

## PLANNING

Date: Monday 7 September 2020

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

During the Corona Virus outbreak, meetings will be held by virtual means. The [live stream can be viewed here](#) at the meeting start time.

### *Membership -*

Councillors Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Morse, Sparkes, Sutton and Wright

## Agenda

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

#### **1 Apologies**

To receive apologies for absence from Committee members.

#### **2 Minutes**

To approve and sign the minutes of the meeting held on 29 June 2020.

(Pages 5 -  
24)

#### **3 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **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.

5 **Petition referred from Council on 21 July 2020 - Save Our Historic Exeter**

To consider the report of the Corporate Manager, Democratic and Civic Support. (Pages 25 - 36)

**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 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).**

6 **Planning Application No. 20/0581/TEL - St Thomas Centre, Cowick Street, Exeter**

To consider the report of the Assistant Service Lead City Development. (Pages 37 - 58)

7 **Planning Application No. 20/0809/TEL - Land at Sidmouth Road, Exeter**

To consider the report of the Assistant Service Lead City Development. (Pages 59 - 70)

8 **Planning Application No. 19/0699/FUL - Land at Hill Barton, Adjacent to the Boundary of the Met Office, Exeter**

To consider the report of the Assistant Service Lead City Development. (Pages 71 - 102)

9 **Planning Application No. 20/0293/FUL - 89 Mount Pleasant Road, Exeter**

To consider the report of the Assistant Service Lead City Development. (Pages 103 - 110)

10 **Planning Application No. 20/0437/FUL - Land To The North East Of Newcourt Road**

To consider the report of the Assistant Service Lead City Development. (Pages 111 - 138)

11 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director (BA).

(Pages  
139 - 174)

12 **Appeals Report**

To consider the report of the Director (BA).

(Pages  
175 - 178)

**Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 12 October 2020** at 5.30 pm.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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**PLANNING COMMITTEE**  
**(HELD AS A VIRTUAL MEETING)**

Monday 29 June 2020

Present:-

Councillor Rachel Lyons (Chair)  
Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon, Sparkes and Sutton

Also Present

Director (BA), Principal Project Manager (Development) (MD), Principal Project Manager (DC), Democratic Services Officer (MD) and Democratic Services Officer

52 **MINUTES**

The minutes of the meeting held on 1 June 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

53 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

54 **PLANNING APPLICATION NO. 20/0581/TEL - ST THOMAS CENTRE, COWICK STREET, EXETER**

The Director (BA) reported that the application had been removed from the agenda to allow the applicant to work with the Council on issues raised by Historic England.

55 **PLANNING APPLICATION NO 15/0640/OUT - ALDENS FARM EAST, LAND BETWEEN CHUDLEIGH ROAD AND DAWLISH ROAD, ALPHINGTON**

The Principal Project Manager (Development) (MD) presented the application for outline planning permission for residential development of up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated landscaping, public open space, drainage and infrastructure with all matters reserved except for access. (*Amended Scheme*)

The Principal Project Manager (Development) advised that, following previous applications from Devon County Council which had been deferred, revised proposals had been received from Redrow Homes at Aldens Farm East and Burrington Estates at Aldens Farm West. The latter application would be reported to the Planning Committee later in the year.

The application for Aldens Farm East comprised revised parameter plans in accordance with urban design principles and the proposal was in line with the principles of the Strategic Allocation. The Principal Project Manager (Development) referred to a series of planning obligations required as part of a Section 106 Agreement. He referred to the objections received from the Alphington Village Forum, notably the reference to the need for community facilities. An updated Transport Assessment had been provided by the applicant.

Responding to Members' queries, he advised that:-

- conditions would include the need to have regard to the 10% policy requirement of public open space, not including the boundary hedgerows;
- the South West Exeter Development Brief was an adopted Supplementary Planning Document and therefore a material consideration although, not all elements within the Brief were necessarily brought forward;
- no approach was made by the Clinical Commissioning Group for health facilities as part of this development;
- the payments due as part of the Section 106 Agreement in respect of the number of dwellings was index linked up to the time payment was made; and
- the site was located adjacent to Alphington Village and therefore there were a number of existing services and facilities close to the site. The site was served by the existing road network, a number of bus services and was located adjacent to an existing pedestrian and cycle path network.

Councillor Atkinson, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- welcome the proposed level of affordable housing of 30%, including 70% social rented to help young families;
- traffic issues are being addressed through the Exeter Transport Strategy which seeks to reduce reliance on the car through encouraging greater bus usage and with the scheduled opening in 2022 of the Marsh Barton Rail Halt;
- recent "pop up" changes in the traffic network as part of the response to Covid-19 will further encourage more cycling and walking and use of public transport;
- the contribution towards transport infrastructure improvements will help towards securing safer access to the developments in South West Exeter;
- welcome the focus on permeability through the site and beyond into the developments in the Teignbridge District as well as the cycle/walking link into the Riverside Valley Park;
- welcome biodiversity provision, more than 10% public open space and linkage to the District Heating system;
- the City Council has previously supported the provision of community facilities in Alphington Village, including the Village Hall; and
- overall, this, and the other developments, are a significant improvement on original proposals.

Councillor Warwick, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- concerns of Exeter residents regarding potential purchasers of new properties as part of a view that the south west would be a safer area in light of the Covid-19 crisis. Providing for social housing for local people and addressing local housing need is therefore a relevant issue and, as such, a 30% provision may be regarded as inadequate;
- reference to a gateway development highlights this area as one which is adjacent to a main commuter route into the city with its associated problems of congestion and pollution;
- the Hydrock 2019 Transport assessment does not fully consider the proximity of the A30 and the M5, nor future traffic arising from the rest of the south west Exeter developments as part of the Bovis, Barrett's and Burlington Barrett estates;
- a condition is needed to minimise construction traffic through Alphington village;
- Highways England have no plans to improve the Devon Motel roundabout;

- insufficient evidence from the County Council on the likely impact of the additional cars from the 234 houses proposed on travel patterns;
- Dawlish Road is effectively a country lane;
- concern that the proposed cycle and walkways will not materialise and, if they do, will lack an integrated approach to other developments; and
- traffic build-up, traffic jams and gridlock have been evident on many occasions, suggesting a need for an independent traffic assessment.

The Highways Development Management Officer advised that the South West Exeter Access Strategy within the South West Exeter Masterplan provided for the delivery of safe and sustainable highway conditions including improved access arrangements onto the A379 and enhanced walking, cycling and public transport provision. These were being brought forward as part of the overall package of housing and community developments in the Teignbridge district. He also stated that the Construction Management Plan would ensure that traffic was directed away from Alphington Village and that, following the previous deferral of the application, Hydrock had provided an updated report.

Mrs Meadowcroft spoke against the application. She raised the following points:-

- in addition to the extremely serious issues around excessive future traffic caused by the massive South West Exeter development comprising 2,500 new houses, the Alphington Village Forum objects to these outline plans on the specific point of the lack of any new community facilities;
- the Hydrock 2019 Transport Assessment produced for the County Council does not fully consider the future traffic arising from the rest of the South West Exeter developments, comprising an additional 1,000 new houses being built on the northern side of the A379. The Temprow 2024 calculations are based on trip rates from a 2011 National Travel Survey and are therefore inaccurate;
- all traffic heading from the A379 towards Exeter on Dawlish and Chudleigh Roads joins Church Road at the church junction, a designated conservation area, and ends in a bottleneck at Alphington Road. This is the junction near Sainsbury's, with more traffic from the A30 joining but is not mentioned in the Hydrock's Manual Traffic Survey;
- there will be six new accesses on to Chudleigh Road and two on to the old Dawlish Road, a narrow country lane regularly blocked at rush hour;
- transport infrastructure enhancements are required for South West Exeter as stated in the Exeter Core Strategy Policy CP19 and regard should be had to the Core Planning Principle of enhancing the natural and local environment;
- there will be an adverse impact on residents' present quality of life;
- the South West Exeter Development Brief produced in 2014 requires an area of 0.11 hectares as a local centre, comprising a site of 0.1 hectare for the future provision of a health centre or doctor's surgery which should be on the eastern side of Chudleigh Road, but has been omitted from the Redrow development;
- the new Local Centre of Matford Barton Garden Neighbourhood Centre although 400 metres away is on the other side of the A379. Few people will be willing to walk or cycle there and carry back all their shopping;
- there are limited parking spaces and dangerous narrow roads; and
- facilities in the village are already over-subscribed, the primary school is full and the surgery has 8,000 registered patients, with lengthy waiting times for appointments.

Responding to a Member, she also remarked that the location of the new school on the other side of the A379 was inappropriate as children from Alphington Village would have to walk across the proposed bridge over the road and extra traffic would occur when parents drove their children to school.

Jenny Miitter spoke in support of the application. She raised the following points:-

- 30% affordable housing, with 70% social rented and 30% intermediate is proposed which is supported by a detailed viability assessment accepted by the Council's independent viability assessor;
- although there had been discussions to increase the affordable housing provision to 35% there was also a request for a substantial education contribution. Redrow had agreed to contribute an additional £1.5 million in education contributions through the Section 106 Agreement. This additional financial burden would impact on the scheme's viability and the ability to provide a policy compliant level of affordable housing which was not achievable. Therefore, the proposed affordable provision should be considered acceptable; and
- the development supports the Council's five year housing land supply position and the imperative to deliver housing growth in line with the plan led system.

She responded as follows to Members' queries:-

- the Section 106 Agreement contributions for traffic improvements are significant;
- a local centre is proposed for the Bovis development in the Teignbridge District and there are adequate shop facilities in Alphington Village; and
- Redrow were guided by the Development Brief which identified the Bovis site as the best for the provision of the new school and agreed a substantial contribution towards the school.

Members expressed the following views:-

- concerned that developments within the boundary of Exeter, both at Alphington and Pinhoe, allied to the other housing developments in the neighbouring authorities of Teignbridge and East Devon, create huge pressures on the infrastructure and existing community facilities and question the overall sustainability going forward;
- proposal fails to meet Council policy of 35% affordable housing provision, does not address need to enhance health or education provision for the Alphington Village area and lacks an archaeological site evaluation and should be re-thought
- additional biodiversity features could be appropriate and a report on noise assessment during and after construction is suggested; and
- developments in this area are being brought forward after prolonged discussions between local authorities seeking to provide the best infrastructure, education and community provision for both Exeter and Teignbridge District and to deliver much needed housing.

The Principal Project Manager (Development) confirmed that the provision of community facilities including education conformed to policy requirements. He advised that the Clinical Commissioning Group were seeking a financial contribution in respect of the Aldens Farm West site but had not made a request in relation to this site.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried.

**RESOLVED** that, subject to the completion of a Section 106 agreement under the Town and Country Planning Act 1990 in respect of affordable housing; district heating; education; financial contribution to highway and public realm improvements and following agreement with the applicant in respect of the pre-commencement

conditions, outline planning permission for residential development of up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated landscaping, public open space, drainage and infrastructure with all matters reserved except for access. (*Amended Scheme*) be **APPROVED**, subject also to the following conditions:-

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (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. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.  
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. *13557-HYD-XX-XX-DR-TP-0006 Rev P01 and 13557-HYD-XX-XX-DR-D-0001 Rev P02*  
Reason: To ensure that an appropriate vehicular access is provided to serve the development.
4. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details contained within the parameter plans (dwg nos epd5978\_d001b; 5978\_d002h; 5978\_d003i & 5978\_d0041i) as modified by other conditions of this consent.  
Reason: In order to ensure compliance with the approved plans.
5. If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.  
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
6. Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority for those works. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

7. Pre-commencement condition: No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
- a) methods to reduce the amount of waste material
  - b) methods to re-use the waste within the development
  - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
  - d) estimated quantities of excavated/demolition materials arising from the site
  - e) evidence that all alternative methods of waste disposal have been considered
  - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

Reason: The development shall be carried out in accordance with the approved statement.

8. Prior to first occupation a Landscape and Ecological Management Plan as recommended by the Ecological Assessment dated November 2019 produced by Tyler Grange which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

Reason – In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site

9. Pre-commencement condition: No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority including for those works:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic

or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Alden's Farm East, Alphington Drainage Strategy Addendum Report (Report Ref. 19035 - A, Rev. A, dated 20<sup>th</sup> March 2020). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

11. Pre-commencement condition No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

12. Pre-commencement condition No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

13. Pre-commencement condition: No development shall take place until details have been submitted and agreed in writing by the Local Planning Authority of how good design principles and best practice measures, as outlined in Chapter 5 of the IAQM/EPUK guidance Land-Use Planning & Development

Control: Planning For Air Quality, will be incorporated to ensure that emissions are fully minimised. The development shall not be occupied until the agreed measures have implemented.

Reason: In the interests of residential amenity.

14. No development shall take place, until a noise quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures have implemented.

Reason: In the interests of residential amenity

15. No part of the development shall be occupied until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity

16. With the exception of the approved removal of the accesses for the site any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of the Arboricultural Survey produced by Advance Arboriculture dated August 2017 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

18. Prior to occupation of the development hereby approved details of provision for nesting birds shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

19. The development shall accord with the recommended mitigation measures as stated within the Ecological Assessment dated November 2019 produced by Tyler Grange unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the existing habitat in relation to the area's bat population.

20. The development shall accord with the recommended mitigation measures as stated within the dormouse mitigation method statement dated December 2012 and reaffirmed in November 2017 produced by EPS Ecology and the Ecological Assessment in November 2019 produced by Tyler Grange unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect and enhance the existing habitat in relation to the area's dormouse population.
21. Unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not viable or feasible to do so, or would unreasonably delay construction the habitable buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.  
Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.
22. The development shall achieve a 19% reduction in CO2 emissions over than necessary to meet the requirements of the 2013 Building Regulations.  
Reason - In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15.
23. No part of the development shall be occupied until a vehicular access onto Dawlish Road and Chudleigh Road with associated visibility splays (subject to the approval of a TRO in consultation with the Local Highway Authority), as indicated in *drawing Number 13557-HYD-XX-XX-DR-TP-0006 Rev P01* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority  
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
24. No part of the development shall be occupied until further details of Pedestrian/Cycle access serving the site, as indicated in *Drawing Number edp5978\_d002h* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and the Local Highway Authority.  
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
25. No part of the development shall be occupied until a 2m footpath adjacent to Chudleigh Road as indicated on *Drawing Number 13557-HYD-XX-XX-DR-D-0001 Rev P02* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and with the Local Highway Authority  
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
26. Prior to first occupation any retaining wall within 5m of public highway, a detailed Approval In Principle for that section of retaining wall shall be submitted and approved in writing by the Local Highway Authority and implemented in accordance those agreed details.

Reason: To ensure the integrity of adjacent structures and land, and to formalise any necessary easements.

27. No more than 150 dwellings shall be occupied until a vehicular route from Chudleigh Road to Dawlish Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

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

Reason: In the interests of highway safety and public amenity

## **Informatives**

1. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
2. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid Commencement Notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).
4. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council

(with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy.

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**PLANNING APPLICATION NO. 18/1145/OUT - LAND EAST OF CUMBERLAND WAY, MONKERTON, EXETER**

The Principal Project Manager (Development) (DC) presented the application for residential development of up to 80 dwellings (All matters reserved except access).

The Principal Project Manager (Development) detailed the location of this 1.88 hectare site to the east of Cumberland Way, Monkerton, bounded by the Tithebarn Link Road to the north and Cumberland Way to the west, referring to a parcel of land between the southern boundary of the site and Hollow Lane transferred to the City Council. Hollow Lane itself formed part of the cycle and footpath system serving the Monkerton area, being a strategic cycleway. The density of residential development was in-line with the Masterplan for the area and the site was part of the Monkerton/Hill Barton Strategic Allocation. The principle of development on this site was acceptable in planning policy and the development was in accordance with the adopted Core Strategy.

Devon County Council Highways raised no objection to the development, subject to a number of planning conditions and clauses within the Section 106 Agreement with the City Council also a party in order to enter into a Footway/Cycleway Agreement to enable the pedestrian/cycle link to Hollow Lane through the Ridge Line Park

The Principal Project Manager (Development) reported a late letter from the owner of Orchard Lea stating that there was no pavement adjoining the property. It was noted that the access details did not go as far as Orchard Lea.

The Highways Development Management Officer advised that the Monkerton Strategic Master Plan had been informed by a Traffic Impact Assessment and that this would have included an impact analysis of this development.

Members expressed the following views:-

- whilst supporting elements of the application being brought forward including the enhancement of the Ridge Line Park, access onto the Tithebarn Lane Link Road, connection to Pinhoe Railway station and the provision for electric co-cars, the overall principle of continued development in the wider area is a concern for local residents; and
- notwithstanding the continuing expansion of the eastern side of Exeter, the development does provide significant contributions for education and transport.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the following:-

- connection to District Heating Facility;
- 35% affordable housing (70% social rent, 30% intermediate);
- Financial contributions towards Devon County Council Education –
  - primary contribution of £134,079 (based on the Department of Education new build rate of £16,019 per pupil). This equates to a primary contribution of £1,675 per dwelling. The contributions will be used towards new primary provision at Monkerton;
  - secondary contribution of £225,142 (based on the Department of Education new build rate of £24,261 per pupil). This equates to a secondary contribution of £2,814 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development;
  - contribution towards Early Years provision of £20,000 (based on a rate of £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early years' provision at Monkerton;
- £500 per dwelling to Devon County Council towards implementing a residential travel plan;
- up to £5,000 contribution to Devon County Council towards relevant traffic regulation orders
- Exeter City Council as landowner will enter into a Footway/Cycleway Agreement as reasonably requested by the County Council to enable the connection to Hollow Lane of the 3m effective width pedestrian/cycle link through Monkerton Ridge Line Park to Hollow Lane from the southern boundary of the application site.

planning permission for a residential development of up to 80 dwellings (All matters reserved except access), be **APPROVED**, subject also to the following conditions:-

1. Standard Time Limits – Outline Planning Permission Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved  
**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
2. Reserved Matters **Pre-commencement condition:** Details of the appearance, landscaping, layout, and scale, (hereinafter called the “reserved matters”) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
**Reason for pre-commencement condition:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
3. Approved Plans The development hereby permitted shall be carried out on the land outlined in red on drawing number P.147/3(12) and shall not be carried out otherwise than in accordance with the plan listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:
  1. Access Junction Details (HBS-DR-C(00)-760 Rev P5)  
**Reason:** To ensure compliance with the approved drawings.

