

OFFICER'S REPORT AND RECOMMENDATION (19/1713/RES)

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| <u>APPLICATION NO:</u> | 19/1713/RES |
| <u>APPLICANT:</u> | LiveWest Homes |
| <u>LOCATION:</u> | Former Foxhayes Infant School, Gloucester Road |
| <u>PROPOSAL:</u> | Construction of 31 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road. (Approval of Reserved Matters of appearance, landscaping, layout and scale pursuant to planning permission reference 17/1789/OUT granted on 7 January 2019. |
| <u>REGISTRATION DATE:</u> | 5 th December 2019 |
| <u>RELATED DOCUMENTS:</u> | http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q21R93HBMOS00 |

HISTORY OF SITE

Access road from west boundary with Gloucester Road. ECC raised no objection to this County application approved 11/05/2011 (Ref No 10/0290/CTY)

Outline planning permission ([17/1789/OUT](#)) was granted on 7 January 2019 for the principle of residential development of the site with vehicular access from Gloucester Road. The scale, layout, appearance and landscaping of the site are all reserved for subsequent approval as 'reserved matters'.

This outline application was granted subject to planning conditions and a Section 106 agreement which is summarised below:

Planning conditions imposed

- 1) Approval of the reserved matters shall be made before the expiration of three years from the date of this permission.
- 2) Pre-commencement condition: Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted.
- 3) No construction activities associated with the development hereby approved (other than than the formation of the access itself) shall take place on the application site until a safe and suitable vehicular and pedestrian access to the site from Gloucester Road via Higher Exwick Hill has been provided and made available.
- 4) Pre-commencement condition: No materials shall be brought onto the site until the developer has erected tree protective fencing around all trees or shrubs to be retained.
- 5) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and adhered to during the construction period.

- 6) Pre-commencement condition: An Air Quality Impact Assessment incorporating proposed mitigation measures to minimise the air quality impacts of the development shall be submitted.
- 7) Pre-commencement condition: Details of the proposed finished floor levels and overall ridge heights of all dwellings and the final levels of all roads forming part of the development.
- 8) Pre-commencement condition: Adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials.
- 9) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted.
- 10) In the event of failure of any trees or shrubs, planted in accordance with any scheme, such trees or shrubs shall be replaced for a period of 5 years.
- 11) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
- 12) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the submitted Ecological Appraisal by Sunflower International dated July 2016 as updated by the additional report dated 13th March 2018 prepared by Richard Green Ecology Ltd.
- 13) 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.
- 14) If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval for an amended investigation and risk assessment and, where necessary a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
- 15) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted.
- 16) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
- 17) No part of the development hereby approved shall be brought into its intended use until further details of pedestrian/cycle linkages/facilities from the site boundary to the existing highway network have been submitted.
- 18) Prior to the construction of any retaining wall within 5m of public highway, a detailed Approval in Principle for that section of retaining wall shall be submitted.
- 19) The development shall be implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy.

Section 106 agreement stated that:

35% of the total number of units should be affordable with a tenure split 70/30 social rented/intermediate, and 5% of affordable units as wheelchair accessible housing built in accordance with the Council's Wheelchair Accessible Housing Design Standards.

-Traffic Regulation Order contribution of £5000

-Travel Plan contribution £500 per dwelling;

-Open space provision, public access and on-going management/maintenance arrangements to be agreed.

DESCRIPTION OF SITE/PROPOSAL

The application site is 0.76 hectare in area situated on the east side of Gloucester Road. Aside from the boundary with Gloucester Road itself, the site is bounded by the gardens of existing residential properties in Truro Drive, Knowle Drive, Rowan Way and Pine Close. Vehicular access to the site is provided from Gloucester Road, and two historical pedestrian access points exist in the south-east corner of the site, one leading onto Pine Avenue and one onto Truro Drive. The site was previously being occupied by Foxhayes Primary School although the buildings associated with the former school have since been removed. The site was more recently occupied on a temporary basis by the Steiner Academy in temporary buildings while their permanent site at Thomas Hall was constructed. The site is currently vacant.

The application proposes 31 residential units comprising of 10 one bed units, 15 two bed units, 4 three bed units and 2 four bed properties. The proposed buildings are a combination of two and three storey properties, a mixture of houses and flats and some split level accommodation. The properties comply with the National Described Space Standards. All properties have access to outside amenity space in the forms of either gardens, terraces or balconies. The supporting information indicates that the proposed buildings will be constructed of brick and tile characteristic of the local area with the inclusion of pv solar panels on the roof.

