



## Exeter City Council

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Our ref:

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A meeting of the **PLANNING COMMITTEE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter at **5.30 pm** on **MONDAY 18 FEBRUARY 2008** to consider the following business.

If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Member Services Officer on **Exeter 265275**.

**Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.**

Pages

### AGENDA

#### Part I: Items suggested for discussion with the Press and public present

1. **DECLARATIONS OF INTEREST**

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

2. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
EXCLUSION OF PRESS AND PUBLIC**

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

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

## **Public Speaking**

**Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 5pm on the Thursday before the meeting (full details available on request from the Member Services Officer).**

3. **PLANNING APPLICATION NO.07/1400/03 - CARNEGIE HOUSE,  
WESTERN WAY, EXETER, EX1 2DB**

To consider the report of the Head of Planning Services. 1 - 10

(Report circulated)

4. **PLANNING APPLICATION NO.07/2399/01 - LAND ADJOINING  
PETERHAYES, PARK LANE, EXETER, EX4**

To consider the report of the Head of Planning Services. 11 - 18

(Report circulated)

5. **PLANNING APPLICATION NO.07/2502/03 & 07/2501/14 - EXETER  
TRUST HOUSE, BLACKBOY ROAD, EXETER, EX4**

To consider the report of the Head of Planning Services. 19 - 30

(Report circulated)

6. **SECTION 106 AGREEMENTS**

To consider the report of the Head of Planning Services. 31 - 68

(Report circulated)

7. **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND  
WITHDRAWN APPLICATIONS**

To consider the report of the Head of Planning Services. 69 - 92

(Report circulated)

8. **ENFORCEMENT PROGRESS REPORT**

To consider the report of the Head of Planning Services. 93 - 98

(Report circulated)

9.

**APPEALS REPORT**

To consider the report of the Head of Planning Services.

99 - 126

(Report circulated)

10.

**SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 4 March 2008 at 9.30 a.m. The Councillors attending will be Mitchell, Newby and Shiel.

**DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on **Monday 17 March 2008** 5.30 pm

*Membership –*

Councillors Lyons (Chair), Choules (Deputy Chair), P Brock, Fullam, Mrs Henson, Mitchell, Moore, D J Morrish, Newby, Robson, Shepherd, Shiel and Wadham

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# Agenda Item 3

**ITEM NO.** 3

**COMMITTEE DATE:** 18/02/2008

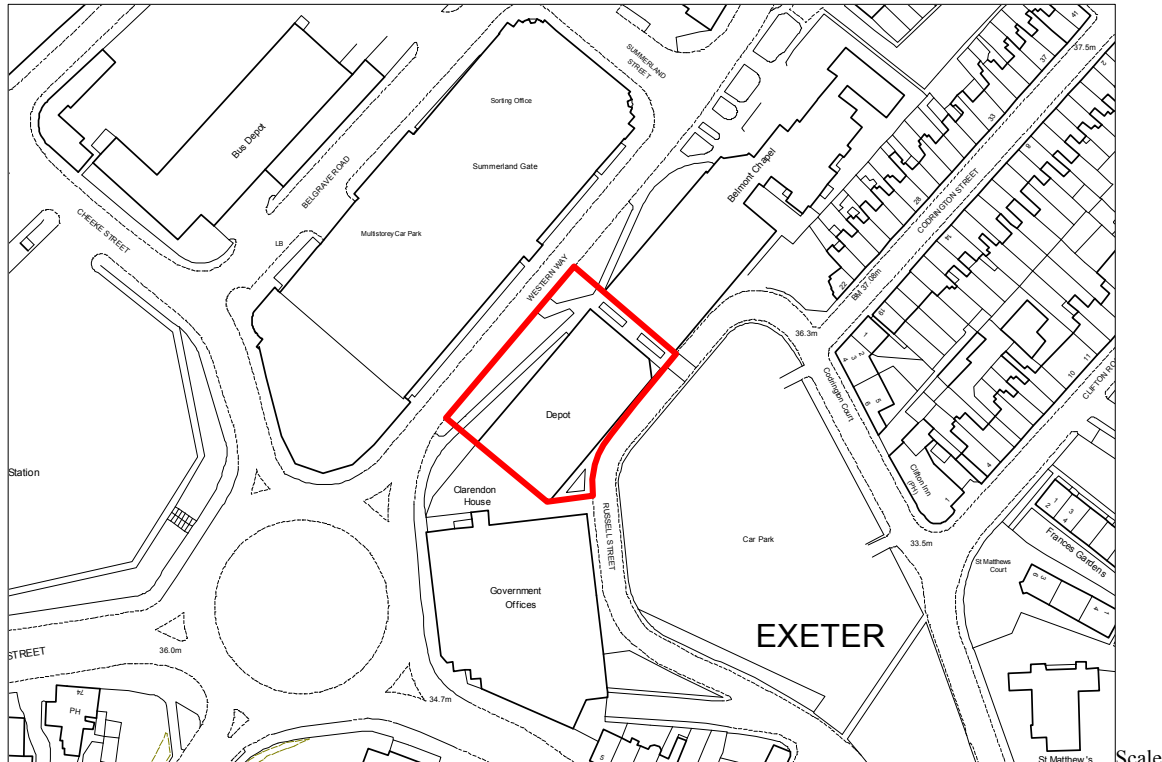
**APPLICATION NO:** 07/1400/03 **FULL PLANNING PERMISSION**

**APPLICANT:** McAleer & Rushe Limited

**PROPOSAL:** Detached building to provide hotel (Class C1) comprising 170 rooms, conference facilities, restaurant/bar, ancillary offices, alterations to vehicular accesses to provide lay-by on Western Way and delivery area off Russell Street, parking and associated works

**LOCATION:** Carnegie House, Western Way, Exeter, EX1 2DB

**REGISTRATION DATE:** 13/09/2007



1:2000

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## **HISTORY OF SITE**

99/0331/03 -	Change of use from storage/distribution (Class B8) WDN to night club to include new entrance/exit doors	18/06/1999
99/0652/03 -	Change of use from storage/distribution (Class B8) WDN to Night Club (Class D2), external alterations and provision of temporary barrier.	07/10/1999
04/1714/03 -	Partial change of use from storage/distribution PER (Class B8) to bulky goods retail (Class A1)	09/11/2004
05/0284/05 -	Non illuminated fascia signs on front, rear and side elevations	05/05/2005

## **DESCRIPTION OF SITE/PROPOSAL**

The site comprises the existing 2 storey warehouse building on Western Way located between the Department of Social Security building and the Belmont Chapel Hall, and opposite the new car park attached to the Vue Cinema. The site has frontage to Western Way and Russell Street and the Triangle Car Park to the rear. The application site also includes an area of land in front of the building and the pedestrian link between Russell Street and Western Way.

The proposed development comprises the demolition of the existing building and the erection of a new hotel. The new building would extend over 7 storeys (counting the basement) and provide a 170 bed hotel with associated conference facilities, restaurant and bar. Plant associated with the building would be accommodated on the roof. The proposal includes the provision of a new coach/taxi drop off/pick up area accessed from a new pull in off Western Way. Servicing would take place from the rear of the building. No parking facilities are proposed as part of the proposal.

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

The application is accompanied by a Design and Access Statement, Transport Statement and Framework Travel Plan. A supporting letter from Penrilla Consultants Limited also concludes that the development complies with the sequential approach to site selection by virtue of its location within the City centre area.

#### Design and Access Statement

The Design and Access Statement examines the context of the site and its compliance with relevant Local Plan policies. The existing characteristics of the site, in terms of its visual character and accessibility, are appraised and the proposal and Architects rationale behind the design set out. Finally the wider accessibility of the site, and accessibility within the building, are appraised and the Transport Statement and Travel Plan summarised.

#### Transport Statement

Concludes as follows:-

##### "10.1 Summary of Development

The proposed development will comprise solely of a Jurys Inn Hotel. The proposed hotel will include 170 rooms spread over 6 storeys. The gross floor area of the proposed hotel will be 6,457 sq m.

As there is an under-utilised car-park adjacent to the site, no car parking will be provided as part of the proposed development. In addition to private vehicle parking, the site is earmarked as having a high level of accessibility, due to the proximity to local bus services. Servicing and deliveries will be carried out via Russell Street.

##### 10.2 Summary of Transport Impacts

According to the TRICS database a total of 86 person trips in the AM peak and 65 person trips in the PM peak are forecast to be generated by the proposed development. Given the expected modal split as discussed in Section 4.5, it is considered that the development will have a minimal impact on the surrounding highway network. Accordingly, a detailed highway impact assessment is not considered necessary.

##### 10.3 Summary of remedial measures

###### 10.3.1 Cycle parking

Accessible cycle parking will be provided within the site, with likely provision for approximately 34 cycles to park will be made, which should also encourage more users of the development to consider cycling.

### 10.3.2 Western Way and Russell Street

It is suggested that whilst alterations to the highway in the vicinity of the site will not be necessary, further tactile paving and dropped kerbs should be provided at crossings around the development to improve the existing pedestrian facilities."

The Travel Plan sets an overall framework from which a detailed Travel Plan tailored to the specific characteristics of the occupier of the building would be developed.

## **REPRESENTATIONS**

4 letters of representation have been received raising the following issues:-

- adverse visual impact (height)
- Highway implications associated with dropping off point and tortuous route for large vehicles to the delivery/service area to the rear of the building
- number of rooms suitable for occupation by disabled people
- Conference facilities (will they be fitted with induction loops)
- need for such a hotel
- construction hours (proximity to Church)

## **CONSULTATIONS**

Environment Agency - standing advice regarding surface water drainage arrangements and the use of Sustainable Urban drainage solutions.

Environmental Health - Recommends condition regarding construction hours, details of all plant/machinery associated with the development and clarification of refuse storage facilities.

Head of Leisure and Museums - recommends condition regarding submission of a Wildlife Plan to enhance biodiversity of the site.

County Director of Environment, Economy and Culture - Comments as follows -

"The proposed hotel is to be located on the south eastern side of Western Way and north of the Paris Street roundabout. This central location is close to public transport, central pedestrian routes, leisure facilities and shopping facilities and when taking these items into consideration it is appropriate that this is a car free development. Should long term car parking be required, spaces are generally available in the adjacent Triangle car park and short term parking is also available on the opposite side of Western Way in the newly completed NCP car park. To facilitate access to the front of the hotel and also to satisfy and address pedestrian desire lines, it is essential that the proposed access including landscaping facilities are provided on the Western Way frontage and the link to Russell Street, all in accordance with details to be submitted to, agreed and approved by the local planning authority. It is essential that these works are secured by an appropriate Legal Agreement, which is to include the future maintenance of this area for an agreed period of time. Although a Green Travel Plan is to be promoted by the operators of the proposed hotel, it is unfortunate that secure parking facilities have not been incorporated in the design. Off site accommodation and access works including the relocation of the signal patrolled crossing are secured by an appropriate Legal Agreement."

## **PLANNING POLICIES/POLICY GUIDANCE**

### Devon Structure Plan 2001-2016

ST1 - Sustainable Development  
ST10 - Exeter Principle Urban Area  
CO6 - Quality of New Development  
CO8 - Archaeology  
TR1 - Devon Travel Strategy  
TR2 - Coordination of Land Use/Travel Planning  
TR3 - Managing Travel Demand  
TR4 - Parking Strategy, Stands and Proposals  
TR7 - Walking and Cycling  
TR10 - Strategic Road Network and Roadside Service Areas  
TO2 - Tourism Development in Other Settlements

### Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development  
AP2 - Sequential Approach  
TM1 - Hotel Development  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
T10 - Car Parking Standards  
C5 - Archaeology  
DG1 - Objectives of Urban Design  
DG2 - Energy Conservation  
DG3 - Commercial Development

PPS1 - Delivering Sustainable Development  
PPS6 - Planning for Town Centres  
PPG13 - Transport  
PPG16 - Archaeology and Planning  
Department for Communities and Local Government - Good Practice Guide on Planning for Tourism.

Exeter Hotel Study - The study was jointly commissioned by Exeter City Council, East Devon District Council and the New Growth Point Board and was conducted by The Tourism Company. The study is a material consideration in the determination of planning applications for hotel related development. The study concludes that based on continued economic growth and 70% occupancy rates there is likely to be a need for 279-357 hotel rooms by 2011 rising to 506-741 rooms by 2021. The majority of the demand is for 3 and 4 star accommodation.

## **OBSERVATIONS**

The main issues in respect of this application relate to the acceptability of the use in this location, its visual impact, transportation and accessibility and relationship to surrounding properties.

### Principle of the Proposed Use

The Exeter Hotel Study was commissioned to provide background information in order to develop planning policies for hotel development and evaluate planning applications for new hotels. The study identifies a clear demand for additional hotel rooms (mainly of 3 and 4 star quality) to serve the City and surrounding area in both the short and long term. The study identified demand for both city centre and edge of/out of town sites. In the light of the conclusions of the study it is considered that the current proposal for a 170 bedroom hotel would contribute towards meeting the identified demand without itself directly resulting in an over provision. The sites central location is consistent with the 'sequential test' approach to site selection set out in PPS 6. In this context the principle of the redevelopment of this site for hotel accommodation is considered acceptable.

### Visual Impact

Western Way is an important and busy distributor route through the City and therefore the sites fronting this stretch of road are visually very prominent. The recently constructed Vue Cinema, NCP car park and new residential units have set a context for the potential scale of any redevelopment on the opposite side of Western Way. Whilst these new buildings are hard up against the public highway those buildings on the opposite side are set further back from the carriageway with some intervening public space. The overall height and mass of the building has been designed taking reference from the new buildings opposite and this is considered to be an acceptable approach. The site is somewhat unusual in that all 4 elevations of any building occupying it are clearly visible from the public realm and therefore require a high standard of design. In this context there were some concerns with the originally submitted design. In particular these related to the quality of the elevations facing towards the Paris Street roundabout and Triangle Car Park, the visual interest of the main elevation fronting Western Way and the prominence of the associated plant on the roof of the building.

As originally submitted the side elevation of the proposed building facing towards the Paris Street roundabout was considered to constitute a particularly bland facade. In visual terms this will be one of the most prominent views of the building. Consequently the applicant was asked to re-consider this elevation and add greater interest. Initially the applicant advocated achieving greater interest by way of a scheme of lighting without really addressing the design more fundamentally. This approach was not considered acceptable and through negotiations the extent of the recessed element of this elevation was increased in width and additional windows introduced. These alterations add significant visual and 3-dimensional interest to this elevation and this is now considered acceptable.

It was also considered important to improve the front elevation of the building (facing Western Way) by introducing a greater 3 dimensional feel to what is essentially a long flat elevation. This has been achieved by introducing a degree of projection to elements of the fenestration and staggering them across the two different horizontal bands. Included within the proposal is the creation of a lay-by off Western Way for drop-off/pick up and emergency access. The creation of this lay-by and associated reconfiguration of planting and new surface treatments will enhance the street scape along this section of Western Way and the link through to Russell Street to the rear. The canopy design has also been re-considered and a lighter glazed structure with stays back to the building facade introduced.

Although essentially the rear of the building, the elevation facing the Triangle Car Park will also be very visible to the public domain. As originally submitted this elevation was considered to have a weak design. Through negotiations further windows have been introduced and part of the ground floor canopy changed to a glazed structure to add more interest. A planter has been introduced to help screen the service area and various improvements to the Surfacing of Russell Street itself have also been incorporated. As a result

this elevation and its relationship to the highway and Triangle car park have been significantly improved.

The amount of plant and associated enclosure on the roof of the building has been significantly reduced in response to concerns expressed about its prominence. This coupled with the replacement of the stair enclosure to the roof with a hatch access for maintenance and increase in height of the parapet around the building has reduced the visual prominence of additional structures required on the roof to an acceptable level.

Overall the design and visual impact of the proposed building is now considered acceptable.

#### Relationship to Surrounding Buildings

The site is tightly constrained by road frontages and the proximity of neighbouring buildings. The adjoining Belmont Chapel is largely two storey in height. Although the proposed building would be significantly higher (approx 3.5 storeys higher) there are minimal fenestration openings in the elevation of the Chapel facing the proposed hotel. In this context it is not considered that the proposed building would have any significant adverse impact on this building. Likewise although it would be significantly higher than the nearest part of the neighbouring Social Security building (Clarendon House) it is not considered that it would relate poorly to this building in scale and massing terms.

The submitted sections show that the building would have a similar scale and massing to those recently constructed on the opposite side of Western Way. Given that the buildings opposite comprise a car park there is not likely to be any significant adverse impact upon this building.

#### Transportation and Accessibility

Although the proposal incorporates no parking on site there are public car parks in close proximity including the Triangle Car Park to the rear and the new Summerland Gate NCP car Park opposite. The site is also close to the Bus Station and within walking distance of Central Train Station. In this respect the proposed development is well capable of being served by a variety of transport modes other than the private car, although the presence of nearby car parks also makes this a realistic option for potential visitors to the hotel.

The proposal incorporates the provision of a new layby/pull in off Western Way which would provide a drop off/pick up facility for the hotel. This would involve removal of existing vegetation along Western Way and reorganisation of pedestrian routes across the site. The Highway Authority have suggested that moving the existing pedestrian crossing closer to the Paris Street roundabout would be desirable as part of these works, to be secured by way of an appropriate legal agreement.

As the site has double road frontage (to the front and rear of the building) it is possible to keep servicing of the hotel to the rear and enhance the public realm in front of the building. The proposal also includes the removal of the planters along the link between Russell Street (Triangle Car Park) and Western Way and replacement with new surface treatment and trees in grates. Potentially these improvements would make this link more attractive and welcoming to users and thereby strengthen the link between the Triangle Car Park and the City Centre.

Negotiations have also secured improvements to Russell Way in the form of carriageway improvements and surface treatments.

The County Director of Environment, Economy and Culture has confirmed that there is no objection to the proposal in terms of highway impact subject to an appropriate legal agreement and conditions to cover various highway improvements.

### **SOUTHERN AREA WORKING PARTY (17/10 /07)**

Members noted that this application had been subject to pre application negotiations. The proposed design and materials and car free nature of the development were noted. A number of outstanding concerns were expressed by Officers and Members noted that the application would be the subject of further negotiations with the agents before going to Planning Committee.

### **SOUTHERN AREA WORKING PARTY (30/01/08)**

Members noted the improvements secured to the design and elevational treatment of the building, the reduction in extent of plant on the roof, and improvements to the space around the building. Members raised the question of the incorporation of renewable technologies within the building design and officers undertook to raise this issue with the applicant. It was noted that the application would be determined by the forthcoming Planning Committee (18/02/08).

### **Conclusions**

The recent Exeter Hotel Study referred to above identifies a need for further provision of hotel rooms in the foreseeable future. The level of provision identified equates to 279-357 rooms by 2011, rising to 506-741 by 2021. This site is well located in terms of proximity to the City centre and therefore complies with Good Practice Guidance on Tourism related developments in terms of the sequential approach to site selection. The design of the building and treatment of external spaces as amended following negotiations are considered acceptable. Given the context of the site, the massing of the building and its relationship to surrounding buildings is considered appropriate. The Transportation issues surrounding the hotel, including the provision of an appropriate lay-by for drop off/pick up, provision for cycle parking and proposed improvements to the public realm and highway proposed are satisfactory and there is no objection from the Highway Authority.

### **RECOMMENDATION**

Subject to completion of a section 106 agreement in respect of access arrangements, accommodation works (including relocation of the signal controlled crossing) and landscaping works on the Western Way frontage, together with arrangements for future maintenance of the works, payment by the developer of the cost of any new or revised traffic orders and a contribution towards public art, APPROVE 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 Head of Planning Services to REFUSE permission for the reason that in the absence of a section 106 agreement, inadequate provision is made for access arrangements, accommodation works and landscaping works on the Western Way frontage, their future maintenance, payment by the developer of the cost of any new or revised traffic orders and public art.

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a Sustainable Urban Drainage System, in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal shall be installed and the system shall be maintained effective at all times thereafter. Clean surface and roof water shall be kept separate from the foul drainage system. Unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In order to reduce surface water runoff in a catchment area where flooding occurs.
- 6) C35 - Landscape Scheme
- 7) C57 - Archaeological Recording
- 8) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 9) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 10) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking, turning, loading and unloading facilities and associated landscaping have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be permanently retained for those purposes at all times unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of public safety and to ensure that adequate facilities are available for the traffic attracted to the site.
- 11) In accordance with details that shall previously have been submitted to and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.  
**Reason:** In the interests of public safety and to prevent damage to the highway.

- 12) No part of the development hereby approved shall be commenced until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period in accordance with a detailed Construction Management Plan that shall previously have been submitted to, agreed and approved in writing by the Local Authority.  
**Reason:** In the interests of public safety and to avoid obstruction of and damage to the adjoining highway.
- 13) Prior to the commencement of the development hereby approved a scheme of phasing for the implementation of the development shall be submitted to, and be approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is implemented in a logical and appropriate manner in the interests of the amenity of the area
- 14) Prior to the commencement of the development hereby approved details of all plant and machinery associated with the building and its use shall be submitted to, and be approved in writing by the Local Planning Authority. The submitted information shall include details of the siting, appearance and noise levels associated with the equipment.  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 15) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following 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:
- a) details of refuse storage facilities
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 16) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of residential amenity.

**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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**ITEM NO.**

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**COMMITTEE DATE:** 18/02/2008

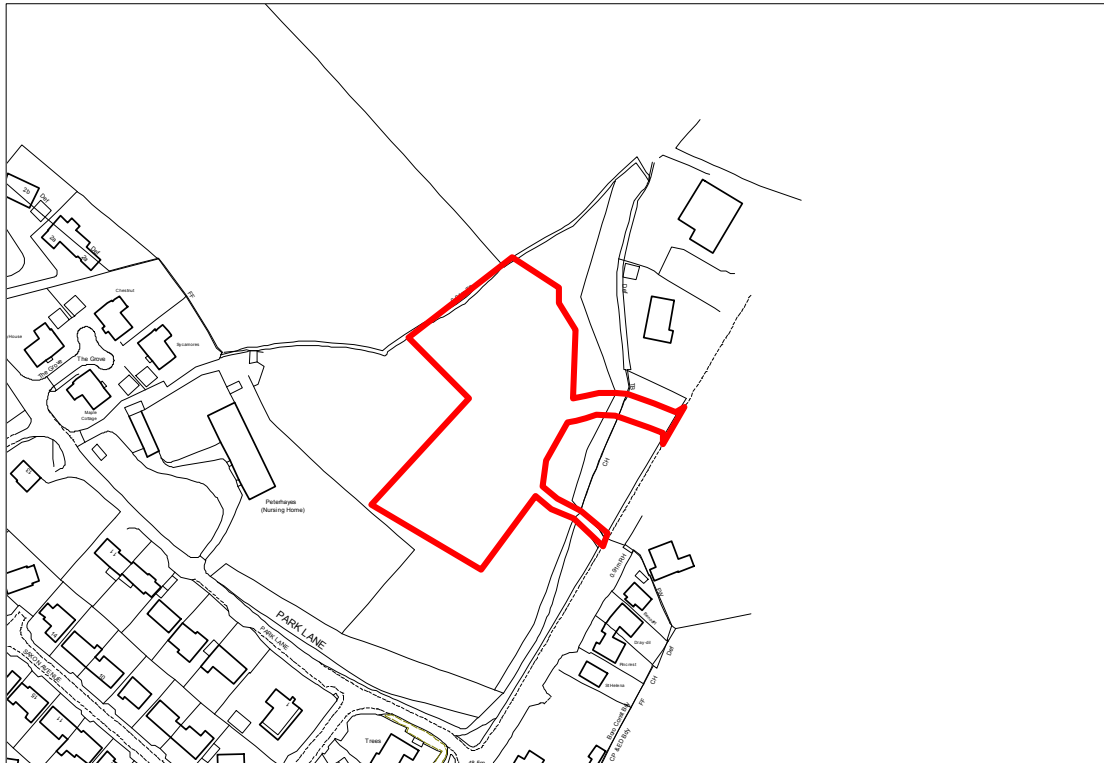
**APPLICATION NO:** 07/2399/01      **OUTLINE PLANNING PERMISSION**

**APPLICANT:** Mr B M Thompson

**PROPOSAL:** Redevelopment to provide 5 detached dwellings, parking and access to highway (scale, appearance and access reserved for future consideration)

**LOCATION:** Land adjoining Peterhayes, Park Lane, Exeter, EX4

**REGISTRATION DATE:** 09/11/2007



Scale 1:3000

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**HISTORY OF SITE**

- 06/1060/03 - Detached dwelling, triple garage block, boundary PER walls, gates and associated works 20/07/2006
- 07/1657/01 - Redevelopment to provide 10 detached dwellings REF (all matters reserved for future consideration) 09/10/2007

**DESCRIPTION OF SITE/PROPOSAL**

This application relates to an area of land (0.48 hectares) within the grounds of Peterhayes, a substantial dwelling in Park Lane, Pinhoe. The grounds are set up in the confluence of Park Lane and Pinn Hill, and the proposed development is in the north-east part of these grounds. It is separated from a bungalow and commercial development in Pinn Hill by a mature tree boundary. On the other side of Pinn Hill there is a row of dwellings. To the south there is a large dwelling under construction, also within the grounds of Peterhayes.

Outline planning permission is sought for a residential development of five dwellings. Scale, appearance and access are reserved for future consideration. Indicative plans submitted with

the application show that the site would be accessed via a new access point within Pinn Hill. A new visibility splay is proposed, which includes removal of an unsightly corrugated iron fence, which currently abuts the highway. The layout shows five detached dwellings.

Whilst the majority of the site is within Exeter City Council's area, a substantial proportion, including the proposed access point, is in East Devon.

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

The following information accompanies the application:

- Planning Statement;
- Design and Access Statement;
- Landscape and Visual Impact Appraisal;
- Ecological Assessment;
- Arboricultural Development Statement;
- Tree Root Protection Area Schedule.

The Planning Statement concludes that the proposal is consistent with relevant planning policies that control housing development at a local and national level, which also encourage the development of sustainable windfall sites within development boundaries, such as the application site. A proposal would result in an attractive living environment in harmony with the built and natural form of the area and would not prejudice the residential amenity or the landscaped character of the area.

The Design and Access Statement makes the following points:

- To the south-west within the grounds of Peterhayes is a building site with a dwelling under construction, which the owners of Peterhayes plan to occupy. To the northern side of the site is open agricultural land, which is also screened by hedgerow and boundary trees.
- The proposed access will be off the B3181 opposite the bungalows on the south side of Pinn Hill Road. Additional traffic will be limited to that generated by the small number of dwellings proposed. Pre-consultation with the Highway Authority has been undertaken and a separate pedestrian access to the main Exeter to Broadclyst Road will be provided. There is a public bus link passing the site with bus stops on the Broadclyst Road itself. The site is some 6 minutes walk from the Pinhoe local shopping and amenity area.
- The site slopes gently away from Peterhayes House in an easterly direction. This parkland setting includes a number of specimen trees, which have been the subject of a detailed tree survey.
- Access and visibility has been studied on the Exeter to Broadclyst Road and a suitable site of entry is indicated following informal discussions with the Highway Authority. In terms of overall context the site sits at a point where the density of housing adjacent is fairly low and the buildings are of various finishes, design and size with no overall local distinctiveness.
- An analysis of various buildings from the area has been undertaken and it is thought that the appropriate finishes for this development would be slate coloured roofs of

artificial riven edge finish, rendered walls (although red brick may be considered as this is natural to the area as a whole) and painted windows. In terms of the density and general arrangement of the buildings, it is felt that a dense linear urban form would not suit this site. The layout has been revised to provide appropriate distances from the surrounding trees. This constraint has largely led to the proposed layout involving larger dwellings in private gardens.

- The proposed five units would have integral garaging facilities.
- The gently sloping levels of the site are to be maintained where possible; however, there will be some earth movement due to the levels required by the adoptable road. The development shown on the layout plan shows the five dwellings fanning out across the site. The dwellings have been sited in order to demonstrate that sufficient distance from the trees will be maintained.
- The site entrance has been narrowed and a single lane traffic calming access has been agreed with the Highway Authority. The northern most pavement will also stop at the hedge line to further reduce the width. These measures reduce the width of the access point to 5.5m at the point where the road punctuates the hedge, whereas this width was some 9.5m under the refused scheme. This gives adequate access for pedestrians walking to the local shopping area beyond.
- The development is to be of a 2-storey domestic nature. It is considered that 2-storey dwellings in this location would have no detrimental impact on the character of the area.
- Tree root protection and tree growth zones have been taken into consideration in the layout of the dwelling.
- Disabled access is to be provided throughout the scheme. In addition to this, a ground floor WC will be provided with outward opening door and it is envisaged that each building would include a separate room on the ground floor, which could be used as a bedroom rather than a separate dining area or study.