4. Site Access In respect of those matters not reserved for later approval no part of the development hereby approved shall be brought into its intended use until the site access, visibility splays and the vehicular access point, has been provided in accordance with the details as indicated on the following approved plans: Access Junction Details (HBS-DR-C(00)-760 Rev P5).  
**Reason:** To ensure that the means of access to serve the development (which is not a reserved matter) are acceptable from a highway safety perspective and thereby provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy.
5. Pedestrian/Cycleway Through Site  
**Pre-commencement condition:** The reserved matters submissions (required by condition 2) shall show the location, details and specifications (including sections to confirm gradients) of a 3m effective width pedestrian/cycleway from the site access on the northern boundary through the site to the southern boundary linking with the Ridgeline Park (adjacent to Hollow Lane). The pedestrian/cycle route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.  
**Reason for pre-commencement condition:** To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.
6. Tree Survey/Arboricultural Impact Assessment/Tree Protection Plans **Pre-commencement condition:** An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The TPP shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The AIA and TPP will be based on and accompanied by a Tree Survey covering the site of the reserved matters application carried out within the 12 month period preceding the submission of the application. The approved TPP shall be implemented throughout the construction of the development approved by the reserved matters application.  
**Reason for pre-commencement condition:** To protect the trees to be retained on or adjacent to the site of the reserved matters application in accordance with saved Policies LS4 and DG1(c) of the Exeter Local Plan First Review, and the Trees in Relation to Development Supplementary Planning Document (September 2009). These details are required pre-commencement as specified to ensure that the detailed design of the development has full regard to arboricultural impacts.
7. Tree/Hedgerow Protection Measures **Pre-commencement condition:** No materials shall be brought onto the site, no development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with

British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason for pre-commencement condition:** To protect the trees and hedgerows to be retained around the site boundary in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

8. Cycle Parking **Pre-commencement condition:** The reserved matters submissions (required by condition 2) shall show the location and design of secure cycle parking facilities for each dwelling in accordance with the standards set out in the Sustainable Transport Supplementary Planning Document. Prior to the occupation of each dwelling, the cycle parking facilities shall be provided in accordance with the agreed details. The cycle parking facilities for each dwelling shall be retained for that purpose at all times.

**Reason for pre-commencement condition:** To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD. These details are required pre-commencement as specified to ensure that acceptable cycle parking facilities are designed for the site before the development is built.

9. Landscaping Details **Pre-commencement condition:** A detailed landscaping scheme for the site shall be submitted to the Local Planning Authority as part of the submission of reserved matters as required by condition 2. The scheme shall include details of hard and soft landscaping, including all boundary treatments together with a programme of implementation. Where applicable, it shall specify tree and plant species and methods of planting. The development shall be implemented and maintained in accordance with the approved landscaping scheme and programme of implementation. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason for pre-commencement condition:** In the interests of good sustainable design in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable landscaping is designed for the site before the development is built.

10. Acoustic Design Statement **Pre-commencement condition:** An Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional

Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.”

**Reason for pre-commencement condition:** To ensure that the occupiers of the dwellings enjoy an acceptable level of amenity with respect to noise from adjacent roads. These details are required pre-commencement as specified to ensure that any necessary noise mitigation measures are designed for the site before the development is built.

11. Unsuspected Contamination If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
- Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

12. Construction Method Statement **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.
- l) Measures to minimise the impact on the adjacent footpaths and timings of the proposed works.

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

**Reason for pre-commencement condition:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

13. Bird Breeding Season No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

**Reason:** To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

14. Ecological Survey **Pre-commencement condition:** Prior to the commencement of development, an Extended Phase 1 Habitat Survey shall be carried out and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority, unless the Ecological Appraisal (Sunflower International, 16 October 2018) was dated in the preceding three years. The recommendations of the Extended Phase 1 Habitat Survey shall be implemented in full, including any recommended further survey work in which case no development shall take place until the further survey work has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the further surveys shall be implemented in full.

**Reason for pre-commencement condition:** To ensure that the implications of the development on biodiversity are fully understood based on up-to-date survey and any measures necessary to mitigate the impact of the development on protected species are identified and carried out at the appropriate time in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. Natural England's Standing Advice states that Local Planning Authorities can ask for extra surveys to be done as a condition of planning permission for outline or multi-phased developments to make sure protected species aren't affected at each stage. These details are required pre-commencement as specified to ensure that protected species are not killed or otherwise harmed by building operations.

15. Biodiversity Mitigation and Enhancement Plan **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall take into account the mitigation and enhancement assessment of the submitted Ecological Appraisal (Sunflower International, 16 October 2018) and the results of survey required by planning condition 14. Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

**Reason for pre-commencement condition:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

16. S278 Agreement The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including:

1. a raised crossing at the access of the development onto Tithebarn Link Road (shown on drawing number HBS-DR-C(00)-760 Rev P5)
2. a pedestrian/cycleway along site frontage (3m effective width, 3.5m wide) of Tithebarn Link Road/Cumberland Way

The works shall be implemented prior to the occupation/use of the development.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF and CP17 of the ECC Core Strategy

17. Car Parking Provision No dwelling shall be occupied until the associated car parking for the dwelling and access thereto shown on the approved plans of any subsequent reserved matters consent have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

**Reason:** To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

18. Programme of Percolation Tests **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces. If infiltration proves viable then groundwater monitoring will be required (in accordance with Devon County Councils Flood and Coastal Risk Management Teams Groundwater Policy) to demonstrate that infiltration devices will be located at least 1 metre above the highest recorded groundwater level.

**Reason for pre-commencement condition:** To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

19. Detailed Permanent Surface Water Drainage Scheme **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment Addendum (Ref.140276/FRA1/ADD/RevB; dated 6th February 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

**Reason for pre-commencement condition:** To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water

drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

20. Surface Water Drainage Management System (Construction) **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.  
**Reason for pre-commencement condition:** To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.  
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.
21. Adoption and Maintenance Arrangements **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be maintained as approved.  
**Reason for pre-commencement condition:** To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.
22. Archaeological Work **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason for pre-commencement condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

23. Energy and CO2 Emissions **Pre-commencement condition:** Prior to the construction of the dwellings hereby permitted, including construction of the foundations of the dwellings but excluding other site works, the developer shall submit a SAP calculation for the dwellings which demonstrates that a 19% reduction in carbon dioxide emissions from that required to meet the 2013 Building Regulations can be achieved. The measures necessary to achieve this carbon dioxide saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority by a suitably qualified consultant to demonstrate compliance with this condition.  
**Reason for pre-commencement condition:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. These details are required pre-commencement as specified to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.
24. Waste Audit Statement **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.  
**Reason for pre-commencement condition:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

### **Informatives**

1. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
2. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the

Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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

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

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**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Director (BA) was submitted.

**RESOLVED** that the report be noted.

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**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair

## PLANNING COMMITTEE

7 SEPTEMBER 2020

**Petition: Save Our Historic Exeter**

**Report of the Corporate Manager, Democratic & Civic Support**

### **1. What is the report about?**

- 1.1 A petition titled, "Save Our Historic Exeter" was received by the Council on 29 June 2020 and can be [viewed here](#).

The petition had over 4,000 signatures, of which over 2,000 were verified as being from an EX postcode, which, in line with the Council's Petition Scheme, (Appendix 1), lead to the Petition being presented to full Council at its meeting on 21 July 2020. At that meeting, and again in accordance with the Council's petition scheme, the petition organiser spoke for five minutes to explain the reasoning behind the petition, the contents of which were as follows:-

*Exeter is under threat. Exeter's town plan (Local Plan) is out of date.*

*Exeter City Council lacks detailed, up-to-date policies and research to guide its decisions on planning applications. Because of the lack of adequate planning policies, developers can take advantage of the city and in the process destroy the heritage and ancient culture with inappropriate developments.*

**We request that the Council:**

- 1. puts on hold any significant new developments:**
  - a) which affect heritage assets,
  - b) which are not governed by existing policy,
  - c) for which the Council has not conducted a needs assessment until the appropriate research and policies are in place.
- 2. urgently put additional and adequate resource towards research and development of these policies.**
- 3. ensure approval occurs by historic bodies before buildings are validated for public consultation, meaning significant consultation and collaboration takes place with historic organisations.**

**Why do we need new policies?**

*Without adequate policies, backed by in-depth research, city planners have no clear guidelines. Guidelines are crucial. Without guidelines developers are likely to find and use loopholes in planning policy to build what they want.*

**What research and policies do we need?**

1. A housing needs assessment, backed by detailed, in-depth research.
2. Research-backed policies for every kind of development, including co-living.
3. Detailed policies for development in conservation areas including maximum

*heights of buildings.*

*4. Detailed policies for permanent, affordable, sustainable housing.*

*5. Detailed assessment of the need for a range of student accommodations, from affordable to luxury.*

*6. Urgent assessment of infrastructure levies.*

*7. Policies for the protection of green spaces and trees.*

*Without these policies we cannot maintain acceptable standards for dwellings, protect our city's ancient heritage, design a sustainable future or defend the city's green spaces and wild environments. Without up-to-date research, how can we be sure what kind of housing is needed, how much it should cost, where it should be – and where it shouldn't be?*

## **2. Recommendations:**

That the Planning Committee **RECOMMENDS** to Council

- 2.1 That the contents of the petition be noted; and
- 2.2 That the progress being made to ensure robust policies and plans are in place to meet the development demands being placed on the city, be noted and supported.

## **3. Council's Response to the Petition**

- 3.1 During the presentation of the Petition to Council, the Petitioner made reference to a proposed development in the city. The Lord Mayor ruled that any debate of the issue raised in the petition at full Council, could be considered as pre-determination of the proposed development in the city, which would be inappropriate. He therefore referred the Petition to this Committee for consideration, and no debate took place at the Council meeting. (Appendix 2).
- 3.2 The Committee is therefore asked to consider the contents of the petition.

## **4. Officer Responses to the Request and Narrative in the Petition.**

- 4.1 There is a clear existing process and policy framework for determining planning applications and therefore there is no justification to 'put on hold any significant new developments'.
- 4.2 The Council remains committed to ensuring adequate resourcing is available to undertake necessary research, develop new policies and produce a new Exeter Local Plan. This is demonstrated by the recent decision at the last meeting of Executive to recommend to Council the resources to bring forward our Local Plan.
- 4.3 The statutory process for determining any planning application is clear; the views of statutory consultees, such as historic bodies, are sought as part of the decision making process. This process is set out in statute and will continue to be followed.

## 5. Existing Policy Framework:

- 5.1 The Council has a clear policy framework for determining planning applications; this is detailed below.
- 5.2 Exeter City Council has a Statutory Development Plan. This Statutory Development Plan consists of the Core Strategy, saved policies of the Local Plan First Review and the St James Neighbourhood Plan. Devon County Council's Mineral and Waste Plans also form part of Exeter's Statutory Development Plan.
- 5.3 The National Planning Policy Framework (NPPF) also includes up-to-date Government planning policy and is a material consideration in making planning decisions (the NPPF is supported by more detailed guidance in the national Planning Practice Guidance).
- 5.4 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (para 2, NPPF).
- 5.5 The fact that some of our policies are old does not necessarily make them out-of-date for the purposes of determining planning applications. The National Planning Policy Framework states that '*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*' (para 213, NPPF). Furthermore the Government's Planning Practice Guidance states '*Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years....Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.*' (para 064, Planning Practice Guidance).
- 5.6 After a planning application is received we undertake a period of consultation where views on the proposed development can be expressed. As part of this process statutory consultees can provide specialist advice on issues such as heritage, highways impact, flood risk and biodiversity. The comments of statutory consultees must be considered in determining a planning application and such comments can be a material consideration. A statutory or non-statutory consultee may recommend that a planning application be refused but cannot in most cases direct that this happens.
- 5.7 It should be noted that the Council have a statutory duty to determine planning applications. Failure to determine applications will result in applications being appealed against for non-determination; with the result being that the Council could lose all control over development within the city.

## 6. A New Policy Framework

- 6.1 We have an ambitious vision for the future of the City (Exeter City Vision 2040) and are committed to ensure resources are available to deliver this.
- 6.2 **GESP.** We are progressing the Greater Exeter Strategic Plan (GESP) which is being jointly prepared by Exeter, East Devon, Mid Devon and Teignbridge District Councils, alongside Devon County Council. The GESP will:

- set an overall vision and strategy for the area in the context of national and other high level policy and, in particular, climate emergency declarations and the NPPF;
- contain policies and proposals for strategic and cross boundary issues where these are best dealt with at a larger-than-local scale;
- set the overall amount of growth for the period 2020-2040;
- promote the Liveable Exeter vision by allocating urban regeneration sites in the city;
- implement the overall vision and strategy by allocating strategic sites of 500 or more homes which may include urban extensions and new settlements; and
- provide districts' local plans with targets for non-strategic development.

Significant evidence has been produced and published and is available to view on the [GESP website](#)

A report on the latest progress of the GESP, was presented to the Executive on 7 July 2020, where the Council committed its continuing support to the GESP project.

6.3. The latest [Housing Needs Assessment](#) for the Greater Exeter area was published in May 2020. This contains an assessment of overall housing need across Greater Exeter (of which the need in Exeter is currently 638 homes per year). It also assesses demand on a Greater Exeter-wide basis for affordable housing, private rented housing, self-build housing, purpose built student accommodation, gypsy and traveller accommodation, service families housing, homes for older people and homes for people with accessibility needs.

6.4. **Exeter Local Plan.** The Council is also committed to producing a new Exeter Local Plan. The Exeter Local Plan will conform with the Greater Exeter Strategic Plan (GESP) and will supplement its contents by:

- allocating land for new development;
- designating land for protection or safeguarding and identifying land where specific policies apply;
- containing 'development management' policies that will be used to determine whether planning applications submitted to the Council should be granted planning permission; and
- including other policies and proposals as necessary.

At Executive on the 7 July Members recommended that Council approve the allocation of funding required for the evidence requirements associated with bringing forward the Exeter Local Plan.

In the event that the GESP does not proceed for any reason, the Council will focus on the development of the Exeter Local Plan.

The Council is currently reviewing our Community Infrastructure Levy Charging Schedule, due for completion in autumn which will also necessitate/be accompanied by a review of our Planning Obligations SPD (see: <https://exeter.gov.uk/planning-services/planning-policy/supplementary-planning-documents/planning-obligations-spd/>)

## 7. Next Steps

7.1 Once Planning Committee Members have had an opportunity to consider the substance of the petition, a summary of their debate and findings will be reported back to the Council and to the petitioner.

Report Author : John Street – Corporate Manager, Democratic and Civic Support

**Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

Petition received on 29 June 2020  
Council agenda and minutes 21 July 2020  
Council Petition Scheme

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275

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### Petitions - Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns. People have the right to submit a petition to the Council about issues that we have responsibility for, or that are of major significance or general concern affecting the city.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow these guidelines, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Paper petitions can be sent to:

Corporate Manager Democratic & Civic Support  
Exeter City Council  
Civic Centre  
Paris Street  
Exeter  
EX1 1JN

E-petitions can be created, signed and submitted online by following this link:  
[www.exeter.gov.uk/epetitions](http://www.exeter.gov.uk/epetitions)

Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis, dates and times can be found here:  
[www.exeter.gov.uk/committeescalendar](http://www.exeter.gov.uk/committeescalendar).

If you would like to present your petition to the Council yourself, please contact the Corporate Manager Democratic/Civic Support, email:  
[committee.services@exeter.gov.uk](mailto:committee.services@exeter.gov.uk) or tel: 01392 265106.

If you would like your Councillor to present it on your behalf, please contact your Local Councillor direct (contact details at [www.exeter.gov.uk/councillors](http://www.exeter.gov.uk/councillors) ) at least 5 working days before the meeting and they will talk you through the process.

### What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition;  
What action the petitioners wish the council to take
- The name and address and signature of any person supporting the petition

Petitions should also include the contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the

website. If the petition does not identify a petition organiser, we will contact the first signatory on the petition to act as the petition organiser.

## Who can sign a petition?

A petition can be signed by a person of any age who lives, works or studies in Exeter City, including under-18's. The petition can only be signed once. The list of signatures will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

## What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our [petition page](#) on the Council website.

If we can do what your petition asks for, the acknowledgment may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate (see below), or a Portfolio Holder or senior officer to speak on the matter at Council or Scrutiny Committee, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application; is a statutory petition (for example requesting a referendum on having an elected mayor); or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, those other procedures will apply.

To ensure that people know what we are doing in response to the petitions received the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

## How many names should be on the Petition?

There is no maximum number of names on a petition. On average the Council would expect the minimum to be 20, however this depends on the particular issue. If less than 20 names are on a petition, the petition will be treated as a letter and you will receive a response within 10 working days.

If a petition with between 20 and 750 signatures is submitted to the Council this will be referred to the relevant committee.

If the petition contains at least 750 signatures, the relevant Portfolio Holder or relevant senior officer will address a meeting of the council's relevant committee which is open to the public. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of this committee or a committee member by contacting democratic services on 01392 265275 or [committee.services@exeter.gov.uk](mailto:committee.services@exeter.gov.uk) up to three working days before the meeting.