Each property has unit has an allocated parking space with all two/three and four bedroomed properties having 2 allocated spaces. A significant number of the spaces are proposed within under-croft parking areas. The total number of car parking space is 52 across the site. Each dwelling has a cycle storage facility and refuse storage which are mainly located to the front of the property.

The proposed access utilises the existing highway arrangement which served the former school with modification. In addition, a pedestrian/cycle route is reinstated through the site which will effectively link Gloucester Road and Pine Close.

The site contains a significant number of existing trees across the site the majority of which are to be retained, particularly to the north and east of the site. This existing perimeter wooded area is intended to be for public use and will be managed by the applicants. A small open area of grassed area is proposed centrally within the site.

The application proposed a total of 12 affordable units (39% of the total) which will include 8 for social rent and 4 for share ownership.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information:

Planning and Design & Access Statement
Site Investigation
Ecological Impact Assessment
Wildlife Plan
Landscape Plan
Arboricultural Impact Assessment
Air Quality Assessment
Statement of Community Involvement
Drainage Strategy
Energy Statement
Affordable Housing Statement
Foul Sewage and Utilities Statement

REPRESENTATIONS

33 email/letters of objection have been received raising the following issues:

1. Overdevelopment of the site; density too great;
2. Out of keeping with the area; too car dominated;
3. Design of properties out of character with the surrounding area;
4. Poor and unsuitable design in particular lack of garage doors; security fencing and metal balconies;
5. Need for better quality materials;
6. Scheme should be car free;
7. Danger to pedestrians especially children;
8. Loss of trees/particularly TPOs;
9. Loss of wildlife;
10. Potential for anti-social behaviour
11. Loss of open space;
12. Police concerns about under-croft car parking;
13. Landfill site not suitable for residential development;
14. Concern about surface water run off leading to flooding due existing ground conditions and increased areas of hardstanding;
15. Overlooking and loss of privacy;
16. Under-croft parking will not be used and become a storage area or converted to an additional bedroom;
17. Increased traffic congestion;
18. Existing road system in the area already overstretched;
19. Insufficient parking spaces;
20. Lack of visitor parking spaces;
21. Concern over construction traffic and safety;
21. Pressure on local schools, doctors and local shops;
22. Overpopulation of the area will lead to increased crime levels;
23. Site should be used for community benefit not new housing;
24. Need for more play provision in the area as existing facilities inadequate;
25. Need to create the area as a green space;
26. Should be used for elderly accommodation;
27. Pedestrian/cycle route through site unacceptable;

28. Reduction in the environmental, economic and quality of life for existing residents;
29. Open space too small and unusable;
30. Detrimental impact on the local badger and fox population;
31. Inadequate community consultation;
32. Lack of detail regarding boundary treatment

CONSULTATIONS

County Head of Planning, Transportation and Environment (Highways) comments that the traffic impacts of the development have been accepted at outline application stage. The internal road layout has been progressed in liaison with the Highway Authority and is broadly acceptable. It is pleasing to see that continuous footway paths have provided to serve properties within the site.

Vehicular Access

There is a single point of vehicular access off Gloucester Road, which is subject to a 20mph speed limit; the junction meets the visibility required (2.4m x 25m). In addition to the primary access points, there are dropped kerb access points serving driveways and parking courts serving pockets of development adjacent to the spur road formed. These are acceptable given the residential nature of the development. Whilst the road is straight in nature; the length of road means that speeds are likely to be low.

The rest of the vehicular layout is broadly acceptable for a residential development and has been through a number of iterations with the applicant. There are however a few elements of the design which are overly highway focused for residential streets. Options to provide a lower speed environment that better encompasses the manual for streets philosophies should be refined through the Section 38 process. A condition attached to the outline ensures that the internal roads are constructed to a suitable specification.

Pedestrian and Cycling Access

To ensure permeability with adjacent sites and promote pedestrian/cycle accessibility a raised crossing at the vehicle access point is promoted together with a link to Pine Avenue. The link to Pine Avenue also includes a wheel ramp which should be conditioned.

It is noted that the footways provided are only 1.8m wide and does not meet the recommended guidance given in Manual for Streets however given the limited number of dwellings proposed on site, a 1.8m wide footway cannot be deemed for a reason for refusal. It is recognised that cyclists will proceed on street, which for a lightly trafficked scheme, is acceptable.

Onsite Facilities

The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. Many of the onsite parking spaces are located immediately outside of the respective properties which should minimise on street parking and is welcomed.

It is not clear if secure covered cycle parking has been provided for all of the dwellings (including flats) proposed the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided.