The Arboricultural Development Statement makes the following conclusions:

- The development proposals have been assessed in accordance with the relevant British Standard and best practice.
- Following a process of discussion and review, a layout has been designed, which is arboriculturally acceptable.
- Whilst it is acknowledged that there is an impact upon a few trees, the development proposals look to retain existing tree stock as a positive feature of the proposals where possible and the locally amenity with the majority of trees around the perimeter of the site being retained.
- It is our opinion that the trees, which have been selected for retention, can be afforded due respect and adequate protection in showing their safe and healthy retention during the development process.

The landscape and visual impact appraisal makes the following conclusion:

- The overall impact of the proposal is relatively minor and is considered to be well sited even though facing away from the centre of Pinhoe. The site is visually well contained overall and does not impact on the surrounding areas of high quality landscape to the north.
- The impact on the surrounding countryside is not as significant as might have been assessed on first investigation. There are a number of hills and ridges that restrict views to the site. Views into the site are restricted due to levels, distance, sunlight and existing vegetation. Where restricted views are possible, the site visually appears to be contained within the village boundary due to the impact of the dwellings on the ridge line along Park Lane.

## **REPRESENTATIONS**

Objections: 10, including Broadclyst Parish Council.

### **Principal Planning Issues Raised:**

- It will destroy some protected trees and mature hedge line.
- Allowing access to the highway close to the brow of a hill where traffic regularly flouts the 30mph restriction could be dangerous.
- The proposal would be seriously detrimental to the pleasant, pleasing visual amenities of the area due to its encroachment into the rural fringes of the City.
- The development will set a precedent for future building.
- The development will be overbearing on what is predominantly bungalows at a lower level to the north and east. There is currently a new access under construction onto the B3181 from the property known as Little Silver, which is owned by the applicant. It is understood that this access was approved by East Devon District Council a few years ago. This means that there would be three accesses onto the B3181 within 10m of one another including Little Silver, Animal Kingdom and the current proposal. This will cause highway danger.
- The proposal will cause overlooking of existing dwellings.
- The proposal will cause additional noise and disturbance.
- The proposal would result in Exeter finally swallowing up Pinhoe and continuing its relentless progress towards Broadclyst covering the remaining green field areas with its urban sprawl.

In addition, there have been 8 letters of support for the proposal.

## **CONSULTATIONS**

The views of East Devon District Council are awaited.

The County Director of the Environment, Economy and Culture comments that the proposed access and emergency access facilities comply with current local and national standards and are acceptable from a highway view. No objections are raised subject to the imposition of three conditions relating to details of construction, provision of the access and parking, and the accommodation of vehicles, construction plant and materials.

South West Water has no objections to the proposal.

The Council's Head of Environmental Health Services recommends that conditions are imposed upon any planning permission restricting hours of construction work, requiring details of land contamination and remediation measures, requiring details of refuse storage facilities, and requiring a noise assessment ensuring that the proposed accommodation is protected from noise from the road.

The Council's Senior Recycling Officer raises no objections to the scheme.

### **PLANNING POLICIES/POLICY GUIDANCE**

#### **Devon County Structure Plan 2001-2016**

CO6 - Quality of New Development

TR10 - Strategic Road Network and Roadside Service Areas

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

H1 - Search Sequence

H2 - Location Priorities

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

LS1 - Landscape Setting

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

DG2 - Energy Conservation

DG5 - Provision of Open Space and Children's Play Areas

### **OBSERVATIONS**

The site was the subject of a previous application in 2007 for 10 dwellings. This application was refused because the proposed development by reason of its encroachment into the undeveloped rural fringes of the City and the likely consequence of the loss of protected trees and other landscape features would harm the City's landscape setting.

The highway matters are reserved for future consideration. However, the submitted plans illustrate that an access onto Pinn Hill, a County Secondary Traffic Route, can be provided to accommodate traffic generated by the proposal to the satisfaction of the County Director of Environment, Economy and Culture. The applicants have also demonstrated that the access into the site can be provided without significant tree loss. One tree, which has been shown to be of poor quality is proposed to be removed for this purpose. Two further trees of similarly poor quality and one which is dying and dangerous are also to be removed. In mitigation, additional new planting is proposed to complement existing trees and to provide an attractive setting for the development.

The existing corrugated metal fence across the site frontage is to be replaced by a new hedgebank which will also define the vehicular access to the site. The curtilages of the proposed dwellings will also be defined by hedgebanks.

The siting of the proposed dwellings has been carefully chosen following discussions with Officers to ensure that impact on the landscape setting of the city is minimised. The siting also ensures that no important trees are lost. Development on more prominent parts of the owner's land is avoided. It is not considered that the proposal will set a precedent for further building on the site, which would be more prominent and therefore likely to be refused on grounds of impact on the landscape setting of the city.

It is not considered that the proposed dwellings would have any adverse impact on the amenity of occupants of existing dwellings in the area.

The proposal involves additional native species tree planting on the main road frontage, with further appropriate tree planting within the site. Devon banks planted with native hedge species chosen to be fruit and nut bearing for wildlife are proposed to the entrance and around the curtilage of each of the proposed dwellings. The proposed planting, together with the retention and management of the existing planting, is considered to be of a high standard, and will mitigate against the loss of existing landscaping.

### **NORTHERN AREA WORKING PARTY**

Members viewed the plans and details of the application. They considered that the application was acceptable and noted that more information would be sought on planting and tree protection with conditions to be added in respect of highway matters. They noted that the application would be reported to the Planning Committee.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) Approval of the details of the access, scale, and appearance of the buildings, (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C07 - Time Limit - Outline
- 3) 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 30 January 2008 (dwg. nos. 27178.P1.L and P2.G), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 4) C17 - Submission of Materials
- 5) C37 - Replacement Planting
- 6) C39 - Boundary Treatment
- 7) As appropriate, the proposed estate roads, footpaths, cycle routes, junctions, verges,

street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 8) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.

**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 9) No development shall take place until a wildlife plan has been submitted to and approved by the Local Planning Authority. The wildlife plan shall indicate:

a) how the existing wildlife will be protected, in accordance with all relevant legislation, and

b) how the site will be enhanced to achieve a significant increase in wildlife value - in terms of both the range of species and the amount of wildlife.

**Reason:** In the interests of nature conservation.

- 10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 1, Class A (extensions and alterations)

Part 1, Classes B and C (roof addition or alteration)

Part 1, Class E (swimming pools and buildings incidental to the enjoyment of the dwelling house)

Part 1, Class F (hardsurfaces)

**Reason:** In order to protect residential and visual amenity and to prevent overdevelopment.

- 11) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of residential amenity.

- 12) Details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity.

- 13) The occupation of any dwelling shall not take place until the off-street car parking and any other vehicular access resources required for the dwellings by this consent have been completed and are available for use.  
**Reason:** To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 14) No part of the development hereby approved shall be commenced until adequate areas shall be made available within the site to accommodate offices, vehicles, construction plant and materials during the construction period in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.  
**Reason:** In the interest of public safety and to avoid obstruction of and damage to the highway.
- 15) Development shall not begin until a full survey of the site has taken place to determine the extent that the residential dwellings could be affected by noise from vehicular traffic, and the results, together with a scheme for protecting the proposed dwellings from noise from vehicular traffic, have been submitted to and agreed in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted dwellings are occupied.  
**Reason:** In the interests of residential amenity.
- 16) No development shall take place until details of the routes of underground services to the development have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of protecting the trees within the site.

**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

# Agenda Item 5

**ITEM NO.** 5

**COMMITTEE DATE:** 18/02/2008

**APPLICATION NO:** 07/2502/03

**FULL PLANNING PERMISSION**

**APPLICANT:** UNITE

**PROPOSAL:** Redevelopment to provide 123 units of student accommodation (6 storeys max.), bin/cycle storage, ancillary offices, parking, altered access to highway and associated works

**LOCATION:** Exeter Trust House, Blackboy Road, Exeter, EX4

**REGISTRATION DATE:** 23/11/2007

**APPLICATION NO:** 07/2501/14

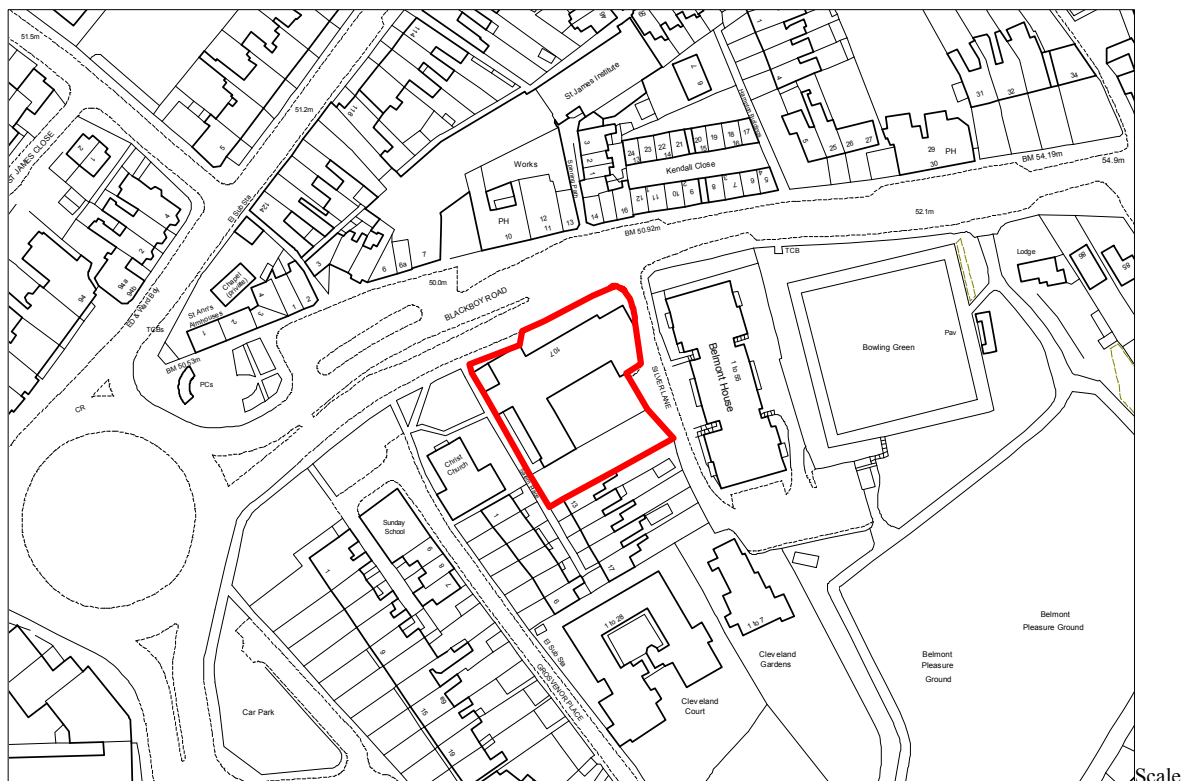
**CONSERVATION AREA CONSENT**

**APPLICANT:** UNITE

**PROPOSAL:** Demolition of buildings

**LOCATION:** Exeter Trust House, Blackboy Road, Exeter, EX4

**REGISTRATION DATE:** 23/11/2007



1:2000

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## **HISTORY OF SITE**

Most recent and relevant history of applications relating to this site.

04/2085 – Redevelopment to provide 2/3/4/5/6 storey buildings comprising 23 self-contained flats, 2 maisonettes and 2 terraced dwellings, parking, altered access to highway and associated works. Refused 16/02/05.

04/2091/14 – Demolition of buildings. Refused 04/03/05.

05/0412/03 – Redevelopment to provide 2/3/4/5/6 storey buildings comprising 23 self-contained flats, 2 maisonettes and 2 terraced dwellings, parking, landscaped decked area, altered access to highway and associated works. Approved 20/12/06.

05/0413/14 – Demolition of buildings. Approved 20/12/06.

07/0254/03 – Redevelopment to provide two, three and six storey linked buildings comprising 13 self-contained and 25 units with shared facilities (total 135) for student accommodation, bin/cycle storage, ancillary offices, parking, altered access to highway and associated works. Refused for the following reasons:

1) *The proposal is contrary to Policies C06 and C07 of the Devon County Structure Plan 2001 to 2016 and Policies AP1, H5, C1 and DG1 of The Exeter Local Plan 1<sup>st</sup> Review because:*

*i) by virtue of its siting, size, massing, height and design, the proposed building constitutes overdevelopment of the site resulting in and adverse impact upon the street scene and the character and appearance of this part of the Belmont Conservation Area; and*

*ii) by virtue of its siting, size, massing, height and design, the building would have an unsatisfactory relationship to existing buildings surrounding the site, and result in poor levels of amenity and outlook for potential occupants of the building.*

2) *The proposed development does not make adequate provision for the turning, loading and unloading of service vehicles in Silver Lane and would therefore encourage these operations to take place in the garage court to the south of the site, to the detriment of safety, contrary to Policy TR10 of the Devon County Structure Plan.*

This application is the subject of a current appeal.

07/0255/14 – Demolition of buildings. Refused . Also subject to a current appeal.

### **DESCRIPTION OF SITE/PROPOSAL**

The site (0.15 hectares) is located on the southern side of Blackboy Road approximately 70 metres from the roundabout with Sidwell Street and Old Tiverton Road. The site is currently occupied by a four-storey office building, Exeter Trust House located between Silver Lane and Salem Place. The land to the rear of the building is occupied by two open parking areas set at different levels that are accessed off Silver Lane. The site is located within Belmont Conservation Area, and hence the application is accompanied by a parallel application for Conservation Area consent relating to the demolition of the existing building that sits on the site.

It is proposed to demolish the existing building and replace it with a new building comprising student accommodation in the form of cluster flats containing a total of 123 bed spaces. The main part of the building is located fronting Blackboy Road and comprises a contemporary flat roofed design that ranges in height from 3 to 6 storeys. At the western margin of the site adjoining Salem Place, a 3-storey element is proposed which has been designed to more closely reflect the scale and style of the existing residential properties. Within each cluster flat all the bedrooms have en-suite bathrooms and each flat will have a communal kitchen and living area. The main building also contains a large common room and laundry facilities on the lowest floor, covered cycle parking for 123 bikes and on the ground floor, next to the main entrance to the building, an office for the accommodation manager and security station. There

will be a 24-hour on site staff presence. Silver Lane will be widened as part of the proposal and will provide access to the cycle parking facilities and the 2 parking spaces (1 disabled and 1 staff). The building incorporates a lift to facilitate access to all floors of the building.

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

The application is accompanied by a Planning Statement, Design and Access Statement, Transportation Statement, Ambient Noise Assessment and Contaminated Land Risk Assessment.

### Planning Statement

This Statement examines the context of the site, the relevant Planning Policy background, the key issues and considerations.

### Design and Access Statement

This document summarises the scheme and examines the factors that have shaped the design of the buildings and their layout on site. The second part examines the access issues in respect of the site's location, external and internal arrangements and compliance with requirements for disabled access.

### Transportation Statement

This document examines the parking provision proposed and draws attention to the requirement for occupants to sign leases which will not allow them to have a car on or around the site in support of the minimal provision. The traffic impact of the scheme is appraised in the context of pedestrian/cycle facilities and public transport provision. The opportunities for influencing travel behavior and the operator's moving in management strategy are outlined.

### Ambient Noise Assessment

Concludes – “An ambient noise assessment has been undertaken at the proposed development site at Exeter Trust House. The study has shown that the north façade of the proposed development is affected by road traffic noise from Blackboy Road and is in the PPG24 noise exposure category (NEC) C. Noise levels would, however reduce with distance from the Blackboy Road and screening from the massing of the proposed building and, on the east façade, the adjacent building in Silver Lane. This results in noise levels equivalent to NEC B at the west façade and NEC A on the east and south facades.

The planning advice for NEC C and B is that, where planning consent is considered appropriate, conditions should be imposed to ensure protection against noise. A mitigation strategy, incorporating the use of double-glazing in conjunction with a mechanical ventilation system incorporating heat recovery has been proposed to meet the noise level criteria within rooms. Whilst windows would need to be kept closed on the west and north facades to meet the recommended noise limits, openable elements can be fitted.”

### Contaminated Land Risk Assessment

Concludes given current conditions and based on information in the report that the site can be considered ‘fit for purpose’ as a residential property site. No risk to controlled waters is expected.

## **REPRESENTATIONS**

7 letters of representation received raising the following issues: -

- Disabled access to building
- Lack of parking
- Overlooking
- Building too large and out of character with Conservation Area, particularly in relation to Salem Place
- Increased traffic
- Noise
- Poor design
- Impact on properties in Salem Place

## **CONSULTATIONS**

South West Water – No objection, comment on drainage arrangements and location of sewers/water mains.

Recycling Dept – Comment on refuse arrangements.

Environment Agency – refer to standing advice in respect managing surface water run-off.

Head of Environmental Health Services – recommend conditions covering hours of construction work, land contamination, noise survey and details of all plant/machinery. Further comments on the submitted Noise and Land Contamination Risk Assessments are still awaited.

Head of Leisure and Museums – recommend condition regarding Wildlife plan.

County Director of Environment, Economy and Culture – Comments “We are in agreement that a car free development is the most appropriate and sustainable means of accessing this site and this principle is supported by the provision of off-street secure cycle parking facilities, a disabled off-street car parking space together with an operational maintenance off-street parking space. It is now proposed to provide a lay-by of adequate size on the Blackboy Road frontage to accommodate operational dropping off and picking up movements for delivery and public transport vehicles. This lay-by will also have the advantage of providing an unloading facility during the construction period and I recommend that the provision of this lay-by is secured by an appropriate Legal Agreement. In addition Silver Lane is to be widened and realigned to accommodate the traffic attracted to the rear of the site and it would be appropriate to secure the provision of these works, in accordance with construction details to be submitted to, agreed and approved in writing by the Local Planning Authority before occupation of the proposed student facilities. In order to control the parking and dropping off movements associated with this proposal, it is essential that a Traffic Order is made/reviced in order to reflect the proposed use. Provided that the above facilities are provided and secured by an appropriate Legal Agreement, this proposal is acceptable from a highway view.”

## **PLANNING POLICIES/POLICY GUIDANCE**

Devon Structure Plan 2001 - 2016

ST1 – Sustainable Development

ST10 – Exeter Principal Urban Area  
TR1 – Devon Travel Strategy  
TR4 – Parking Strategy, Standards and Proposals  
TR10 – Strategic Road Network and Roadside Service Areas  
CO1 – Landscape Character and Local Distinctiveness  
CO6 – Quality of New Development  
CO7 – Historic Settlements and Buildings  
CO8 - Archaeology

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

H1 – Search Sequence  
H2 – Location Priorities  
H5 – Diversity of Housing  
E3 – Retention of Employment Land or Premises  
C1 – Conservation Areas  
C5 - Archaeology  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG6 – Vehicle Circulation and Car Parking in Residential Development  
T10 – Car Parking Standards

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPS9 - Biodiversity and Geological Conservation  
PPS22 - Renewable Energy  
PPS23 - Planning and Pollution Control  
PPS25 - Development and Flood Risk  
PPG13 - Transport  
PPG16 - Archaeology and Planning  
PPG17 - Planning for Open Space, Sport and Recreation  
PPG24 - Planning and Noise.

Supplementary Planning Guidance for development related to the University of Exeter.

### **OBSERVATIONS**

The issue of the loss of existing office floor space has already been considered and accepted in the context of the previous approval and it is not considered that there has been any significant change in circumstances. It should be noted that the site lies within a secondary location for offices and the area is predominately residential in character. It is therefore considered that the positive design opportunities created by this proposal for the Conservation Area would counter the relatively small loss of office accommodation.

The main considerations in respect of the application relate to its compliance with relevant Local Plan policy, visual impact, relationship to surrounding buildings, and highway implications.

#### Local Plan Policy

The Supplementary Planning Guidance for development related to the University of Exeter sets out 9 principles, many of which directly relate to the provision of student accommodation. It expresses support for the intention of the University to expand and the

associated need for additional student accommodation. This application is directly consistent with a number of these principles, namely –

- the provision of as much purpose built student housing as possible to reduce the impact on the private sector housing market.
- recognition that relatively high density managed accommodation on appropriate sites will make a significant contribution to meeting future needs, subject to appropriate management and supervision arrangements. This scheme is an appropriate site and although high density will be subject to specified management and supervision arrangements.
- Favours provision of further student accommodation in specific locations, one of which is the City centre. The site is located right on the edge of the city centre.
- no car tenancies.

In line with Local Plan Policy relating to the provision of adult play space the applicant is willing to enter into a Section 106 Agreement covering the payment of a contribution of £15,400 towards the provision/improvement of adult play space off-site.

Further clarification has been sought regarding the scope for this development to incorporate sustainable energy generation within the design. Options might include biomass heating, solar heating and wind turbines. The developers response will be reported at Committee.

The proposal is considered to comply with all other relevant Local Plan Policies. Although the scope for this development to incorporate a significant contribution to wildlife habitat/diversity in the locality is limited it is considered appropriate to impose a condition requiring submission of details to demonstrate how the opportunities available will be maximised in terms of the landscaping of the site and possible provision of nesting/roosting boxes.

### Visual Impact

The existing office block is not considered to make a positive contribution to the Conservation Area and this is recognised in the draft Belmont Conservation Area Appraisal. In this context it is not considered that the demolition of the existing building should be resisted subject to an appropriate replacement building being agreed. The site is prominent in the Conservation Area and any replacement building should be of a design that preserves or enhances the character and appearance of the locality. This section of Blackboy Road is characterised by a number of large scale buildings including the neighbouring Belmont House. Towards the rear the character is more domestic as reflected by the properties in Salem Place.

The scheme proposed concentrates the main mass of the building on the front part of the site along the Blackboy Road frontage and in this respect largely reflects the volume/massing and height of the residential redevelopment scheme previously approved in 2006. In parts this is higher than the existing Trust House but the proposed building is 3-dimensionally modelled with set backs and variations in height to reduce the impression of the overall mass of the building and is considered acceptable in this respect. The current building has a rear wing that projects significantly back into the site towards the properties in Salem Place. In the proposed scheme the depth of the building is significantly less compared to the existing rear wing which will have the effect of reducing the overall massing of the building when viewed from the side as you leave the City centre. The design of the main building is contemporary incorporating flat roofs, render, slate hanging and modern glazing treatments. The use of slate hanging on the top two floors of the building is considered to reduce the overall impression of

the mass of the building and help to assimilate it into the street scene. In parts the proposed building will be set back further into the site than both the existing Trust House and the previously approved residential building. This has allowed the creation of some defensible space in front of the building and created the opportunity for low level planting which will serve to further soften the appearance of the building and enhance the frontage of the site. The proposed building's design will represent a distinctive addition to the appearance of this section of Blackboy Road. The variation of the storey heights, associated set backs and use of flat roofs is felt to achieve visual interest to the street frontage. Overall it is considered that this will constitute an improvement upon the existing building in terms of its visual contribution to the street scene, and thereby serve to enhance the character and appearance of the Conservation Area.

However, as in the previously approved residential scheme this proposal does include some new build on the part of the site adjacent to the properties in Salem Place. The design of this element of the scheme reflects the character of those properties and adopts a more traditional form incorporating elements of pitched roofs, dormer windows and fenestration more in keeping with the existing houses. Visually it was considered important to treat the design of this element of the scheme in this more traditional way and the scale drops down to 3-storeys and reflects the approach followed in the previously approved scheme. To make an appropriate transition from this element to the main building negotiations have secured a predominantly glazed staircase on the end of the building to give access to the 3 floors of accommodation. The dormers have also been lowered in the roof scape and the alignment of the windows regularised. The overall appearance of the proposed building adjacent to the terrace in Salem Place is considered complementary to the existing properties and indicates an acceptable transition between the new and old. The combination of a reduced scale and massing coupled with the elevational treatment to the building has resulted in an appropriate addition to the Conservation Area and accordingly is considered acceptable in terms of character and appearance.

#### Relationship to surrounding properties and impact of student use

Overall the new building will be further away from the nearest dwellings in Belmont House than the closest part of the existing Trust House building. However the nearest element will be higher at 3 storeys compared to the existing single storey element. Nonetheless this is comparable to the previous approval, and with the closest element being 11 metres away this is considered acceptable especially in the light of the mass and proximity of the existing building which it replaces. Overall the relationship of the proposal to Belmont House is considered acceptable.

In terms of the buildings opposite the site it is considered that the proposal represents an improvement upon the current relationship given the variations in height and the fact that it is set further back into the site than the current building. The width of Blackboy Road is such that the proposed building is not considered to have any significant adverse amenity impact upon those buildings opposite.

Obviously the introduction of a building on the part of the site closest to Salem Place properties does constitute a change in relationship of the site to those properties compared with the current situation. However, given that the massing is significantly less than that of the existing rear projecting wing of the Trust House it is considered that overall the proposal represents an improvement in the outlook and amenity of those properties. Further clarification of the relationship of the proposed communal area with the rear gardens of those properties has been requested in the form of a section through the site. However, given intervening structures and existing boundary treatments, coupled with the developers

willingness to erect an appropriate form of screening to this area, it is not envisaged that the section requested will demonstrate any adverse impact.

In order to minimise the potential for residents of existing building that surround the site to feel overlooked from the proposed building it is considered that access to the flat roofs areas on the 4th floor of the building should be restricted to maintenance only and preclude its use as a sitting out area for occupants of the building.

The main entrance to the accommodation is situated on the Blackboy Road frontage next to the accommodation manager's office and security station. The submitted Planning Statement states that all those entering the site will do so from the main entrance which will be permanently staffed (24hrs/day) to ensure that all entrants pass a member of staff. Although the cycle parking and two parking spaces are accessed from Silver lane both of these are also controlled access points which should further limit any potential for disturbance to existing residents of surrounding buildings arising from student accommodation on this site. There will be no other entry or exit points around the perimeter of the site. The fact that the building will have a permanent staff presence should also help to alleviate the potential for anti-social behaviour. Furthermore, it is proposed that the applicant is required to enter into the Council's standard management arrangements for this form of accommodation, the purpose of which is to minimise potential disturbance to surrounding properties.

### Highway implications

The site is located close to the City centre and local amenities, and lies on a main bus route in and out of the City. In this context it is considered that providing minimal parking on site for this form of development is acceptable. Appropriate management measures will also mean that potential parking problems arising from the student accommodation proposed are minimised. The scheme incorporates 1 for 1 cycle parking provision in a covered environment.

The scheme includes the widening of Silver Lane and the provision of a lay-by pull in on Blackboy Road. These measures are considered to represent an improvement upon the existing highway conditions. The Highway Authority have advised that subject to these works being secured by way of an appropriate legal agreement, and various other conditions, they are satisfied that the proposal will not have any significant adverse impacts upon the highway network or highway safety conditions in the locality. Whilst the concerns raised in representations received relating to traffic generation and parking are noted it is not considered that, given the nature of the accommodation proposed, its location and appropriate management measures, the scheme would give rise to problems in these respects that would be so significant as to warrant refusal of this proposal.

### **SOUTHERN AREA WORKING PARTY**

Members noted the improvements that had been secured to the proposal through negotiations and the fact that the massing is similar to the approved residential scheme. Noting that the scheme would be determined by Planning Committee, Members requested that the applicant be asked to clarify the sustainability of the scheme in terms of renewable energy sources that were or could be incorporated within the scheme.

### **CONCLUSIONS**

Given the context of the existing building, and the scale and massing of the previously approved scheme for redevelopment of the site, it is considered that the current proposal as

amended through negotiations is acceptable in terms of its relationship to existing properties, visual impact and contribution to the character and appearance of the Conservation Area, and highway implications. Therefore, subject to completion of an appropriate legal agreement to cover highway matters, management of the accommodation and a contribution towards off site adult play provision, and various conditions, the proposal is considered acceptable. Legal Agreements can occasionally become protracted and to ensure that they are concluded within a reasonable timeframe it is requested that delegated authority is given for refusal should the necessary agreement not be completed within 6 months of the Committee resolution.

## **RECOMMENDATION**

Subject to completion of a Section 106 Agreement in relation to management of the accommodation, highway matters (including phasing of works), a contribution of £15,400 towards the provision/improvement of adult leisure provision off site, and a contribution to any new or revised traffic orders, APPROVE the application subject to the conditions listed below.