If the petition contains more than 2,000 signatures it will be debated by the full Council, unless it's a petition asking for a Portfolio Holder or senior council officer to

(Amended February 2020)

give evidence at a meeting open to the public. This means that the issue raised in the petition will be discussed at a council meeting which all Councilor's can attend. The petition organiser will be given five minutes to present the petition at the council meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. We will decide how to respond to the petition at this meeting. We may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant scrutiny committee. The petition organiser will receive confirmation of this decision. This confirmation will also be published on our website.

## How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an inquiry
- Holding a meeting open to the public
- Commissioning research
- A written response to the petition organiser setting out the Council's views on the request in the petition
- Referring the petition to the Council's scrutiny committees\*
- Referring the petition to another organisation/partner

\*Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Executive – in other words, the Scrutiny Committees have the power to hold the Council's decision-makers to account.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will aim to pass the views expressed on to the relevant body. If the Council wish to comment on a petition, a scrutiny committee may decide to debate the issue and forward their comments to the relevant body.

The council works with a large number of local partners through the [Exeter Vision Partnership](#) and where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if the action called for by the petition conflicts with council policy), then we will set out the reasons for this to you. More information on the services for which the council is responsible can be found at here [www.exeter.gov.uk](http://www.exeter.gov.uk)

If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council. In any event we will always notify you of the action we have taken.

## E-petitions

The council welcomes e-petitions, which collect signatures online. An e-petition can be created and submitted through the [e-petition](#) page on the council website. E-petitions must follow the same [guidelines](#) as paper petitions. The petition organiser will need to provide the council with their name, postal address and email address.

(Amended February 2020)

The petition organiser will also need to decide how long the petition will be open for signatures. This may range from a few weeks to a maximum of 12 months.

After creation of an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish the petition for some reason, we will contact the petition organiser within this time to explain. The petition organiser will be able to change and resubmit the petition if they wish. If this is not done within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Corporate Manager Democratic/Civic Support. In the same way as a paper petition and an acknowledgement will be received within 14 days. If the petition organiser would like to present the e-petition to a meeting of the Council they should please contact the Corporate Manager Democratic/Civic Support by emailing [committee.services@exeter.gov.uk](mailto:committee.services@exeter.gov.uk) or tel: 01392 265106, within five days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The response will also be published on the council's website.

## How do I 'sign' an e-petition?

All the e-petitions currently available for signature can be viewed here [www.exeter.gov.uk/epetitions](http://www.exeter.gov.uk/epetitions)

When an e-petition is signed the person will be asked to provide his/her name, postcode and a valid email address. Once this information is submitted an email will be sent to the email address. This email will include a link which must be clicked on in order to confirm the email address is valid. Once this step is complete the signature will be added to the petition. People visiting the e-petition will be able to see the name in the list of those who have signed it, but the contact details will not be visible.

## What if I feel my petition has not been dealt with properly?

If you feel that the Council has not dealt with your petition properly, the petition organiser has the right to request that a relevant scrutiny committee review the steps that the Council has taken in response to your petition.

The committee will consider your request at its next meeting which will normally be within three months of receiving it. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

**COUNCIL**  
**(HELD AS A VIRTUAL MEETING)**

**MINUTE EXTRACT**

21 July 2020

**Present:-**

The Right Worshipful the Lord Mayor Councillor Peter Holland (Lord Mayor)  
Councillor Mrs Yolonda Henson (Deputy Lord Mayor)  
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford, Harvey, Henson, D, Lamb, Leadbetter, Lyons, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Packham, Pattison, Pearson, Martin, A, Quance, I, Sheldon, Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

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**PETITION - SAVE OUR HISTORIC EXETER**

The Lord Mayor invited Andy Robinson, the petition organiser, to present a petition of 2,081 signatories on “Save Our Historic Exeter”.

Mr Robinson stated that:-

- more than 4,200 people have signed a petition titled “Please help us stop developers destroying the city centre” with more than 2,000 having also signed from the EX area which is why this petition qualifies for discussion here;
- the petition asks Exeter City Council to put on hold any significant new developments that effect heritage assets that are not governed by existing policy and for which the City Council has not conducted a needs assessment until the appropriate research and policies are in place;
- it also asks that the Council urgently puts additional resources into the research and development of these polices and to ensure that the approval of historic bodies is gained before buildings are validated for public consultation;
- these policies are needed as, without them, developers will find it far easier to build something that maximises their own profits at the expense of the city, its heritage and citizens;
- the research and policies that are needed are a Housing Needs Assessment, backed by detailed in depth research, research backed policies for every kind of development, including co-living, detailed policies for development in conservation areas including maximum height and mass of buildings, detailed policies for permanent, affordable, sustainable housing and a detailed assessment of the need for a range of student accommodation from affordable to luxury, urgent assessment of infrastructure levies and policies for the protection of green spaces and trees;
- during the process of the Harlequins planning application, it became clear to Exeter residents that there are huge gaps in planning policy and we have seen many buildings going up without any respect for historic Exeter,

bringing no public benefit and only benefiting investors who are, in most cases, not based in our city and many not even in the UK. Developers have money to pay for the historic assessments, light surveys, noise surveys and sustainability surveys and Exeter City Council, it seems, does not have the resources to give them proper scrutiny;

- developers' claims and conclusions therefore have to be taken at face value and, inevitably, what is proposed is overwhelmingly about profit. It is not concerned about protecting Exeter, its heritage and its long term vision and it certainly is not about benefitting the people who live here;
- thousands of people who signed the petition want to say – "Stop and find out what is needed, find out what is wanted, create policies to take control of what is allowed and what is not, listen to the people who live and work here and those who visit. We have a right to influence our own environment and we expect it to be improved and not destroyed. Do not build more short term developments that make money for those who already have it and brings nothing to those who have real needs";
- the city's prime real estate should be used to create structures with flair and imagination, with world class architecture and visionary thinking worthy of a historically important city;
- it is believed that the Council lacks the resources to deal with the threat of international developers taking advantage of poor polices, so applications in the pipeline should be put on hold where there is not enough independent evidence or information about whether these developments are actually needed or coherent with the Local Plan;
- in respect of co-living, Manchester has quickly responded with a report saying that it will not support it as a response to the housing crisis. There are at least two applications of co-living pending in Exeter but no report into the issue;
- it is assumed that the Council has detailed evidence that co-living will work in Exeter, evidence which should be shared; and
- with a petition of over 4,000, with support on Facebook, it is requested that a group of Exeter residents, historians and local business representatives from Save Our Historic Exeter be formed to be kept up to date on the activities associated with this debate.

The Lord Mayor thanked Mr Robinson for clarifying that there were only 2,081 signatories with an Exeter postcode. The Lord Mayor stated that it was not appropriate for the Council to debate the petition due to the reference to the live Harlequins planning application and proposed that the petition be referred to the Planning Committee in accordance with the Council's petition scheme. The proposal was supported.

The Lord Mayor thanked Mr Robinson for the presentation.

**RESOLVED** that the petition be referred to the Planning Committee.

# Agenda Item 6

**COMMITTEE DATE:** 7th September 2020

<b><u>APPLICATION NO:</u></b>	20/0581/TEL
<b><u>APPLICANT:</u></b>	WHP Telecoms Ltd and Hutchison 3G UK Ltd
<b><u>LOCATION:</u></b>	St Thomas Centre, Cowick Street, Exeter
<b><u>PROPOSAL:</u></b>	Installation of 15m high 5G telecommunication monopole with cabinet at base and associated ancillary works.
<b><u>REGISTRATION DATE:</u></b>	13 <sup>th</sup> May 2020
<b><u>RELATED DOCUMENTS:</u></b>	<a href="http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QA9XOIHBHM200">http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QA9XOIHBHM200</a>

## **DESCRIPTION OF SITE/PROPOSAL**

The application site is part of an area of vegetation beside the St Thomas Shopping centre, on Cowick Street, which also includes a busy bus stop. A number of trees and street lights (approximately 10m tall) are in the vicinity. To the north east of the site is the railway viaduct of St Thomas Station. Following concerns raised by Highways that the site would cause a pinch point on a busy footway, the mast has been moved to an area of vegetation, located between two trees, and moved closer to the Buller Road and Cecil Road junction.

The site is within the Cowick Street Conservation Area, with nearby listed buildings including part of St Thomas railway station, 35-54 Cowick Street and St Thomas Church.

The area is allocated in the Local Plan as a District Centre.

The application is for prior notification, considering siting and appearance, initially submitted for the installation of a 20m high 5G telecommunication monopole with cabinet at base and associated ancillary works. The application was deferred at the June committee following comments received from Historic England. The agent has subsequently submitted photomontages, a design and heritage statement and has reduced the height to 15m.

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

Technical information including safety certification.

Supporting statement outlining the justification of the site and reasons for ruling out other sites.

The proposal is required due to acute capacity issues and will facilitate significantly improved 5G in areas that have started to gain this service and newly introduce it to the areas that have not gained this level of connectivity yet.

As with all 5G cells this is an extremely constrained cell search area, with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this

locale. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward.

Discounted locations include:

- Poundland, Cowick Street, discounted due to International Commission on Non-Ionizing Radiation Protection (ICNIRP) concerns.
- Farmers Friend, Cowick Street, discounted due to being in close proximity to railway tracks/ Bridge.
- Cowick Street - E: 291315, N: 091919. Discounted due to being in close proximity to listed buildings.

The proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing street furniture, having similar vertical lines and overall appearance to the numerous street lighting columns in this area.

A design and heritage justification assessment has also been submitted.

- The height of the monopole has been reduced to give greater appreciation to the character of the conservation areas and subsequent listed buildings in the wider area of the site.
- The area is predominantly commercial/retail in nature and there are no listed buildings to the rear or opposite the proposal site. The proposal is not within view of St Thomas Church or Exeter Cathedral, given that these heritage assets are over 400m from the site it is assumed that the impact on the character of these specific buildings is negligible.
- 35-27 Cowick Street is the nearest listed building to the site, and only side-on views of the proposal will be visible from the Grade II Listed Building It is recognised that the building is of importance and the development should respect the buildings influence on the character of the area.
- The colours and materials chosen look to replicate those of the existing tall street furniture in order to maintain the character of Cowick Street Conservation Area.

## **REPRESENTATIONS**

A total of 300 objections have been received, with around half being received from Exeter residents.

Issues raised:

- Safety concerns
- Perception of health risks - the mast will cause fear and anxiety in the local community due to concerns over health impacts
- Fear and anxiety will result in people avoiding the area, including shops and businesses
- Concerns about the proximity to schools, play schools and nursery
- Further research should be done and application put on hold
- Glastonbury council invoked the precautionary principle to halt the rollout of 5G
- Bath council have already declined planning applications until an independent investigation has been undertaken into the harmful effects
- Countries and cities around the world have completely halted or postponed the roll out of 5G until its safety has been firmly established
- Precautionary principle should be applied
- Devon County Council are looking at risk of 5G but have not yet formed 5G policy
- Exeter City Council consultation has not published its results

- Potential impact on trees. The installation should include future provision that the trees in the area are not cut down and will be replaced if they die.
- Potential ecological impact
- 5G works in a short range, so further masts will be needed for it to work
- 4G provides adequate service
- Depreciation in the value of neighbouring properties
- It will use a vast amount of electricity, which does not conform to the Devon Carbon Plan
- Impact on outside sitting areas, and busy bus stop
- Visual impact due to height of mast on local area
- Impact on historic buildings
- Detracts from the character and appearance of the conservation area
- Impact on views
- Impact on residential amenity

Twelve representations of support. Issues raised:

- Crucial IT Digital Infrastructure for the benefit of the City of Exeter, for St Thomas both for business and residential use.
- Don't listen to the unscientific anti-5G lobby.
- The Cowick St Shopping Centre is not an attractive area so this will not make the area any worse

## **CONSULTATIONS**

### Historic England 26<sup>th</sup> June

The introduction of a 20m Monopole into Cowick Street Conservation Area could be harmful. This is through the erosion of the relationship between this historic route into Exeter and views of the Cathedral's towers which characterise Exeter's distinctive skyline. In our view, the council should identify alternative sites, if the proposed development interrupts the views of the cathedral's towers along Cowick Street.

### *Significance of the surrounding heritage assets*

Cowick Street forms a historic route into Exeter providing access to the lowest bridging point of the river Exe, an important component of Exeter's historic transport network. Views of the cathedral's towers are visible along Cowick Street, signally the visitor's approach to the city through its distinctive skyline.

Exeter's developed as a strategic centre due to its elevated location and good transport links. As the settlement grew in status, it also developed into a spiritual centre, resulting in the construction of Exeter Cathedral. The cathedral is a clear landmark. The two Norman towers are distinctive and recognisable, characterising the skyline of the city. Consequently, the cathedral's stature, prominence and age contribute to its grade I listed status.

As Exeter, established itself as the regional centre, this had a subsequent impact on its surroundings. Cowick Street grew as a linear ribbon development between the bridge and the grade I listed Church of St Thomas. Although subsumed by the 19th century expansion of Exeter, Cowick Street retained a distinctive character as a small commercial centre serving the surrounding domestic properties. This allowed it to remain a focus west of the river, independent of the city. It has continued to retain its function as a main route to and from the city. This connection is emphasised by views of Exeter's distinctive skyline, dominated by the cathedral's towers and providing a sense of arrival to visitors as they approach. Due in part to its

importance in the evolution of Exeter and its survival as a historic route into the city, Cowick Street has been designated a conservation area.

*Impact of the development on the affected heritage assets*

The 20m Monopole has the potential to adversely affect the conservation area. Its introduction could appear overly conspicuous against the domestic scale of the surrounding buildings, as well as interrupting views of the cathedral from along the road.

The pole would be significantly taller than any of the surrounding properties that characterise the area other than the church tower, which has a recessive character being set back into its site. Furthermore, due to the scale and the relative bulk of the pole, in comparison to street lights, there is a strong potential that the structure could encroach into views of the cathedral, eroding its sense of primacy and the visual appreciation of the city on the approach along a principal historic route.

*Relevant Policy*

The council should be confident that they have sufficient information by which to assess the impact of the proposal on the significance of the affected heritage assets (Para 189, NPPF). Furthermore, if any conflict is identified between the heritage assets and the proposals, the council should look for ways to avoid and minimise that impact (Para 190, NPPF).

*Historic England's Position*

We consider that visualisation should be provided to enable appropriate assessment of the development's impact on the historic environment. This is with particular respect to the historic visual connection between Cowick Road and the cathedral (Para 189, NPPF).

If the new monopole structure obstructed view of the cathedral along Cowick Street, this would erode the status of the cathedral within Exeter's skyline, diminish the experience on the approach to the city along Cowick Street and consequently, reduce the appreciation of Cowick Street as one of the historic approaches to the city of Exeter.

Due to the potential sensitivity of the development site, we would question whether alternative locations in less sensitive areas had been considered. This would enable the same benefits to be provided while avoiding the identified impact.

*Recommendation*

Historic England has concerns regarding the application on heritage grounds.

The council should ensure they have sufficient information by which to assess the impact of the proposal on the conservation area and the primacy of the Cathedral along Exeter's skyline.

If any adverse impact is identified, then the council in consultation with their heritage specialist should explore with the applicant alternative sites. This should seek to avoid and minimise the impact identified on the conservation area and its visual relationship with the cathedral.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Historic England – comments on additional information 20<sup>th</sup> August

The photomontages demonstrate that the reduction in height of the column from 20m to 15m will reduce the impact of the monopole in views of the grade I listed Cathedral along Cowick Street. This is due to the visual impact appearing more in line with that of existing tall structures,

such as street lights etc. along the road.

The proposed amendments have minimised the visual impact of the scheme on the Cathedral (Para 190, NPPF). If the council is satisfied that the works have been justified (Para 194, NPPF), then the reduced impact will need to be considered as part of the wider planning balance of the application (Para 196, NPPF).

#### Principal Project Manager (Heritage)

As the proposed location is on the border of the Conservation Area and not in the immediate vicinity of listed buildings, this reduces the potential impact. He requested photomontages, to assess the visual impact, which would require more than one view.

#### Devon County Council Highways

The Highway Authority raised concerns with the initial plans regarding the location of the telecommunication mast and cabinets. The location of these protruded into the footway reducing footway width, creating a pinch-point where the footway is already reduced by the bus stop layby – as such this would be contrary to paragraph 110 of the NPPF, which advises that unnecessary street clutter creating conflict with pedestrians should be avoided.

However, revised drawings show that all of the equipment is behind the existing footway within the “vegetation” between the footway and the car park; therefore, the thoroughfare for pedestrians are as per existing and no objection can be formed.

The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to undertaking any work on the highway. In particular, the provision of Section 171 of the Highways Act 1980 will be of concern.

Finally, the proposals will require construction work adjacent in a sensitive area of the highway, where there is a busy area for pedestrians and is directly adjacent to a bus stop. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this.

No objection, subject to the revised plans and the recommended condition.

#### Network Rail

Network Rail have commented that they have no objection in principle to the proposal but due to the proposal being next to Network Rail land and infrastructure, to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, the applicant must follow Network Rail standard NR/L2/TEL/30066 for 3<sup>rd</sup> party transmitters to confirm no interference with signalling and telecoms infrastructure.

#### Wales and West Utilities

Provide details of a gas pipe in close proximity to the site.

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

Devon and Cornwall Police - Designing Out Crime Officer

I have no objection to the proposal. The location is well overlooked with a good level of footfall providing informal surveillance. The area is well lit and covered by CCTV which should aid in the prevention/detection of crime. As with all such proposals, the monopole and cabinets should be vandal resistant and consideration should be given to the installation of a monitored alarm that notifies an appropriate operator / receiving centre of unauthorised access.

I understand that the monopole and cabinets are fitted with fail-safes should they be damaged and painted with durable paint should they be graffitied. An anti-graffiti coating could be considered.

**PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance  
National Planning Policy Framework 2019

Exeter Local Development Framework Core Strategy  
CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011  
C1 – Conservation areas  
C2 – Listed buildings  
EN7 – Telecommunications  
DG1 – Objectives of urban design

Exeter City Council Development Delivery DPD 2015  
DD6 – Communication Networks  
DD25 – Design Principles  
DD28 – Heritage Assets

Conservation Area Appraisals and Management Plans  
Cowick Street 2004

Summary of policy on telecommunications

Paragraph 112 of the NPPF supports the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

Paragraph 113 - Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 116 - Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Local Plan Policy EN7 states development of telecommunications equipment will be permitted, provided that: a) the siting and design of apparatus and antenna will minimise their visual impact and their impact on amenity; and b) there are no practicable alternatives such as re-siting or mast sharing.

Policy DD6 states telecommunications development will be permitted provided that:

- a) the siting and design of the equipment will minimise visual impact and impact on amenity;
- b) the development does not have any unacceptable adverse impact on any area or site of historic, conservation, archaeological, landscape or biodiversity importance; and,
- c) the operator has investigated the availability, benefits and impacts of alternative sites and developments, including mast or site sharing, and has demonstrated that there are no practicable alternatives.

### **OBSERVATIONS**

This is not a planning application. The development is permitted by The Town and Country Planning General Permitted Development Order. The only considerations in the determination of this prior approval application relate to the **siting** and **appearance** of the proposed development. The decision options are:

- Prior Approval of siting and appearance is not required;
- Prior Approval of siting and appearance is required and is granted;
- Prior Approval of siting and appearance is required and is refused (with clear reasons for refusal relating only to siting and appearance); or,
- Deemed consent if a decision is not made within the time limit of 56 days or an agreed extension of time. This prior approval application will be granted deemed consent if a decision is not made before 9<sup>th</sup> September 2020.

### **Legal advice**

The introduction of 5G is a controversial topic throughout the country, with many campaigners claiming the technology is unproven and potentially hazardous to health. The government of the United Kingdom and Public Health England have provided reports and guidance to state that 5G is safe and that there are no public health grounds for 5G installation to be refused.

### **Legislation for the installation of 5G apparatus**

The installation of a mobile phone mast would count as development and would normally require a full application for planning permission. However, designated mobile network operators have certain permitted development rights, which means that they can build prescribed infrastructure without having to apply for planning permission from the local planning authority. "Prior approval" from the local planning authority regarding the siting and appearance of the development is required in certain circumstances; for example, all new ground-based masts require prior approval.

### **Determination of Prior Approval Applications**

A mobile network operator may submit an application for prior approval under the General Permitted Development Order (Part 16 of Schedule 2 of the GPDO 2016). The Order grants approval of the principle of the development as permitted development but requires operators to obtain the prior approval from the LPA to the siting and appearance of the items to be installed, in addition to providing the 'necessary evidence' set out in NPPF Chapter 10 Section 115, including a statement that self-certifies that, when operational, International Commission guidelines will be met.

The factors which can be considered in relation to appearance as part of the prior approval process include:

- design, form, shape and dimensions
- colour and materials,

- whether there are more suitable sites for the proposed works.

The factors which can be considered concerning siting include:

- height of the site in relation to surrounding ground
- existing topographical features and natural vegetation
- the effect on the skyline or horizon
- the site when observed from any side
- the site in relation to areas designated for scenic value
- the site in relation to existing masts,
- the site in relation to residential properties

It is therefore clear that the considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited and do not include issues of public health.

#### Health impacts of 5G

The International Commission on Non-Ionizing Radiation Protection is a charitable body of independent scientific experts established by the International Radiation Protection Association whose principal aim is to disseminate information and advice on the potential health hazard of exposure to non-ionising radiation including electromagnetic fields. This organisation has produced guidelines for emissions from masts that are now used to determine the acceptability of emissions from such equipment.

In addition, the Health and Safety Executive has adopted policies on phone masts in particular, and radio wave safety in general, which are guided by organisations such as the World Health Organisation, the International Commission on Non-Ionizing Radiation Protection and the Health Protection Agency. A great deal of research has been, and continues to be undertaken on the health implications of masts. The weight of international evidence reviewed by these expert organisations indicates that there is no evidence of a direct link of harm or ill health from working or living close to phone masts.

In 2000 the UK Government commissioned the Independent Expert Group on Mobile Phones (IEGMP) chaired by Professor Sir William Stewart, to conduct a review of the possible health effects from the use of mobile phones, base stations and transmitters. It concluded that:

“The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of international guidelines”.

The rollout of 5G has again raised concerns regarding public health associated with telecommunication equipment and the implementation of electromagnetic fields. These concerns from the public resulted in a Parliament and Government petition calling for an independent inquiry into the health risks of 5G. Public Health England (PHE) updated its advice as a result. This states that international and UK expert groups have examined the evidence and “it is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.” PHE continues it’s monitoring of health related evidence on radio waves, and will update its advice as required.

### The Glastonbury Town Council Report

The 5G Advisory Committee, formed by Glastonbury Town Council (GTC), has concluded a report with supplementary materials, both dated April 2020. Its recommendations refer to: writing to identified MPs (requesting that they establish a Select Committee or Committee Inquiry into the safety or otherwise of 5G technology); writing to Public Health England and the UK Government (requesting inter alia an independent scientific study); and lobbying ICNIRP (to take into account the non-thermal effects of radiofrequency EMFs in their Guidelines on Limiting Exposure to Electromagnetic Fields).

The GTC Report's recommendations do not include the refusal of applications for planning permission or prior approval based on its findings to date. They are aimed instead at securing further research and consideration with a view to changing government policy. It is important that the significance and limitations of the GTC Report should be understood. It is also important to note that GTC is not a local planning authority.

### The Precautionary Principle

The GTC Report makes reference to the Precautionary Principle, which is defined on the European Parliament website and states:

*'The precautionary principle enables decision-makers to adopt precautionary measures when scientific evidence about an environmental or human health hazard is uncertain and the stakes are high'*

Whilst the Precautionary Principle is an overarching principle relating to health concerns, it has no place in the consideration of this matter since the issues for determination are clearly set out by the legislative framework and in particular the Order. The health considerations relating to this type of development have been considered by the Government in developing permitted development rights which is reflected in the requirement for a certificate to accompany the application certifying that Radio Frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) has been met. Such a certificate has been submitted with this application.

### Latest Government Advice 22<sup>nd</sup> July 2020

The government has published the outcome of a consultation exercise last year on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage. The following paragraphs are relevant to this application.

#### *Concerns raised on grounds relating to potential impacts on public health*

The scope of the consultation was on the principle of proposed planning reforms to support the deployment of 5G and extend mobile coverage. However, concerns were raised that did not relate to the specific proposed planning changes that views were sought on. These concerns, expressed by the majority of personal respondents, were in relation to in-principle opposition to the deployment of 5G infrastructure. In particular, on grounds relating to public health concerns, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.

Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications.

PHE is familiar with the evidence submitted to the consultation about possible risks to public health and considers that its advice, as set out below, remains unchanged.

PHE updated its guidance, published in October 2019, in respect of 5G in '5G technologies: radio waves and health'. PHE summarised its guidance as:

*"It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."*

Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies, where the main change would be less penetration of radio waves through materials.

Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines.

ICNIRP is an independent organisation which is formally recognised by the World Health Organization. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally with well over 3,000 studies informing these reviews and the existing scientific exposure guidelines.

Ofcom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website. Mobile operators are responsible for ensuring that all sites remain compliant. PHE have also published guidance in respect of 'Mobile phone base stations: radio waves and health'.

Ofcom is also proposing new licence conditions for spectrum licensees using equipment that can transmit at power levels above 10 Watts. Under these proposals licensees would be required to operate within the ICNIRP guidelines as a condition of their Ofcom licence – including keeping data and records of any testing to demonstrate their compliance.

PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

#### *Concerns raised on grounds relating to potential impacts on wildlife populations*

Respondents also raised concerns about the effects of artificial EMF radiation on the environment, particularly on wildlife populations.

EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that human-made EMF radiation at realistic field levels has population level impacts on either animals or plants.

## **Design and Heritage**

The proposed mast has been reduced from 20m in height, which is the standard size for a 5G mast, to 15m in height. 4G masts throughout the city are typically between 12.5 and 15m in height. The mast and cabinet would be grey in colour, but other options are available.

The site is located towards the edge of the Cowick Street Conservation Area, with the boundary running beside the highway. The nearby buildings in the St Thomas Shopping Centre, and buildings opposite (17-28 Cowick Street) are not within the Conservation Area. The wider area includes locally and nationally listed buildings, including part of St Thomas Station (Grade II), 35-54 Cowick Street (Grade II) and St Thomas Church (Grade I). 29-32 Cowick Street, 160 Cowick Street, and 90 Buller Road, are the closest locally listed buildings, but there are other locally listed buildings in the area. Given the height of the pole at 15m, the setting of other listed buildings across the city, such as the Cathedral should also be considered.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. Additionally, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Area Appraisal describes Cowick Street as the main road within the conservation area. *There are both positive and negative characteristics of the Cowick Street Conservation Area when you approach from the east. Cowick Street has a strong identity and its building scale and subsequent strong lines create a good sense of enclosure and interesting views. However, much of the post war development and many of the modern shop frontages detract from the historic character of the area.*

While there are ample examples of street furniture in the area, including 10m high street lights along Cowick Street, CCTV mounted on tall poles, and a 17.5m high phone mast beside the Riverside Leisure Centre, the development of a 15m high pole on the main route of Cowick Street will clearly have some effect on the setting of the Conservation Area, and wider views, including the setting of locally and nationally listed buildings. The mast would be a prominent addition to the area that would be visible in both short and longer views of the area. The proposal would therefore result in an adverse impact on the appearance of the area. Notwithstanding this, the applicant has submitted a justification for this location, based on technical and operational constraints. The agent has confirmed trenching is not an option as this would not give out the required coverage needed.

The application was deferred at the June committee following comments received from Historic England about the potential harm of a 20m high monopole. The agent has submitted photomontages, a heritage statement and has reduced the height to 15m. Following these revised plans and submission of photomontages, the comments of Historic England stated the proposed amendments have minimised the visual impact of the scheme on the Cathedral due to the visual impact appearing more in line with that of existing tall structures, such as street lights etc. along the road.

Given the location beside the modern shopping centre, the presence of street furniture, and the comments of Historic England, the impact is considered to cause less than substantial harm to designated heritage assets.

### **Highway issues**

The site is well used by pedestrians, including people waiting for the bus. The Highway Authority initially raised concerns regarding the location of the telecommunication mast and cabinets. The location of these reduced the footway width, creating a pinch-point where the footway is already reduced by the bus stop layby. Following the submission of revised plans, the Highway Authority has no objection to the proposal as the equipment is located behind the existing footway within the vegetation between the footway and the car park, and will not impede pedestrians.

### **Benefits**

Paragraph 112 of the NPPF encourages the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide, including home working, connected transport and smart city applications. Central Government is also supportive of the provision of 5G network infrastructure. It is therefore considered that, whilst the proposal would result in some visual harm, this would not amount to a serious adverse impact on the character or appearance of the Conservation area, or setting of locally and nationally listed buildings. On balance, the visual impact is considered to be outweighed by the substantial public benefit arising from the provision of 5G services and therefore does not warrant the refusal of the application.

### **Health risk/perception of health risk**

The health concerns raised in many of the letters of objection are noted. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) Guidelines as required by legislation. If the local planning authority were to refuse the application on health grounds this would be an impossible position to sustain at appeal.

The Council has requested exclusion zone information. The agent has confirmed they will not provide the information and are not obliged to provide it.

Some of the objections cite perceptions of risk, causing anxiety and stress, and the potential for people to avoid shopping in the area. The application has addressed the need for the mast in the area, and options for locating elsewhere. The supporting information also confirms the mast can only be located in a small area for technical reasons. Moving the mast to another site in St Thomas would therefore not address perceptions of health risk. It is also considered that perception of health risk would not be grounds to refuse a prior approval application which only considers siting and appearance, and considering NPPF paragraph 116 which states local planning authorities must determine applications on planning grounds only. They should not set health safeguards different from the International Commission guidelines for public exposure.

### **Summary**

While the health risks in the objections are noted, they are not considered grounds for refusal based on national guidance. Following the receipt of revised plans reducing the height of the monopole to 15m and photomontages demonstrating the visual impact on heritage assets, the proposal is considered to provide significant public benefit that outweighs any visual harm to the conservation area and the setting of locally and nationally listed buildings.

## **RECOMMENDATION**

Prior approval is required and is granted, subject to the following condition.

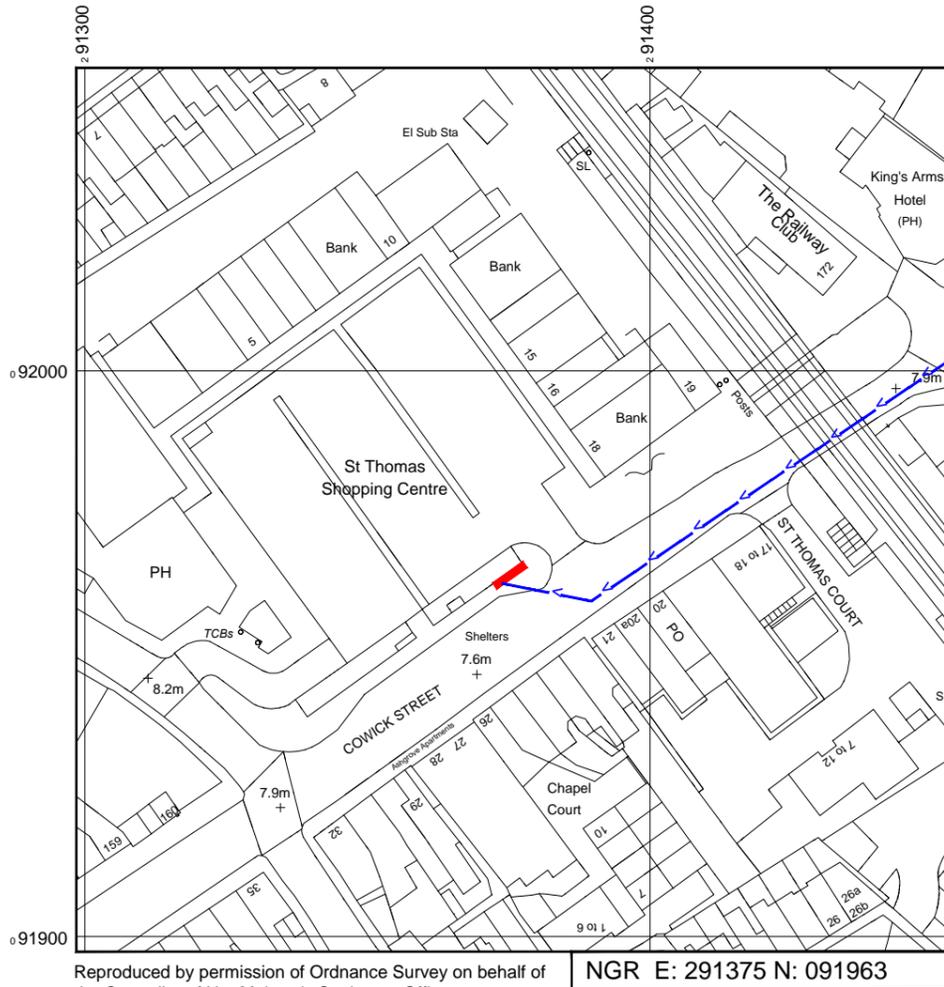
1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.  
Reason: In the interests of highway safety and public amenity

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SITE LOCATION



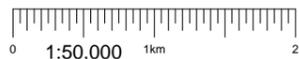
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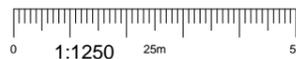
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NGR E: 291375 N: 091963

SITE AREA PLAN



SITE LOCATION PLAN



SITE PHOTOGRAPH



GOOGLE MAPS QR CODE

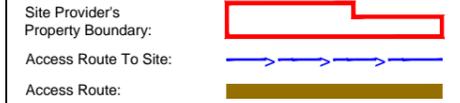
GOOGLE MAPS - <https://goo.gl/maps/DKsngFD9Xg7RNpNW9>

GOOGLE STREETVIEW - <https://goo.gl/maps/arwpPjFLjGVTJXKcA>

NOTES:

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

DIRECTIONS TO SITE:  
Head southwest on M5. At junction 31, use the left 2 lanes to take the A30 exit to Bodmin/Okehampton. Continue onto A30. Use the left lane to take the A377 ramp to Exeter/Crediton. At the roundabout, take the 3rd exit onto A377. Slight left onto Cowick St/B3212. Follow Cowick St and site location is on the right hand side.