In summary, safe and suitable access can be achieved for all users. Subject to the below conditions and satisfying the outline S106/conditions, no objection.

County Lead Flood Authority raise no in-principle objections to the above planning application'

The applicant has derived the greenfield runoff rates using a Standard Percentage Runoff (SPR) of 0.45 which deviates from the value of 0.3 used in The previous Land at Former Foxhayes Primary School, Exeter Drainage Strategy Report (Report Ref. WE04300/Foxhayes/DS, Rev. V2 dated 22nd November 2016) submitted as part of the Outline Planning Application (Application No. 17/1789/OUT). Due to the relative small size of the proposed development site and also the proposed Hydrobrake sizes of 49 and 55mm to restrict the surface water runoff rate from the site before discharging into South West Water surface water sewer system, it is considered that amending the SPR value will result in a smaller size of Hydrobrake required which is technically unviable and prone to blockage. It is therefore considered that the proposed 55mm orifice (downstream Attenuation 2) to restrict to 1.9l/s is acceptable.

The detailed design of the proposed permanent surface water drainage management system, including the MicroDrainage model outputs in accordance with the principles of sustainable drainage systems, and those set out in the Land at Former Foxhayes School, Exeter, EX4 2EE Drainage Strategy Report (Report Ref. 19007, Rev. C, dated April 2020) shall be submitted to fully discharge the condition.

Environmental Health raise no objection subject to meeting the requirement for an air quality assessment, land contamination report and Construction Environmental Management Plan as required by the outline planning consent.

Devon and Somerset Fire and Rescue Service comment that the scheme satisfies the criteria we would require for access under Building Regulations and, therefore raise no objection to this development at this time. However consideration should be given at an early stage for the provision of fire hydrants for the development. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).

Police Designing Out Crime Officer comments that there are positive aspects of the design and layout from a designing out crime point of view i.e. on the whole the layout will provide overlooking and active frontages to the new internal streets, there are some clearly defined public and private spaces, defensible space has been well used and some effective boundary treatments and I note that Section paragraph 127 of the NPPF has been referred to in the Design and Access Statement. However there are aspects of the design which raise concern as they have the potential to contribute to the fear of crime and anti-social behaviour. These concerns relates to the proposed house designs, particularly those incorporating parking facilities which create potential places for concealment and recessed areas which hamper surveillance opportunities and lead to unrestricted access and misuse. Additionally, the cycle and bin storage areas are open and insecure which increases the likelihood of cycle theft, arson and misuse.

The applicant has responded these concerns through the provision of additional lighting within these areas and has commented that the under-house parking is a key element in the overall design approach and cannot be changed without a fundamental redesign.

RSPB have requested that there should be a 1:1 ratio between the number of bird nest bricks and dwellings on the site. (*The wildlife condition imposed on the outline application will be able to address this issue and the applicant has indicated that they are happy to comply with this request*)

PLANNING POLICIES/POLICY GUIDANCE

National Planning Policy Framework (NPPF):

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 11. Conserving and enhancing the natural environment

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP14 – Renewable and low carbon energy
- CP15 – Sustainable design and construction
- CP17 – Design and local distinctiveness
- CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H3 – Housing sites
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes of transport
- T10 – Car parking standards
- EN2 – Contaminated land
- EN3 – Air and water quality
- EN4 – Flood risk
- DG1 – Objectives of urban design
- DG2 – Energy conservation
- DG4 – Residential layout and amenity
- 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
- DD7 – Allocated Housing Sites
- DD13 - Residential Amenity
- DD20 - Sustainable Movement
- DD21 – Parking
- DD25 - Design Principles
- DD31 - Biodiversity
- DD33 - Flood Risk
- DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2013

Residential Design SPD 2010

Sustainable Transport SPD 2013

Trees and Development SPD 2009

OBSERVATIONS

The principle of residential development on this site was agreed with the granting of outline planning permission in January 2019. The applicant has submitted an application for reserved matters on this site and the nearby former Exwick Middle School site and consequently there are similarities in the design approach being taken.

This is a brownfield site within a built up area of the city. It has become surplus to requirements in respect of the previous educational use. The site is surrounded by existing residential development. It is acknowledged that the site poses a numbers of particular site constraints namely the relationship of the proposed dwellings to existing residential properties suitability, the presence of a large number of trees covered by Tree Preservation Orders and the sloping topography. Consequently the proposed scheme presents a less typical housing layout than would normally be the case. Members were made aware of the applicant's potential design solution at a Planning Members Working Group meeting in September last year. These matters of detail will be addressed within the report. Unlike the application at Exwick Middle School the vehicular access arrangement had previously been agreed and therefore except for some minor modification included with the submitted drawings is not for consideration as part this application.