In the event that the legal agreement is not concluded within 6 months of the date of the Committee resolution delegated authority be granted to the Head of Planning Services to REFUSE permission for the reason that in the absence of a section 106 agreement, inadequate provision is made for management of the accommodation, a contribution to off-site adult leisure provision, highway works, and payment by the developer of the cost of any new or revised traffic orders.

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) C35 - Landscape Scheme
- 6) C70 - Contaminated Land
- 7) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking, turning, loading and unloading facilities and any means of access have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 8) The development shall not commence until the applicant or successor in title has given the Local Planning Authority two weeks notice of the commencement of site works and such notice has expired. Access shall be given at all reasonable times to the Local Planning Authority's Archaeology Officer or nominated representative to inspect the works before new foundations or services are laid, unless the Local Planning Authority dispenses with this requirement in writing. Where the Local Planning Authority requires further archaeological work to be carried out, the

developer shall make arrangements for this work to take place before foundations or services are laid, in accordance with details agreed in writing with the Local Planning Authority.

**Reason:** To ensure the appropriate opportunity is afforded for identification, recording and publication of archaeological and historic remains affected by the development.

- 9) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 10) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

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

- 11) No part of the development hereby approved shall be commenced until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period in accordance with a detailed Construction Management Plan that shall previously have been submitted to, agreed and approved in writing by the Local Authority.

**Reason:** In the interests of public safety and to avoid obstruction of and damage to the adjoining highway.

- 12) Prior to the commencement of the development hereby approved a scheme of phasing for the implementation of the development shall be submitted to, and be approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is implemented in a logical and appropriate manner in the interests of the amenity of the area

- 13) Prior to the commencement of the development hereby approved details of all plant and machinery associated with the building and its use shall be submitted to, and be approved in writing by the Local Planning Authority. The submitted information shall include details of the siting, appearance and noise levels associated with the equipment.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 14) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of residential amenity.

#### Conservation Area Consent

**APPROVE** subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no. 07/2502/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.  
**Reason:** In the interests of the appearance of the Conservation 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

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## EXETER CITY COUNCIL

### PLANNING COMMITTEE 18 FEBRUARY 2008

#### SECTION 106 AGREEMENTS

#### 1 PURPOSE OF THE REPORT

- 1.1 To update on the progress of implementing Section 106 agreements and on the expenditure of financial contributions received. Members are requested to advise the Development Control Manager (Andy Robbins) or Head of Planning Services (Richard Short) of any questions on the schedule prior to the meeting of the Planning Committee.

#### 2 BACKGROUND

- 2.1 This report has been prepared to advise Members of the progress achieved between January 2007 and January 2008 in the collection and expenditure of financial contributions made by developers toward the provision of the community facilities and services required to accommodate development.
- 2.2 The report covers all planning obligations arising from development proposals in the City that require financial payments by developers.
- 2.3 Progress in relation to each agreement is summarised within the attached tables (Appendix 1). These are divided by service function and stage of payment (either expected or received). Obligations where the trigger stage for payment in the development process has not yet been reached are included.
- 2.4 It should be noted that funds held for maintenance of public open space are paid directly into a special account. A sum of 5% of the accumulated total (including interest) is added to the Parks and Open Space Manager's budget each year.
- 2.5 Where the amount in account or amount spent exceeds the principal amount required, this is attributable either to indexing, interest, or a combination of the two.

#### 3 PERFORMANCE

- 3.1 Exeter City Council and Devon County Council have received £1,512,719 in relation to Section 106 obligations since January 2007.
- 3.2 £172,856 was received for the maintenance of public open spaces at Wyvern Barracks; the provision of a multi use games area and a play area, both of which are due for installation during early/mid 2008.
- 3.3 During 2007, Devon County Council received £973,141 for improvements to transport facilities. £268,188 was received as a result of the Kings Heath development at Digby with a further £180,000 collected in relation to the Met Office scheme. Both sums have been allocated for transport service improvements to and from the city centre.

- 3.4 A total of £888,576 has been spent over the past twelve months.
- 3.5 A £47,874 highway contribution from the industrial and business unit development at Yeoford Way in Matford Park has been spent on improving pedestrian and cycleway facilities along Bad Homburg Way.
- 3.6 Some £248,002 was spent on improvements to community, leisure and open space facilities. £119,398 of this was at Kinnerton Way, Exwick. A further £67,039 has been committed to projects in the vicinity.
- 3.7 In total, £120,109 was spent on affordable housing between January 2007 and January 2008. Of this, £77,014 was used in providing two move-on bed spaces at Prospect Place.

#### **4 UPDATE**

- 4.1 The Council's provider of computer database software for Section 106 agreements has been asked to provide an upgrade to make information accessible on-line. This would make details of Section 106 agreements more readily available to the public. Subject to further discussions with software engineers, it is hoped that this facility will be rolled-out during 2008.
- 4.2 During 2007 the Council has adopted a number of public open spaces, provided by developers as a result of Section 106 agreements. Some headlines are outlined immediately below and a table summarising the progress made in providing community facilities required by Section 106 agreement is available towards the end of this report.
- 4.3 Public open space provided by C G Fry and Son at the former Wyvern Barracks site, has all been adopted. A small portion of land has been leased back until March 2009 and is currently being used to stockpile soil.
- 4.4 The public open space provided at King's Heath, Digby by Persimmon and Barratt has now been adopted. The developers have been permitted to release the dwellings previously withheld as agreed by Planning Committee in October 2007.
- 4.5 No real progress is being made by Persimmon in completing the open space at Polsloe Priory (former Ibstock Brickworks). The matter has been passed to one of the Council's litigation solicitors with a view to taking legal action.

#### **5 RECOMMENDATION**

- 5.1 That Members note the report.

**RICHARD SHORT**  
**HEAD OF PLANNING SERVICES**

**ECONOMY AND DEVELOPMENT DIRECTORATE**

Local Government (Access to Information) Act 1985 (as amended)

Background Papers used in compiling this report:

None

**Index of Tables within Section 106 Agreements Report**

Table 1: Section 106 Affordable Housing – Money Received

Table 2: Section 106 Community and Leisure - Money Expected

Table 3: Section 106 Community and Leisure - Money Received

Table 4: Section 106 Education - Money Expected

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Table 8: Section 106 Open Space - Money Expected

Table 9: Section 106 Open Space - Money Received

Table 10: Section 106 Parking - Money Received

Table 11: Section 106 Social Services - Money Expected

Table 12: Section 106 Transport - Money Expected

Table 13: Section 106 Transport - Money Received

Table 14: Section 106 Financial Contributions Received Since January 2007

Table 15: Section 106 Financial Contributions Spent Since January 2007

Table 16: Sites Being Monitored by the Community Facilities Implementation Group

**Table 1: Section 106 Affordable housing – Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount Spent	Complied	Notes	Money spent
99/1022/03	Army Cadet Force Site, Barrack Road	Abbey Manor Developments	Affordable housing if not provided on site. To be spent within 5 years of receipt.	£0.00	£136,021.00	£136,021.00	YES	Final £64,842 used to part finance 2 move-on bedspaces at Prospect Place.	YES
01/1518/03	Lazy Landlord, Bonhay Road	Redrow Homes	Affordable housing in Exeter.	£0.00	£300,267.00	300,267.00	YES	Final £20,267 used to part finance 2 move-on bedspaces at Prospect PI (£12,172) and 2 at Headland Crescent (£8,095).	YES
02/1845/03	Central Station Yard, Queen St, Ltd	Bellway Homes	Contribution towards affordable housing in Exeter. ECC has option to index it according to the average sale price of a terraced house in Exeter according to Land Registry data. Repayable if uncommitted within 5 years.	£691,145.73	£633,000.00	£90,641.00	YES	£55,641 spent 06/07 providing 2 rented homes, £35,000 spent in 07/08 providing an extra shared ownership home on Wyvern Barracks. Of the residue, £424,000 has been re-allocated to schemes that should produce at least 18 homes and the remainder of £267,146 awaits allocation to Non-Section 106 sites/projects.	NO

**Table 2: Section 106 Community and Leisure - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
03/1611/01	County Ground		Pay £300 per dwelling towards community facilities in a recreation ground serving the locality. Indexed from date of agreement until payment.	£0.00	£30,000.00	Prior to commencement of development.	NO	Likely to be used to enhance play/teen facilities at St Thomas PG or Cowick Barton.
06/1147	Episcopal Building and York Wing, Dinham Road	Justin Developments	Community and leisure facilities - off site - towards the provision of additional community and leisure facilities required as a result of the Development	£0.00	£31,600.00	Prior to development	YES	In voice being processed. Site for expenditure yet to be decided.

**Table 3: Section 106 Community and Leisure - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount Spent	Completed	Notes	Money spent
91/0649/03	Land adj Kinnerton Way, Exwick	Knapp New Homes Ltd	£10,000 towards play equipment.	£12,336.61	£10,000.00	£0.00	YES	To be committed to floodlighting for the MUGA at Kinnerton Way.	NO
99/0442/01	P.E.O.H Barrack Rd	S.O.S For Health	Community facility to benefit owners and occupiers of the site	£18,389.89	£15,000.00	£0.00	YES	Contribution Received. Agreed to be used to enhance forthcoming 'Wyvern Park' facilities	NO
00/1015/01	Kinnerton Way	Barratt Homes Ltd	Provision of community facilities within the vicinity of the site	£18,142.77	£15,000.00	£0.00	YES	Paid October 2002. To be used in association with provision of new community facilities that have been completed and handed over to the community association (see also 03/0300/03).	NO
03/0200/03	Former Plymco Supermarket		Financial contribution for provision of community facilities in the Exwick area	£48,896.37	£92,000.00	£44,000.00	YES	£3,000 committed to trustee training. £10,000 committed opening bank account balance for community centre. £44,000 spent on capital programme.	NO
03/0300/03	Land at Plymco, Kinnerton Way	Westbury Homes	Provide or support the provision of community facilities and services in the Exwick area of Exeter	£0.00	£72,000.00	£75,398.00	YES	Money used in association with provision of new community facilities now completed and handed over to the community association (see also 00/1015/01)	YES
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	"provision of community facilities within 1 mile of the site " If no facility on site made available.	£23,513.00	£20,000.00	£0.00	YES	Committed to a general Children's Play Area fund.	NO

**Table 4: Section 106 Education - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
02/0381/01	Matworthy		Pay £904.09 per dwelling towards facilities likely to be used by children living on the site. Index linked from agreement until payment.	£0.00	To be calculated	On commencement of development.	NO	Outline permission
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Carry out remediation of land for school with collateral warranties, and offer to DCC. Pay contribution towards provision of primary educational facilities including the rebuilding of a primary school within a two mile radius from the property.	£0.00	£803,581.00	Pay prior to occupation of the 150th dwelling, offer land on commencement of 201st.	NO	Outline permission
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Pay contribution towards the construction costs of the primary school on the site or if it is not to be built for the provision of primary educational facilities including the rebuilding of an existing primary school within a two mile radius of the site.	£0.00	£502,239.00	On letting of contract.	NO	Outline permission
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	".the provision of secondary educational facilities which are likely to be used by secondary school children on the property".	£0.00	£348,459.00	On commencement of development	NO	Outline permission
03/1611/01	County Ground		Pay £1122.50 per dwelling with 2+ bedrooms. Indexed from date of agreement until payment. Repayable if unspent within 5 years of payment.	£0.00	£106,637.50	50% to be paid on commencement of development. Balance to be paid on earlier of occupation of 45% of open market dwellings or two years after commencement.	NO	By a supplemental agreement dated 11 July 2006, the supported retirement apartments are exempted from the requirement to pay an education contribution.
05/0540/03	Former service station, Western Way		Pay contribution towards provision of additional educational facilities required as a result of the development. Repayable if unspent within 10 years of payment.	£0.00	£11,575.00	Prior to commencement	NO	Development not yet commenced - A small parcel of land on the site remains under the ownership of ECC. The developer has been advised to apply for conservation area consent and tidy their land in order for the transfer to occur.

**Table 4: Section 106 Education - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
05/0667/01	91-97 Wonford Street		Pay £1157.50 per dwelling of two or more bedrooms, minus two dwellings (to be demolished). Indexed from date of agreement until payment. Repay if unspent within 10 years of payment.	£0.00	To be calculated	Prior to commencement of development.	NO	No detailed permission.
05/0808/03	Rowe Memorial Hall		Pay contribution for the provision of additional primary education accommodation at St David's Primary School. Index linked from date of agreement until payment. -	£0.00	£6,945.00	On commencement of the development	NO	Development unlikely to be implemented.
05/1277/01	58 Main Road, Pinhoe		Pay contribution of £694.50 per dwelling of two or more bedrooms to DCC towards the provision of additional educational facilities required as a result of the development.	£0.00	To be calculated	Prior to commencement	NO	Outline permission only.
05/1408/03	Barley House, Isleworth Road		Pay contribution towards the provision of additional educational facilities required as a result of the Development.	£0.00	£6,250.00	Prior to commencement	YES	Development has commenced - DCC advised to invoice developer
06/1147	Episcopal Building and York Wing, Dinham Road	Justin Developments	Education Contribution	£0.00	£28,937.50	Prior to development	YES	DCC advised to invoice
06/1365	28 Manor Road	South West Construction	Education Contribution	£0.00	£9,260.00	Not later than development commencement	NO	Separate application refused under appeal: (07/0144)

**Table 5: Section 106 Education - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Completed	Notes	Money spent
00/1199/01	Prospect Place, St Thomas	Centre Line Properties Ltd	Education facilities which are likely to be used by children living on the site.	£5,666.00	£5,000.00	£0.00	YES	Payment Received 11/4/05 Committed - Will be used towards a project at Montgomery School	NO
01/1486/03	Builder's Yard, Meadow Way, Heavitree	Ward Developments Ltd	Additional pupil places in those schools likely to be attended by children living on the site. Within 10 years of receipt. (To be paid to DCC)	£6,823.34	£6,500.00	£0.00	YES	Primary Resources (£4264.59) held pending further funds. Secondary resources (£2558.75) spend during Exeter schools reorganisation	NO
04/1779/03	Land off Highercroft		Pay contribution to DCC for education.	£3,472.80	£3,472.80	£0.00	YES	To be used at St Davids School Jan 08'	NO
04/1814/03	7 Tudor Street	Gadd Homes Ltd	Pay £578.75 per dwelling of 2+ bedrooms for schools to serve the development. Index linked. Repayable if unspent within 5 years.	£8,430.70	£6,000.00	£0.00	YES	To be used at St Davids School Jan 08'	NO
04/2192/03	Monks Road	Persimmon Homes (South West) Ltd	Pay contribution to primary education.	£8,102.50	£8,102.50	£0.00	YES	Committed for use at Ladysmith Infants and Junior.	NO
05/0815/03	27-28 Cowick Street		Pay £1389.00 towards West Exe Technology College. For use in accordance with DCC's Code of Practice on Education Contributions.	£1,389.00	£1,389.00	£0.00	YES	Committed to West Exe Technology College	NO
05/1633/03	Old Mill and Old Stables, Tudor Street	Sprague & Ouseley Property	Pay contribution towards educational facilities required as a result of the development.	£4,912.00	£4,630.00	£0.00	YES	Committed for use at St David's - Jan 08'	NO

**Table 6: Section 106 Environmental Enhancements - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
04/0383/03	Victoria Yard	Exeter College	Pay £30,000 towards improvements to environmental pedestrian, cyclist and safety enhancements in the Queen St area. Index linked. Repayable if unspent within 10 years	£0.00	£30,000.00	Prior to first occupation.	YES	DCC advised to invoice. Committed to central station gateway improvements.
06/0900	Land adjacent to 18 & including 29 Lower North Street	Premier Development (SW)	Car Sharing Scheme	£0.00	£20,000.00	Prior to 1st occupation	NO	Development completion Expected for March 2009

**Table 7 : Section 106 Environmental Enhancements - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Completed	Notes	Money spent
92/0719 - 92/0721	Digby	Tesco Stores Ltd	Environmental improvements in City Centre or other local shopping centres likely to be affected by the development	£27,620.47	£110,000.00	£82,379.53	YES	Residual being used for enhancement of Heavitree Shopping Centre. Outline proposals considered by PMWG in Jan 2007. Work due to commence 2008	NO
96/0680	99-101 Fore Street, Exeter	Regent Inns PLC	Extending the City Centre CCTV Scheme / Making Environmental and Public Transport Improvements to the West Quarter of the City	£5,185.11	£60,000.00	£55,000.00	YES	Spent on CCTV improvements - Residual yet to be committed.	NO
99/0105/03	Exe Bridges	J Sainsbury Developments	Improvement to signage and transport information in the vicinity	£2,193.53	£125,000.00	£123,000.00	YES	Residual committed to city wide Strategic Signage improvements budget 2008/09.	NO
01/0084/01	Digby Retail Warehouse Development	Tesco	Environmental improvements to shopping centres within Exeter	£3,631.67	£125,000.00	£133,000.00	YES	Residual committed to environmental enhancements at Fore Street, Heavitree (2008/2009).	NO
02/0300/03	Princesshay	Ravenseft Properties Ltd	Contribution towards permanent storage conservation and display of archaeological records discoveries and finds made during the course of development	£55,734.80	£50,000.00	£0.00	YES	RAMM to draw up proposals for the use of this money	NO
02/0300/03	Princesshay	Ravenseft Properties Ltd	Contribution for conservation and display of special (archaeological) finds made during the course of development	£30,482.30	£20,000.00	£0.00	YES	£22,709.68 received 2006. RAMM to draw up proposals for the use of this money	NO
02/1845/03	Central Station Yard, Queen St.	Bellway Homes	Improvements to the pedestrian and cyclist facilities within half a mile of the site for the improvement of the highway network in the City. Repayable if uncommitted within 5 years.	£61,625.20	£50,000.00	£0.00	YES	Committed to central station gateway improvements.	NO
02/1845/03	Central Station Yard, Queen St.	Bellway Homes Ltd	Infrastructure to connect the site to the Council's town centre Closed Circuit Television System. Repayable if uncommitted within 5 years.	£29,552.39	£25,000.00	£0.00	YES	Yet to be committed	NO
03/2008/03	Wyvern	C G Fry & Son Ltd	Pay £24,000 for construction of a footpath from Shakespeare Road to south-eastern boundary.	£26,412.83	£24,000.00	£0.00	YES	Feasibility of a footpath here is currently under investigation.	NO
04/1298/03	Barracks		Contribution towards environmental improvements in Heavitree district centre and/or the construction of additional cycle route infrastructure within 1 km of the development. Payable to ECC.					£23,750 to be used for environmental improvements at Fore Street, Heavitree (2008/2009). Residual to be committed to a cycleway within 1km of the Tesco store.	NO
04/1082/03	Tesco, Russell Way	Tesco Stores Ltd		£47,499.76	£44,000	£0.00	YES		NO

**Table 7 : Section 106 Environmental Enhancements - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
06/0234	Site H, Former Electricity Building	Bromage	Public Realm/Art Contribution	£16,560.00	£16,560.00	£0.00	YES	Committed to canal basin improvements – specific proposals yet to be finalised	NO
06/0236	Site G, Former Electricity	Homebrick	Public Realm/Art Contribution	£9,716.48	£9,000.00	£0.00	YES	Committed to canal basin improvements – specific proposals yet to be finalised	NO

**Table 8: Section 106 Open Space - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in a/c	Amount	Due when	Due	Notes
94/0606/01	St Peter's Mount Luggs Farm Redhills	Redrow Homes	Maintenance of open space	£0.00	£23,000.00	Upon adoption	FALSE	Adoption currently on hold because developer not prepared to act on Councils concern about land drainage. Woodland area set aside and attempts made to adopt remainder of the site.
99/0442/01	Princess Elizabeth Hosp. Barrack Rd	S.O.S For Health	Maintenance of public open space including play area	£0.00	To be agreed	On conveyance of freehold of POS and play area to ECC	FALSE	Play area installed by developer, maintained by ECC. Phase 2 now laid out awaiting transfer. Not adopted as of (06/12/2007)
00/1015/01	Kinnerton Way	Barratt Homes Ltd	Developer to lay out open space and play area to spec agreed by ECC. Pay commuted sums for maintenance thereof in accordance with formula in agreement, index linked.	£0.00	To be calculated	Provide on occupation of 75% of dwellings or within 2 years after commencement. Pay commuted sums on transfer.	FALSE	Development almost complete. Play area installed in October 2005 but problems of drainage and planting need to be resolved by developer.
01/0308/03	River Court, Pynes Hill	Pynes Hill Property Ltd	Maintenance of landscape strip	£0.00	£15,000.00	1 year after completion of works	FALSE	Brought up to required standard. Invoice in the process of being raised.
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Provide public open space in two positions, to include play area to value of £100,000. Maintain for one year and transfer to ECC. Pay commuted sum in respect of the future maintenance of the public open space and the play area.	£0.00	To be agreed	Upon adoption	FALSE	Not yet due.
02/1933/03	Ibstock Brickworks, Monks Rd	Persimmon Homes Ltd	Towards the costs of maintaining the leachate plant provided as part of the remediation works after it has been transferred to the Council	£0.00	£119,250.00	Before 70 units of open market housing have been occupied	TRUE	No real progress is being made by Persimmon in completing the open space, and the matter has been passed to one of the Council's litigation solicitors

**Table 8: Section 106 Open Space - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in a/c	Amount	Due when	Due	Notes
02/1933/03	Ibstock Brickworks, Monks Rd	Persimmon Homes Ltd	Lay out open space including play equipment and youth area, having first done remediation and monitoring, to be certified by environmental consultant. Get collateral warranties from environmental consultant, and environmental insurance. Maintain open space.	£0.00	£270,000.00	Before 70 units of open market housing have been occupied	TRUE	No real progress is being made by Persimmon in completing the open space, and the matter has been passed to one of the Council's litigation solicitors with a view to taking legal action (07/01/08)
04/1942/01	Brunel Close		Pay £26,640, towards improvement of public open space and/or play facilities.	£0.00	£26,640.00	Prior to occupation of 10 dwellings.	FALSE	To be used to upgrade children's facilities at Looe Road. Unlikely to come forward as site has a subsequent planning consent for student housing

**Table 9: Section 106 Open Space - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Compiled	Notes	Money spent
92/0142/03	Tapper Close	ROK Developments	Landscaping and Maintenance of POS and Play Equipment	£238.46	£5,435.00	£5,500.00	YES	Land Adopted - Remedial work being completed	YES
93/0498	Land at Woodwater Lane	Westbury Homes	POS and Play Area Maintenance	£516.19	£5,500.00	£5,000.00	YES	Works Complete - Residual Left - Commuted to a general Children's Play Area fund.	YES
93/0808	Land Adjoining Pinn Lane	Bovis Homes	Hard Play Area	£1,358.12	£20,000.00	£18,641.88	YES	Works Complete - Residual Left - Commuted to a general Children's Play Area fund.	YES
94/0129/01	Northbrook Sch. Beacon Lane	Barratt	Maintenance of landscape and open space	£29,683.04	£19,099	£0.00	YES	Land Adopted - Remedial work to be completed around March 2008.	NO
94/0129/01	Northbrook School, Beacon Lane	Barratt	Play area	£6,148.79	£28,000.00	£34,499.00	YES	Works Complete - Residual Left - being commuted to a general Children's Play Area fund.	YES
95/0341/03	Gras Lawn, Barrack Road	Redrow Homes	Play area - equipment	£9,893.42	£30,000.00	£21,000.00	YES	Received 10 June 2005. Consultation with residents completed. Installed and Spent Spring 06. Residual of £9.8K, £2K of which has been allocated to general play area budget the rest will go towards maintenance of the play area.	NO
95/0638/03	Guys Hylton	William Sutton Trust	Public Open Space Contribution	£4,153.92	£4,000.00	£0.00	YES	£2.56K committed to general children's play area fund. Residual to be spent on maintenance once the site has been adopted. Developer given a price for remedial work needed before adoption in 2006.	NO
95/0796/03	Exeter Castings, Water Lane	Midas Homes Ltd	Provision of play equipment	£0.00	£20,000.00	£25,190.04	YES	Been used to upgrade children's play facilities at Haven Banks play area in January 2007. Now adopted.	YES
95/0796/03	Exeter Castings, Water Lane	Midas Homes Ltd	Provide open space. Pay commuted sum for maintenance of open space	£0.00	£16,500.00	£20,781.78	YES	Land adopted - continuing maintenance occurring	NA
96/0684/03	Tan Lane & Willey's Ave	Knapp New Homes Ltd	Recreation, play eqpt & POS facilities in the Water La, Haven Banks area by 09/03/2011	£15,104.40	£15,000.00	£3,260.00	YES	£3,260 used with Exeter Castings money to upgrade children's play facilities at Haven Banks play area in January 2007. (Consideration now being given to another suitable site for the rest	NO

**Table 9: Section 106 Open Space - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
97/0459/03	19 Marsh Green Rd. Marsh Bn	Exeter Power Ltd	Tree planting and landscaping to the eastern side of the mainline railway abutting the development	£11,593.11	£14,205.00	£5,000.00	YES	Planting proposals being undertaken to improve landscape in the Riverside Valley Park. £8,000 is being used for localised landscaping. Approx £5,000 already spent.	NO
97/0558/03	Digby Hospital (former)	Redrow Homes (Wessex) Ltd	Pay £35,000 for provision and maintenance of play areas in Clyst Heath area. Index linked from 16/3/98 until payment.	£46,440.61	£37,350.00	£0.00	YES	Paid July 2003. To be used to enhance recreational facilities in new park to be developed to the north west of Digby.	NO
98/0220/03	Well Oak, Dryden Road	Persimmon Homes	Providing play equipment on the site	£15,407.00	£27,000.00	£12,000.00	YES	£12K spent on fencing and remedial works. Rest to be used as agreed with developer and residents to improve play facilities proposed at adjoining Wyvern Barracks - £15K for children's play equipment - In same account as Well Oak POS fund.	NO
98/0220/03	Well Oak, Dryden Road	Persimmon Homes	POS Maintenance	£0.00	£30,000.00	£30,814.00	YES	Land Adopted - £30k held from other schemes for POS maintenance - In same account as Well Oak Children's play equipment fund.	NA
98/0328/03	Horseguards	Barratt Homes	Maintenance of Public Open Space on Site	£0.00	£19,500.00	£35,342.57	YES	Land Adopted - Continuing Maintenance Occurring	NA
98/0613/01	Gras Lawn, Barrack Road		Public Open Space Commuted Sum	£0.00	£5,000.00	£6,025.32	YES	Land Adopted - Continuing Maintenance Occurring	NA
98/0847/01 or 98/0848/01	Clapper Brook La, Church Rd. Alph.	Barratt Homes Ltd	Lay out open spaces including play area up to the value of £15,000. Maintenance of POS.	£0.00	£8,730.78	£8,730.78	YES	Developer has laid out open spaces including play area up to the value of £15,000. Land has been adopted. Commuted to maintenance budget.	NA
98/1090/01	St James Rd/Old Tiverton Road	Exeter Housing Assn	Public Open Space Contribution	£1,431.00	£5,000.00	£3,569.00	YES	Works Complete - Residual Left - Commuted to a general Children's Play Area fund.	YES
00/1199/01	Prospect Place, St Thomas	Centre Line Properties	"Provision/replacement/ repair of play equipment at St Thomas Pleasure Ground "	£830.89	£10,000.00	£9,757.67	YES	Works Complete - Residual Left - Commuted to a general Children's Play Area fund.	YES
01/0852	Land Adjacent to Alpingbrook Road	LIDL UK	Commuted Sum For Landscape Maintenance	£0.00	£8,500.00	£8,730.78	YES	Land Adopted - Continuing Maintenance Occurring	NA