Master:	MBNL / EE / H3G:	Project:	Purpose of Issue:	Issue:
M001	MBNL	H3G 5G UNILATERAL	Planning	A
Date:	08/05/2020	Revision / Upgrade Description:		
Drawn:	CDN	First Issue - Site nomination dated: TBC		
Checked:	DH			
Approved:	SD			



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Fax: 01628 765 001

H3G Base Station Information line:  
0845 6043000  
Available 8am-8pm Monday to Friday

Design Consultant & Principal Contractor:



WHP Telecoms  
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Low Fields Avenue, Leeds  
LS12 6HH

Tel: 01133023550  
e-mail: info@whptelecoms.com

Site Name: COWICK STREET

Site ID: EXE20634

Address: COWICK STREET,  
ST THOMAS,  
EXETER,  
EX4 1AL

Title: 002 SITE LOCATION PLAN

Project: H3G 5G UNILATERAL

Purpose of Issue: PLANNING

EE Cell ID:	MBNL Cell ID:	3UK Cell ID:
N/A	N/A	N/A

Master Drawing No:	Issue:
EXE20634_M001	A



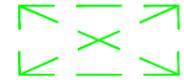
CHERRY PICKER / CRANE LOCATION PLAN



NOTES:

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

PROPOSED CRANE OR CHERRY PICKER LOCATION:



Master:	MBNL / EE / H3G:	Project:	Purpose of Issue:	Issue:
M001	MBNL	H3G 5G UNILATERAL	Planning	A
Date:	08/05/2020	Revision / Upgrade Description:		
Drawn:	CDN	First Issue - Site nomination dated: TBC		
Checked:	DH			
Approved:	SD			



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 Low Fields Avenue, Leeds  
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Tel: 01133023550  
 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address: **COWICK STREET,  
ST THOMAS,  
EXETER,  
EX4 1AL**

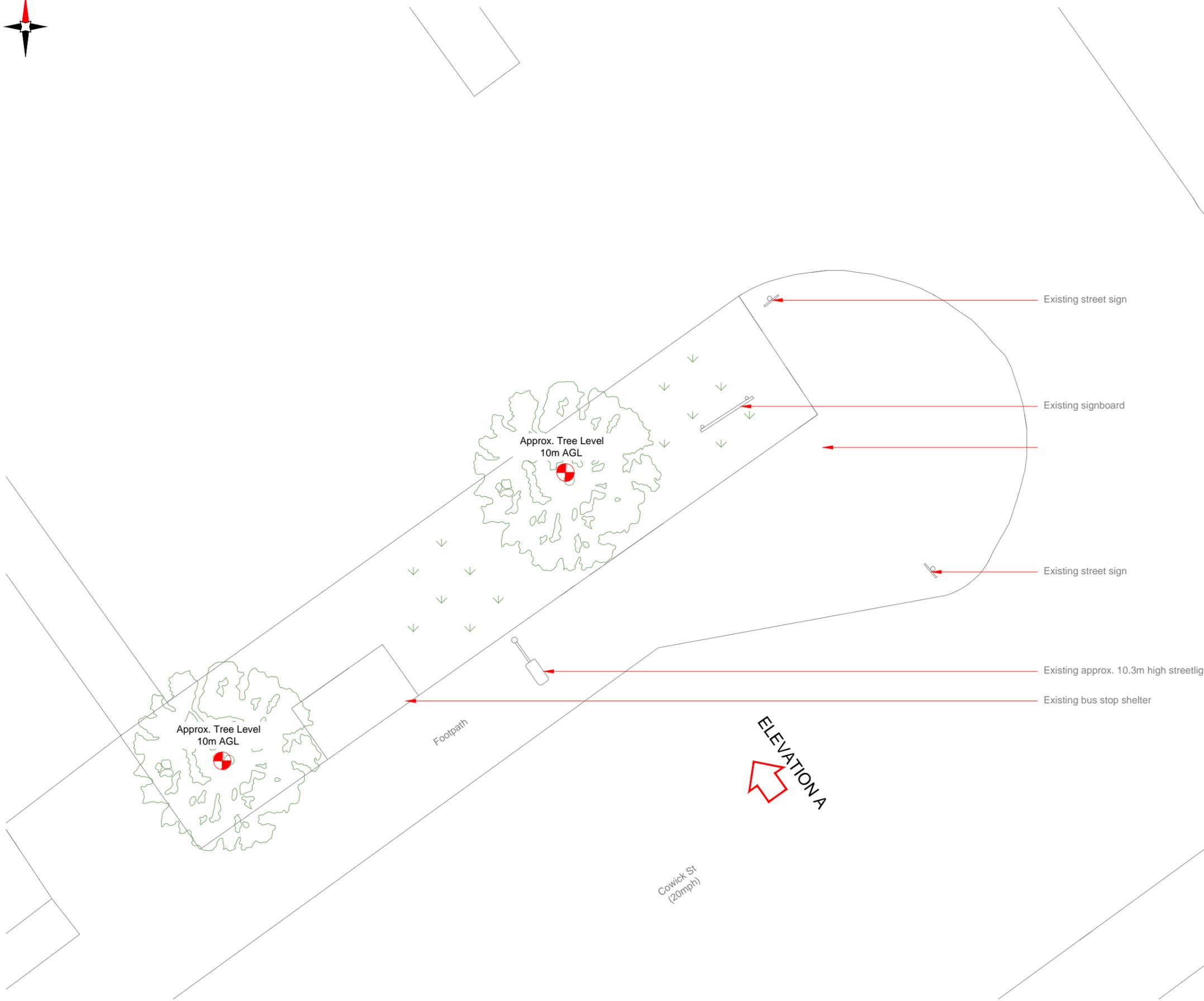
Title: **005 CHERRY PICKER & CRANE LOCATION**

Project: **H3G 5G UNILATERAL**

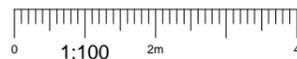
Purpose of Issue: **PLANNING**

EE Cell ID:	MBNL Cell ID:	3UK Cell ID:
N/A	N/A	N/A

Master Drawing No:	Issue:
EXE20634_M001	A



EXISTING SITE PLAN



NOTES:

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

Master:	MBNL / EE / H3G:	Project:	Purpose of Issue:	Issue:
M001	MBNL	H3G 5G UNILATERAL	Planning	A
Date:	08/05/2020	Revision / Upgrade Description:		
Drawn:	CDN	First Issue - Site nomination dated: TBC		
Checked:	DH			
Approved:	SD			



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 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address:  
**COWICK STREET,  
 ST THOMAS,  
 EXETER,  
 EX4 1AL**

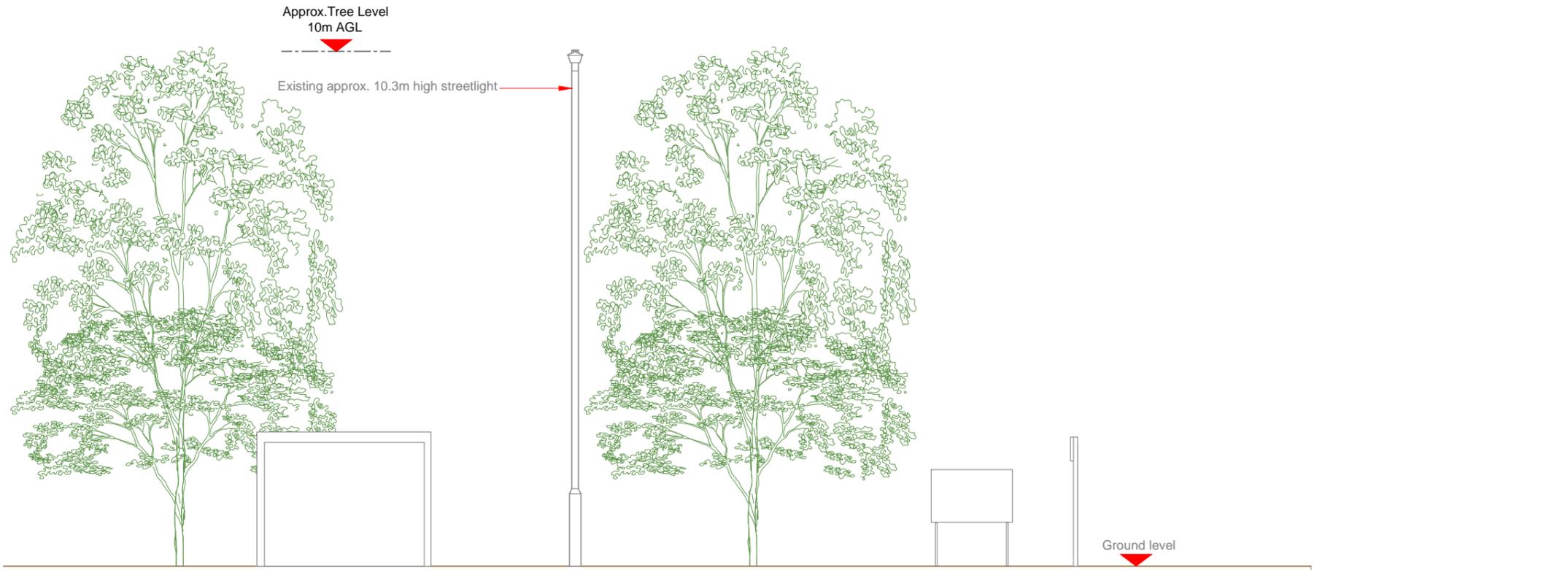
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Project: **H3G 5G UNILATERAL**

Purpose of Issue: **PLANNING**

EE Cell ID:	MBNL Cell ID:	3UK Cell ID:
N/A	N/A	N/A

Master Drawing No: **EXE20634\_M001** Issue: **A**



NOTES:  
1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

Master:	MBNL / EE / H3G:	Project:	Purpose of Issue:	Issue:
M001	MBNL	H3G 5G UNILATERAL	Planning	A
Date:	08/05/2020	Revision / Upgrade Description:		
Drawn:	CDN	First Issue - Site nomination dated: TBC		
Checked:	DH			
Approved:	SD			



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Design Consultant & Principal Contractor:



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 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address:  
**COWICK STREET,  
 ST THOMAS,  
 EXETER,  
 EX4 1AL**

Title: **150 EXISTING ELEVATION A**

Project: **H3G 5G UNILATERAL**

Purpose of Issue: **PLANNING**

EE Cell ID:	MBNL Cell ID:	3UK Cell ID:
N/A	N/A	N/A

Master Drawing No: **EXE20634\_M001** Issue: **A**

100mm  
50mm  
10mm



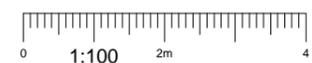
Antenna Aperture ID	Proposed 4G/5G Bearing	Operator: Shared/EE/H3G
A1	30°	H3G
A2	30°	H3G
B1	150°	H3G
B2	150°	H3G
C1	270°	H3G
C2	270°	H3G

NOTES:

- ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.



PROPOSED H3G SITE PLAN



Master: M001	MBNL / EE / H3G: MBNL	Project: H3G 5G UNILATERAL	Purpose of Issue: Planning	Issue: A
Date: 08/05/2020	Drawn: CDN	Revision / Upgrade Description: First Issue - Site nomination dated: TBC		
Checked: DH	Approved: SD			



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 Star House, 20 Grenfell Road  
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 Tel: 01628 765 000  
 Fax: 01628 765 001

H3G Base Station Information line:  
 0845 6043000  
 Available 8am-8pm Monday to Friday

Design Consultant & Principal Contractor:



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 LS12 6HH

Tel: 01133023550  
 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address:  
**COWICK STREET,  
 ST THOMAS,  
 EXETER,  
 EX4 1AL**

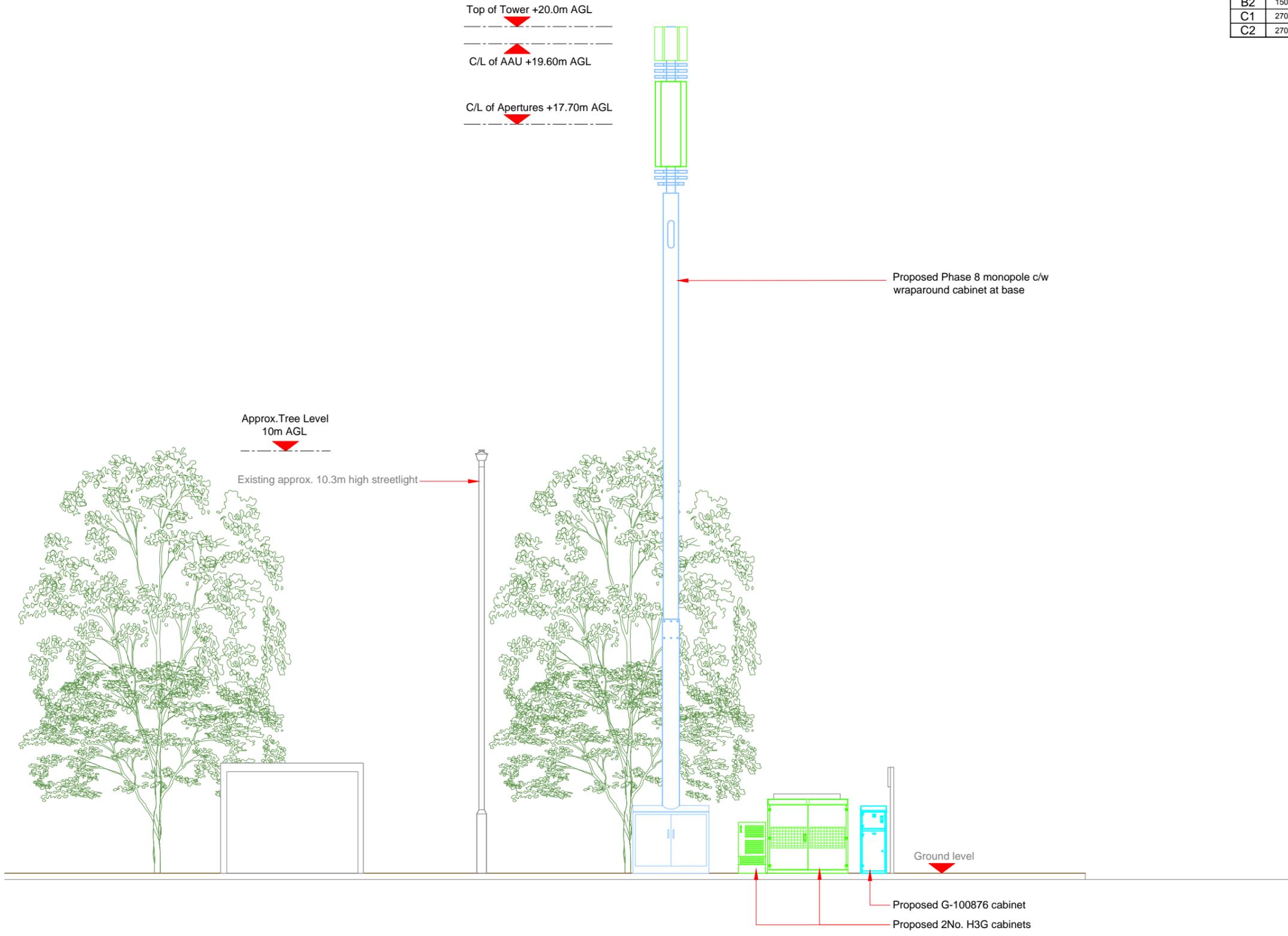
Title: **210 PROPOSED H3G SITE PLAN**

Project: **H3G 5G UNILATERAL**

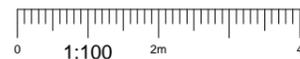
Purpose of Issue: **PLANNING**

EE Cell ID: <b>N/A</b>	MBNL Cell ID: <b>N/A</b>	3UK Cell ID: <b>N/A</b>
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Master Drawing No: **EXE20634\_M001** Issue: **A**



PROPOSED H3G ELEVATION



Antenna Aperture ID	Proposed 4G/5G Bearing	Operator: Shared/EE/H3G
A1	30°	H3G
A2	30°	H3G
B1	150°	H3G
B2	150°	H3G
C1	270°	H3G
C2	270°	H3G

NOTES:

- ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

Master: M001	MBNL / EE / H3G:	Project: H3G 5G UNILATERAL	Purpose of Issue: Planning	Issue: A
Date: 08/05/2020	Revision / Upgrade Description:			
Drawn: CDN	First Issue - Site nomination dated: TBC			
Checked: DH				
Approved: SD				



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Design Consultant & Principal Contractor:



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Tel: 01133023550  
 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address: **COWICK STREET,  
 ST THOMAS,  
 EXETER,  
 EX4 1AL**

Title: **260 PROPOSED H3G ELEVATION**

Project: **H3G 5G UNILATERAL**

Purpose of Issue: **PLANNING**

EE Cell ID: <b>N/A</b>	MBNL Cell ID: <b>N/A</b>	3UK Cell ID: <b>N/A</b>
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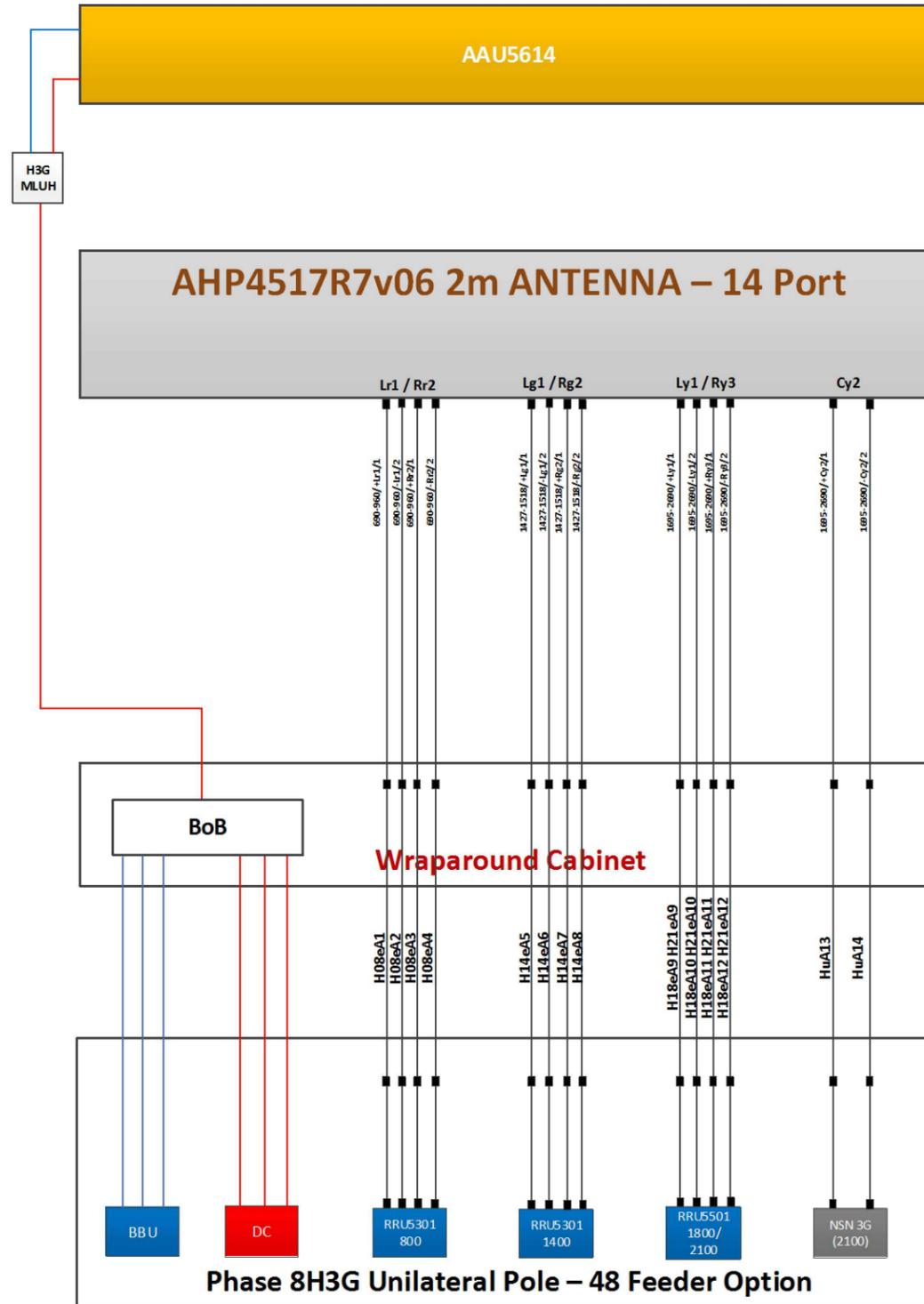
Master Drawing No: <b>EXE20634_M001</b>	Issue: <b>A</b>
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Proposed H3G Antenna Aperture Schedule & RF Equipment Capacity