The site contains 22 individually TPOs and 8 group TPOs sited around the perimeter of the site. Whilst these provide an important visual screening from existing residential properties and will help to integrate the development in the area, they do significantly reduce the potential developable area of the site. The applicant has stated that they intend to management the open space themselves and this is addressed through the agreed 106 agreement requirement. As with Exwick Middle School whilst this generally wooded section of open space would not provide opportunity for more traditional grassed area, it does have the benefit of retaining existing matures trees beneficial for wildlife and screening of the site from existing properties. It is acknowledged that in some areas the internal layout of the houses have been designed to ensure that the overshadowing of rooms from these existing trees are minimised. The scheme does proposes a small centrally located area of open space which it is considered will provide a setting for the proposed layout rather than a significant open recreational space. The overall design approach taken for this site this is considered appropriate.

The scheme's layout has sought to take account of the steep nature of the site and presence of existing trees to ensure loss of privacy between the proposed dwellings does not occur through careful design house design. This has resulted in a layout with dwelling positioned closer to one another than would normally be expected with the promotion of smaller gardens and the use of balconies and terraces to provide individual amenity space. However it consider that this appropriate has been careful considered by the architect to create a non-standard layout which has created a site specific layout with dwelling designed to be complementary to the established character of the area.

Given the presence of a significant number of large trees and the distance away from existing residential properties it is not considered that the siting of the proposed properties will give rise to loss of amenity to these existing residents. The layout does indicate that new plots are in close proximity to properties in Pine Close and therefore further clarification was sought from the architect. Following the receipt of additional plan it is considered that given

the changes in levels of all suitable measures have been introduced to prevent loss of privacy to this existing dwellings and therefore is acceptable. In addition, some concern has been raised by the Police's Design out Crime officer regarding the proposed under-croft parking which is a feature throughout the site as it could lead to greater incidents of crime and anti-social behaviour. The applicant's has been stated that additional lighting measure will be installed to address these concerns and comment that the under-croft parking is fundamental to the design approach adopted for this site. On balance it is therefore considered that the arrangement as submitted with additional lighting proposed is acceptable.

Given the principal point of access was previously agreed at the outline application stage there are no fundamental issues regarding the highway works for this scheme. The highway officer has been in discussion with the applicant's highway consultants to ensure that the detailed internal road and parking arrangement is acceptable. Subject to suitable conditions being imposed and compliance with the original outline application's conditions and 106 agreement requirements the application is acceptable in highway terms. The introduction of the pedestrian/cycles route through the site to Pine Close will improve accessibility and is to be welcomed. The applicant has confirmed that this route will include the provision of a partial ramp given its steep nature to aid the use by pushchair users.

The original outline planning application required 35% of the site to be affordable housing. The applicant has indicated that out of the 31 units provided 12 will be affordable (39%) and meet the required tenure mix with 8 being social rent and 4 shared ownership which would be policy compliant. In addition, the applicant has indicated that through the careful choice of materials to be used in the construction to improve the energy efficiency of the building and the installation of solar pv panels the scheme would meet Council's policy requirement in terms of sustainability.

In conclusion it is considered that the scheme represents a carefully designed housing layout and type which seeks to address the various constraints this site presents. The combination of a greater central density in order to safeguard the existing trees and their ecological value is considered appropriate in this instance. The relationship between the proposed dwellings has been logically addressed and the rationale for smaller gardens, terraces and balconies understood. Whilst the outline provided the principle of development, the details as submitted are appropriate for this site subject to the conditions on this original outline and this reserve matters application. The scheme will provide a policy compliant level of affordable housing and be subject to a community infrastructure levy payment.

DELEGATION BRIEFING

28 April 2020 – Members were advised that 33 objections had been received to this application. The decision was therefore taken to report the matter to Planning Committee. One Member did request clarification that the link through to Pine Close would be suitable for pushchair uses as well as pedestrians and cyclists.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby approved must be begun with five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.

Reason: To ensure compliance with section 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 ##### 2020 (including dwg. nos.) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

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

4. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

5. All conditions imposed on notice of outline approval (ref no.17/1789/OUT) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

6. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable

7. No part of the development hereby approved shall be brought into its intended use until the link (including cycle ramp) to Pine Avenue as indicated by *Drawing no. 100 Rev D* 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 provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework

8. No dwelling shall be occupied until full details of the electric charging points have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

INFORMATIVES

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

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

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

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