**Table 9: Section 106 Open Space - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Compiled	Notes	Money spent
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"maintaining the Open Space Land after.. Transfer". Index linked from 9 December 2002	£0.00	£68,000.00	£70,973.40	YES	All areas of open space completed and adopted. Sum committed to maintenance budget.	NA
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"provision and future maintenance of a Multi- Use Games Area on the school site or the Open Space Land in a position to be agreed with (both) developers".	£52,779.25	£62,500.00	£12,000.00	YES	Adopted October 2007. MUGA ordered for installation in December 2007.	NO
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"the future maintenance of the children's play area". Index linked from 9 December 2002.	£0.00	£20,000.00	£20,000.00	YES	Received 16/11/07	NA
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"provision of play equipment on the site". Index linked from 9 December 2002.	£46,440.61	£95,000.00	£50,000.00	YES	Adopted November 2007. Consultation with residents for installation May 2008.	NO
03/0262/03	Land adj River Court, Pynes Hill	Colourcolt Ltd	Lay out landscaping works on Council's land in accordance with specification in agreement. Maintain for 12 months. Pay committed sum towards future costs of maintaining the landscaping strip.	£0.00	£5,600.00	£6,456.79	YES	Land adopted. Contribution to be used for maintenance of strip.	NA
02/1933/03	Ibstock Brickworks, Monks Rd	Persimmon Homes Ltd	The Council's costs of employing a consultant to advise it on the efficiency of the remediation Works, the Open Space Works and the Monitoring Requirement.	£7,500.00	£7,500.00	£0.00	Yes	Being spent on professional consultancy fees	NO
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	Construct public open space and play area to a value of £40,000 + VAT index linked (or pay for works instead).	£46,395.80	£40,000.00	£0.00	YES	Open space adopted. Play area to be constructed in 2008	NO
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	Transfer to ECC on completion. Pay maintenance commuted sum of £39,700.00.	£0.00	£39,700.00	£41,413.90	YES	Open space adopted – Continuing maintenance occurring.	YES
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	"cost of providing open space off site to the extent provision on site does not match planning standards"	£12,178.90	£10,500.00	£0.00	YES	To be used to supplement provision of MUGA and play area in new Summerway Park.	NO
03/1722/03	Richmond Yard	George Wimpey Bristol Ltd	Bond for £60,000, indexed according to RPI if more than 6 months after date of agreement.	£60,680.00	£60,000.00	£0.00	YES	Bond provided 19 December 2005. Play area installed but may not yet be satisfactory (19/11/07)	NA

**Table 9: Section 106 Open Space - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
03/1722/03	Richmond Yard	George Wimpey Bristol Ltd	To pay £25,000 plus VAT, for use in connection with the provision of play areas and/or recreational facilities to serve the locality.	£27,297.65	£25,000.00	£0.00	YES	Received September 2005. Possible use (alongside other contributions) to create new facilities in Exe Street Cemetery or on Bonhay Road.	NO
03/2008/03 04/1298/03	Wyvern Barracks	C G Fry & Son Ltd	Sum in lieu of play equipment etc.	£94,071.00	up to £115,000	£0.00	YES	Developer paying financial contribution in lieu of providing play equipment, although the MUGA base has been installed by the developer on ECC's behalf. Some savings agreed, which have been used to create an adopted footpath through the new park. Facilities to be supplemented by £15,000 contribution from Well Oak (in lieu of play area there) and £15,000 from PEOH off site community facilities. Received December 07	NO
03/2008/03 04/1298/03	Wyvern Barracks	C G Fry & Son Ltd	Maintenance of Public Open Space	£0.00	£71,242.00	£78,785.00	YES	Received Dec 2007 – commuted to open space maintenance account.	NA

**Table 10: Section 106 Parking - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount Spent	Complied	Notes	Money spent
93/0922/03	84 and Land Adjoining Fore Street, Heavitree	Orbit Housing Association	Car parking spaces: directly or indirectly attributable to the development	£12,336.61	£10,000.00	£0.00	YES	Committed to environmental enhancements at Fore Street Heavitree and improvements to car park access there (2008/2009).	NO
96/0137/03	11 Friars Walk	Fraser Holland	Public/Residential Parking or Public Transport	£4,586.69	£3,500.00	£0.00	YES	For use at Bartholomew Terrace car park. Works due to commence at the end of January 2008.	NO
97/0614/03	162-163 Fore Street		CCTV or Car Parking in the City Centre	£7,903.71	£18,250.00	£11,000.00	YES	£11,000.00 spent on city wide CCTV. Remainder to be used to provide pedestrian and graded wheelchair access to Mary Arches Car Park. Works due to commence during the end of January 2008.	NO
98/0849/03	Eveleighs Garage, Sidwell St	Westrock	Improving parking facilities in the City Centre	£8,344.39	£7,500.00	£0.00	YES	Contribution towards forthcoming replacement of electronic shutters and barriers at Dix's Field Car Park (total approx £13K). Works due to commence during Feb 2008	NO

**Table 11: Section 106 Social Services - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Towards the expansion of learning disability services	£0.00	£25,000.00	Before more than 200 houses occupied	NO	Outline Permission
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Towards a minibus for elderly persons not able to use public transport	£0.00	£20,000.00	Before more than 200 houses occupied	NO	Outline Permission
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Towards services for elderly persons	£0.00	£25,000.00	Before more than 200 houses occupied	NO	Outline Permission
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Towards the provision of a single place in a children's home.	£0.00	£30,000.00	Before more than 200 houses occupied	NO	Outline Permission

**Table 12: Section 106 Transport - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
99/0535/01	Matford Park, Bad Homburg Way	Rokeagle/Hodge	Improvements to the pedestrian and cyclist facilities and any other works needed for the improvement of the highway network near the site.	£0.00	£19,500.00	To ECC. Final Instalment due 2 years after receipt of second payment.	NO	Due by 03/09/09
02/0047/01	Land East of Exeter Business Park	London Electricity Group	Contribution to improvement of bus services to and from residential areas of the City.	£150,000.00 (DCC)	£375,000.00	Equal payments for each of 1st 5 years after occupation less rebate	YES	£75,000 received for 1st year. 2nd payment received 17/11/05. £225,000 remains. Awaiting passenger figures from operator before invoicing for 3rd payment.
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Future maintenance of the traffic signals installed as part of the Highway works	£0.00	£25,000.00	To DCC when installation completed.	YES	Development has started. Payments due. Design in hand but money not yet required. To be re-paid within 10 years of receipt if not used. DCC requested to invoice.
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	The reasonable and proper costs incurred by the County Council in designing the traffic signals (at the accesses to the site from Rydon Lane and Sidmouth Road)	£0.00	To be calculated	To DCC after commencement of development when requested.	YES	Invoice to be sent shortly.
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Designing and implementing highway infrastructure improvements between Digby Arch in Sidmouth Road and the Digby Park and Ride Site to facilitate an orbital bus service.	£0.00	£115,000.00	Upon demand to DCC but not before 1st occupation of any dwelling in the development.	YES	DCC Notified that they can request payment. Invoice to be sent shortly.
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Enhancement of public transport services between the development and the centre of Exeter and/or a proposed orbital bus service serving the development.	£330,000.00 (DCC)	£550,000.00	Five equal annual instalments.	YES	£330,000 received. £220,000 remains. To be repaid in 10 years if not used. DCC will request further payment in Feb 08'.
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Provision of enhanced public transport facilities at Digby railway Station.	£0.00	£25,000.00	Upon demand to DCC but not before 50th dwelling occupied	YES	DCC reminded to invoice. Scheme for expenditure yet to be finalised.
02/0535/03	Land at Pyne's Hill	Lone Eagle Estates Ltd	Pay highway contribution as found to be necessary by transport assessment	£0.00	To be calculated	On or before first occupation	YES	DCC to request payment.
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Towards the cost to be incurred by the County Council in procuring two additional bus services from the property	£0.00	£1,250,000.00	Prior to commencement	NO	Outline Permission - Not yet due

**Table 12: Section 106 Transport - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
			to Exeter City Centre and Marsh Barton or such other routes or destinations as may be approved by the owner.					
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Provision of 24 hour dedicated bus priority lane along Topsham Road between the access to the property and Countess Wear roundabout and part of Bridge Road, including relocation of bus stops and bus shelters	£0.00	£40,000.00	Prior to commencement	NO	Outline Permission - Not yet due
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Improvement of pedestrian/cycle facilities from the property to Countess Wear School and Priory High School and into the existing network	£0.00	£10,000.00	Prior to occupation	NO	Outline Permission - Not yet due
02/1402/01	Royal Naval Stores Depot, Topsham Road	Dukeminster Ltd	Install traffic signals at the entrance of the site onto Topsham Road. Pay commuted sum in respect of the cost of operating and maintaining the said traffic signals.	£0.00	£10,000.00	Prior to occupation	NO	Outline Permission - Not yet due
03/1256/01	Digby Drive/Russell Way	Barratt Homes Ltd Persimmon Homes Ltd	Pay £65,000 towards highway improvements.	£0.00	£65,000.00	On demand, not earlier than first occupation or letting of contract for works, and not later than cut off date as defined.	YES	This is part of the Digby site - an agreement dated 30 June 2003 covers an adjacent area. Developers have now been invoiced 50/50.
03/1611/01	County Ground	Exeter Rugby Group Ltd	Pay £2500 for travel pack.	£0.00	£2,500.00	Prior to commencement of development.	NO	Not yet commenced
03/1611/01	County Ground	Exeter Rugby Group Ltd	Pay £35000 for public transport.	£0.00	£35,000.00	Prior to commencement of development	NO	Not yet commenced
03/1611/01	County Ground	Exeter Rugby Group Ltd	Pay £40,000 for traffic calming measures.	£0.00	£40,000.00	Within 14 days of demand, after and within 5 years of	NO	Not yet due.- Development yet to commence. Repayable if unspent within 5 years of payment.

**Table 12: Section 106 Transport - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when commencement of development.	Due	Notes
03/1612/03	Land Adj Sandy Park Farm	Exeter Rugby Group Ltd and others	Traffic regulation Orders to restrict on-street parking on match days on such streets within a 1.5 Km radius of the site. Also net costs of policing and monitoring, and of issuing and renewing permits.	£0.00	Not known	Upon demand from DCC following expenditure	NO	DCC have been reminded that they can request payment. Invoices in progress.
03/1612/03	Land Adj Sandy Park Farm	Exeter Rugby Group Ltd and others	Provision of lighting to the pedestrianised section of Woodwater Lane (developer to provide other pedestrian infrastructure itself).	£0.00	Not known	After contract has been let by DCC within 5 years of commencement of development	NO	DCC have been reminded that they can request payment. Invoices in progress.
03/1612/03	Land Adj Sandy Park Farm	Exeter Rugby Group Ltd and others	Maintaining the pedestrian works (footbridge and a lit cycle/footway linking site with Digby Railway Station and Park and Ride car park) for a period of 10 years	£0.00	To be estimated	Upon adoption	NO	DCC have been reminded that they can request payment. Invoices in progress.
03/1729/03	117 Exwick Road	Exeter Primary Care Trust	Pay £1500 towards making order required by the development. Index linked from 9/3/05 until payment. Repayable if unspent within one year of payment.	£0.00	£1,500.00	On demand by DCC.	YES	DCC have been reminded that they can request payment. Not yet required.
04/0506/03	Topsham Middle School	Pegasus Retirement Homes PLC	Proper and reasonable costs of providing lighting to the footpath along the south eastern and part of the southwestern boundary of the site.	£0.00	To be calculated.	Prior to commencement of development or, if later, within 14 days of notification.	YES	Street lighting is being installed – DCC will invoice for payment following completion.
04/1082/03	Tesco, Russell Way	Tesco Stores Ltd	Contribution towards public transport following the implementation of a direct road link to future development at Newcourt to the south of the A379 between the A379 and Topsham Road.	£0.00	£50,000	On occupation	YES	Repayable if unspent after 10 years. DCC have been reminded that they can request payment. Road not yet built.
04/1082/03	Tesco, Russell Way	Tesco Stores Ltd	Contribution towards improvements at Sandycroft junction.	£0.00	£93,000	On occupation	YES	Repayable if unspent after 10 years. DCC have been reminded that they can request payment.

**Table 12: Section 106 Transport - Money Expected**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Due when	Due	Notes
04/1368/03	Well Park, Willeys Avenue	Cannings Properties	£35,000 towards the provision of a new access road to and from the Haven Road area. Index linked.	£0.00	£35,000	On commencement of development.	YES	DCC have been reminded that they can request payment
04/1395/03	Tan Lane		£12,000 towards the provision of a new access road to and from the Haven Road area. Index linked.	£0.00	£12,000	No dwelling to be occupied until paid.	YES	Repayable if not spent/committed within 10 years of payment. DCC to request payment.
04/1814/03	7 Tudor Street	Gadd Homes Ltd	Pay £5000 for closure of junction of Tudor Street with Frog Street/Western Way.	£0.00	£5,000	On commencement of development	YES	DCC have raised invoice
05/0177/03	St Lukes School, Ringswell Avenue	Governing Body	Works to prevent right turns at junction of Ringswell Avenue and Honiton Road. Contribution towards cost of traffic order.	£0.00	£2,000	Contribution on commencement, works before occupation.	YES	DCC have been reminded that they can request payment and are invoicing the school.
05/0177/03	St Lukes School, Ringswell Avenue	Governing Body	Travel plan to be agreed with DCC and implemented. Pay cost of traffic counting equipment (£6,750), plus further contribution if vehicle movements exceed specified limit.	£0.00	£6,750	Counter contribution payable on demand.	YES	DCC have been reminded that they can request payment.
05/1053/01	Land north of EDF Energy, Pinn Lane	Rokeagle Ltd	Contribution towards provision of public transport services serving the vicinity of the site.	£20,000.00 (DCC)	£100,000	£20,000 on commencement of development, £20,000 annually thereafter.	YES	First £20K Instalment received 28/02/07
05/1633/03	Old Mill and Old Stables, Tudor Street	Sprague & Ouseley	Pay contribution towards closure of junction of Tudor Street with Frog Street/Western Way if not already paid under agreement dated 24 August 2005 on 7 Tudor Street (04/1814/03).	£0.00	£5,000.00	Prior to commencement	YES	DCC have raised invoice under 04/1814/03.
06/0891/03	Land adjacent to 42 Chamberlain Road	Shorewalk	Haven Road/Water Lane Link Highway Contribution	£0.00	£15,000.00	Prior to any occupation	YES	ECC have raised invoice (09/01/08).

**Table 13: Section 106 Transport - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
93/0594/03	Marsh Barton Road	Wickes	Grace Road Link and Marsh Barton Rd/Alphington Rd junction improvement	£98,392.00	£90,000.00	£0.00	YES	Marsh Barton Road/Alphington Road junction improvement completed. Funds to be used to contribute to provision of Grace Road link. DCC to provide remainder of £400k needed. This may occur as a result of any proposed Sainsbury's extension at Alphington Cross.	NO
95/0341/03	Bad Homburg Way	Rokeagle/Dinnis	Off site cycleway improvements. Improvements to the pedestrian and cyclist facilities and any other works needed for the improvement of the highway network near the site.	£0.00	£30,000	£33,930.00	YES	Spent on Highway Improvements	YES
99/0535/01	Matford Park, Bad Homburg Way	Rokeagle/Hodge	Additional bus journeys (or parts) linking Honiton Road next to the site and City, Exmouth and Honiton bus corridors. DCC to return unexpended amounts.	£0.00	£40,000.00	£47,874.36	YES	DCC have been paid - Money has already been spent on highway improvements at Matford Park	YES
00/1363/01	Hill Barton Farm	Rokeagle, Salter and Beazer	To DCC to either improve Middlemoor and Sandygate roundabouts, other highway works or provision of alternative transport facilities to ease congestion at these roundabouts within 10 years of receipt.	£0.00	£180,000.00	£180,000	YES	Paid in full 02/10/07 - Used to finance already operational bus routes	YES
01/0084/01	Digby Retail Warehouse Development	Tesco	To DCC for the improvement of Park and Ride facilities at nearby Park and Ride area within 10 years of receipt.	£187,480.00 (DCC)	£185,000.00	£0.00	YES	Money received by DCC October 2003. Persimmon carrying out improvements to Middlemoor and money will be passed to them.	NO
01/0084/01	Digby Retail Warehouse Development	Tesco	To DCC to improve accessibility to public transport in the east of Exeter. For a period of 5 years.	£141,700.00 (DCC)	£140,000.00	£0.00	YES	Money received by DCC October 2003. Proposals being developed by DCC in consultation with RD&E and ECC.	NO
01/0084/01	Digby Retail Warehouse Development	Tesco		£0.00	£650,000.00	£660,072.00	YES	Ongoing expenditure.	NA

**Table 13: Section 106 Transport - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
01/1584/03	Southernhay Crown Courts	ECC, Courts Service	Real time bus signing system within 0.5 Km of site upon implementation of the development.	£10,000.00 (DCC)	£10,000.00	£0.00	YES	Works to commence Spring/Summer 2008 - Held back due to construction of Senate Building	NO
01/1584/03	Southernhay Crown Courts	ECC, Courts Service	Contra flow cycle lane in Western Way	£5,000.00 (DCC)	£5,000.00	£0.00	YES	Works to commence Spring/Summer 2008 - Held back due to construction of Senate Building	NO
01/1584/03	Southernhay Crown Courts	ECC, Courts Service	Toucan crossing of Western Way within 0.5 Kms of the site	£30,000.00 (DCC)	£30,000.00	£0.00	YES	Works to commence Spring/Summer 2008 - Held back due to construction of Senate Building	NO
01/1584/03	Southernhay Crown Courts	ECC, Courts Service	Review of traffic regulation orders within 0.5 Kms of the site	£1,000.00 (DCC)	£1,000.00	£0.00	YES	Works to commence Spring/Summer 2008 - Held back due to construction of Senate Building	NO
01/1584/03	Southernhay Crown Courts	ECC, Courts Service	Improvement of public transport facilities and their services with stops within 1 Km of the site.	£39,000.00 (DCC)	£39,000.00	£0.00	YES	Works to commence Spring/Summer 2008 - Held back due to construction of Senate Building	NO
01/1614/03	Pinhoe Rd	Sainsburys	public transport facilities to the site	£0.00	£74,000.00	£74,000.00	YES	Ongoing expenditure	YES
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"designing, preparing and implementing traffic regulation orders in the streets adjoining the property" Index linked from 9 December 2002. .	£3,000 (DCC)	£3,000.00	£0.00	YES	Development has started. Payments invoiced. Design in hand. To be re-paid within 10 years of receipt if not used.	NO
02/0300/03	Princesshay	Ravenseft Properties Ltd	Improvement of Park and Ride facilities	£64,837.00 (DCC)	£59,500.00	£0.00	YES	Paid 19/10/05. Being used towards improvements to Honiton Road Park and Ride.	NO
02/0300/03	Princesshay	Ravenseft Properties Ltd	Contribution to the development of a City Centre travel plan. Prepare and implement a travel plan for the site.	£0.00	£3,000.00	£3,000.00	YES	Green Travel Plan Complete	YES
02/0300/03	Princesshay	Ravenseft Properties Ltd	Contribution for bus transponders and transponder readers with associated civil engineering works and appropriate training for operatives.	£70,831.00 (DCC)	£65,000.00	£0.00	YES	Received 19/10/05. Training ongoing.	NA

**Table 13: Section 106 Transport - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
02/0300/03	Princesshay	Ravenseft Properties Ltd	Contribution towards providing, renewing or improving car parking variable message signs within the City of Exeter at Gordon's Lamp, Heavitree Rd, Holloway St, Western Way, Clock Tower, Paris St, Blackboy Rd and in Southernhay outside the Civic Centre.	£0.00	£130,000.00	£141,661.00	YES	Works complete	YES
02/0535/03	Land at Pynes Hill	Lone Eagle Estates Ltd	£40,000 per year for two years for the provision of new bus service or extension or alteration of existing bus services to serve the site.	£40,000 DCC	£80,000.00	£0.00	NO	First £40,000 instalment paid 08/03/2004. Developer continues to dispute 2nd payment. Stagecoach are totalling ticket sales so that a developer rebate can be calculated.	NO
03/0262/03	Land at Pyne's Hill	Colourcolt Ltd	"provision of public transport infrastructure in the vicinity of the site"	£27,007.45	£23,000.00	£0.00	YES	Funds received. Public transport for this area under review by DCC- Future improvements, for which money will be used, likely. DCC advised to invoice ECC and will do so shortly.	NO
03/1688/03	Nichols Centre	Devon Community Housing Society Ltd	Pay £1500 towards order for additional restrictions to on-street parking in the vicinity of the site, and on the highways (if any) to be adopted within the development.	£1,500 DCC	£1,500.00	£0.00	YES	Received by DCC March 2005. Proposals under consultation and currently being implemented.	NO
03/1256/01	Digby Drive/Russell Way	Barratt Homes Ltd Persimmon Homes Ltd	Pay £80,000 towards public transport (enhancement of services between the development and the City Centre and).	£45,188.00	£80,000.00	£40,000.00	NO	First instalment received 2006 and spent by DCC. Second instalment received December 2007 – Unspent as yet.	NO
04/1082/03	Tesco, Russell Way	Tesco Stores Ltd	Contribution towards sustaining public transport serving the development.	£72,000.00	£72,000.00	£0.00	YES	Received 19/07/07	NO
04/1950/03	Athelstan Road	St Leonard's Medical Practice	Pay £2,500 for review and revision of traffic orders affecting the site.	£2,650.00	£2,500.00	£0.00	Yes	Received 04/01/08 – DCC to commit	NO

**Table 13: Section 106 Transport - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
05/1053/01	Land north of EDF Energy, Pinn Lane	Rokeagle Ltd	Contribution towards improvements in the circulatory carriageway underneath junction 30 of the M5.	£0.00	£50,000.00	£50,000.00	YES	Received 26/07/07 – DCC to commit	NO
05/1053/01	Land north of EDF Energy, Pinn Lane	Rokeagle Ltd	Contribution towards provision of transport and highway infrastructure in the Monkerton Link Road corridor. Repayable if unspent after ten years.	£0.00	£250,000.00	£250,000.00	YES	Received 26/07/07 – DCC to commit	NO
05/1511/01	Bradfords, Cowley Bridge Road		Contribution to provide a traffic order to control on-street parking in the immediate vicinity of the site.	£1,500.00 (DCC)	£1,500.00	£0.00	YES	Order not yet implemented, site under appeal.	NO
06/0236/03	Site G, Former Electricity Building, Haven Road	Homebrick	Highway Contribution	£64,776.52	£60,000.00	£0.00	YES	Committed to ECC funded Water Lane link road project through the Haven Road car park. Engineering and design works underway - planning application expected early 2008.	NO
06/0780/03	94a&94b Sidwell Street	Bradley	Real-time bus information	£11,231 (DCC)	£11,000.00	£0.00	YES	Received	NO
06/0876/03	Land to the north of Exeter Motorway Services	Location 3 Properties	Green Travel Plan	£5,000 (DCC)	£5,000.00	£0.00	YES	Received by DCC. Not yet committed.	NO
06/0876/03	Land to the north of Exeter Motorway Services Area	Location 3 Properties	Contribution to bus service	£50,000 (DCC)	£50,000.00	£0.00	YES	Received by DCC. Committed to improvements to bus service B	NO
06/0876/03	Land to the north of Exeter Motorway	Location 3 Properties	Pedestrian & cycle schemes	£20,000 (DCC)	£20,000.00	£0.00	YES	Received by DCC including RPI. Not yet committed.	NO

**Table 13: Section 106 Transport - Money Received**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent
	Services								
	Land to the north of Exeter								
06/0876/03	Motorway Services	Location 3 Properties	Junction 30 improvements	£64,000 (DCC)	£64,000.00	£0.00	YES	Received by DCC including RPI. Not yet committed.	NO
	Episcopal Building and York Wing, Dinham Road								
06/1147/03		Justin Developments	Highway Contribution - 20mph zone in the vicinity	£24,197.05	£23,300.00	£0.00	YES	Payment received by DCC (10/01/08).	NO

**Table 14: Section 106 Financial Contributions Received Since January 2007.**

**Total = £1,512,718.87**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent	Group
99/0442/01	P.E.O.H Barrack Rd	S.O.S For Health	Community facility to benefit owners and occupiers of the site	£18,389.89	£15,000.00	£0.00	YES	Contribution Received. Agreed to be used to enhance forthcoming 'Wyvern Park' facilities	NO	Community and Leisure
<b>Community and Leisure = £18,389.89</b>										
03/0871/01	Land adj 7 Alice Templar Close	C G Fry & Son Ltd	Pay £452.04 per dwelling towards teaching accommodation.	£0.00	£6,000.00	£6,280.80	YES	Spent - Exeter schools re-organisation.	YES	Education
04/1814/03	7 Tudor Street	Gadd Homes Ltd	Pay £578.75 per dwelling of 2+ bedrooms for schools to serve the development. Index linked. Repayable if unspent within 5 years.	£8,430.70	£6,000.00	£0.00	YES	To be used at St Davids School Jan 08'	NO	Education
05/1633/03	Old Mill and Old Stables, Tudor Street		Pay contribution towards educational facilities required as a result of the development.	£4,912.00	£4630.00	£0.00	YES	Committed for use at St David's - Jan 08'	NO	Education
<b>Education = £19,623.50</b>										
04/1082/03	Tesco, Russell Way	Tesco Stores Ltd	Contribution towards environmental improvements in Heavitree district centre and/or the construction of additional cycle route infrastructure within 1 km of the development. Payable to ECC.	£47,499.76	£44,000	£0.00	YES	£23,750 to be used for environmental improvements at Fore Street, Heavitree (2008/2009). Residual to be committed to apple lane footway/cycleway link to Digby and Sowton Station.	NO	Environmental Enhancements
<b>Environmental Enhancements = £47,499.76</b>										
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Provision and future maintenance of a Multi- Use Games Area on the school site or the Open Space Land in a position to be agreed with (both) developers". Index linked from 9 December 2002.	£52,779.25	£62,500.00	£12,000.00	YES	Adopted October 2007. MUGA ordered for installation in December 2007.	NO	Open Space
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Future maintenance of the children's play area".	£20,000.00	£20,000.00	£0.00	YES	Received 16/11/07	NO	Open Space

**Table 14: Section 106 Financial Contributions Received Since January 2007.**

**Total = £1,512,718.87**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent	Group
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Provision of play equipment on the site.	£46,440.61	£95,000.00	£50,000.00	YES	Adopted November 2007. Consultation with residents for installation May 2008.	NO	Open Space
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	Construct public open space and play area to a value of £40,000 + VAT index linked (or pay for works instead).	£46,395.80	£40,000.00	£0.00	YES	Open space adopted. Play area to be constructed in 2008	NO	Open Space
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	Transfer to ECC on completion. Pay commuted sum of £39700.	£0.00	£39,700.00	£41,413.90	YES	Open space adopted. Play area to be constructed in 2008	YES	Open Space
03/0618/03	Summerway Middle School Site	Exeter Housing Soc. Ltd	Cost of providing open space off site to the extent provision on site does not match planning standards	£12,178.90	£10,500.00	£0.00	YES	To be used to supplement provision of MUGA and play area in new Summerway Park. Same account as on-site contribution	NO	Open Space
03/2008/03	Wyvern Barracks	C G Fry & Son Ltd	Sum for the provision of play equipment on-site	£94,071.00	up to £115,000	£0.00	YES	Some savings agreed, which have been used to create an adopted footpath through the new park. Facilities to be supplemented by £15,000 contribution from Well Oak (in lieu of play area there) and £15,000 from PEOH off site community facilities. Received December 07	NO	Open Space
03/2008/03	Wyvern Barracks	C G Fry & Son Ltd	Maintenance of Public Open Space	£78,785.00	£71,242.00	£0.00	YES	Received Dec 2007	NO	Open Space
<b>Open Space = £454,064.46</b>										
99/0535/01	Matford Park, Bad Homburg Way	Rokeagle/Hodge	Improvements to the pedestrian and cyclist facilities and any other works needed for the improvement of the highway network near the site.	£0.00	£40,000.00	£47,874.36	YES	DCC have been paid - Money has already been spent on highway improvements at Matford Park	YES	Transport
00/1363/01	Hill Barton Farm	Rokeagle, Salter and Beazer	Additional bus journeys (or parts) linking Honiton Road next to the site and City, Exmouth and Honiton bus corridors.	£0.00	£180,000.00	£180,000.00	YES	Paid in full 02/10/07 – Used to finance already operational bus routes.	YES	Transport