Antenna Aperture ID	Antenna Aperture Size (Length x Width x Depth)	Aperture Height C/L	Aperture Max Weight (kg)	Proposed 4G/5G Bearing	Tech: 4G/5G	Operator: Shared/EE/H3G	Antenna Aperture Coordinates		RRU No. Max Size & Weight L=300mm W=400mm D=150mm Weight=26kg	MHA No. Max Size & Weight L=300mm W=300mm D=150mm Weight=19kg	Main Feeder			BOB Max Size & Weight (300x300x250mm & 5kg)		Active Router No. Max Size & Weight (370x260x150mm & 10kg)	Passive Router No. Max Size & Weight (350x220x150mm & 10kg)
							Eastings	Northings			Size	Length	No.	No. Top	No. Bottom		
A1	795x395x220mm	19.60m	45kg	30°	5G	H3G	-	-	0	0	TBC	TBC	4	1	1	1	1
A2	2009x469x206mm	17.70m	TBC	30°	3G/4G	H3G	-	-	3	0	TBC	TBC	4	1	1	1	1
B1	795x395x220mm	19.60m	45kg	150°	5G	H3G	-	-	0	0	TBC	TBC	4	1	1	1	1
B2	2009x469x206mm	17.70m	TBC	150°	3G/4G	H3G	-	-	3	0	TBC	TBC	4	1	1	1	1
C1	795x395x220mm	19.60m	45kg	270°	5G	H3G	-	-	0	0	TBC	TBC	4	1	1	1	1
C2	2009x469x206mm	17.70m	TBC	270°	3G/4G	H3G	-	-	3	0	TBC	TBC	4	1	1	1	1

STATUS KEY:

- Installed:** Existing
- Retain:** Existing and to remain
- Relocate:** Existing and to be relocated
- Remove:** Existing to be removed from site
- Proposed:** New on site



Master:	MBNL / EE / H3G:	Project:	Purpose of Issue:	Issue:
M001	MBNL	H3G 5G UNILATERAL	Planning	A
Date:	08/05/2020	Revision / Upgrade Description:		
Drawn:	CDN	First Issue - Site nomination dated: TBC		
Checked:	DH			
Approved:	SD			



**Hutchison 3G UK Limited**  
 Star House, 20 Grenfell Road  
 Maidenhead, SL6 1EH  
 Tel: 01628 765 000  
 Fax: 01628 765 001

H3G Base Station Information line:  
 0845 6043000  
 Available 8am-8pm Monday to Friday

Design Consultant & Principal Contractor:

**WHP Telecoms**  
 Unit 1 Maple Park,  
 Low Fields Avenue, Leeds  
 LS12 6HH

Tel: 01133023550  
 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address: **COWICK STREET,  
 ST THOMAS,  
 EXETER,  
 EX4 1AL**

Title: **303 PROPOSED H3G ANTENNA  
 SCHEDULE & LINE CONFIGURATION**

Project: **H3G 5G UNILATERAL**

Purpose of Issue: **PLANNING**

EE Cell ID:	MBNL Cell ID:	3UK Cell ID:
N/A	N/A	N/A

Master Drawing No: **EXE20634\_M001** Issue: **A**

### Support Structure Schedule

Structure ID	Status	Equipment Description / Type	Structure Manufacturer	Height AGL (m)	Colour (RAL Colour)	Headframe Details	Foundation / Support Grillage / Host Structure Details	Support Bolt Details	MBNL Ref:	Comments
ST1	Proposed	Phase 8	-	20.0m	Galvanised	-	Root Foundation	-	-	

**STATUS KEY:**

**Installed:** Existing  
**Retain:** Existing and to remain  
**Relocate:** Existing and to be relocated  
**Remove:** Existing to be removed from site  
**Proposed:** New on site

**LOCATION KEY:**

**Outdoor:** Located outside  
**Indoor:** Located within an equipment cabin or equipment room  
**Internal:** located inside a cabinet or item of equipment

### Equipment Schedule

Equipment ID	Quantity	Status	Equipment Description / Type	Equipment Manufacturer	Dimensions (W x D x H)	Weight (kg)	Colour (RAL Colour)	Material	Location	Power	Power cable length (m)	MBNL Ref:	Comments
CAB1	1	Proposed	H3g - Bowler	-	1900x600x1752	-	Grey	Steel	Outdoor	-	-	-	
CAB2	1	Proposed	H3g - APM5930	-	640x480x1200	-	Grey	Steel	Outdoor	-	-	-	
CAB3	1	Proposed	G-100876	-	600x520x1585	-	Grey	Steel	Outdoor	-	-	-	
CAB4	1	Proposed	Diplexer Cabinet	-	1800x750x1600	-	Grey	Steel	Outdoor	-	-	-	

Master:	MBNL / EE / H3G:	Project:	Purpose of Issue:	Issue:
M001	MBNL	H3G 5G UNILATERAL	Planning	A
Date:	08/05/2020	Revision / Upgrade Description:		
Drawn:	CDN	First Issue - Site nomination dated: TBC		
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 Tel: 01133023550  
 e-mail: info@whptelecoms.com

Site Name: **COWICK STREET**

Site ID: **EXE20634**

Address: **COWICK STREET,  
ST THOMAS,  
EXETER,  
EX4 1AL**

Title: **305 EQUIPMENT SCHEDULE & SUPPORT STRUCTURE DETAILS**

Project: **H3G 5G UNILATERAL**

Purpose of Issue: **PLANNING**

EE Cell ID:	MBNL Cell ID:	3UK Cell ID:
N/A	N/A	N/A

Master Drawing No:	Issue:
EXE20634_M001	A

# Agenda Item 7

**COMMITTEE DATE:** 7th September 2020

**APPLICATION NO:** 20/0809/TEL

**APPLICANT:** WHP Telecoms Ltd and Hutchison 3G UK Ltd

**LOCATION:** Land at Sidmouth Road, Exeter, EX2 7HL

**PROPOSAL:** Installation of 20m high 5G telecommunication monopole with cabinet at base and associated ancillary works.

**REGISTRATION DATE:** 1<sup>st</sup> July 2020

**RELATED DOCUMENTS:** <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCSPZHBIDJ00>

## **DESCRIPTION OF SITE/PROPOSAL**

The application site is located on the shared cycle and pedestrian path, alongside the vegetation to the east of Sidmouth Road. The proposal's location is close to a bus stop, and near to the Devon Cornwall Police Middlemoor HQ, Exeter Arms Hotel and Toby Carvery. Adjacent to the site is the grounds for the new Exeter Police HQ.

A number of street lights and a group of trees (approximately 10m tall) are in the vicinity, although there are some species that are around 15-20 metres high. The site is approximately 65 metres from the nearest residential dwelling south of the development, and about 200 metres to St Peters Church of England School.

The area has no specific allocation in the Local Plan as it is part of the existing cycle and pedestrian path along Sidmouth Road.

The application is for prior notification, considering siting and appearance, for the installation of 20m high 5G telecommunication monopole with cabinet at base and associated ancillary works.

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

Technical information including safety certification.

Supporting statement outlining the justification of the site and reasons for ruling out other sites.

The proposal is required due to acute capacity issues and will facilitate significantly improved 5G in areas that have started to gain this service and newly introduce it to the areas that have not gained this level of connectivity yet.

As with all 5G cells this is an extremely constrained cell search area, with a typical cell radius of approximately 250m, meaning that it would not be feasible to site the column outside of this locale. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward.

Discounted locations include:

- By the Headquarter for Devon and Cornwall Constabulary was discounted as it was located on private land.
- Opt. 2 and Opt. 3 located north of the site adjacent to the round-about was discounted as the location is exposed and the proposed option benefits from significantly superior shielding.
- Locations to the South of the proposed location towards Bather Road were discounted due to the dense residential nature of the area. The area North of Opt. 3 was also discounted under the same rationale.

## **REPRESENTATIONS**

95 representations with a total of 93 objections have been received, with 66 being received from Exeter residents.

The comments and objections are concerned with following matters:

- Health and Safety, including the proximity of housing and a school
- Siting and Appearance
- Impact on Biodiversity and Wildlife
- Impact on the adjacent Pedestrian and Cycle Route

## **CONSULTATIONS**

**The Highway Development Management Officer (Exeter) at Devon County Council**, has no objections to the development. The officer is satisfied that after development the adjacent shared use path is still 3.5m wide at the pinch point.

**Exeter International Airport** has no safeguarding objections to this development provided there are no changes made to current application.

**Network Rail** has no objection in principle to the proposal. Although due the development being next to Network Rail land and their infrastructure they want to ensure that no part of the development adversely impact the safety, operation and integrity of the operational railway they have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

The applicant must follow NR standard NR/L2/TEL/30066 for 3<sup>rd</sup> party transmitters to confirm no interference with signalling and telecoms infrastructure, the applicant is to liaise with named engineer to provide evidence in the matter.

**Devon & Cornwall Police** raise concerns given the risk posed to 5G masts, their security and reducing the risk of such crimes needs to be considered and incorporated into the its design. After confirmation from the applicant regarding the design with regard to the security of the mast Devon & Cornwall Police are satisfied that appropriate measures have been taken and considered in order to reduce the likelihood of crime.

**West and Wales Utilities** has no objection in principle, however their apparatus may be at risk during construction works. They have enclosed with their comment records of the area covered by the proposal together with a list of General Conditions for guidance for work in proximity of their gas pipes. Their submitted plan only show the approximate location of pipes own by Wales & West Utilities in its role as Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in the area.

Wales & West Utilities require to be contacted should the application be approved by the promoter of the proposed works.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework 2019

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

CP17 – Design and local distinctiveness

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

EN7 – Telecommunications

DG1 – Objectives of urban design

### **Exeter City Council Development Delivery DPD 2015**

DD6 – Communication Networks

DD25 – Design Principles

### **Summary of policy on telecommunications**

NPPF Paragraph 112 supports the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

NPPF Paragraph 113 - Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

NPPF Paragraph 116 - Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Local Plan Policy EN7 states that development of telecommunications equipment will be permitted, provided that: a) the siting and design of apparatus and antenna will minimise their visual impact and their impact on amenity; and b) there are no practicable alternatives such as re-siting or mast sharing.

DD6 states telecommunications development will be permitted provided that:

- a) the siting and design of the equipment will minimise visual impact and impact on amenity;
- b) the development does not have any unacceptable adverse impact on any area or site of historic, conservation, archaeological, landscape or biodiversity importance; and,

- c) the operator has investigated the availability, benefits and impacts of alternative sites and developments, including mast or site sharing, and has demonstrated that there are no practicable alternatives.

## **OBSERVATIONS**

This is not a planning application. The development is permitted by The Town and Country Planning General Permitted Development Order. The only considerations in the determination of this prior approval application relate to the **siting** and **appearance** of the proposed development.

The decision options are:

- Prior Approval of siting and appearance is not required;
- Prior Approval of siting and appearance is required and is granted;
- Prior Approval of siting and appearance is required and is refused (with clear reasons for refusal relating only to siting and appearance); or,
- Deemed consent if a decision is not made within the time limit of 56 days. This prior approval application will be granted deemed consent if a decision is not made before 8<sup>th</sup> July 2020.

## **Legal advice**

The introduction of 5G is a controversial topic throughout the country, with many campaigners claiming the technology is unproven and potentially hazardous to health. The government of the United Kingdom and Public Health England have provided reports and guidance to state that 5G is safe and that there are no public health grounds for 5G installation to be refused.

### Legislation for the installation of 5G apparatus

The installation of a mobile phone mast would count as development and would normally require a full application for planning permission. However, designated mobile network operators have certain permitted development rights, which means that they can build prescribed infrastructure without having to apply for planning permission from the local planning authority. "Prior approval" from the local planning authority regarding the siting and appearance of the development is required in certain circumstances; for example, all new ground-based masts require prior approval.

### Determination of Prior Approval Applications

A mobile network operator may submit an application for prior approval under the General Permitted Development Order (Part 16 of Schedule 2 of the GPDO 2016). The Order grants approval of the principle of the development as permitted development but requires operators to obtain the prior approval from the LPA to the siting and appearance of the items to be installed, in addition to providing the 'necessary evidence' set out in NPPF Chapter 10 Section 115, including a statement that self-certifies that, when operational, International Commission guidelines will be met.

The factors which can be considered in relation to appearance as part of the prior approval process include:

- design, form, shape and dimensions
- colour and materials
- whether there are more suitable sites for the proposed works.

The factors which can be considered concerning siting include:

- height of the site in relation to surrounding ground
- existing topographical features and natural vegetation
- the effect on the skyline or horizon
- the site when observed from any side
- the site in relation to areas designated for scenic value
- the site in relation to existing masts
- the site in relation to residential properties

It is therefore clear that the considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited and do not include issues of public health.

#### Health impacts of 5G

The International Commission on Non-Ionizing Radiation Protection is a charitable body of independent scientific experts established by the International Radiation Protection Association whose principal aim is to disseminate information and advice on the potential health hazard of exposure to non-ionising radiation including electromagnetic fields. This organisation has produced guidelines for emissions from masts that are now used to determine the acceptability of emissions from such equipment.

In addition, the Health and Safety Executive has adopted policies on phone masts in particular, and radio wave safety in general, which are guided by organisations such as the World Health Organisation, the International Commission on Non-Ionizing Radiation Protection and the Health Protection Agency. A great deal of research has been, and continues to be undertaken on the health implications of masts. The weight of international evidence reviewed by these expert organisations indicates that there is no evidence of a direct link of harm or ill health from working or living close to phone masts.

In 2000 the UK Government commissioned the Independent Expert Group on Mobile Phones (IEGMP) chaired by Professor Sir William Stewart, to conduct a review of the possible health effects from the use of mobile phones, base stations and transmitters. It concluded that:

“The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of international guidelines”.

The rollout of 5G has again raised concerns regarding public health associated with telecommunication equipment and the implementation of electromagnetic fields. These concerns from the public resulted in a Parliament and Government petition calling for an independent inquiry into the health risks of 5G. Public Health England (PHE) updated its advice as a result. This states that international and UK expert groups have examined the evidence and “it is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.” PHE continues its monitoring of health related evidence on radio waves, and will update its advice as required.

### The Glastonbury Town Council Report

The 5G Advisory Committee, formed by Glastonbury Town Council (GTC), has concluded a report with supplementary materials, both dated April 2020. Its recommendations refer to: writing to identified MPs (requesting that they establish a Select Committee or Committee Inquiry into the safety or otherwise of 5G technology); writing to Public Health England and the UK Government (requesting inter alia an independent scientific study); and lobbying ICNIRP (to take into account the non-thermal effects of radiofrequency EMFs in their Guidelines on Limiting Exposure to Electromagnetic Fields).

The GTC Report's recommendations do not include the refusal of applications for planning permission or prior approval based on its findings to date. They are aimed instead at securing further research and consideration with a view to changing government policy. It is important that the significance and limitations of the GTC Report should be understood. It is also important to note that GTC is not a local planning authority.

### The Precautionary Principle

The GTC Report makes reference to the Precautionary Principle, which is defined on the European Parliament website and states:

*'The precautionary principle enables decision-makers to adopt precautionary measures when scientific evidence about an environmental or human health hazard is uncertain and the stakes are high'*

Whilst the Precautionary Principle is an overarching principle relating to health concerns, it has no place in the consideration of this matter since the issues for determination are clearly set out by the legislative framework and in particular the Order. The health considerations relating to this type of development have been considered by the Government in developing permitted development rights which is reflected in the requirement for a certificate to accompany the application certifying that Radio Frequency public exposure guidelines of the International Commission on Non-Ionising Radiation protection has been met. Such a certificate has been submitted with this application.

### **Latest Government Advice 22<sup>nd</sup> July 2020**

The government has published the outcome of a consultation exercise last year on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage. The following paragraphs are relevant to this application.

#### *Concerns raised on grounds relating to potential impacts on public health*

The scope of the consultation was on the principle of proposed planning reforms to support the deployment of 5G and extend mobile coverage. However, concerns were raised that did not relate to the specific proposed planning changes that views were sought on. These concerns, expressed by the majority of personal respondents, were in relation to in-principle opposition to the deployment of 5G infrastructure. In particular, on grounds relating to public health concerns, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.

Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications.

PHE is familiar with the evidence submitted to the consultation about possible risks to public health and considers that its advice, as set out below, remains unchanged.

PHE updated its guidance, published in October 2019, in respect of 5G in '5G technologies: radio waves and health'. PHE summarised its guidance as:

*"It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."*

Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies, where the main change would be less penetration of radio waves through materials.

Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines.

ICNIRP is an independent organisation which is formally recognised by the World Health Organization. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally with well over 3,000 studies informing these reviews and the existing scientific exposure guidelines.

Ofcom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website. Mobile operators are responsible for ensuring that all sites remain compliant. PHE have also published guidance in respect of 'Mobile phone base stations: radio waves and health'.

Ofcom is also proposing new licence conditions for spectrum licensees using equipment that can transmit at power levels above 10 Watts. Under these proposals licensees would be required to operate within the ICNIRP guidelines as a condition of their Ofcom licence – including keeping data and records of any testing to demonstrate their compliance.

PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

#### *Concerns raised on grounds relating to potential impacts on wildlife populations*

Respondents also raised concerns about the effects of artificial EMF radiation on the environment, particularly on wildlife populations.

EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that human-made EMF radiation at realistic field levels has population level impacts on either animals or plants.

#### **Design, siting and appearance**

The proposed mast is the standard size for a 5G mast at 20m in height. This is taller than 4G masts, which are typically between 12.5 and 15m throughout the city. A recent change in legislation has increased the height of some masts that do not require consent to 20m, therefore while this is taller than many of those currently in the city, a height of 20m will become more typical. The mast and cabinet would be grey in colour, but other options are available.

The application site is located on the shared cycle and pedestrian path along Sidmouth Road. The proposed site has been selected to minimise the number of residential properties in the direct vicinity, although serving the wider residential area. The residential properties closest to the site do not directly overlook where the Monopole and associated cabinets would stand. The proposal benefits from the proximity of mature trees on both side of Sidmouth Road whilst existing street furniture (street lights) will help the development blend into the surrounding area.

While there are ample examples of street furniture in the area, including 10m high street lights along Sidmouth Road, the development of a 20m high pole will be clearly visible from along the road. The mast would be a prominent addition to the area that would be visible in both short and longer views. However, the existing trees will help to mitigate the visual impact. The immediate area is dominated by busy Sidmouth Road and surrounding trees. The location is well chosen to minimise any visual impact on the residential area that the development will serve, with a distance of around 65 metres between the site and nearest dwelling and around 200 metres to the nearest school.

### **Highway issues**

The Devon County Council as the Local Highway Authority has no objection. The Highway Officer is satisfied with that after development the adjacent shared use path is still 3.5m wide at the pinch point.

### **Benefits**

Paragraph 112 of the NPPF encourages the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide, including home working, connected transport and smart city applications. Central Government is also supportive of the provision of 5G network infrastructure. It is therefore considered that, whilst the proposal would result in some minor visual harm, this would not amount to a serious adverse impact on the character or appearance of the area. On balance, the visual impact is considered to be outweighed by the substantial public benefit arising from the provision of 5G services and therefore does not warrant the refusal of the application.

### **Health risk/perception of health risk**

The health concerns raised by opponents of developments of this type are acknowledged. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) Guidelines as required by legislation. If the local planning authority were to refuse the application on health grounds this would be an impossible position to sustain at appeal.

Some opponents cite perceptions of risk, causing anxiety and stress, and the potential for people to avoid the area. The application has addressed the need for the mast in the area. The supporting information also confirms the mast can only be located in a small area for technical reasons. Moving the mast to another site nearby would not address perceptions of health risk. It is also considered that perception of health risk would not be grounds to refuse a prior approval application which only considers siting and appearance, and considering NPPF paragraph 116 which states local planning authorities must determine applications on planning grounds only. They should not set health safeguards different from the International Commission guidelines for public exposure.

## **Summary**

While the health risks raised by opponents of this type of development are noted, they are not considered grounds for refusal based on national guidance. The proposal provides significant public benefit that outweighs any slight visual harm in this location.

## **RECOMMENDATION**

Subject to receipt and consideration of outstanding consultation responses and any representations received, prior approval is required and is granted, subject to the following condition.

1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

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SITE LOCATION



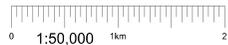
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NGR E: 295741 N: 091998

SITE AREA PLAN



SITE PHOTOGRAPH

SITE LOCATION PLAN



GOOGLE MAPS QR CODE

GOOGLE MAPS - <https://goo.gl/maps/UwL56acdyqz3Xkdx8>

GOOGLE STREETVIEW - <https://goo.gl/maps/ejxwQ4jH3ynz32NKA>

NOTES:

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

**DIRECTIONS TO SITE:**  
Head south on M5. At junction 30, take the A379/A376 exit to Dawlish/Exeter/Sidmouth/Exmouth/Services. At the roundabout, take the 4th exit onto Sidmouth Rd. At the roundabout, take the 1st exit and stay on Sidmouth Rd. Follow Sidmouth Rd and site location is on the right hand side.

Site Provider's Property Boundary:



Access Route To Site:



Access Route:



Master:	MBNL / EE / H3G	Project:	H3G 5G UNILATERAL	Purpose of Issue:	Planning	Issue:	A
Date:	23/06/2020	Revision / Upgrade Description:	First Issue - Site nomination dated: TBC				
Drawn:	CDN	Checked:	DH	Approved:	SD		



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Design Consultant & Principal Contractor:



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Tel: 01133023550  
e-mail: [info@whptelecoms.com](mailto:info@whptelecoms.com)

Site Name: **SW AT SIDMOUTH ROAD**

Site ID: **EDE12840**

Address:  
**SIDMOUTH ROAD,  
EXETER,  
EX2 7HL**

Title: **002 SITE LOCATION PLAN**

Project: **H3G 5G UNILATERAL**

Purpose of Issue: **PLANNING**

EE Call ID:	MBNL Call ID:	3UK Call ID:
N/A	N/A	N/A
Master Drawing No: <b>EDE12840_M001</b>		Issue: <b>A</b>

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## Planning Committee Report 19/0699/FUL

- 1.0**      **Application Number:** 19/0699/FUL  
**Applicant name:** Persimmon Homes  
**Proposal:** Residential development of 47 dwellings including all other associated infrastructure works and road access to site served off Hill Barton roundabout.  
**Site address:** Land at Hill Barton, adjacent to boundary of Met Office, Exeter.  
**Registration Date:** 09/05/2019  
Web Link to application, drawings/plans: <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRWM4CHB01800>  
**Case Officer:** Paul Jeffrey  
**Ward Members:** Cllrs Harvey, Cllr Oliver and Cllr Wood (Pinhoe Ward)

REASON APPLICATION IS GOING TO COMMITTEE – Major application with over 10 emails/correspondence of objection.

- 2.0**      **Summary of Recommendation:** DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

- 3.0**      **Reason for the recommendation:** as set out in Section 18 at end

- Site lies within the Monkerton and Hill Barton Strategic Residential Allocation as designated in the Core Strategy. Site previous granted outline consent for residential development in 2013.
- The scheme will provide 16 affordable houses, which is a policy compliant level of affordable houses for the overall number of dwellings proposed.
- Concerns raised by local residents in respect of highway matters can be suitably addressed through planning conditions or Section 106 Agreement.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to residential amenity of nearby residential properties.
- There are no material considerations which it is considered would warrant refusal of this application

## 4.0

### Table of key planning issues

Issue	Conclusion
Principle of development	Site lies within the Monkerton and Hill Barton Strategic Residential Allocation of the Core Strategy. Site previously granted outline consent for residential development
Affordable Housing	34% provision of affordable housing is proposed; 35% meets requirement of relevant policy, which can be achieved with an additional financial contribution to meet the shortfall.
Access/Impact on Local Highways and parking provision	Existing highway problems identified but subject to suitable conditions and meeting obligations within the Section 106 Agreement no objections are raised by the County Highway officer.
Scale, design, impact on character and appearance	Design is considered to be appropriate in context of the character of existing development in the locality.
Impact on Heritage Assets	No significant heritage assets impact affected, subject to a suitable condition being imposed.
Impact on Trees and Biodiversity	Limited impact. Scheme to incorporate appropriate mitigation and enhancement
Flood Risk and Surface Water Management	Devon Flood Team have consider that subject to suitable conditions being imposed the proposed approach is considered acceptable.
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition
Economic benefits	Affordable housing and financial contribution towards highways/ education provision, and jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

## 5.0

### Description of Site

The application site (1.12ha) is located to the west of the Met office on currently open undulating land. Access to the site is from Hill Barton Road through recently constructed residential estates, which form part of the Hill Barton development. Vehicular access to the site is achieved via a new road (partially completed) that

which forms part of this application, from the reconfigured roundabout on Hill Barton Road. The site is located within an area identified for housing as part of the Monkerton and Hill Barton Strategic Allocation in the Core Strategy.

## **6.0 Description of Development**

The proposal relates to the development of the site for 47 dwellings comprising a mix of terraced, semi-detached and detached properties of 1, 2, 3, 4 bed units. All dwellings are proposed to be either two or two and a half storeys in height with parking for each dwelling located within either garages or parking spaces to the front or side of the property. The scheme proposes a total of 31 open market houses and 16 affordable units (11 social rent and 5 intermediate rent which represents a 34% affordable housing provision with a 69/31 split). The layout is arranged in two distinct sections both fronting the new spine road to the west and a new cycle route to the east alongside the Met Office boundary. These residential parcels are separated by an access road with front facing dwellings and leading to private drives to serve the properties facing east. The application is also for a new access road through the Hill Barton estate, which will serve this development and future residential schemes as identified in the Monkerton and Hill Barton Masterplan.

A narrow section of public open space is located alongside the cycleway. The main area of open space for the Hill Barton estate development will be provided as part of a separate planning application for the remainder of the development to the north within the ridge park, as identified in the masterplan. This application is anticipated to be submitted shortly.

A new railway station has been identified to the south of the site beyond existing housing development within the Hill Barton Estate. This is to be safeguarded as part of this development, which accords with previous permissions approved for the Hill Barton development.

## **7.0 Supporting information provided by applicant**

The application is accompanied by the following supporting information –

- Planning Statement
- Design & Access Statement
- Transport Statement
- Affordable Housing Statement
- Utilities Statement
- Statement of Community Involvement
- Ecological Impact Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment
- Noise Assessment
- Archaeology Summary Note

- Phase I Environmental Desktop Report
- Flood Risk Assessment

## 8.0 Relevant Planning History

Outline planning permission (12/0474/01) was approved for up to 750 dwellings, a local centre (A1, D1, D2) public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) on 29 November 2013.

## 9.0 List of Constraints

Smoke Control Area.  
Potential Contaminated Land.  
Aerodrome Safeguarding Area.  
Met Office Safeguarding Area.

## 10.0 Consultations

**All consultee responses can be viewed in full on the Council's website.**

**Highways England** comment that due to the location of the Hill Barton site, located 0.8 kilometre from the M5 motorway, and nature of the development proposals, the applications have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), and particularly M5 Junction 29.

A Transport Assessment Addendum dated September 2019 prepared on behalf of HB Land Ltd which considers an amended split in development quantum. Whilst the combined development remains at 550 dwellings, the Addendum document refers to revised application proposals comprising: a full application for 51 (*now 47 units*) dwellings (Persimmon Homes), a full application for 200 dwellings (*Salter developments ref 19/1375/OUT*), and an outline application for 299 dwellings (*to be submitted shortly*).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 (*the Salters Development 19/1375/OUT*) and 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals are considered to have no greater impact than that of the previously permitted scheme proposals.

Whilst the current applications for development at the Hill Barton site remain within the quantum of development permitted by the 2013 outline consent, it is

indicated that a forthcoming application will seek to increase the number of permitted dwellings on the site. Any future application will need to demonstrate the relative impact of increased housing on the A30 Honiton Road/Moor Lane signalised roundabout and Junction 29 of the M5, to demonstrate that the increase in development would not have a significant impact on the safe and efficient operation of the SRN. This may necessitate the preparation of additional capacity assessments to demonstrate junction performance in the development opening year.

Highway Agency recommends that on the basis that the current application remains within the quantum of development permitted by the 2013 outline consent, the current proposals are considered to have no greater impact than that of the previously permitted proposals.

**Met Office** comment that their assessment of the proposal has been carried out on the basis of the ridge heights of the proposed dwellings and proximity of the proposed development to the Met Office satellite reception facility. No objection is raised subject to the inclusion of suitably worded planning conditions to address the following issues:- namely the developer to agree to minimise the risk of interference to the Met Office satellite reception facility; adhere to the approved plans in terms of ridge heights; any proposed tree planting being no higher than the ridge height of the approved dwellings; a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to MET Office satellite receivers and removal of permitted development rights in respect of mobile base stations.

**Royal Devon and Exeter NHS Foundation Trust** have submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £65,758 (based on the original submission for 51 dwellings) towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

**Exeter Airport** comment that they have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes (Cranes and other Construction Issues).

**Police Designing Out Crime Officer** comment that on the whole the layout will provide overlooking and active frontages to the new internal streets; plots generally orientated back to back to ensure rear gardens are not exposed and parking has been allocated effectively with the majority being allocated on or close to plot with the inclusion of rear parking courts avoided.

However there are some aspects that may contribute to crime and anti-social behaviour as well as the fear of crime and anti-social behaviour. In particular, there are numerous examples of rear service alleyways that do not appear to be

gated; private front garden boundaries should be clearly defined with railings/low walls/hedges (under 1m in height in order to allow for natural surveillance) to create a defensible space and clearly establish ownership and a demarcation between public and private space and concern that there appears to be a lack of adequate boundary treatments defining public and private space (including parking spaces) throughout the development, leads to areas where ownership is ambiguous

Additional comments are that the cycle way is well overlooked but it is important that any planting next to it does not hinder natural surveillance and that users are afforded good lines of sight to ensure safety. The path should also be well lit. It is presumed that the site be adopted and lit as per normal guidelines. As mentioned above, appropriate lighting for pathways, gates and parking areas needs to be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

In summary, as open rear service alleyways have been proven to contribute to crime and disorder, it is requested that a condition which requires that all rear service alleyways must be gated as close to the building line as possible to deter crime and reduce the fear of crime.

**Exeter City Council Environmental Health** recommends conditions relating to a Construction and Environmental Management Plan, land contamination, noise and air quality mitigation (in particular given the proximity of the Met Office) and external lighting.

**Exeter City Council Principal Project Manager (Heritage)** comments that the submitted archaeological report identifies the concentration of prehistoric remains within the “arm” or elbow of the proposed access road, within the southern part of the adjoining site, which has the potential to extend across the line of the proposed road in places. However these remains are not a constraint on the principle or layout of the proposed development, but will require proper archaeological excavation, recording and reporting in lieu of their destruction by the proposed development, in line with saved local plan policy C5, draft policy DD28, and the NPPF. Accordingly this work can be secured by attaching a suitable pre commencement condition requiring the prior approval of a scheme of archaeological work and the implementation and completion of that within an agreed programme and timescale.

**Devon County Council Education (Children’s Services)** comment in accordance with Devon County Council’s Education Infrastructure Plan 2016-2033.

The planning application for 47 dwellings contains 12 no 1 bedroom dwellings. Devon County Council does not request for education contributions against 1 bedroom dwellings and therefore this response is based on the 35 family type

dwellings within the development. The proposed increase of 35 family type dwellings will generate an additional 8.75 primary pupils and 5.25 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested.

It is forecasted that there is enough spare primary capacity for 4.71 pupils and therefore we will request primary education contributions against the remaining 4.04 pupils expected to be generated from this development. The primary contribution sought would be £64,716 (based on the DfE new build rate of £16,019 per pupil). These contributions will be used towards the new primary school at Monkerton.

It is forecasted that there is enough spare secondary capacity for 1.18 pupils and therefore we will request secondary education contributions against the remaining 4.07 pupils expected to be generated from this development. The secondary contribution sought would be £98,742 (based on the DfE new build rate of £24,261 per pupil). These contributions will go towards the new secondary school to serve Exeter housing growth at South West Exeter

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £8,750 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will be used towards new early year's provision within the new Monkerton School.

All contributions will be subject to indexation using building cost information service (BCIS), it should be noted that education infrastructure contributions are based on March 2015 prices and any indexation applied to contributions requested should be applied from this date. Should the request for these contributions not be supported, through either s106 or CIL, then the development cannot mitigate its impact and Devon County Council will need to object to the application.

The total education sum will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years) a total of £172,208.

**Devon County Council (Lead Local Flood Authority)** comment that they have no in-principle objection to the above planning application at this stage. However the applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development. The applicant should confirm where the long term storage for central catchment east is being proposed. Suitable conditions are considered appropriate in this instance.

### **County Head of Planning, Transportation and Environment (Highways)**

comment that the wider development area received outline planning permission for 750 dwellings (ECC Planning Ref: 12/0472/OUT). Outline consent was granted for this site in 2013. This application has since lapsed; permission has been partially implemented, with approximately 300 residential dwellings delivered to date and therefore it is now understood that the remaining parcels of the remaining site are coming forward in piecemeal. With 300 dwellings delivered at the site to date, it has been proposed that 550 dwellings may come forward, an increase of up to 100 dwellings over the original outline planning application, giving a total of up to 850 dwellings at Hill Barton.

*Vehicular Access* - Access from the Hill Barton Roundabout to the site does form part of this application though; some of the access roads have been built under the first phase of Hill Barton are in situ. However, a new spine road is proposed off Myrtlebury Way, just north of the existing shared use path connecting Hill Barton Road with the Met Office. Planning Road Layout, "Drawing number 071-000-006" shows the continuation of a 2m footways and a 6m carriageway – this is continued to reach the primary access point for the proposed 47 dwellings.

