CP9 of the ECC Core Strategy

9) Prior to the development hereby approved being brought into use secure cycle parking provision and staff changing facilities to serve the development shall be provided and made available for use in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said facilities shall be maintained at all times for the intended purpose.

**Reason:** To provide adequate facilities for sustainable transport.

10) No development shall take place until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

**Reason:** In the interests of highway safety and public amenity

11) A comprehensive Travel Plan in line with the proposals mentioned in the submitted Travel Plan Statement (June 2018) and Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The Travel Plan measures and Car Park Management Plan shall thereafter will be implemented in accordance with the approved details. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority as part of the Travel Plan thereafter.

**Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

12) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 and 2 have been complied with. If unexpected contamination is found after



development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 has been complied with in relation to that contamination.

#### 1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

#### 3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance, and where remediation is necessary an updated remediation scheme must be prepared in accordance with the requirements of part 1, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved updated remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 2.

Parts 1, 2 and 3 must all be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

13) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including

abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

**Reason:** In the interests of protecting the residential amenity of the occupants of surrounding properties.

14) Noise levels at the boundaries of the site associated with plant forming part of the development hereby approved shall not exceed the limits specified in figure 1 attached to the WSP memo dated 21st September 2018 ref WSP-APM001 submitted in support of the application.

**Reason:** To protect the residential amenity of the occupants of surrounding properties.

15) Prior to the development hereby approved being brought into use boundary treatments to all 4 external boundaries of the site, and between the hospital and the open space, shall be erected in accordance with further detailed specifications that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the boundary treatments specified on the approved landscaping plans and comprise detailed specifications for each boundary. Thereafter the said boundary treatments shall be maintained at all times.

**Reason:** In the interests of the visual amenities of the area, and the security of the site.

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) The detailed design of the proposed surface water drainage scheme to serve the site, including the associated maintenance and management arrangements, shall be submitted to and be approved in writing by the Local Planning Authority prior to the installation of the said drainage facilities. Thereafter the drainage shall be implemented and managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

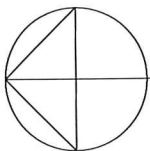
**Reason:** To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.

*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*

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NORTH



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# P+HS architects

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