**Table 14: Section 106 Financial Contributions Received Since January 2007.**

**Total = £1,512,718.87**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent	Group
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	Enhancement of public transport services between the development and the centre of Digby Drive	£330,000.00 (DCC)	£550,000.00	£0.00	NO	£220,000 received in 2007. £330,000 received in total. £220,000 remains.	NO	Transport
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	For designing, preparing and implementing traffic regulation orders in the streets adjoining the property	£3,000 (DCC)	3,000.00	£0.00	YES	To be re-paid within 10 years of receipt if not used.	NO	Transport
03/1256/01	Digby Drive/Russell Way	Barratt Homes Ltd Persimmon Homes Ltd	Pay £80,000 towards public transport (enhancement of services between the development and the City Centre and).	£45,188.00 (DCC)	£80,000.00	£40,000.00	NO	First instalment received 2006 and spent by DCC. Second instalment received December 2007 – Unspent as yet.	NO	Transport
04/1950/03	Athelstan Road	St Leonard's Medical Practice	Pay £2,500 for review and revision of traffic orders affecting the site.	£2650.50	£2,500.00	£0.00	YES	Received 04/01/08 – DCC to commit	NO	Transport
05/1053/01	Land north of EDF Energy, Pinn Lane	Rokeagle Ltd	Contribution towards improvements in the circulatory carriageway underneath junction 30 of the M5.	£0.00	£50,000.00	£50,000	YES	Received 26/07/07 – DCC to commit	YES	Transport
05/1053/01	Land north of EDF Energy, Pinn Lane	Rokeagle Ltd	Contribution towards provision of transport and highway infrastructure in the Monkerton Link Road corridor. Repayable if unspent after ten years.	£0.00	£250,000.00	£250,000	YES	Received 26/07/07 – DCC to commit	YES	Transport
06/0780	94a&94b Sidwell Street	Bradley	Real-time bus information	£11,231 (DCC)	£11,000.00	£0.00	YES	Received by DCC. Yet to be committed.	NO	Transport
06/0876	Land to the north of Exeter Motorway Services	Location 3 Properties	Green Travel Plan	£5,000 (DCC)	£5,000.00	£0.00	YES	Received by DCC. Yet to be committed.	NO	Transport
06/0876	Land to the north of Exeter Motorway Services	Location 3 Properties	Contribution to bus service	£50,000 (DCC)	£50,000.00	£0.00	YES	Received by DCC. Yet to be committed.	NO	Transport

**Table 14: Section 106 Financial Contributions Received Since January 2007.**

**Total = £1,512,718.87**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Complied	Notes	Money spent	Group
06/0876	Land to the north of Exeter Motorway Services	Location 3 Properties	Pedestrian & cycle schemes	£20,000 (DCC)	£20,000.00	£0.00	YES	Received by DCC. Yet to be committed.	NO	Transport
06/0876	Land to the north of Exeter Motorway Services	Location 3 Properties	Junction 30 improvements	£64,000 (DCC)	£64,000.00	£0.00	YES	Received by DCC. Yet to be committed.	NO	Transport
06/1147/03	Episcopal Building and York Wing, Dinham Road	Justin Developments	Highway Contribution - 20mph zone in the vicinity	£24,197.05 (DCC)	£23,300.00	£0.00	YES	Payment received by DCC (14/01/08).	NO	Transport

**Transport = £973,140.91**

**Total = £1,512,718.87**

**Table 15: Section 106 Financial Contributions Spent Since January 2007**

**Total = £888,576.30**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Notes	Group
99/1022/03	Barrack Road	Abbey Manor Developments	Affordable housing if not provided on site. To be spent within 5 years of receipt.	£0.00	£136,021.00	£136,021.00	Final <b>£64,842</b> used to part finance 2 move-on bed spaces at Prospect Place.	Affordable Housing
01/1518/03	Lazy Landlord, Bonhay Road	Redrow Homes	Affordable housing in Exeter.	£0.00	£300,267.00	£300,267.00	<b>£20,267</b> used to part finance 2 move-on bed spaces at Prospect Pl (£12,172) and 2 at Headland Crescent (£8,095).	Affordable Housing
02/1845/03	Central Station Yard, Queen St.	Bellway Homes Ltd	Contribution towards affordable housing in Exeter.	£691,145.73	£633,000.00	£90,641.00	<b>£35,000</b> spent in 07/08 providing an extra shared ownership home on Weyvern Barracks.	Affordable Housing
<b>Affordable Housing = £120,109.00</b>								
03/0200/03	Former Plymco Supermarket		Financial contribution for provision of community facilities in the Exwick area	£48,896.37	£92,000.00	£44,000.00	£3,000 committed to trustee training. £10,000 committed opening bank account balance for community centre. £44,000 spent on capital programme.	Community and Leisure
03/0300/03	Kinnerton Way	Westbury Homes	Provide or support the provision of community facilities and services in the Exwick area of Exeter	£0.00	£72,000.00	£75,398.00	Money used in association with provision of new community facilities	Community and Leisure
<b>Community and Leisure = £119,398.00</b>								
95/0796/03	Exeter Castings, Water Lane	Midas Homes Ltd	Provision of play equipment	£0.00	£20,000.00	£25,190.04	Been used to upgrade children's play facilities at Haven Banks play area in January 2007. Now adopted.	Open Space
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"provision and future maintenance of a Multi-Use Games Area on the school site or the Open Space Land in a position to be agreed with (both) developers".	£52,779.25	£62,500.00	£12,000.00	Adopted October 2007. MUGA ordered for installation in December 2007.	Open Space
02/0175/01	Land North of Digby Drive	Persimmon & Barratt	"provision of play equipment on the site". Index linked from 9 December 2002.	£46,440.61	£95,000.00	£50,000.00	Adopted November 2007. Consultation with residents for installation May 2008.	Open Space
03/0618/03	Summerway Middle School	Exeter Housing Soc. Ltd	Transfer to ECC on completion. Pay commuted sum of £39700.	£0.00	£39,700.00	£41,413.90	Open space adopted. Play area to be constructed in 2008	Open Space
<b>Open Space = £128,603.94</b>								
95/0341/03	Bad Homburg Way	Rokeagle/Dinnis	Off site cycleway improvements.	£0.00	£30,000.00	£33,930.00	Spent on Highway Improvements	Transport

**Table 15: Section 106 Financial Contributions Spent Since January 2007**

**Total = £888,576.30**

Planning App no	Site	Developer	Requirement	Amount in account	Amount	Amount spent	Notes	Group
99/0535/01	Matford Park, Bad Homburg Way	Rokeagle/Hodge	Improvements to the pedestrian and cyclist facilities and any other works needed for the improvement of the highway network near the site.	£0.00	£40,000.00	£47,874.36	DCC have been paid - Money has already been spent on highway improvements at Matford Park	Transport
00/1363/01	Hill Barton Farm	Rokeagle, Salter and Beazer	Additional bus journeys (or parts) linking Honiton Road next to the site and City, Exmouth and Honiton bus corridors. DCC to return unexpended amounts.	£0.00	£180,000.00	£180,000.00	Paid in full 02/10/07 - Used to finance already operational bus routes	Transport
01/1614/03	Pinhoe Rd	Sainsburys	For " public transport facilities to the site" .	£0.00	£74,000.00	£74,000.00	Ongoing expenditure	Transport
02/0300/03	Princesshay	Ravenscroft Properties Ltd.	Contribution to the development of a City Centre travel plan.	£0.00	£3,0000.00	£3,000.00	Green Travel Plan Complete	Transport
02/0300/03	Princesshay	Ravenscroft Properties Ltd	Contribution towards providing, renewing or improving car parking variable message signs within the City of Exeter	£0.00	£130,000.00	£141,661.00	Works complete	Transport
03/1256/01	Digby Drive/Russell Way	Barratt Homes/Persimmon Homes	Pay £80,000 towards public transport (enhancement of services between the development and the City Centre)	£45,188.00	£80,000.00	£40,000.00	First instalment received and spent by DCC. Second instalment received December 2007 – Unspent as yet	Transport

Transport = £520,465.36

**Total = £888,576.30**

**Table 16: Sites Being Monitored by the Community Facilities Implementation Group**

**SITES BEING MONITORED BY THE COMMUNITY FACILITIES IMPLEMENTATION GROUP**

**NORTHERN AREA**

<b>Site</b>	<b>Status</b>	<b>Key issues</b>
Brunel Close	Permission and Section 106 agreement.	- Section 106 on existing permission provides for off-site play area contribution, intended for Looe Rd play area. However, an application for student accommodation on the site (same developer), allowed on appeal, is being implemented instead.
Chancel Lane	Approval, subject to a Section 106 agreement	- Leisure has asked for an off-site contribution. A pedestrian link is required to Harrington Lane play area. - Some play equipment will be provided on-site by the developer. - Money would be used to improve Harrington Lane or Pinhoe (Station Rd) play areas.
Dinham Road/Episcopal Annex	Commenced (Sanremo)	- Developer is providing play equipment on site. This will not be adopted. - Money for off-site PA to be amalgamated possibly with Richmond Yard off-site contribution to provide a facility in the area. - Location yet to be identified.
Looe Road	Appeal dismissed in June 2007. Awaiting a new application.	- Leisure had asked for a £4292 Section 106 contribution for community facilities when the site was under appeal. They are likely to request a similar contribution if a new proposal comes forward.
Orwell Garth	Development completed (Sarson Housing Association)	- Open space is ready for adoption. ECC are maintaining it while legal work is completed. - Legal have been instructed.
Polsloe Priory (Ibstock Brickworks)	Development completed (Persimmon)	- Play area was installed in May 2007 but the developer will not allow it to be used until the whole area has been adopted. - Goal posts not being provided by the developer on the 5-a-side area. - The developer still has outstanding issues to resolve before adoption. The matter has been passed to one of the Council's litigation solicitors with a view to taking legal action.
Richmond Yard	Under construction (Wimpey).	Play area installed during autumn 2007. Legal work underway for its transfer
Summerway	Development complete (Midas for Exeter Housing Society).	- Permission granted for play area and multi use games area in adjacent land. - Adoption complete - Land swap with old school playing field complete.
Summerway/No rthbrook	Land swap (not section 106 agreement but included here for clarity).	- New park is now open with two tennis courts open for free play - A cycleway, MUGA and play area will be installed on this site in 2008. - Cycleway expected early/mtd 2008 - Land swap complete

**WESTERN AREA**

<b>Site</b>	<b>Status</b>	<b>Key issues</b>
County Ground	Details approved for part of site (retirement flats). Application for 100 units on the remainder of the site has now been approved.	Section 106 on outline planning permission requires a contribution of £300 per dwelling. Likely to be used to provide facilities in either or both of Cowick Barton Playing Field (including access paths, upgrading the play area, sports pitch improvements (possibly a MUGA) or St Thomas Pleasure Ground.

**Table 16: Sites Being Monitored by the Community Facilities Implementation Group**

Site	Status	Key issues
Crossmead	Resolution to grant outline permission subject to a section 106 agreement.	Open space and play area to be provided on site. Play area to value of £80k.
Hylton	Development completed (William Sutton).	- Play area completed. - Legal work under way for adoption of remaining open space.
Lavender Road	Development completed (Barratt).	Play area installed but remedial work needed prior to adoption, including drainage works, relaying of safety surfaces and replacement of planting.
Kinnerton Way (Medley Court)	Development completed (Persimmon).	- MUGA and community centre completed and handed over. - Lights are due to be provided, but funding application was turned down so the community association will fund the lights. - Planning permission for lights received, but light layout will need to be amended.
PEOH	Development completed (Bovis).	Phase 1 – Adoption being delayed by dispute between developer and housing association as to area to be adopted. Some boundary issues to deal with. Phase 2 – Legal work for adoption under way. Play area is in use, being maintained by ECC although not yet adopted. Adoption Complete
Powlesland Road	Development completed since last report (Barratt).	Adoption Complete
St Andrew's Road	No application yet	Residential development would be required to contribute to nearby play facilities - £12,000.
St Peter's Mount	Development completed (Redrow and Knapp).	- Discussions under way with developer over indemnity and insurance in respect of drainage issues on the large area. - Adoption Complete on all other areas
Water Lane	Development completed (Knapp New Homes).	- Need to decide by 2010 how to spend the remaining money (£15,104.00 by 9/3/11) for something in vicinity – “for the purpose Banks, Exeter”. - Former allotment site (now owned by Council) being considered.

**SOUTHERN AREA**

Site	Status	Key issues
Digby Kings Heath	Under construction (Barratt and Persimmon).	- All areas of open space completed and adopted since last report, following threat of legal proceedings by council. - MUGA base and play area now adopted. MUGA was installed December 2007. Lights need planning permission and should be ready for autumn 2008. Consulted on play area locally in November and target is for May 2008 installation.
Exeter Trust House	Permission and section 106 agreement	- Agreement provides for £10,000 index linked for leisure/community facilities in Belmont Park. - Permission granted for student accommodation in lieu. If this is implemented, section 106 agreement will not apply.
King George V Playing Fields	Various permissions	- Inclusive play area to be provided by Exeter Mencap, subject to lottery funding. - Group keeping a watching brief.
Royal Naval Stores Depot	Outline only. Reserved matters application refused. Further application	- Section 106 agreement already exists (on outline PP). - Persimmon have commissioned a consultant to address contaminated land. - Outline remediation strategies have been created though these have not yet been agreed by Environmental Health

**Table 16: Sites Being Monitored by the Community Facilities Implementation Group**

Site	Status	Key issues
Wývern Barracks	being considered by Planning Committee in January 2008. Under construction (Fry).	<ul style="list-style-type: none"> <li>- There is scope for the footpath to Shakespeare Road to be implemented though space is tight. This may require co-operation from the MOD.</li> <li>- £30,000 has held from other schemes to contribute to facilities on this site. Multi Use Games Area to be installed during Spring 2008 and play area later in 2008.</li> <li>- Open space has all been adopted. A small area, which is subject to a leaseback, is being used for topsoil storage. The lease is due to expire in March 2009.</li> </ul>
St Loyes	Planning brief prepared.	<ul style="list-style-type: none"> <li>- Site acquired by a retirement village provider.</li> <li>- Work underway to assess what on and off site provisions would be required.</li> </ul>
Plymouth University	Planning application approved by committee	Pending the negotiation of a legal agreement.

**EXETER CITY COUNCIL  
PLANNING COMMITTEE  
18 FEBRUARY 2008**

**PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND  
WITHDRAWN APPLICATIONS**

**1 PURPOSE OF REPORT**

1.1 This report lists planning applications determined under delegated powers and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by ward.

1.2 The latter part of the application reference number indicates the following type of application:

- 01 Outline Planning Permission
- 02 Approval of Reserved Matters
- 03 Full Planning Permission
- 04 Works to Tree(s) with Preservation Order
- 05 Advertisement Consent
- 06 Works to Tree(s) in Conservation Area
- 07 Listed Building Consent
- 08 Circular 18/84
- 14 Demolition in Conservation Area
- 16 Exeter City Council Regulation 3
- 17 Lawfulness of Existing Use/Development
- 18 Certificate of Proposed Use/Development
- 21 Telecommunication Apparatus Determination
- 25 County Matter Application
- 26 Devon County Council Application
- 27 Modification and Discharge of Planning Obligation Regulations

1.3 The decision type uses the following codes

- DTD Declined To Determine
- NLU Was Not Lawful Use
- PAN Prior Approval Not Required
- PAR Prior Approval Required
- PER Permitted
- PNR Permission Not Required
- REF Refuse Planning Permission
- RNO Raise No Objection
- ROB Raise Objections
- SPL Split Decision
- WDN Withdrawn by Applicant
- WLU Was Lawful Use
- WTD Withdrawn - Appeal against non-determination

1.4 Members are requested to advise the Development Control Manager (Andy Robbins) or Head of Planning Services (Richard Short) of any questions on the schedule prior to the meeting of the Planning Committee.

**2. RECOMMENDATION**

2.1 That this report be noted.

**RICHARD SHORT  
HEAD OF PLANNING SERVICES**

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**EXETER CITY COUNCIL**

**18/2/2008**

**PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

**Between 3/1/2008 and 6/2/2008**

**WARD Alphington**

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**Application No.** 07/2592/03 **Working Party** **Decision Date** 31/1/2008 **Decision Type** REF  
**Location** 27 Chamberlain Road, Exeter, EX2 8EW  
**Description** Two storey extension on north elevation

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**Application No.** 07/2520/03 **Working Party** 18/12/2007 **Decision Date** 18/1/2008 **Decision Type** PER  
**Location** Land adj. to 15 Norman Court, Budlake Road, Marsh Barton Trading Estate, Exeter, EX2  
**Description** Attached building (103 sq. m.) for business use (Class B1), parking, access to highway and associated works

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**Application No.** 07/2499/05 **Working Party** **Decision Date** 18/1/2008 **Decision Type** PER  
**Location** Plot S, Yeoford Way, Marsh Barton Trading Estate, Exeter, EX2 8LB  
**Description** Non-illuminated fascia sign on north west elevation, panel signs (3) on north west, south east and south west elevations, free-standing sign and flagpoles (2) on south west boundary

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**Application No.** 07/2445/03 **Working Party** **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 21 Fairfield Road, Exeter, EX2 8UE  
**Description** First floor extension on south elevation

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**Application No.** 07/2339/03 **Working Party** **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** Unit 7 Oak Business Units, Thorverton Road, Marsh Barton Trading Estate, Exeter, EX2  
**Description** Provision of fire escape stairs on north west elevation and 2 windows on north east elevation

**Application No.** 07/2326/07 **Working Party** 18/12/2007 **Decision Date** 30/1/2008 **Decision Type** REF  
**Location** 1 Dawlish Road, Exeter, EX2 8TD  
**Description** Conservatory on north east elevation

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**Application No.** 07/2325/03 **Working Party** 18/12/2007 **Decision Date** 30/1/2008 **Decision Type** REF  
**Location** 1 Dawlish Road, Exeter, EX2 8TD  
**Description** Conservatory on north east elevation

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**Application No.** 07/2252/03 **Working Party** **Decision Date** 7/1/2008 **Decision Type** REF  
**Location** 6 Royal Close, Exeter, EX2 8AE  
**Description** Ground floor extension on south west elevation

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**Application No.** 07/1662/03 **Working Party** **Decision Date** 7/1/2008 **Decision Type** REF  
**Location** 63 Cowick Lane, Exeter, EX2 9HJ  
**Description** Conservatory on south east elevation

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**Application No.** 07/1609/14 **Working Party** 18/12/2007 **Decision Date** 4/1/2008 **Decision Type** REF  
**Location** 59 Ide Lane, Exeter, EX2 8UT  
**Description** Demolition of dwelling and integral garage

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**Application No.** 07/1594/03 **Working Party** 18/12/2007 **Decision Date** 4/1/2008 **Decision Type** REF  
**Location** 59 Ide Lane, Exeter, EX2 8UT  
**Description** Redevelopment to provide detached dwelling, integral garage and associated works

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<b>WARD</b>	<b>Cowick</b>
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<b>Application No.</b>	07/2577/03 <b>Working Party</b>	29/1/2008	<b>Decision Date</b>	6/2/2008	<b>Decision Type</b>	REF
<b>Location</b>	53 Broadway, Exeter, EX2 9LU					
<b>Description</b>	Alterations to roof to provide dormer window on south west elevation					

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<b>Application No.</b>	07/2542/18 <b>Working Party</b>		<b>Decision Date</b>	6/2/2008	<b>Decision Type</b>	WLU
<b>Location</b>	32 Myrtle Road, Exeter, EX4 1QA					
<b>Description</b>	Alterations to treatment of all elevations and canopy on north west elevation (Certificate of Lawfulness of Proposed Development)					

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<b>Application No.</b>	07/2540/18 <b>Working Party</b>		<b>Decision Date</b>	4/2/2008	<b>Decision Type</b>	WLU
<b>Location</b>	61 Myrtle Road, Exeter, EX4 1QA					
<b>Description</b>	Alterations to include ground floor extension on north west elevation and canopy over door on south east elevation (Certificate of Lawfulness of Proposed Development)					

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<b>Application No.</b>	07/2456/03 <b>Working Party</b>		<b>Decision Date</b>	23/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	31 Somerset Avenue, Exeter, EX4 1LX					
<b>Description</b>	Conservatory on south elevation					

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<b>Application No.</b>	07/2410/03 <b>Working Party</b>		<b>Decision Date</b>	18/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	56 Barley Farm Road, Exeter, EX4 1NN					
<b>Description</b>	Two storey extension with car port at ground floor level on north east elevation					

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<b>Application No.</b>	07/2285/03 <b>Working Party</b>		<b>Decision Date</b>	8/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	4 Dunsford Road, Exeter, EX4 1LF					
<b>Description</b>	Ground floor extension on north west elevation					

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<b>WARD</b>	<b>Duryard</b>
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<b>Application No.</b>	07/2526/03	<b>Working Party</b>	28/1/2008	<b>Decision Date</b>	5/2/2008	<b>Decision Type</b>	REF
<b>Location</b>	Lyndhurst, Streatham Rise, Exeter, EX4 4PE						
<b>Description</b>	Redevelopment to provide detached dwelling, access to highway and associated works						

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<b>Application No.</b>	07/2515/07	<b>Working Party</b>	28/1/2008	<b>Decision Date</b>	29/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	Reed Hall, Streatham Drive, Exeter, EX4 4QR						
<b>Description</b>	Ramp on south west elevation and alterations to internal walls						

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<b>Application No.</b>	07/2457/07	<b>Working Party</b>	17/12/2007	<b>Decision Date</b>	24/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	Duryard House, Lower Argyll Road, Exeter, EX4 4RG						
<b>Description</b>	Alterations to internal walls, doors and ceilings						

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<b>Application No.</b>	07/2455/04	<b>Working Party</b>		<b>Decision Date</b>	11/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	4 Raven Close, Exeter, EX4 4SR						
<b>Description</b>	The felling of 1 tree						
	Tree No.	Species	Works				
	T3	Pine	Fell				

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<b>Application No.</b>	07/2376/03	<b>Working Party</b>	17/12/2007	<b>Decision Date</b>	25/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	Reed Hall, Streatham Drive, Exeter, EX4 4QR						
<b>Description</b>	Ramp on south west elevation						

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<b>Application No.</b>	07/2327/03	<b>Working Party</b>	17/12/2007	<b>Decision Date</b>	14/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	Harepath, Streatham Rise, Exeter, EX4 4PE						
<b>Description</b>	Two detached dwellings, parking and associated works						

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<b>WARD</b>	<b>Heavitree</b>
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**Application No.** 07/2617/06 **Working Party** **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 10 Salutory Mount, Heavitree, Exeter, EX1 2QE  
**Description** The pruning of 1 tree

Tree No	Species	Works
1	Evergreen Oak	Crown lift

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**Application No.** 07/2371/07 **Working Party** 19/12/2007 **Decision Date** 16/1/2008 **Decision Type** PER  
**Location** 5 Church Street, Heavitree, Exeter, EX2 5EH  
**Description** Internal alterations to walls, doors and stairs

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**Application No.** 07/1288/03 **Working Party** 17/10/2007 **Decision Date** 9/1/2008 **Decision Type** PER  
**Location** 2A Sivell Place, Exeter, EX2 5ER  
**Description** Redevelopment to provide two storey building comprising five dwellings, parking, access to highway and associated works

<b>WARD</b>	<b>Mincinglake</b>
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**Application No.** 07/2528/03 **Working Party** 28/1/2008 **Decision Date** 4/2/2008 **Decision Type** REF  
**Location** Little Acre, Church Hill, Pinhoe, Exeter, EX4 9JA  
**Description** Two storey extensions on north west and south west elevations, dormer window on north east elevation, access to highway and associated works

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**Application No.** 07/2279/03 **Working Party** 17/12/2007 **Decision Date** 3/1/2008 **Decision Type** REF  
**Location** 24 Whipton Village Road, Exeter, EX4 8AW  
**Description** Change of use from maisonette to 2 self-contained flats and dormer window on north elevation

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<b>WARD</b>	<b>Newtown</b>
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<b>Application No.</b>	07/2536/03	<b>Working Party</b>	19/12/2007	<b>Decision Date</b>	22/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	The Bowling Green, 29-30 Blackboy Road, Exeter, EX4 6ST						
<b>Description</b>	Partial change of use from garden to beer garden (Class A4) and provision of boundary fence (2.5m high)						

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<b>Application No.</b>	07/2431/03	<b>Working Party</b>	19/12/2007	<b>Decision Date</b>	9/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	14 Clifton Road, Exeter, EX1 2BR						
<b>Description</b>	Change of use from shop (Class A1) to self-contained flat, ground floor extension and alterations to windows and doors on south east and north west elevations						

<b>WARD</b>	<b>Pennsylvania</b>
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<b>Application No.</b>	07/2495/03	<b>Working Party</b>		<b>Decision Date</b>	17/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	122 Pennsylvania Road, Exeter, EX4 6DL						
<b>Description</b>	Ground floor extension on east elevation						

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<b>Application No.</b>	07/2433/03	<b>Working Party</b>	17/12/2007	<b>Decision Date</b>	15/1/2008	<b>Decision Type</b>	PER
<b>Location</b>	40 Sylvan Road, Exeter, EX4 6EY						
<b>Description</b>	Ground floor extension on east elevation						

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<b>Application No.</b>	07/2420/03	<b>Working Party</b>		<b>Decision Date</b>	21/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	88 Union Road, Exeter, EX4 6HT						
<b>Description</b>	Two story extension on north and east elevations						

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<b>Application No.</b>	07/2328/03	<b>Working Party</b>		<b>Decision Date</b>	14/1/2008	<b>Decision Type</b>	REF
<b>Location</b>	90 Rosebarn Lane, Exeter, EX4 5DG						
<b>Description</b>	Alterations to roof to provide dormer window on north west elevation and window at second floor level on north east elevation						

**WARD**      **Pinhoe**

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**Application No.** 07/2572/03 **Working Party** 28/1/2008 **Decision Date** 30/1/2008 **Decision Type** PER  
**Location** Coach House adj. Beacon Rise, Park Lane, Exeter, EX4 9HR  
**Description** Change of use from coach house to dwelling (Class C3), alterations to include raising roof height, ground floor extension on south elevation, detached garage, parking and associated works

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**Application No.** 07/2548/18 **Working Party** **Decision Date** 28/1/2008 **Decision Type** WLU  
**Location** 3 Harringcourt Road, Exeter, EX4 8PQ  
**Description** Alterations to roof to include dormer window and rooflight on west elevation and rooflight on east elevation (Certificate of Lawfulness of Proposed Development)

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**Application No.** 07/2494/03 **Working Party** **Decision Date** 17/1/2008 **Decision Type** PER  
**Location** 20 Grasslands Drive, Exeter, EX1 3XY  
**Description** Two storey extension on north west elevation

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**Application No.** 07/2460/03 **Working Party** **Decision Date** 4/2/2008 **Decision Type** PER  
**Location** 15 Honey Lane, Exeter, EX1 3TB  
**Description** Ground floor infill extension on south east elevation

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**Application No.** 07/2405/03 **Working Party** 17/12/2007 **Decision Date** 4/1/2008 **Decision Type** REF  
**Location** Beacon Lane Garage, Beacon Heath, Exeter, EX4 8QW  
**Description** Redevelopment to provide detached dwelling, integral carport, parking, access to highway and associated works

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**Application No.** 07/2389/18 **Working Party** **Decision Date** 9/1/2008 **Decision Type** WLU  
**Location** 2 Beacon Heath, Exeter, EX4 8NW  
**Description** Provision of 1m high fence on south and west boundary and 2m high fence on north west and east boundary (Certificate of Lawfulness of Proposed Development)

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**Application No.** 07/2342/03 **Working Party** **Decision Date** 14/1/2008 **Decision Type** REF  
**Location** 51 Fox Road, Exeter, EX4 8NB  
**Description** Ground floor extension on west elevation

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**Application No.** 07/2341/03 **Working Party** 28/1/2008 **Decision Date** 5/2/2008 **Decision Type** PER  
**Location** 1 Heathbrook Mews, Beacon Heath, Exeter, EX4 8QA  
**Description** Machine/tool shed with work area and chicken coop with run in field north west of dwelling

<b>WARD</b>	<b>Polsloe</b>
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**Application No.** 07/2648/06 **Working Party** **Decision Date** 30/1/2008 **Decision Type** PER  
**Location** 39 Polsloe Road, Exeter, EX1 2DN  
**Description** The pruning of 3 trees

Tree No.	Species	Works
1-3	Lime	Pollard

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**Application No.** 07/2430/03 **Working Party** 19/12/2007 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 37 Polsloe Road, Exeter, EX1 2DN  
**Description** Alterations to windows and doors on north, east and west elevations of coach house and ground floor extension on east elevation

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**Application No.** 07/2302/03 **Working Party** 19/12/2007 **Decision Date** 7/1/2008 **Decision Type** PER  
**Location** 156 Pinhoe Road, Exeter, EX4 7HJ  
**Description** Change of use from dwelling (Class C3) to 2 self-contained flats

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**Application No.** 07/2219/03 **Working Party** 19/12/2007 **Decision Date** 8/1/2008 **Decision Type** REF  
**Location** 97 Monks Road, Exeter, EX4 7BQ  
**Description** Change of use from shop (Class A1) to two self-contained flats (Class C3) at ground floor level, provision of bay window on north elevation and alterations to windows and doors on south, east and west elevations

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**Application No.** 07/2090/03 **Working Party** 19/12/2007 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** The Bungalow, Pretoria Road, Exeter, EX1 2PT  
**Description** Installation of wind turbine on west elevation

**WARD** St Davids

**Application No.** 07/2620/16 **Working Party** 28/1/2008 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** Royal Albert Memorial Museum, Queen Street, Exeter, EX4 3RX  
**Description** Variation of Condition 4 to allow development to commence prior to the submission of a landscaping scheme and Condition 9 to allow deliveries outside the specified times (Ref. No. 06/1065/16 granted 13 December 2006)

**Application No.** 07/2616/03 **Working Party** **Decision Date** 25/1/2008 **Decision Type** PER  
**Location** 15 Princesshay, Exeter, EX1 1GE  
**Description** Installation of shopfront

**Application No.** 07/2615/05 **Working Party** **Decision Date** 25/1/2008 **Decision Type** PER  
**Location** 15 Princesshay, Exeter, EX1 1GE  
**Description** Non-illuminated individual lettering signs (3) on south west and south east elevations

**Application No.** 07/2598/07 **Working Party** 29/1/2008 **Decision Date** 1/2/2008 **Decision Type** REF  
**Location** Southgate Hotel, Southernhay East, Exeter, EX1 1QF  
**Description** Internally illuminated wall mounted sign on south west elevation

**Application No.** 07/2556/04 **Working Party** **Decision Date** 24/1/2008 **Decision Type** PER  
**Location** 22-23 Dinham Crescent, Exeter, EX4 4EF  
**Description** The felling of 4 trees

Tree No.	Species	Works
1-4	Cupressus Leylandii	Fell

**Application No.** 07/2555/06 **Working Party** **Decision Date** 8/1/2008 **Decision Type** PER  
**Location** The Harlequin Centre, Paul Street, Exeter, EX4 3TT  
**Description** The felling of 2 trees

Tree No.	Species	Works
1&2	Birch	Fell

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**Application No.** 07/2552/05 **Working Party** 29/1/2008 **Decision Date** 5/2/2008 **Decision Type** PER  
**Location** 2 Broadgate, Cathedral Yard, Exeter, EX1 1HF  
**Description** Non-illuminated fascia signs (6), projecting signs (2) and internally illuminated menu display box on south and south west elevations

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**Application No.** 07/2551/07 **Working Party** 29/1/2008 **Decision Date** 5/2/2008 **Decision Type** PER  
**Location** 2 Broadgate, Cathedral Yard, Exeter, EX1 1HF  
**Description** External alterations to provide fascia signs and projecting signs and internally illuminated menu display box on south and south west elevations

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**Application No.** 07/2508/03 **Working Party** **Decision Date** 21/1/2008 **Decision Type** REF  
**Location** The Jolly Porter, St. Davids Hill, Exeter, EX4 4BB  
**Description** Provision of deck at first floor level on north east elevation

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**Application No.** 07/2486/07 **Working Party** 28/1/2008 **Decision Date** 30/1/2008 **Decision Type** PER  
**Location** 10 Russell Terrace, Exeter, EX4 4HX  
**Description** First floor extension on north elevation

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**Application No.** 07/2450/03 **Working Party** 28/1/2008 **Decision Date** 30/1/2008 **Decision Type** PER  
**Location** 10 Russell Terrace, Exeter, EX4 4HX  
**Description** First floor extension on north elevation

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**Application No.** 07/2443/07 **Working Party** 29/1/2008 **Decision Date** 4/2/2008 **Decision Type** REF  
**Location** 2 Friars Walk, Exeter, EX2 4AY  
**Description** Provision of hardstanding in north east garden, entrance gates and access to highway

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**Application No.** 07/2442/03 **Working Party** 29/1/2008 **Decision Date** 5/2/2008 **Decision Type** REF  
**Location** 2 Friars Walk, Exeter, EX2 4AY  
**Description** Provision of hardstanding in north east garden, entrance gates and access to highway

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**Application No.** 07/2423/03 **Working Party** **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 5 Princesshay, Exeter, EX1 1GE  
**Description** Installation of shopfront

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**Application No.** 07/2421/05 **Working Party** **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 5 Princesshay, Exeter, EX1 1GE  
**Description** Internally illuminated fascia sign

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**Application No.** 07/2418/03 **Working Party** **Decision Date** 1/2/2008 **Decision Type** PER  
**Location** Coachmakers Arms, John Street, Exeter, EX1 1BL  
**Description** Alterations to relocate entrance door on east corner and installation of window on south east elevation

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**Application No.** 07/2369/03 **Working Party** 18/12/2007 **Decision Date** 4/2/2008 **Decision Type** PER  
**Location** 11 West Street, Exeter, EX1 1BB  
**Description** Change of use from offices and storage/distribution (Classes B1 & B8) to 11 self-contained flats (Class C3), alterations to roof, floors, walls and windows on east and south elevations

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**Application No.** 07/2303/05 **Working Party** 29/1/2008 **Decision Date** 1/2/2008 **Decision Type** PER  
**Location** Southgate Hotel, Southernhay East, Exeter, EX1 1QF  
**Description** Internally illuminated totem sign on boundary, non-illuminated wall mounted signs (2) on north east and south east elevations and freestanding twin post signs (7) on all boundaries and car park entrance

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**Application No.** 07/2290/05 **Working Party** **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 6 Bedford Street, Exeter, EX1 1LT  
**Description** Internally illuminated suspended sign and externally illuminated projecting sign on north east elevation

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**Application No.** 07/2259/03 **Working Party** **Decision Date** 30/1/2008 **Decision Type** PER  
**Location** 14 Princesshay, Exeter, EX1 1GE  
**Description** Installation of shopfront

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**Application No.** 07/2258/05 **Working Party** **Decision Date** 30/1/2008 **Decision Type** PER  
**Location** 14 Princesshay, Exeter, EX1 1GE  
**Description** Non-illuminated individual lettering sign

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**Application No.** 07/2254/07 **Working Party** 20/11/2007 **Decision Date** 9/1/2008 **Decision Type** PER  
**Location** Cricklepit Mill, Commercial Road, Exeter, EX2 4AB  
**Description** Provision of wall mounted streetlight on west elevation

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**Application No.** 07/2178/07 **Working Party** 17/12/2007 **Decision Date** 24/1/2008 **Decision Type** PER  
**Location** 1 The Coach House, The Imperial, New North Road, Exeter, EX4 4AJ  
**Description** Window and two rooflights on east elevation

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**Application No.** 07/2124/05 **Working Party** **Decision Date** 1/2/2008 **Decision Type** REF  
**Location** Northernhay House, Northernhay Place, Exeter, EX4 3RY  
**Description** Internally illuminated lettering and logo sign on south east elevation

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**Application No.** 07/1577/03 **Working Party** **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 24 Princesshay, Exeter, EX1 1GE  
**Description** Installation of shopfront

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**Application No.** 07/1576/05 **Working Party** **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 24 Princesshay, Exeter, EX1 1GE  
**Description** Internally illuminated hanging logo sign

<b>WARD</b> <b>St James</b>
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**Application No.** 07/2565/14 **Working Party** 28/1/2008 **Decision Date** 28/1/2008 **Decision Type** REF  
**Location** 49 Well Street, Exeter, EX4 6QA  
**Description** Demolition of building, garages and boundary wall

---

**Application No.** 07/2564/03 **Working Party** 28/1/2008 **Decision Date** 28/1/2008 **Decision Type** REF  
**Location** 49 Well Street, Exeter, EX4 6QA  
**Description** Redevelopment to provide three storey building comprising 5 student flats and associated works

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**Application No.** 07/2539/07 **Working Party** 28/1/2008 **Decision Date** 31/1/2008 **Decision Type** REF  
**Location** The Old Firehouse, 50 New North Road, Exeter, EX4 4EP  
**Description** Canopy on south elevation

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**Application No.** 07/2538/03 **Working Party** 28/1/2008 **Decision Date** 31/1/2008 **Decision Type** REF  
**Location** The Old Firehouse, 50 New North Road, Exeter, EX4 4EP  
**Description** Canopy on south elevation

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**Application No.** 07/2500/03 **Working Party** 17/12/2007 **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 1 Leighton Terrace, Exeter, EX4 6AZ  
**Description** Change of use from dwelling (Class C3) to house in multiple occupation

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**Application No.** 07/2477/07 **Working Party** 17/12/2007 **Decision Date** 24/1/2008 **Decision Type** PER  
**Location** Basement Flat, 21 Old Tiverton Road, Exeter, EX4 6LG  
**Description** Alterations to internal walls

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**Application No.** 07/2452/07 **Working Party** 17/12/2007 **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 30 Old Tiverton Road, Exeter, EX4 6LG  
**Description** Excavation of south east yard to provide stairs to basement

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**Application No.** 07/2451/03 **Working Party** 17/12/2007 **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 30 Old Tiverton Road, Exeter, EX4 6LG  
**Description** Excavation of south east yard to provide stairs to basement

---

**Application No.** 07/2395/03 **Working Party** **Decision Date** 25/1/2008 **Decision Type** PER  
**Location** St James Park, Stadium Way, Exeter, EX4 6PX  
**Description** Change of use from ancillary storage for football stand (Doble) (Class D2) to classroom (Class D1) to include provision of wall, doors and windows on south east elevation

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**Application No.** 07/2386/03 **Working Party** **Decision Date** 14/1/2008 **Decision Type** REF  
**Location** 14 Thornton Hill, Exeter, EX4 4NS  
**Description** Conservatory of north east elevation

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**Application No.** 07/2385/07 **Working Party** 17/12/2007 **Decision Date** 16/1/2008 **Decision Type** PER  
**Location** 86 Longbrook Street, Exeter, EX4 6AP  
**Description** Internal alterations to walls on ground floor

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**Application No.** 07/2380/03 **Working Party** **Decision Date** 15/1/2008 **Decision Type** PER  
**Location** 1 Montague Rise, Horseguards, Exeter, EX4 4UZ  
**Description** Sun pipe and rooflight on east elevation, sun pipe on west elevation and shed in south garden

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**Application No.** 07/2324/03 **Working Party** 17/12/2007 **Decision Date** 14/1/2008 **Decision Type** REF  
**Location** 45 Union Road, Exeter, EX4 6HU  
**Description** Attached dwelling on west elevation and lower ground floor extension on south elevation

<b>WARD</b>	<b>St Leonards</b>
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**Application No.** 07/2610/06 **Working Party** **Decision Date** 21/1/2008 **Decision Type** PER  
**Location** 1 Penleonard Close, Exeter, EX2 4NY  
**Description** The pruning of 1 tree

Tree No	Species	Works
1	Chestnut tree	Crown lift / thin

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**Application No.** 07/2594/03 **Working Party** 29/1/2008 **Decision Date** 31/1/2008 **Decision Type** REF  
**Location** The Workshop, Bull Meadow Road, Exeter, EX2 4JF  
**Description** Change of use from business (Class B1) to four self-contained flats

**Application No.** 07/2554/06 **Working Party** **Decision Date** 8/1/2008 **Decision Type** PER  
**Location** 7 Penleonard Close, Exeter, EX2 4NY  
**Description** The pruning of 1 tree  
  
Tree No. Species Works  
1 Beech Reduce

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**Application No.** 07/2549/03 **Working Party** 29/1/2008 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** Land adjacent to 2 Jennifer Close, Exeter, EX2 4RB  
**Description** Detached dwelling, parking and associated works

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**Application No.** 07/2503/18 **Working Party** **Decision Date** 4/2/2008 **Decision Type** WLU  
**Location** 125 Topsham Road, Exeter, EX2 4RE  
**Description** Alterations to roof to provide dormer window on north east elevation (Certificate of Lawfulness of Proposed Development)

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**Application No.** 07/2493/03 **Working Party** **Decision Date** 16/1/2008 **Decision Type** REF  
**Location** 29 Matford Avenue, Exeter, EX2 4PL  
**Description** Alterations to roof to provide dormer windows on north west and south west elevations

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**Application No.** 07/2362/03 **Working Party** 18/12/2007 **Decision Date** 1/2/2008 **Decision Type** REF  
**Location** Land rear of Matworthy, Deepdene Park, Exeter, EX2  
**Description** Development to provide 2 detached, 11 terraced three storey dwellings and a coach house, garages, parking, access to highway and associated works

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**Application No.** 07/2270/07 **Working Party** 18/12/2007 **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 20 Magdalen Road, Exeter, EX2 4TD  
**Description** Internal alterations to walls, fireplaces and other minor works

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**Application No.** 07/1984/07 **Working Party** 18/12/2007 **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 34 Wonford Road, Exeter, EX2 4LD  
**Description** Provision of door between lower ground floor passage and garage

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**Application No.** 07/1942/03 **Working Party** 18/12/2007 **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 34 Wonford Road, Exeter, EX2 4LD  
**Description** Provision of 2 balconies at ground floor level on south elevation

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**Application No.** 07/1941/07 **Working Party** 18/12/2007 **Decision Date** 28/1/2008 **Decision Type** PER  
**Location** 34 Wonford Road, Exeter, EX2 4LD  
**Description** Provision of 2 balconies at ground floor level on south elevation

<b>WARD</b>	<b>St Loyes</b>
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**Application No.** 07/2644/04 **Working Party** **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 21 Couper Meadows, Exeter, EX2 7TF  
**Description** The pruning of 3 trees

Tree No.	Species	Works
1	Maple	Prune back from neighbouring garden and thin crown by maximum 15%

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**Application No.** 07/2634/04 **Working Party** **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 27 Rydon Park, Rydon Lane, Exeter, EX2 7HW  
**Description** The pruning of 1 tree

Tree No.	Species	Works
1	Field Maple	Crown lift

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**Application No.** 07/2612/03 **Working Party** **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 110 Heraldry Way, Exeter, EX2 7RA  
**Description** Satellite dish on east elevation

**Application No.** 07/2609/04 **Working Party** **Decision Date** 4/2/2008 **Decision Type** PER  
**Location** Yonder Dryways, Woodwater Lane, Exeter, EX2 5AJ  
**Description** The pruning of 3 trees

Tree No	Species	Works
1	Beech	Top
2	Sycamore	Top

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**Application No.** 07/2553/03 **Working Party** **Decision Date** 4/2/2008 **Decision Type** PER  
**Location** The South West Multiple Sclerosis Centre, West Grange, Clyst Heath, Exeter, EX2 7EY  
**Description** Orangery extension on west elevation

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**Application No.** 07/2544/03 **Working Party** **Decision Date** 4/2/2008 **Decision Type** REF  
**Location** 80 Quarry Lane, Exeter, EX2 5PP  
**Description** First floor extension on south east elevation

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**Application No.** 07/2543/03 **Working Party** **Decision Date** 14/1/2008 **Decision Type** PER  
**Location** 3 Whitlow Copse, Exeter, EX2 5NB  
**Description** Ground floor extension and two dormer windows on north east elevation, first floor extension on north west elevation and dormer window with balcony on south west elevation

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**Application No.** 07/2497/07 **Working Party** 19/12/2007 **Decision Date** 25/1/2008 **Decision Type** PER  
**Location** The South West Multiple Sclerosis Centre, West Grange, Clyst Heath, Exeter, EX2 7EY  
**Description** Orangery extension on west elevation and other minor works

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**Application No.** 07/2476/03 **Working Party** **Decision Date** 25/1/2008 **Decision Type** PER  
**Location** 22 Knights Crescent, Exeter, EX2 7TG  
**Description** Ground floor extension on west elevation

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**Application No.** 07/2323/05 **Working Party** **Decision Date** 9/1/2008 **Decision Type** REF  
**Location** Unit 2, Sowton Retail Park, Moor Lane, Sowton Industrial Estate, Exeter, EX2  
**Description** Internally illuminated lightbox sign and scrolling lightbox panel sign on west elevation

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**Application No.** 07/2173/03 **Working Party** **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** Tesco Stores Ltd, Russell Way, Exeter, EX2 7EZ  
**Description** Installation of recycling unit and charity bins on north boundary of car park

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**Application No.** 07/0402/03 **Working Party** **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 2 Norman Mews, Exeter, EX2 7RJ  
**Description** Installation of garage door to car port

<b>WARD</b>	<b>St Thomas</b>
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**Application No.** 07/2580/14 **Working Party** 18/12/2007 **Decision Date** 15/1/2008 **Decision Type** REF  
**Location** Land adjoining 17 Church Road, St. Thomas, Exeter, EX2 9AZ  
**Description** Demolition of buildings

---

**Application No.** 07/2571/03 **Working Party** **Decision Date** 6/2/2008 **Decision Type** REF  
**Location** 32 Duckworth Road, Exeter, EX2 9BP  
**Description** Conservatory on north west elevation

---

**Application No.** 07/2492/03 **Working Party** **Decision Date** 16/1/2008 **Decision Type** PER  
**Location** Sawyers Arms, Cowick Street, Exeter, EX4 1JD  
**Description** Canopy on south elevation

---

**Application No.** 07/2427/14 **Working Party** 18/12/2007 **Decision Date** 7/1/2008 **Decision Type** REF  
**Location** Land rear of 32-34 Alphington Road, Exeter, EX2 8HN  
**Description** Demolition of outbuildings to rear of both properties

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**Application No.** 07/2289/03 **Working Party** 18/12/2007 **Decision Date** 7/1/2008 **Decision Type** REF  
**Location** Land rear of 32-34 Alphington Road, Exeter, EX2 8HN  
**Description** Redevelopment to provide 8 dwellings, parking and associated works

---

**Application No.** 07/2193/03 **Working Party** 20/11/2007 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** Darley Dale, Alphington Street, Exeter, EX2 8AT  
**Description** Three storey attached building to provide 3 self contained flats, bin store, amenity area at roof level and associated works

---

**Application No.** 07/1933/03 **Working Party** 18/12/2007 **Decision Date** 14/1/2008 **Decision Type** REF  
**Location** 25 Queens Road, Exeter, EX2 9EP  
**Description** Detached dwelling, parking and associated works

---

**Application No.** 07/1255/03 **Working Party** 18/12/2007 **Decision Date** 7/1/2008 **Decision Type** REF  
**Location** Land adjoining 17 Church Road, St. Thomas, Exeter, EX2 9AZ  
**Description** Redevelopment to provide attached three storey building comprising 3 self-contained flats, parking, access to highway and associated works

<b>WARD</b>	<b>Topsham</b>
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**Application No.** 07/2635/04 **Working Party** **Decision Date** 5/2/2008 **Decision Type** PER  
**Location** Newport Park, Topsham Road, Exeter, EX2  
**Description** The felling of 6 trees

Tree No.	Species	Works
T7	Horse Chestnut	Fell
T23	Silver Birch	Fell

**Application No.** 07/2521/03 **Working Party** **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** Boat House, Ferry Road, Topsham, Exeter, EX3 0JJ  
**Description** Retention of storage container (22.32 sq. m.)

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**Application No.** 07/2514/03 **Working Party** **Decision Date** 22/1/2008 **Decision Type** PER  
**Location** 36 Newcourt Road, Topsham, Exeter, EX3 0BT  
**Description** Ground floor extension, raised decking, steps and railings (2.1m high max) on south west elevation

---

**Application No.** 07/2507/03 **Working Party** **Decision Date** 14/1/2008 **Decision Type** PER  
**Location** 7 Exe Street, Topsham, Exeter, EX3 0JL  
**Description** Alterations to doors and windows, installation of window at roof level and decking and steps on west elevation, alterations to roof to create gable end and removal of chimney stack

---

**Application No.** 07/2458/04 **Working Party** **Decision Date** 8/1/2008 **Decision Type** PER  
**Location** Exeter Golf & Country Club, Topsham Road, Exeter, EX2 7AE  
**Description** The pruning of approximately 20 trees

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**Application No.** 07/2343/07 **Working Party** 30/1/2008 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 12 & 13 The Strand, Topsham, Exeter, EX3 0JB  
**Description** Storage building attached to wall, widening of vehicular access and installation of gates in west boundary wall

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**Application No.** 07/2338/03 **Working Party** 30/1/2008 **Decision Date** 4/2/2008 **Decision Type** PER  
**Location** 12 & 13 The Strand, Topsham, Exeter, EX3 0JB  
**Description** Storage building attached to wall, widening of vehicular access and installation of gates in west boundary wall

---

**Application No.** 07/2201/03 **Working Party** 30/1/2008 **Decision Date** 6/2/2008 **Decision Type** PER  
**Location** 68 High Street, Topsham, Exeter, EX3 0DY  
**Description** Canopy on south-east elevation

---

**Application No.** 07/2119/07 **Working Party** 19/12/2007 **Decision Date** 24/1/2008 **Decision Type** PER  
**Location** 24 Victoria Road, Topsham, Exeter, EX3 0EU  
**Description** Partial re-slating of roof of dwelling, re-roofing of outbuilding, alterations to internal and external doors, internal alterations to floors, walls and other minor works

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**Application No.** 07/1550/03 **Working Party** 19/12/2007 **Decision Date** 9/1/2008 **Decision Type** PER  
**Location** 84A Fore Street, Topsham, Exeter, EX3 0HQ  
**Description** Alterations to window at first floor level

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**Total no of delegated decisions made:** 127

**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.

## EXETER CITY COUNCIL

### PLANNING COMMITTEE

18 FEBRUARY 2008

#### ENFORCEMENT PROGRESS REPORT

##### 1.0 PURPOSE OF REPORT

1.1 To update members on enforcement matters.

##### 2.0 CASES OPENED AND CLOSED BETWEEN 18 DECEMBER 2007 AND 1 FEBRUARY 2008

Cases opened: 7

Cases closed: 29

Outstanding number of cases: 118

##### 3.0 NOTICES ISSUED

3.1 ENF/07/005- Parkside House, Beech Avenue – Enforcement Notice issued on 18 January 2008 for the erection of a fence on the northern boundary of the Land (part close-boarded, part willow screen or similar). The notice takes effect on 29 February 2008 and gives 2 months for compliance.



Parkside House, Beech Avenue

3.2 ENF/03/002 – 1 Bystock Terrace – Listed Building Enforcement Notice issued on 18 January 2008 for the installation of non-metal guttering and other rainwater goods and the removal of an external stringcourse at second floor level. The notice takes effect on 29 February 2008 and gives 2 months for compliance.



1 Bystock Terrace

- 3.3 ENF/07/132 - 12 North Street, Exeter – Enforcement notice served on 18 January 2008 for erection of a smoking shelter adjacent to the north west elevation of the building (Mecca Bingo). The notice takes effect on 29 February 2008 and gives 2 months for compliance.



12 North Street, Exeter

- 3.4 ENF/06/105 – Seabrook Mews, Topsham Road, Exeter – Breach of Condition Notice served 21 January 2008. The Permission was granted subject to the following condition (among others):-

“3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include ... planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.”

A landscaping scheme was approved by the Council on 2 December 2004. Revised planting details for the area subject to the enforcement notice were approved by the Council on 3 July 2006, namely the planting of two climbers (honeysuckle and/or clematis species) against the boundary wall.

The Council consider that the condition has been breached in that the two climbers have not been planted as required by Condition 3. The breach has occurred within the last ten years. The notice requires the developer to plant two climbers (honeysuckle and/or clematis species) against the free standing boundary wall. The notice requires the developer to comply on or before 27 February 2008. A compliance site visit carried out on 29 January 2008 found that the climbers have been planted and the notice has been complied with.



Seabrook Mews, Topsham Road

#### 4.0 NOTICES COMPLIED WITH

- 4.1 ENF/06/047 – Pinbrook House, Cheynegate Lane – Listed Building Enforcement Notice (Breach of Condition) served on 11 October 2007. On 18 April 2007, listed building consent was granted for external alterations to provide a ground floor extension on the north elevation, subject to the following conditions (among others):-

"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 12 December 2006 (dwg. no's. Drawing 02 and Drawing 03), as modified by other conditions of this consent.*

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

4 *Samples and details of the timber stain and natural slates intended to be used externally in the construction of the development shall be submitted to the Local Planning Authority within 1 month of the date of this permission. The existing roof of the extension shall be wholly removed and replaced in accordance with these details within 4 months of the date of this permission.*

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

4.3 It appears to the Council that the conditions have not been complied with in that:-

(a) artificial slate has been used, rather than natural slate, in breach of condition 4; and

(b) tape has been applied to the perimeter of the roof (apparently in place of flashing), which is not shown on the submitted details and therefore in breach of condition 2.

4.4 The Notice took effect on 23 November 2007 and gave 2 months for compliance. The requirements of the notice are to remove the existing man made slates from the roof, remove the tape flashing from the perimeter of the roof and replace the roof covering with Grade A Spanish slates, fixed with nails (not hooks), with code 4 lead flashings fitted to Lead Development Agency specifications. A compliance site visit on 3 December 2007 found that the notice had been complied with.

4.5 ENF/06/111 – 70 Rivermead Road – Enforcement Notice issued on 12 December 2006 for the provision of access steps (to balcony serving top flat 70a) and balcony railings on rear elevation of the property. The Notice took effect on 26 January 2007 and gave 4 months for compliance. This period expired on 26 May 2007. An appeal against the Notice was submitted but was later withdrawn and a compliance visit undertaken on 4 January 2008 found that the notice had been complied with.

## **5.0 CURRENT APPEALS**

5.1 ENF/06/154 – 22 Victoria Road, Tospham – Listed Building Enforcement Notice issued on 8 June 2007 for the addition of a course of horizontal brickwork (in two sections) to front boundary wall, and (subsequently) addition of railings on top of that wall and on top of side boundary walls to front garden. The notice took effect on 17 July 2007 and requires the removal of railings from the top of the front boundary wall, and from both side boundary walls to front garden and the removal of the top course of horizontal brickwork from front boundary wall (note - the horizontal brickwork to be removed is in two sections, either side of a section of vertical brickwork which may remain) within three months. Listed Building Enforcement Notice appeal received to be dealt with by written representations. The Council's written statement has been submitted and a date for the Inspector's site visit is awaited.

5.2 ENF/07/018 - 21 Lancelot Road - for the erection of a timber close-boarded fence approximately 2metres high. The requirements of the notice are to dismantle the fence on the north eastern boundary of the Land (a fence can be erected along this boundary so long as the fence together with the low brick

wall does not exceed 1m in height). The notice also requires the height of the posts of the fence on the south eastern boundary of the land to be reduced, ie. the boundary between the parking area and the landscaping strip (the fence can remain along this boundary so long as the height of the posts is reduced to not more than 10cm above the top of the panels). The notice took effect on 31 August 2007 and gave 2 months for compliance. The enforcement notice appeal is being dealt with by written representations. The Council has submitted its statement and final comments. The Inspector's site visit is awaited.

- 5.3 ENF/05/227 – 22 Parkfield Road, Topsham – Enforcement Notice served on 15 October 2007 for the erection of a balustrade around the edge of roof of single storey accommodation at rear of property. An appeal was received on 18 January 2008 and is to be dealt with by an Informal Hearing on 24 June 2008. The Council has to submit its statement by 28 February 2008.

## **6.0 ENFORCEMENT APPEAL DECISIONS**

- 6.1 ENF/06/252 – 61 Whipton Village Road, Exeter – Enforcement Notice issued on 8 March 2007 for the erection of a fence exceeding one metre in height adjacent to the highway. The notice took effect on 13 April 2007 and gave three months for compliance. The requirements of the notice are to dismantle the fence on the southern boundary of the land, which is adjacent to the highway, and for one metre northwards on each of the side boundaries, so that the fence does not exceed the height of the boundary wall which is also adjacent to the highway. This will result in a 2m fence on both side boundaries that is set back into the garden by 1m from the boundary wall adjacent to the highway. The notice also requires the removal from the land of all components of the dismantled fence. An appeal was submitted against the enforcement notice and was dealt with by written representations. The appeal was dismissed by the Planning Inspector on 22 November 2007 and the notice must be complied with by 22 February 2008. The results of this visit will be reported to Members at the next Committee.

- 6.2 ENF/06/228 – 4 Harefield Close – Enforcement notice issued on 3 July 2007 for the construction of a timber platform structure, fence panels, shed and pergola in the rear garden facing Cowley Bridge Road. The notice took effect on 13 August 2007 and gave 6 months for compliance. The notice requires removal of the decking and balustrading/fencing insofar as it projects westwards beyond the uppermost blockwork retaining wall, and removal the posts which previously supported the structure. Remove the timber shed and pergola and remove all materials formerly comprising the decking, balustrading/fencing, timber support posts, timber shed and pergola. The enforcement notice appeal was dealt with by written representations. The Planning Inspector quashed the enforcement notice and granted planning permission on 18 January 2008. This month's appeals report contains full details of the planning appeal.

## **7.0 OTHER ISSUES**

- 7.1 ENF/05/099 – 19 Belmont Road – Section 215 (Untidy Site) Notice issued on 7 November 2005. At the 24 July 2006 Planning Committee Members resolved to take direct action under Section 219 of the Town and Country

Planning Act, 1990 to arrange for the rear two-storey blockwork and brickwork extension to be rendered and the rear garden to be tidied. On 19 February 2007 a team from Direct Services arrived to undertake the remedial work and the owner refused entry onto his land. The Council submitted an Injunction application to the County Court and attended a Hearing at the County Court on 7 November 2007. District Judge Harvey granted the Injunction and the owner had to comply with the Section 215 Notice dated 7 November 2005 by 4 December 2007. Legal Services wrote to the court to extend the date for expiry of the injunction and the court made an order of its own motion to specify that the injunction is to remain in force until 22 October 2008. The owner has applied to set this order aside. The hearing took place on 28 January 2008. The Judge adjourned the hearing 14 days so a further site inspection could be carried out. A further inspection has been completed and it is considered that the site is now in a satisfactory condition and at the next Hearing, scheduled for 10 March 2008 the Council will not contest the owners appeal.

- 7.2 ENF/07/199 – 144 Fore Street, Exeter – Repairs Notice served on 5 December 2007 for a number of urgent works to the building in order to restore the listed building and prevent further damage. The owners had until the 14 December 2007 to start the works however work has not yet begun. The Council has instructed Direct Services to carry out a site visit and to provide a quote for the works to be undertaken in default.

## **8.0 COMPLIANCE WITH CONDITIONS**

- 8.1 A new post of Conditions Compliance Officer within the enforcement team has now been filled. A new system has been set up which enables all conditions on major planning applications and listed building applications which have been approved to be monitored. The Conditions and Compliance Officer has begun to monitor all conditions on decisions for these types of applications granted in 2007 and thereafter.
- 8.2 To date, 115 letters have been sent out to agents/applicants advising that the Council is monitoring all conditions on their permission. 41 responses have been received. 2 decision notices have been signed off with all conditions complied. 1 new planning application has been requested for alterations carried out which is not part of the permission.

## **9.0 RECOMMENDATION**

- 9.1 That this report be noted

**RICHARD SHORT  
HEAD OF PLANNING SERVICES  
ECONOMY AND DEVELOPMENT DIRECTORATE**

**Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report: none.**

## EXETER CITY COUNCIL

### PLANNING COMMITTEE

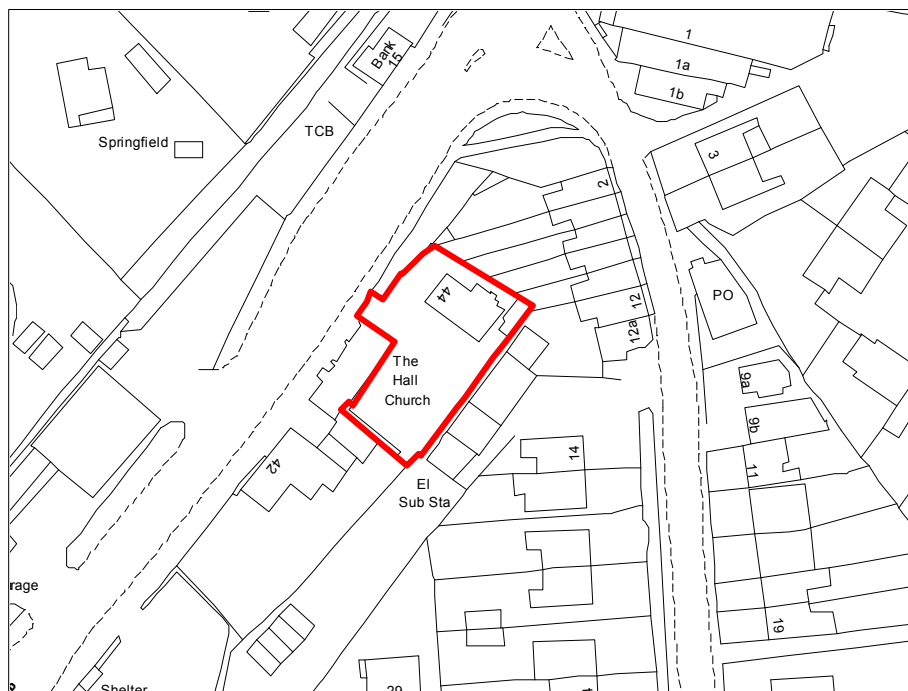
18<sup>th</sup> February 2008

### APPEALS

### DECISIONS RECEIVED

**SUMMARY:** 15 appeal decisions have been received since the last report; 13 were dismissed, 1 was part allowed and 1 was allowed with conditions.

**Location:** 44 Main Road, Pinhoe, Exeter, EX4 8HS



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**Reference No:** 06/1390/03

**Proposal:** Redevelopment to provide two detached two storey dwellings, parking and associated works.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Informal Hearing

**Appeal Decision:** ALLOWED WITH CONDITIONS

## **Grounds:**

The main issues were considered to be

- The effect of the proposed development on the character and appearance of the surrounding area.
- Whether the proposed development would be environmentally sustainable.
- The effect of the proposed development on the living conditions of future occupants.

### *Character and appearance*

The Inspector noted that existing structures in and around the appeal site do not provide any positive architectural guidance. A brick built depot to the east, and a bland single-storey church hall between the site and Main Road dominates the site. The proposed access would be from Main Road, which would open up views into the development. He considered that the overall effect of the proposed scheme, through creating a small residential area would be a marked improvement in the character and appearance of the area.

Although The Inspector noted the Council's view that in order to avoid visual domination cars should be parked behind the proposed dwelling, he considered that two of the four proposed parking spaces would be largely concealed from the road by a fence and the overall visual impression would be of dwellings fronted by enclosed gardens and landscaping. Therefore in his view, the siting of the two dwellings at the back of the site would not produce a harmful effect on either the street scene or the site itself.

He therefore considered that the proposed development accorded with DSP and ELP policies.

### *Environmental sustainability*

The Inspector noted that the Council considered that the proposed development would not be environmentally sustainable, in that design, layout and orientation of the dwellings would minimise the opportunity for solar gain as the dwellings would have a north-westerly aspect.

The Inspector felt that the argument that the development would be sustainably located in relation to frequent bus services, shops and other facilities within easy walking distance as well as being a brownfield site outweighed the relative lack of solar gain. He therefore considered the proposed development would be environmentally sustainable and would not conflict with either national or local planning policies.

### *Living Conditions*

The Inspector noted that both proposed dwellings would have expansive glazed windows in their north-west elevations and felt that although their orientation would limit direct sunlight their expansive area of glazing would enable light penetration

into the dwellings. He felt that landscaping could soften the outlook towards the adjoining church hall which being only single storey would not appear overbearing. Potential for overshadowing and impact on outlook caused by the adjacent depot would be minimised by siting the dwellings to the east of the site, with their gardens and principal windows facing away from the depot.

Both houses and their gardens would be set back from Main Road and he considered the likely level of traffic manoeuvring within the proposed development to be insufficiently high to harm the living conditions of future occupants.

In summary he considered that lack of light, overshadowing, the impact of traffic from Main Road or the dominance of the motorcar on the site would not harm the living conditions of future occupants.

The Inspector concluded that the appeal should be allowed subject to conditions concerning: the demolition and clearance of the existing property, commencement within three years, submission of materials, drainage, glazing, landscaping and parking.

### ***Costs application***

At the Hearing, the appellants made an application for a full award of costs against the City Council.

### **DECISION: The application fails and no award of costs is made.**

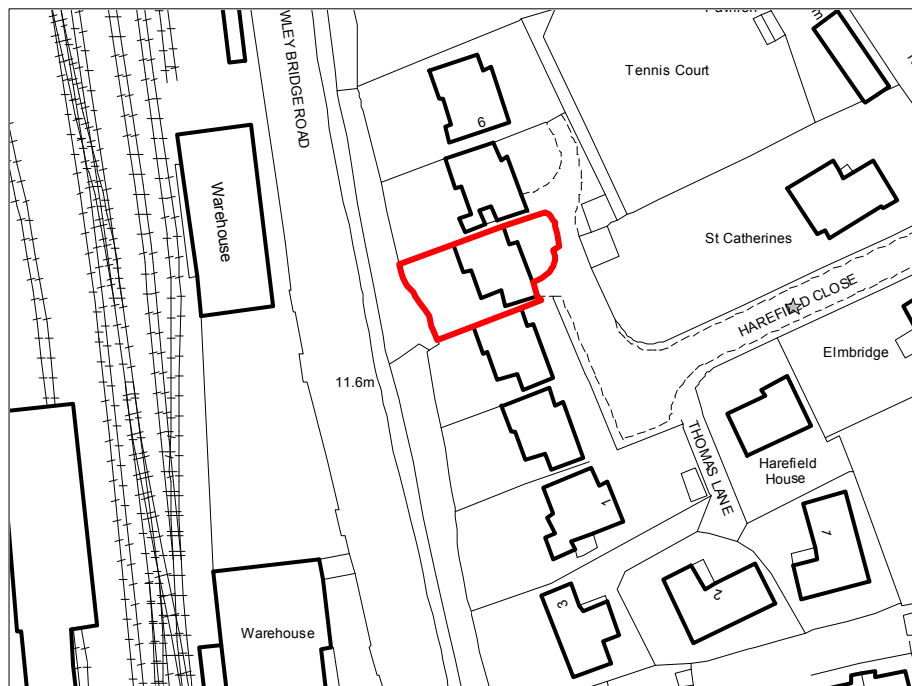
The appellant sought full costs for four reasons:

- The Council acted unreasonably in their lack of clarity for their reasons of refusal.
- The Council acted unreasonably in not considering the scope for imposing relevant planning conditions to allow the proposed development to proceed.
- The Council acted unreasonably in that they did not explain which material considerations they relied on to set aside the development plan.
- The Council acted unreasonably in that they sought to exercise a degree of control over a number of minor matters, which went beyond the appropriate level necessary to determine the application.

The Inspector considered that the Council acted reasonably in relation to all four grounds raised by the appellants, and that no unnecessary expense to the appellants was caused.

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**Location:** 4 Harefield Close, Exeter, EX4 4AQ



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**Reference No:** 07/0691/03

**Proposal:** Erection of a 1.8m high fence, the retention of a pergola, shed, fencing and other structures.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** PART ALLOWED WITH CONDTIONS

**Grounds:**

This appeal was considered together with a related appeal against an enforcement notice requiring the removal of an unauthorised pergola, shed, fencing and other structures at the site.

The Inspector noted that the appellants had, over the last 3 years, built timber staging, fencing, a balustrade, a shed and a pergola on the 2 retaining walls which are about half way up the steeply sloping rear garden of the property. He considered these provided useful amenities to the garden and make it secure. However, seen from the road below, these structures look incongruous, overbearing and intrusive, although they do not cause loss of privacy.

In the Inspector’s opinion, meeting the requirements of the enforcement notice would seriously impair the usefulness of the rear garden. It would be difficult to provide satisfactory alternative works to make the garden safe for their grandchildren or enable the appellants themselves to make good use of it. On balance, the Inspector considered it appropriate to permit the retention of the unauthorised works subject to landscaping conditions. He therefore quashed the enforcement notice and granted planning permission on the applications deemed to have been made to retain the various structures subject to conditions requiring the submission and approval of a tree planting scheme and replacement planting.

With regard to planning application 07/0691/03 the Inspector considered the proposed 1.8m high fence to be erected on top of the 2m high retaining wall adjacent to Cowley Bridge Road would have an unacceptably forbidding and overbearing effect on road users alongside such a high structure. The Inspector therefore issued a “split” decision on the application, allowing the retention of the timber structures already built subject to the imposition of identical conditions to those relating to the deemed applications, but refusing planning permission for the proposed fence.

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**Location: Top Flat, 20 Pavilion Place, Exeter, EX2 4HR**



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**Reference No: 06/2589/03**

**Proposal:** Installation of replacement windows on front and rear elevations.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** **DISMISSED**

**Grounds:**

The main issue was the effect of the proposed development on the character and appearance of the host property, the locality and the Conservation Area within which the site is located.

The Inspector noted that the appeal site was characterised predominantly by Victorian terraced dwellings with modern buildings opposite mainly used for commercial use. Viewed from Pavilion Place and Magdalen Street, the appeal property and adjacent properties largely retain their original character and appearance with timber-framed, sliding sash windows on the front elevations, although he observed that some more modern windows had been inserted in a few properties within the cul-de-sac section of Pavilion Place.

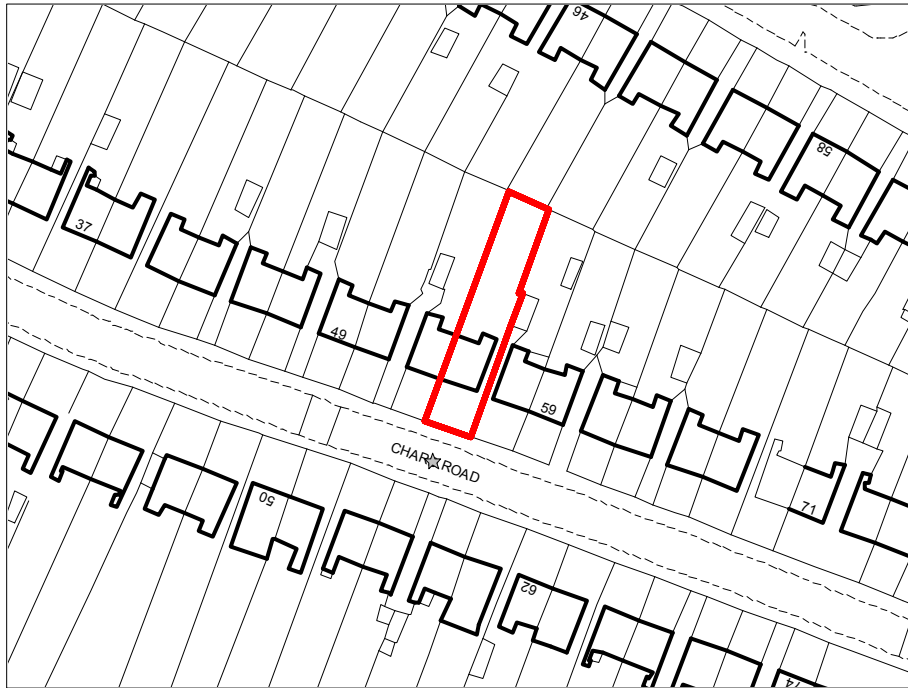
The appeal property and the adjacent buildings are included within the Council's Schedule of Buildings of Local Importance because of architectural and historic interest, prominence in the street scene and distinctive, relatively unaltered design.

The Inspector considered that the replacement of the timber-framed windows at first floor level in the front elevation of the host property would give the building a more modern appearance and would harm its architectural and historic character and would conflict with DSP and ELP policies.

The Inspector acknowledged the appellant's points that the scheme would be sustainable in allowing a reduction in the need for heating and would reduce traffic noise, but felt that they were not sufficient to outweigh his decision in dismissing the appeal.

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**Location:** 55 Chard Road, Exeter, EX1 3AX



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**Reference No:** 06/2625/03

**Proposal:** Alteration and extension to roof including dormer window on rear elevation.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issues were the effect of the development upon the character and appearance of the building and upon the living conditions of neighbours particularly in terms of overlooking.

The appeal property is one half of a pair of semi-detached two storey houses. Both properties are bay fronted under a hipped roof and the pair retain their original symmetry and sense of balance within a street scene formed by the repetition of such pairs of houses.

The Inspector considered that the proposed roof alterations would create a slate hung gable end in place of the existing hip that would unbalance the current rhythm and appearance of the property and its neighbour.

He felt that the large flat roofed dormer inserted into the rear roof slope, by reason of its height, length, bulk and overall scale, would dominate the roof and give the property an unsuitable top-heavy appearance. The arrangement of the windows on the rear elevation would also add to the incongruity of the proposed rear elevation as a whole. The Inspector considered that the proposal would harm the character and appearance of both the property and the area contrary to local plan policies.

On the issue of neighbours' living conditions, the Inspector noted that the linear arrangement of the properties along Chard Road enables occupants to look into neighbours' rear gardens from the first floor windows and that the proposed scheme would only increase this to a limited degree. He therefore felt that the proposal would not harm the living conditions of neighbours.

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**Location: 62/64 High Street, Topsham, Exeter, EX3 0DY**



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**Reference No: 07/0152/03**

**Proposal:** Retention of detached building for use as store in rear garden and two air conditioning units on rear elevation.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issues were considered to be whether the works would preserve or enhance the Topsham Conservation Area and the effect of the works on neighbours, particularly with regard to outlook and disturbance.

The Inspector noted that although the works were within an enclosed yard to the rear of the commercial premises, they were still part of the Conservation Area. In his opinion a 5m x 3m rendered store with felt roof did not preserve, much less enhance, the character or appearance of the locality. Similarly, plastic-looking air-conditioning units, mounted on the rear wall of the main building, were, in the Inspector's view, entirely utilitarian in appearance.

He considered that the works, being to the rear of the building were not on general view to passers by but that they could be clearly seen from abutting properties. The store building is situated at less than half a meter from the boundary with 1 and 2 Coles Court and their windows, which overlook the building and The Inspector considered the scheme seriously affected the outlook and amenity of those properties.

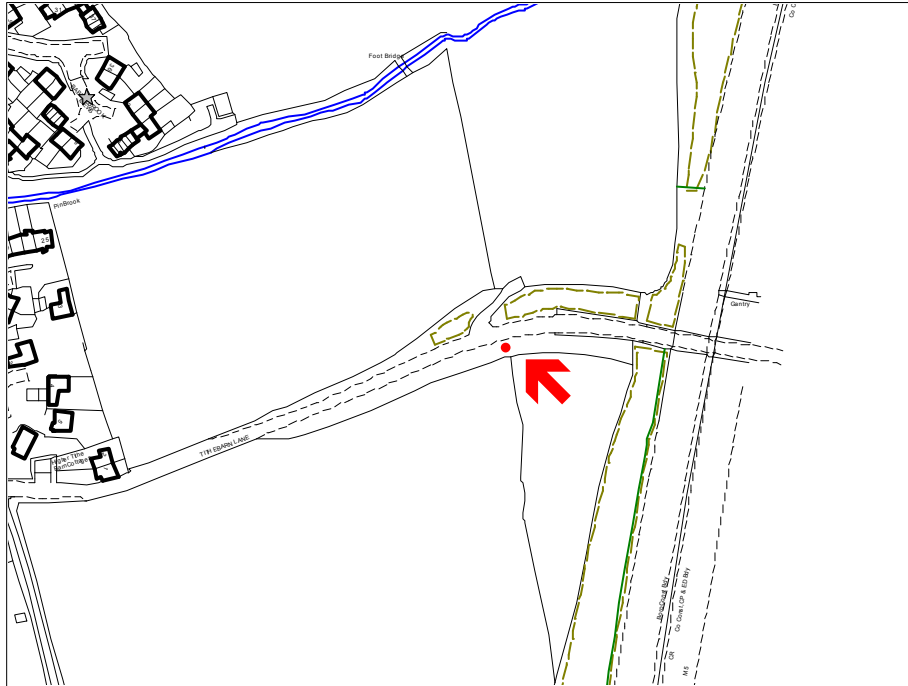
The Inspector noted that the air-conditioning units and goods being carried to and from the store could create a noise nuisance on two counts. He noted a manufacturers information paper, which stated that the air conditioning units might create 55dB of noise. PPG24 Planning and Noise contains guidelines that generally acceptable levels of outdoor noise are 55dB in the day-time and 35dB at night. The Inspector did not consider he had evidence to show that the air conditioning units would exceed these levels of noise but thought it likely that they would.

Similarly he suggested that the use of the store in the rear yard would cause doors to be propped open to facilitate ease of carrying goods. In his view this would allow the noise generated inside the building such as doors slamming, goods being dropped and shouting to escape to the rear.

The Inspector concluded that the works would harm the living conditions of nearby occupiers and be contrary to both DSP and ELP policies.

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**Location: Land at Tithe Barn Lane, Exeter, EX1**



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**Reference No:** 07/0273/21

**Proposal:** Installation of telecommunications monopole (12.5metres high), 3 antennas and associated equipment cabinet.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was considered to be whether the proposed development in terms of siting and design would harm the character and appearance of the area.

The proposed development comprised a 10m high telecommunications mast, designed to have the appearance of a telegraph pole, with shrouded antennas to a combined height of 12.5m, together with a ground based equipment cabinet.

The Inspector observed that the appeal site occupies a distinctive countryside setting and while highway signs and the motorway exist in close proximity to the site, the height of the proposed mast and its antennas would project above the limited existing vegetation.

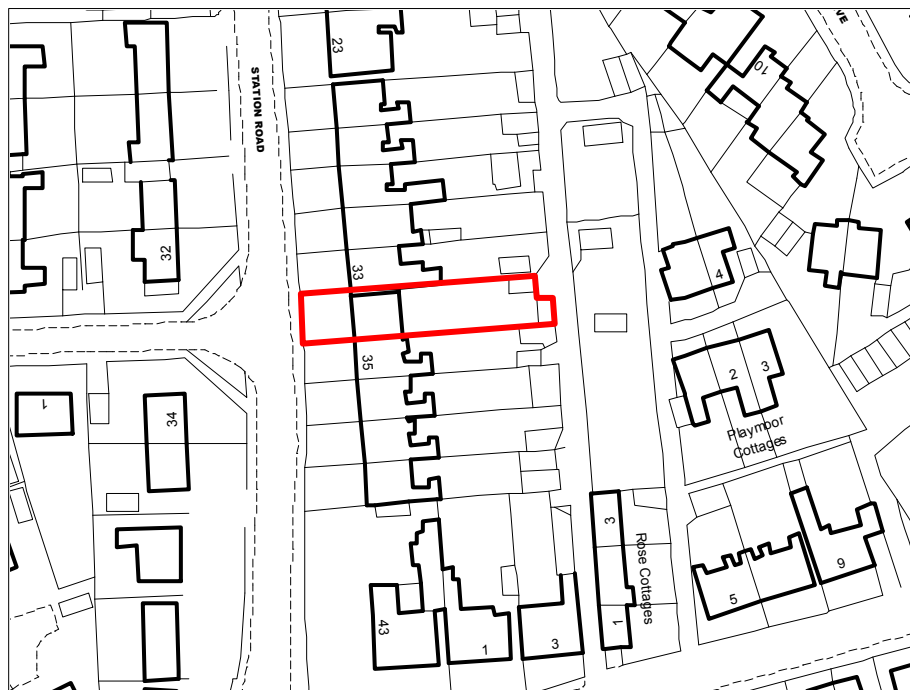
He considered that the higher level of the road in relation to areas of the surrounding land would exacerbate the visibility of the pole in the landscape, which would be silhouetted against the skyline in an area without any similar nearby features. The Inspector felt this would be an intrusive feature that would fail to blend with its rural surroundings and would therefore cause material harm to the character and appearance of the area contrary to national and local planning policies.

The Inspector noted that a lattice telecommunications tower exists a short distance away to the east of the appeal site within the jurisdiction of a different planning authority although the appellant stated that the land owner would not permit sharing of the installation by an additional operator, The Inspector considered that there was insufficient evidence to demonstrate clearly that mast sharing would not be feasible.

In conclusion The Inspector felt that although the proposed development would improve network coverage in the area there was uncertainty as to whether a less visually intrusive solution might be available nearby. He therefore considered that the harmful impact it would have on the character and appearance of he surrounding area would be contrary to both the Devon Structure Plan and ELP policies and dismissed the appeal.

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**Location: 33A Station Road, Pinhoe, Exeter, EX1 3SA**



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**Reference No:** 07/0307/03

**Proposal:** Provision of dormer extensions and alterations to first floor windows on front and rear elevations.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

The appeal property is a two storey mid-terraced dwelling, situated between two taller buildings, which include an element of second floor accommodation. The proposal sought to exploit this by means of a substantial roof extension that would project 2m above the existing roofline.

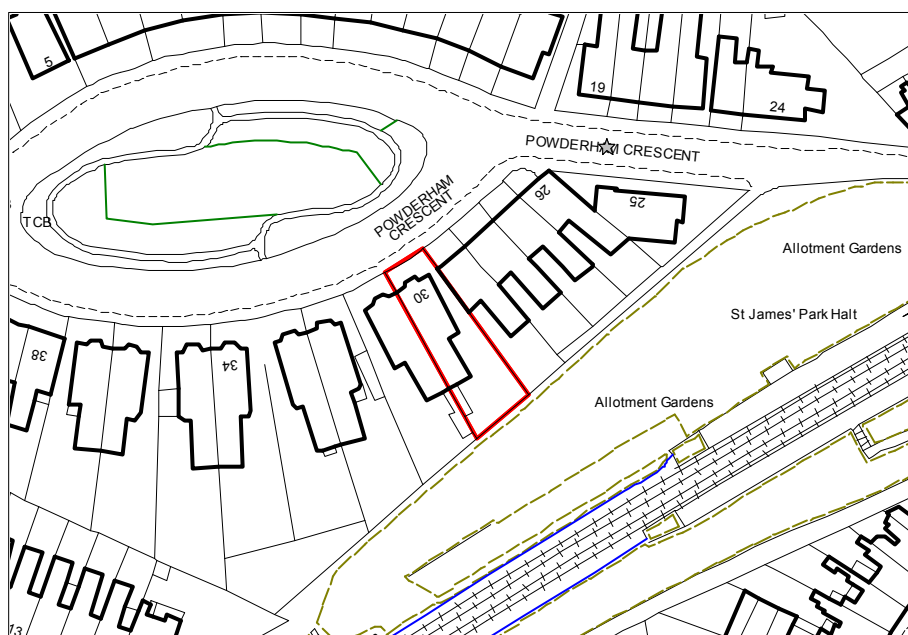
The Inspector considered that although the proposal would not exceed the height of the adjoining buildings, it would have an overpowering effect on the modest form and scale of the existing dwelling, creating a bulky and unwieldy addition that would not relate in form or scale to the host building. He felt that the scheme contrasted sharply with adjoining buildings whereby the various gables and other elements of the roof are integral parts of a balanced and harmonious composition, appropriate in form and scale to the host building.

He acknowledged that the existing building, being a modern infill development, did not fit particularly well into the existing terrace but felt that in its present form was visually subordinate and comparatively unobtrusive. He felt that the proposed scheme would create an unbalanced and top-heavy building that would detract from the well-balanced terrace as a whole.

The Inspector concluded that the proposed development would harm the character and appearance of the existing building and the surrounding area and would be contrary to the ELP.

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**Location: Flat 2, 30 Powderham Crescent, Exeter, EX4 6BZ**



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**Reference No: 07/0374/03**

**Proposal:** Ground floor rear extension.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issues were the effects on the character and appearance of the existing building and the Longbrook Conservation Area; and whether the proposal would result in adequate outdoor amenity space.

In the Inspector's view, though the proposed single-storey extension would replace an unattractive outbuilding, that outbuilding is clearly subordinate to the main building whereas the proposed extension would not be. Further, the extension would not reflect the diminution in mass and scale of buildings towards the rear of their sites, which is characteristic of the area and would not preserve or enhance the character or appearance of the Conservation Area.

The Inspector also noted that the pitch of proposed extension's roof would have a lower angle to that of the main dwelling and this would be noticeable where the two joined. The proposed doors and windows would also be out of keeping with the area.

While the Inspector noted that the Longbrook Conservation Area contains a number and variety of extensions, some of which have features that are out of keeping with the original properties, the majority of the extensions are subordinate to their host buildings. He also judged that the extension would be apparent not only from the immediate vicinity, but also from Trafalgar Place and Well Street and would be more visible than other extensions he saw in the vicinity.

On amenity space, the Inspector concluded that although the extension would still allow for the Council's minimum amenity space standards to be met, the arrangement of that space and its relationship to the proposed extension would render it incapable of satisfactory beneficial use by most residents of the building.

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**Location:** 4/4A York Terrace, Exeter, EX4 4PB



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**Reference No:** 07/0616/03

**Proposal:** Change of use to 1 self-contained flat on ground floor and 1 maisonette on first/second floor levels (Class C3) with ground floor rear extension.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was whether sufficient yard space would be provided to ensure adequate living conditions for the future occupants of the building.

The accommodation within the appeal building, which is part of a small terrace of dwellings of similar design and appearance, is arranged over four floors. The proposed alterations would create a two-bedroom maisonette from the upper two floors, with an extended one-bedroom ground floor flat supplementing a one-bedroom basement flat.

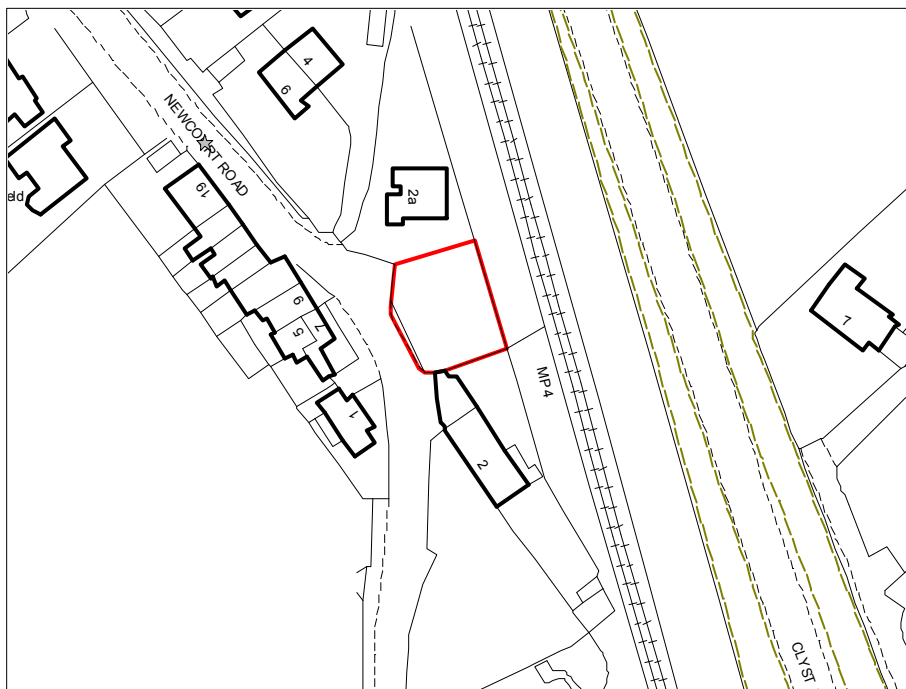
The Inspector noted that all three residential units would share a small open front garden. This would provide the access route to the stairwell leading to the basement flat and to the main entrance for the remainder of the building. He considered that very little communal area would be available for recreation and storage and that the occupants of the maisonette would not have access to any other private garden or outdoor area. The basement flat would have access to a rear stairwell leading to a very small area, which he felt could feasibly be used for limited storage and to a small upper rear yard that would primarily serve the ground floor flat.

The Inspector observed that the upper rear yard would be significantly reduced in size by the proposed single storey extension to the rear of the ground floor. The yard would be accessed by new doors leading from the proposed kitchen and be approximately 4m by 2.1m. Substantial buildings and walls would enclose the area on three sides which he felt in combination with the orientation of the yard would create a gloomy area of limited recreational value.

In conclusion The Inspector felt that the proposed conversion would not provide sufficient garden and yard space to ensure adequate living conditions for future occupants of the proposed dwellings contrary to the objectives of the Devon Structure Plan and the ELP.

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**Location:** Land adjacent 2A Newcourt Road, Topsham, Exeter, EX3 0BT



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**Reference No:** 07/0735/03

**Proposal:** Detached dwelling, parking, access to highway and associated works.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issues were considered to be the effect of the proposed development on the character and appearance of the area, and the living conditions of the prospective occupiers of the dwelling.

The appeal site comprises vacant land, which was formerly part of the front garden of 2a Newcourt Road, a detached two-storey house. The site is now separated from this property by a brick wall surmounted by close board fencing.

The proposal was for a two-bedroom bungalow with the existing access by the entrance to 2a, to be replaced by a new one at the southwest corner of the site.

The Inspector considered that the proposed bungalow would not appear unduly cramped on the site, however he considered that it would appear to crowd out the property at 2a Newcourt Road and would look incongruous in being sited so close in front of it. He felt the visual harm would make it contrary to ELP Policy DG1.

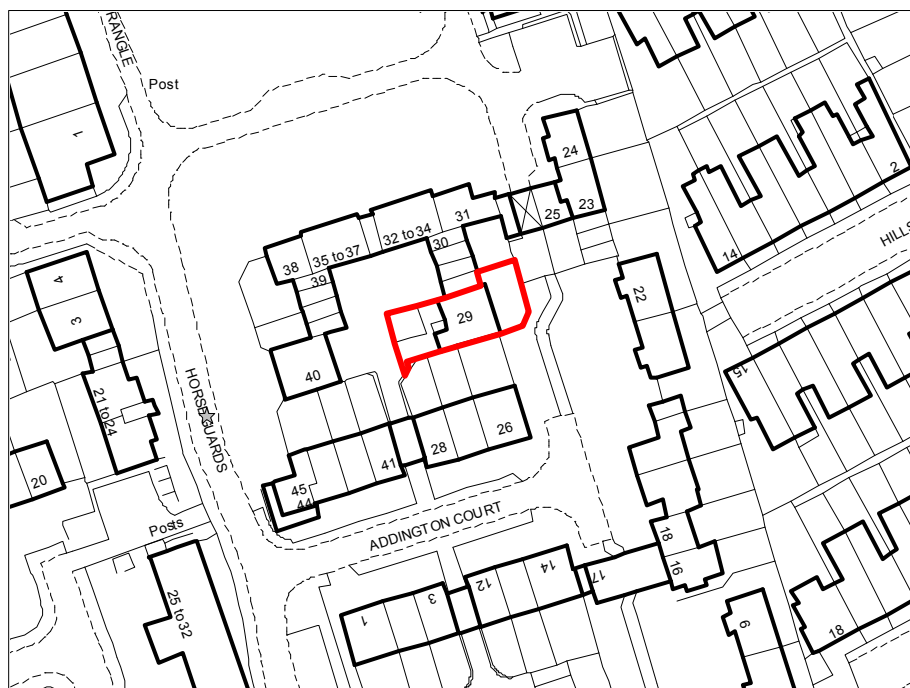
The Inspector considered that noise and disturbance from passing trains would be minimal and acceptable as the branch line is only lightly used with train speeds limited.

He noted that the only part of the curtilage which could be used for private outdoor amenity space would be to the north of the proposed dwelling, since the south and west sides of the garden would be open to public view through the proposed gateway. However, this space would be overlooked by a first-floor bedroom window of no.2a: any screen planting high enough would appear incongruous and would intrude unacceptably into both properties and the space would also be shaded by the proposed dwelling resulting in unacceptable living conditions for the prospective occupiers contrary to the ELP.

In conclusion he felt that the harm that would be caused to the character and appearance of the area by the proposed development and the poor living conditions, which it would offer to prospective occupiers of the dwelling, would be contrary to ELP policies.

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**Location: 29 Addington Court, Horseguards, Exeter, EX4 4UY**



**Reference No:**            **07/0767/03**

**Proposal:** Alterations to garage to provide additional living accommodation  
(RETENTION)

**Application Decision:** Delegated Refusal

**Type of Appeal:**        Written Representations

**Appeal Decision:**       **DISMISSED**

**Grounds:**

The main issue was the effect on traffic and pedestrian safety and the free flow of traffic and whether Condition 24 attached to the planning permission under which the dwelling was originally built is reasonable and necessary. Condition 24 required that the parking facilities provided should be retained and kept permanently available for the parking of cars.

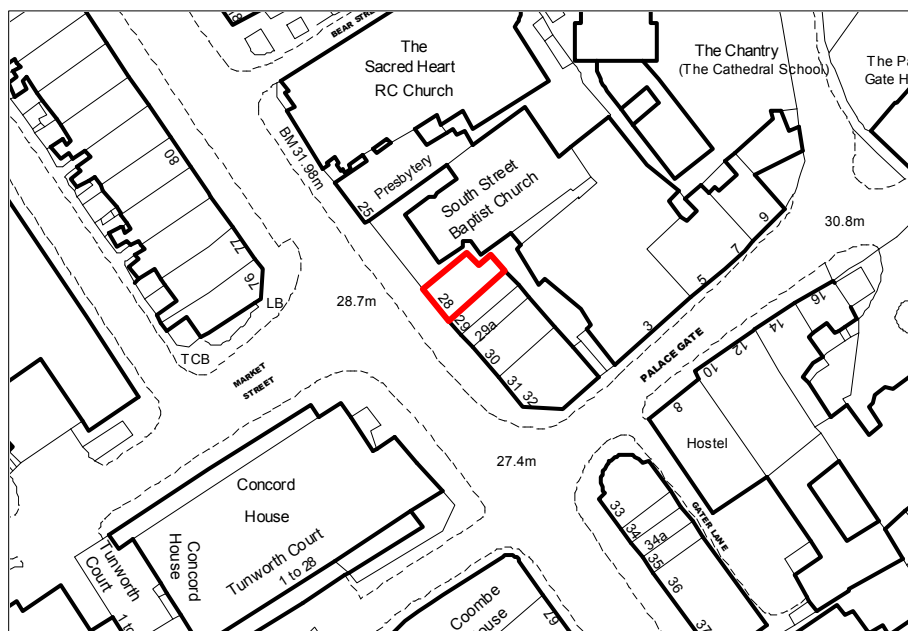
As built, the appeal property had 2 off-street parking spaces, with one in the garage and one outside it. Conversion work had resulted in the loss of one space. The appellants stated that he parks his vehicle on the remaining space. However, the Inspector noted that the work had removed the possibility of another car being parked off-street at the property and that it would not be unlikely for a household of this size to have more than one car, or receive visitors who would arrive by car.

He noted that on street parking around the estate was subject to parking prohibitions and that the limited numbers of off-street visitor parking spaces were almost entirely occupied even during the daytime. Further, the Inspector pointed out that the highway authority had commented that Horseguards was experiencing obstruction of the highway due to on-street parking and that those problems might be exacerbated if this appeal were allowed.

While the Council had approved a similar development at 19 Addington Court, an appeal for a comparable development at 17 Horseguards was dismissed in May 2007 for similar reasons to those above. The Inspector judged that a decision to allow this appeal would not be consistent with that earlier appeal.

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**Location:** 28 South Street, Exeter, EX1 1EB



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**Reference No:** 07/0823/05

**Proposal:** Internally illuminated fascia sign on front elevation and externally illuminated panel sign on side elevation (RETENTION)

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was the effect of the signs on the amenity of the area.

The appeal premises are located in an area of mixed uses and comprise a restaurant on the north east side of South Street, set within a Conservation Area.

The Inspector observed that the ground floor unit, with its fascia obscured by a blind, projects forward of the upper floors to create a first floor balcony enclosed by walls. The wall sign is fixed to the exposed north western side of the balcony with the fascia

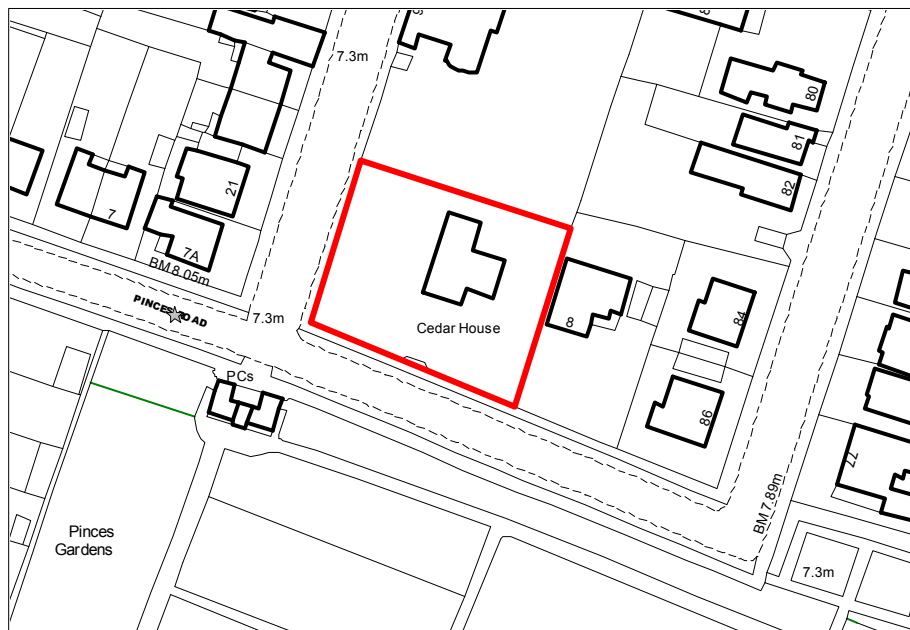
sign projecting directly from the front wall. He felt that both signs appear incongruous additions which are viewed in the residential context of the upper floors rather than as part of the commercial aspect of the ground floor unit.

The Inspector noted that the signs were visible from some distance away and were seen above the level of the adjacent retail units in the same block. He considered that they not only stand out as an unduly intrusive feature in the street scene but also fail to preserve the quality of the Conservation Area and given that they are also illuminated serves only to accentuate their inappropriate siting at night.

He concluded that the display of the signs was detrimental to the interests of the amenity and dismissed the appeal.

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**Location: Cedar House, Pines Road, Exeter, EX2 9EN**



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**Reference No: 07/1041/03**

**Proposal: Installation of solar panels on roof of front elevation.**

**Application Decision: Delegated Refusal**

**Type of Appeal: Written Representations**

**Appeal Decision: DISMISSED**

**Grounds:**

The main issue was the effect of the development upon the character and appearance of Cedar House, Pines Road and the Conservation Area.

The Inspector noted the Princes Square Conservation Area was characterised by a variety of building types, density and designs that cumulatively display an attractive aesthetic rhythm to their general layout mass and form.

Cedar House is a detached two storey dwelling, constructed from brick and slate. It occupies a corner position with generous grounds set behind substantial boundary walls. Due to the characteristics of the site, the lower aspects of the house are not prominent within the street scene although the upper areas are clearly visible from the public domain. The Inspector considered the proposal would add an array of solar panels to the visible roof slope facing Pines Road.

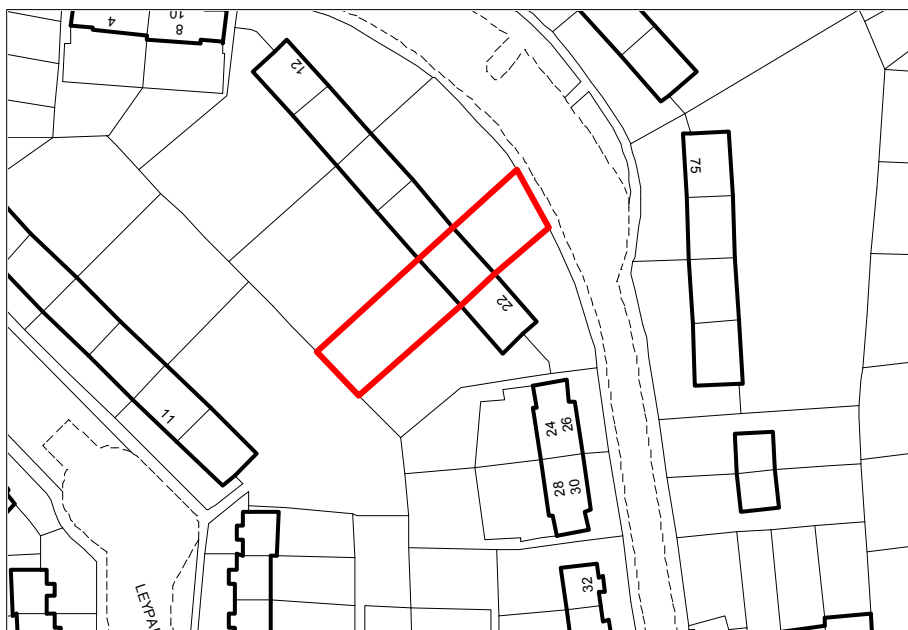
Whilst recognizing that an historic setting is not an insurmountable bar to the use of renewable energy technologies, the Inspector considered the siting of solar panels, due to their form and operational function require careful consideration when proposed for locations such as a Conservation Area.

The Inspector observed that the proposed solar panels would not look like roof lights due to their design, number and position and that even from a distance, they would look modern, functional and relatively large. Without any substantive evidence that a renewable energy benefit would arise from the four panels proposed, he gave overriding weight to the objective of preserving or enhancing the character or appearance of the Conservation Area.

In conclusion the Inspector felt the proposal would be contrary to DSP and ELP policies and dismissed the appeal.

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**Location: 20 Headland Crescent, Exeter, EX1 3NP**



**Reference No:**        **07/1044/03**

**Proposal:** Pergola in front garden.

**Application Decision:** Delegated Refusal

**Type of Appeal:**     Written Representations

**Appeal Decision:**    **DISMISSED**

**Grounds:**

The main issue was the effect of the development on the character and appearance of the surrounding area.

The proposed pergola was to be located in the open front garden of a block of flats; one of a number of similar blocks found on both sides of Headland Crescent. The site is almost central to the block in a prominent position on the inside of the curve of the road and overlooked by the flats opposite which are set back from the road front, contributing to the open character of the area.

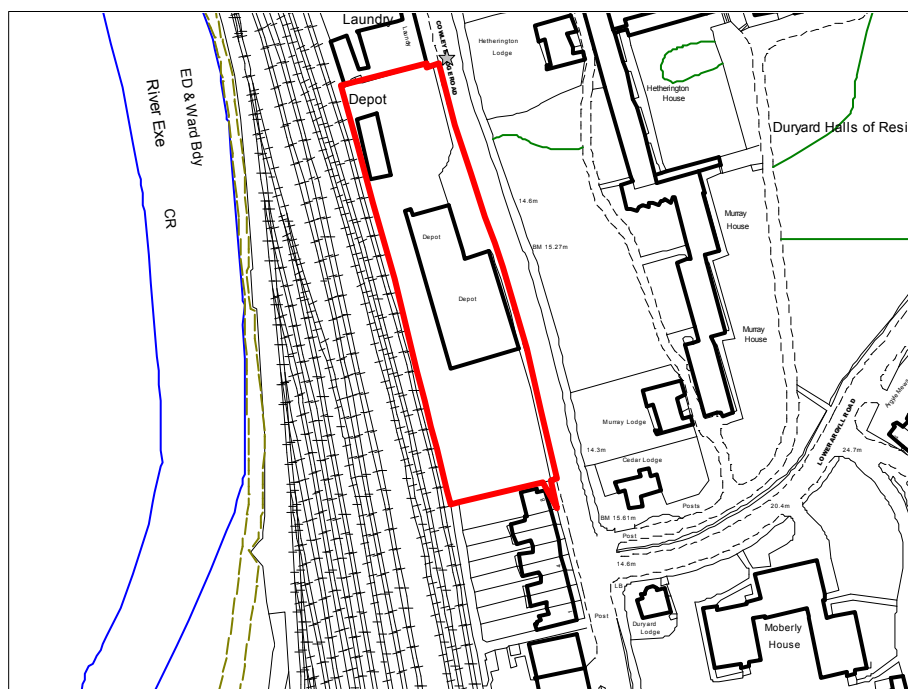
The Inspector observed that there was on road parking at the appeal site with parking bays opposite, and that the site of the proposed pergola would be on a hard standing reported to have been the base of a former electricity substation.

He considered that the provision of a pergola to provide shelter for car parking, or to replace habitat lost to the concreted surface, would present an incongruous element in the street scene. Stating that such a structure was more typically associated with enclosed, private gardens areas he felt the isolated position away from the building and any significant boundary feature would add to the incongruity.

He concluded that the erection of a structure of this type in such a prominent position would result in material harm to the character and appearance of the area and would be contrary to the aims and objectives of the Devon Structure Plan and ELP policies.

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**Location:** Former Bradfords Building Supplies Site, Cowley Bridge Road, EX4 5AD



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**Reference No:** 07/1056/02

**Proposal:** Redevelopment to provide 50 student flats, parking, access to highway and associated works (approval sought of reserved matters on Ref. No. 05/15511/01 granted 6 March 2006) for siting, design, landscaping and external appearance.

**Application Decision:** Committee

**Type of Appeal:** Public Inquiry

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was considered to be the effect of the proposed development on the character and appearance of the surrounding area, including its effect upon the setting of the Riverside Valley Park.

The Inspector noted that the proposed development would have a footprint that would span a significant proportion of this linear site. There would be a considerable 4-

storey component to each building which would be up to 12.5m in height but set back towards the rear of the site. The buildings would be positioned close to the site frontage and would be dominated by the extensive 4 storey elements. When viewed from the street, each building would appear as a continuous built mass. The adjacent dwellings and industrial buildings are positioned close to the street, but they are smaller in scale than the proposed development.

In the Inspector's opinion the scale and massing of the predominantly 4 storey buildings, with moderate setbacks from the highway, would create a dominant and oppressive built form. As such, it would appear as a bulky and cramped form of development, which would be at odds with the more domestic scale and overall character of the area. Although the proposal offered an opportunity to replace the existing utilitarian buildings and to introduce an active frontage along this part of Cowley Bridge Road, the Inspector thought that the monolithic flat roofed structures would appear as vast solid blocks and would be prominent and imposing in the street scene. Furthermore, the detailing of the buildings would reflect, to some extent, the institutional appearance of the demolished Duryard Halls. The small casement windows and bland elevations of each building together with the blank facades of the 3 storey elements would be unattractive and not relate to the surroundings.

The Inspector noted that the Council objected that the development would restrict existing views of the open countryside to the west from Cowley Bridge Road. She agreed that the scale of the buildings proposed and their proximity to each other would effectively enclose Cowley Bridge Road and afford more limited opportunity for views of the countryside and hills beyond.

She found that the proposal would conflict with DSP Policy CO6 and ELP Policies DG1 and DG4.

With regard to the effect upon the setting of the Valley Park, the Inspector noted that there are few public vantage points from the west and whilst the site is visible from St Andrew's Road, these views are filtered and would be largely screened during the summer months. She considered that from a distance the development would be seen in the context of other buildings which rise up across the hillside behind it.

ELP Policy LS1 seeks to prevent development that would harm the landscape setting of the City. Whilst development needs to have regard to its sensitive location, the Inspector considered that the policy referred to inappropriate development within the designated landscape protection areas. Although she considered that this policy would not be breached, she noted that the site is visible to those fishing on the public and private areas of the River Exe as well as those travelling by train, albeit fleetingly. In these close range views, the scale of the buildings, together with their proximity to the boundary of the site and to the open countryside, would result in them appearing prominent and overbearing and this added weight to her conclusions above.

The Inspector acknowledged that the proposal would provide additional student accommodation on previously developed land as sought by ELP Policy H5 and DSP Policy ST1. Also, that the location has been identified as suitable for this purpose in the Council's adopted SPG for *Development Related to the University of Exeter* that

has been subject to public consultation and to which she attached significant weight. Furthermore, the SPG supports increased densities on appropriate sites.

With regard to the proposed provision of cycle storage, LP Policy T3 requires one space per unit. In this case the Council had interpreted units as bed spaces rather than per cluster flat. In the Inspector's opinion, at a ratio of one space per flat the standard was adequately met. She also noted that there were no highway objections to the proposal and that the site is close to the University campus with good access to public transport.

The Inspector considered the appellant's argument that the illustrative plan submitted at outline application stage showed a building with a continuous frontage close to the road. She also considered the appellant's statement that more bed spaces were put forward in the accommodation schedule submitted at the outline application stage. However, she noted that this schedule was indicative only and the outline consent made clear that layout, scale, appearance and landscaping were reserved for subsequent approval.

The Inspector concluded that notwithstanding her findings regarding additional student accommodation, increased densities and cycle storage, the adverse consequences of the proposal described above provided compelling grounds to dismiss the appeal.

### ***Costs application***

At the Inquiry, the appellants made an application for a full award of costs against the City Council.

**DECISION: The application fails and no award of costs is made.**

### **Reasons**

The Inspector considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

In her view, the reasons for refusal set out in the Council's refusal notice and appeal statement explained its objection to the proposal and it was professionally represented at the Inquiry. The Council had objected to the proposal on the basis that it would have an adverse impact upon the character and appearance of the area. The Council explained these objections fully in its evidence, where detail was given about the concerns arising regarding the height, scale, massing and design of the proposed buildings. The case involved planning issues of a subjective nature and in respect of producing relevant evidence to support its decision, she found that the Council had supported its reasons for refusal by reference to the development plan and all other material considerations. The dispute essentially involved a matter of judgement and

she considered that the Council adequately explained its concerns and why it came to its conclusions both in its written evidence and at the Inquiry.

The Inspector noted from the Minutes of the Committee meeting that Members were given a summary of representations from the appellant and that the appellant's agent had the opportunity to address the Committee on the appellant's behalf. Reference was made to the fact that there was a need for student accommodation and that the scheme had been amended to allow gaps through to the Valley Park. Members had sufficient information to enable them to form a balanced assessment in light of the development plan and all other material considerations. They made up their minds having heard the opinion of Council Officers as well as that of the appellant. She considered that the Council did not behave unreasonably in determining the appeal application.

The Inspector concluded that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93 had not been demonstrated. An award of costs was not justified therefore.

#### **APPEALS LODGED**

Application	Proposal	Start date	Received date
126, Woodwater Lane, Exeter, EX2 5AT	Ground floor extension on west elevation and porch on south elevation.	20/12/2007	20/12/2007
Land at junction of Belmmt Road and Western Way, Exeter, EX1	Installation of telecommunications monopole (12.5 high), 3 antennae, 2 equipment cabinets and associated works.	02/01/2008	03/01/2008
12 St. Leonards Road, Exeter, EX2 4LA	Demolition of garage block in rear garden.	04/01/2008	04/01/2008
12 St Leonards Road EX2 4LA	Detached two storey residential annexe accommodation, integral garage and associated works	04/01/2008	04/01/2008
12 St Leonards Road EX2 4LA	Detached two storey residential annexe accommodation, integral cycle store and associated works	04/01/2008	04/01/2008
12 St Leonards Road EX2 4LA	Demolition of garage block in rear garden	04/01/2008	04/01/2008
2 Bazley Square, Exeter, EX1 3QP	First floor front extension	07/01/2008	07/01/2008
Land at the Exe Bridge Centre Carpark, Cowick Street, Exeter, EX4	Installation of telecommunications mono[pole (15m high), 3 antennas, radio equipment housing and ancillary	02/01/2008	07/01/2008

39 Buller Road, Exeter, EX4 1DA	works. Variation of Conditions 2 & 3 for the provision of 4/5 vehicles to be displayed outside 39 BullerRoad ( Ref No 06/2675/03 granted 15 December 2006)	07/01/2008	14/01/2008
21 Howell Road, Exeter, EX4 4LG	Trellis panels (1.8m high) on front boundary (RETENTION)	10/01/2008	14/01/2008
5 Colleton Hill, Exeter, EX2 4AS	Alterations to roof to include dormer windows on front and rear elevations	10/01/2008	21/01/2008
5 Colleton Hill, Exeter, EX2 4AS	External alterations to provide dormer windows on front and rear elevations, internal alterations to walls and provision of staircase.	10/01/2008	21/01/2008
4 Exe Vale Road, Exeter, EX2 6LD	Ground floor rear extension on north east elevation.	14/01/2008	21/01/2008
53 Northernhay Street, Exeter, EX4 3ER	Alterations to include provision of pitched roof, dormer windows on southeast elevation, door, stairs on southwest elevation and windows on northwest elevation.	16/01/2008	22/01/2008
47 Vennybridge, Exeter, EX4 8JX	Dwelling ( layout, scale, appearance and landscaping reserved for future consideration)	23/01/2008	28/01/2008

**RICHARD SHORT  
HEAD OF PLANNING SERVICES  
ECONOMY AND DEVELOPMENT DIRECTORATE**

**Local Government (Access to Information) Act 1985 (as amended)**

**Background papers used in compiling the report: -**

Letters, application files and appeal documents referred to in report.

Available for inspection from: -

Planning Services, Civic Centre, Paris Street, Exeter (01392) 265223

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