The primary access point for 47 dwellings meets visibility splays (2.4 x 43m), but it is noted from the Site Layout "Drawing Number 120 Rev P10" indicates that 3 trees to the north are proposed. To ensure safe and suitable access is achieved, any vegetation must be kept below 600mm to ensure visibility splays are suitable. The junction radii into the site itself is wide and should be tightened to allow for better pedestrian crossing facilities and to slow vehicles down upon entry into the cul-de-sac.

In addition to the primary access point, there are dropped kerb access points serving driveways and parking adjacent to the main route through. The applicant has introduced speed calming measures by the way of raised tables at crossing points to forthcoming parcels (as shown on Drawing 071-003-001 Rev P4) reducing the speeds of vehicles on the link road something that is promoted by Manual for Streets. These raised tables should be built to a specification that are acceptable to buses. The rest of the vehicular layout is broadly acceptable for the residential development parcel and has been through a number of iterations with the applicant.

*Pedestrian Access* - The applicant has included a number of pedestrian links within the site boundary. There are 2m footways either side of the "spine road" as shown on the Planning Road Layout and within the residential site itself. These are acceptable in principle, but as highlighted before the pedestrian crossing of the main vehicular access to the residential parcel is wide and needs amending.

Drawing 071-003-001 Rev P4 shows two pedestrian connections to the south of the site from the adjacent site linking into the existing East-West footway/cycleway and ultimately into the rest of the "built elements" of Hill Barton

Phase. The applicant should therefore enter into a S278 agreement and such links are secured by condition.

*Cycle Access* - The applicant proposes a key north-south pedestrian/cycle link connecting the East-West vehicular road to the north of the application site, to the south of the site – this path is continued all the way so that it meets the existing shared use path connecting Hill Barton Road to the Met Office. Drawing 071-003-001 Rev P4 shows a future potential crossing point at the top of the site (within the red line boundary); the site layout shows a cycleway ending at a footway with no details of how this connects into adjacent parcels. Continuous cycle-ways linking up parcels is a key element of good planning and therefore more details prior to any forthcoming parcel is required and conditioned. The relationship between the cycle crossing and junction will need to be considered.

A cycle link through the site itself is proposed running parallel from plot 316 to plot 322 and eventually connects to the North-South link as discussed above. During pre-application discussions and during the consultation process, the applicant was informed that a 3.0m effective width shared use path should be delivered. The applicant should be widening the path where possible and provide easements for street lighting columns/front gardens to maximise the usable space for all users.

*Bus Access* - As a strategic site, this site as per the previous outline consent will need to be served by bus; this is in order to alleviate the impacts of the development and justify the low trip rates used. Discussions with Stagecoach have led to believe that a bus route is feasible that runs adjacent to this parcel of Hill Barton. Bus tracking's especially forward visibility will have to be considered with other parcels that fall within the Hill Barton allocation to ensure suitability is achieved, a condition is imposed to secure details of the type and exact positioning of the bus stop.

*Oberon Road* - As acknowledged in the Transport Assessment and through the previous consent, a link to accommodate all vehicles is required. It is once again reminded that the applicant builds any road to the red line boundary. This does fall outside of the Red Line boundary of this application, but to provide permeability through the whole site, such a connection should be made.

*On site facilities* - The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. Many of the onsite parking spaces are located immediately outside of the respective properties, which should minimise on street parking and is welcomed. These vehicular spaces be secured by condition. Secure covered cycle parking needs to be provided for all of the dwellings proposed the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided.

*Transport Contributions* - As highlighted in the previous outline consent a series of mitigation measures are required in order to make any application at Hill Barton acceptable in highway terms. Consideration has been taken into account as some S106 monies have been invoiced as part of the original outline consent (750 dwellings), but as this has now lapsed new S106 items are required to take the application up to 850 dwellings. All calculations have been based upon an extra 550 dwellings being delivered on this site. To act as a fair and reasonable approach, a per dwelling sum has been derived and in agreement with parties of other parcels within the strategic development, any shortfall will be subsidised by later parcels.

A set out in the Hill Barton and Monkerton Masterplan, sustainable transport is required to provide a choice of routes to help distribute traffic away from busy parts of the local road network and provide convenient connections to key services and facilities including schools, jobs and shops. Key to this provision is the need for walking and cycling improvements in the area, the provision of a bus service through the site and travel planning.

The developers have requested a flat rate per dwelling, and therefore it is recommended that the contribution is classed as a “transport contribution” where the above S106 request sum per dwelling can be used flexibly, serving a useful purpose and mitigating the development impact. The total sum is £1931.82 per dwelling which include £450 each of pedestrian/cycle improvements, £981.82 bus services and £500 for travel planning. In addition to this a Traffic Regulation Order (£3,500) is required to facilitate Double Yellow Lines through the estate; this is to help and enable buses to run through the site.

#### *Rail Halt*

Following on from the Hill Barton Masterplan and to enable to modal choice, land required for a rail halt also forms part of the evidence base to reduce the reliance on the private vehicle. This request is consistent to the previous outline consent and is shown by the Blue Area as shown on the Location Plan Rev E. This safeguarded land should be secured via S106.

*Construction* - To minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed. This includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition.

In summary, it is considered that this standalone application is not considered a severe impact on the highway. Much emphasis has been put on the accessibility of the site and its relation to other parcels/philosophies set out in the Hill Barton Masterplan and it is believed that the site has maximised permeability through the site and is acceptable subject to appropriate conditions/S106 contributions.

## 11.0 Representations

34 letters of representation (7 neutral comment and 27 objections) have been received, including one Exeter Cycling Campaign, raising the following issues -

- Parking in the area already beyond capacity;
- Increased traffic will lead to potential accidents;
- Increases in air pollution from further traffic attracted to the site;
- Need for new train station, as originally intended, before any additional houses are built;
- Existing access into Hill Barton estate inadequate; too narrow and unsafe;
- Exacerbate problems from parking area leading to hazards for pedestrians;
- Increased problems caused from car reversing onto the roundabout;
- Concern over adequacy of access for construction/emergency vehicle and refuse lorries accessing the estate;
- Need for double yellow lines/parking enforcement;
- Difficult access for future bus route;
- Need for traffic calming measures;
- Problems from drainage already at breaking point;
- Need for second access road into and out of the estate;
- Impact on wildlife, flora and fauna;
- Lack of shops and amenities in the area;
- Existing play area needs to be made safer;
- Loss of green open space;
- Contrary to Monkerton and Hill Barton Masterplan;
- Dwellings proposed need to adopt passive house standards;
- Current district heating scheme is inadequate.

## 12.0 Relevant Policies

### Government Guidance

National Planning Policy Framework (NPPF) (February 2019)

2. Achieving sustainable design
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 – Flood Risk

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H3 – Housing Sites

H5 – Diversity of Housing

H6 - Affordable Housing

H7 – Housing for Disabled People

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network

T10 – Car Parking Standards

C5 – Archaeology

LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

EN6 – Renewable Energy

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG4 – Residential Layout and Amenity

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

DG6 – Vehicle Circulation and Car Parking in Residential Development

DG7 – Crime Prevention and Safety

## **Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention

W21 – Making Provision for Waste Management

## **Development Delivery Development Plan Document (Publication Version, July 2015)**

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

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD22 – Open Space, Allotments, and Sport and Recreation Provision

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets

DD30 – Green Infrastructure

DD31 – Biodiversity

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

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

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

## **Other documents**

Monkerton and Hill Barton Masterplan Study November 2010.

## **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 14.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

## 15.0 Financial benefits

### Material considerations

Affordable housing, 16 dwellings and a commuted sum towards a part unit of the 35% requirement.

Highway contributions of £1931.82 per dwelling towards pedestrian/cycle improvement, bus service provision and travel planning.

Contributions to educational provision will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years). A total of £172,208.

Proposal will create jobs in construction and related industries.

### Non material considerations

CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £119.92 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development.

New Homes Bonus.

## 16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access/Impact on Local Highways and parking provision
4. Scale, design, impact on character and appearance
5. Impact on Heritage Assets
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Education
10. Met office requirements

### 1. The Principle of the Proposed Development

The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy. The site formed part of a wider area granted planning consent for residential development in 2013 under planning application 12/0472/01. Neighbouring sites have received reserved matters approval and are either built and occupied or under construction. Whilst these development site were determined with the time specified within the outline application, this consent has now expired. There has been no change in policy in respect of the development of this site for residential uses and indeed since this time the Council has acknowledged that it has a 5 year housing supply deficiency. Consequently the development of the site for residential use is wholly appropriate.

### 2. Affordable Housing

The application comprises 47 units in total and the affordable housing requirement set out in policy CP7 is for the provision of 35% to be affordable (split 70% social rent/30% intermediate). This equates to just over 16 units (34%) with the part unit to be dealt with by way of financial contribution as set out in the Council's Affordable Housing SPD. The submitted plans indicates 16 units (a mix of 1/2/3 bed houses) split 69/31% between social rent/intermediate. The affordable housing and associated financial contribution will be secured through S106 obligations.

### 3. Access/Impact on Local Highways and parking provision

Development at Hill Barton forms part of wider housing growth at Monkerton/Hill Barton promoted through the Exeter City Council Core Strategy. The land at Hill Barton site previously benefitted from outline planning permission (Local

Authority reference 12/0472/OUT) for a mixed-use scheme comprising up to 750 dwellings and a local centre which was granted in November 2013. The outline permission has been partially implemented, with approximately 300 residential dwellings constructed on the site to date. The current application relate to the same site and would in part effectively update the extant permission (12/0472/OUT).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 (*the Salters Development 19/1375/OUT*) and 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals both the Highways England and the County Highway officer considered that the scheme will have no greater impact than that of the previously permitted scheme proposals.

The Highway officer has provided detailed comment in respect of this application and a summary is contained with section 10 of this report. Clearly the site has previously been identified in highway terms as suitable for this scale of development. Local residents have raised a number of highway related issues which the highway officer is aware of and detailed discussions have been held with the developer to achieve an acceptable highway arrangement. Whilst on-site cycle and vehicles parking are considered acceptable, subject to suitable conditions being imposed, the discussion have focused on the details in respect of the main spine road and ensuring that it is safe for the proposed traffic associated with this scheme and future development at Hill Barton. In particular it has been important to ensure that the road is suitable to accommodate the proposed bus route, as this will be a significant contribution towards sustainable travel in the future. Following these discussions agreement between the highway officer and the developer has been reached and subject to conditions the highway arrangement is considered acceptable. Similar discussion have been held in respect of the proposed cycle route to the east of the site and how this will link with the existing network. The imposition of suitable conditions will address this matter.

In summary, it is considered that with appropriate conditions this scheme is acceptable in highway terms. In addition, a financial contribution of £1931.82 per dwelling is requested though the 106 Agreement to meet improvements to pedestrian/cycle provision, bus service and travel planning for the wider area. The 106 agreement will also ensure the safeguarding of land for the future rail halt which formed part of the Monkerton and Hill Barton masterplan.

#### 4. Scale, design, impact on character and appearance

The original scheme proposed a total of 51 dwellings. Following discussions with the developer the number of units has been reduced to 47 to meet the requirements of Residential Design SPD. In particular, concern as raised in respect of the distance between the proposed dwelling and the potential impact this could have on future occupant's amenity. The revised plans have shown suitable distances being maintained but as a consequence this has resulted in the loss of four units. In addition, concern was raised regarding the predominance of parking to the front of the dwellings and the impact this would have on the overall character and appearance of the street scene. Revised plans indicate that although parking remains to the front for some units, the overall impact has been minimised by the introduction of tree planting and relocation of parking spaces. It is therefore considered that the overall layout is acceptable in this location and will be complementary to the existing estate. It is considered that conditions are required to ensure that the proposed materials used are of a suitable quality for this site, sufficient and appropriate hard and soft landscaping is provided and that adequate space is made available for refuse and cycle storage within the site.

It is noted that the area of public open space to the east of the site is limited and rather than provided an area whereby future residents are able to sit or use, in effect the area creates a setting for the overall estate and the proposed cycleway. The principal area of public open space will be create to the north of the site with the ridgeline park in accordance with the Monkerton and Hill Barton Masterplan. This area is currently being discussed to ensure it provides the strategic area of public open space, which the masterplan envisaged in terms of size and quality. This area will form part of any future planning application, which it is understood will be submitted shortly. Consequently whilst it is considered that the public open space to serve this application falls below the 10% required to be policy compliant, it is considered that this is acceptable given the future intention to provide a large open space to the north in the near future. This approach has been accepted within the assessment of previous residential applications on Hill Barton and was anticipated in the original masterplan for the area.

#### 5. Impact on Heritage Assets

The submitted method statement for a programme of archaeological work has been considered and the Heritage Officer is satisfied on the basis of this that there is no archaeological constraints on the principle or layout of the proposed development. There are no other heritage assets that will be affected by the proposal and therefore in this respect the scheme is considered acceptable subject to compliance with the standard archaeological condition.

## 6. Impact on Trees and Biodiversity

Aside from the boundary hedgerows the site does not contain any significant trees or landscaping features. The other hedgerows forming the boundaries of the site will be retained as part of the development with additional native planting to fill in any gaps. The Met Office have stated that the proposed trees as part of the landscape scheme, which will be conditioned, shall not exceed the height of the proposed ridgeline of the dwellings.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

## 7. Flood Risk and Surface Water Management

The Devon County Flood Team has raised no objection in principle to the scheme subject to the imposition of suitable conditions. In particular they require the applicant to submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development. In addition the applicant should confirm where the long term storage for central catchment east is being proposed.

## 8. Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

## 9. Education

Devon County Council as the educational authority has requested a financial contribution towards meet the increased demands on educational institutions as a result of this development. A total of £172,208 has been requested incorporating £64,716 (primary); £98,742 (secondary) and £8,750 (early years). This is to be secured via the Section 106 Agreement.

## 10. Met Office requirements

The Met Office has raised a number of concerns regarding the development given the close proximity of the site to their building. They have highlighted the importance of their role in providing essential operational forecast and warning services to UK stakeholders including defence and emergency services, such as flood risk. Consequently they are concerned that the works during the construction phase and following occupation does not impinge of their operational requirement. It is consider that many of these concerns will be addressed by adherence to the approval plans, which the Met Office has confirmed are acceptable in terms of siting and height. Any significance changes to these plans or use of the buildings will require the submission of a separate planning application when any concerns can then be reassessed. However it is considered appropriate to refer to the Met Office specifically in the CEMP and a condition removing permitted development rights for mobile base stations. In addition, an informative is attached advising that the developer should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

### **CIL/S106**

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision.

Community Infrastructure Levy - The residential development at the site will be liable for the payment of Community Infrastructure Levy (CIL). The current rate for 2020 is £119.29 per square metre (gross internal floor space) and is applicable to all market housing within the development.

Section 106 Agreement – a detailed breakdown of the Head of Terms is contained within section 18 of this report.

The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.

## **17.0 Conclusion**

The site is allocated with the Core Strategy for residential development and indeed outline planning permission has already been allocated to include this site. Consequently the principle of development is considered to be acceptable. In addition, the application is proposing a scheme that would help meet the

Council's 5 year delivery of housing shortfall and 16 affordable housing, which would meet the requirements of the Affordable Housing SPD. It is evident from the objections received from existing local residents that there are significant concerns about access and parking problems in the area. The County highway officer has provided a detailed response that recognises the issues raised and how these can be addressed through the imposition of planning conditions or through the 106 agreement. This includes financial contribution towards pedestrian/cycle improvement; bus service and the provision of travel planning for individual houses and the safeguarding of land for the future Monkerton railway station. It is considered that the layout broadly meets the Residential Design SPD and provides a layout and design of dwelling compatible with other built in the area and therefore acceptable. The officer recommendation is therefore for approval subject to suitable conditions and a Section 106 agreement.

**18.0 RECOMMENDATION** Dual Recommendation as set out below with B) only applying in the event of the failure to complete the S106 Agreement within the prescribed timeframe: -

**A) DELEGATE TO CITY DEVELOPMENT MANAGER TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

### **Section 106 Agreement – Heads of Terms**

#### **Affordable housing**

16 dwellings (11 social rent and 5 intermediate rent)  
50% of AH units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of AH units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

#### **Transport**

Safeguard the land for the Monkerton Railway Halt  
Financial contributions required as follows:  
Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82  
50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.  
Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

#### **Education**

The total education sum will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years) a total of £172,208.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

### **Open Space**

No more than 75% of dwellings shall be occupied until the public open space (alongside the cycleway has been laid out in accordance with the approved plans. Prior to completion of POS areas, details of management company to be provided.

And the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7 July 2020 (including dwg. nos. HB3-location plan rev E ; HB3-120 P10 Site Layout; HB3-121 P2 Boundary Treatments; HB3-129 P2 Ridge Heights; HB3-130 P2 Garden Areas; HB3-200 P3 Street Scenes; HB3-PL500 P3 Welwyn LTH; HB3-PL501 P2 Hanbury LTH ; HB3-PL503 P2 Hatfield LTH; HB3-PL504 P4 Clayton LTH; HB3-PL505 P3 Souter LTH; HB3-PL506 P3 Chedworth; HB3-PL507 P4 Garages; HB3-PL508 P1 Clayton Corner LTH & HB3-SK3000 P3 Site FFLs & Site Sections.

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

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

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

4) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials

shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

5) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours and the Me Office from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

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

6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of vehicular visibility splays for the development.

Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the proposed vehicular visibility splays shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

7) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling of a detail to be agreed with the

Local Planning Authority, has been provided and made available for use by the occupant. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

8) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

9) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the vehicular access radii into the development (between plots 315/316) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the vehicular access radii shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

10) Prior to occupation of any part of "Phase 4" of the development, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of "Phase 4" the crossing facilities shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

11) No part of the development hereby approved shall be brought into its intended use until the access roads (together with raised table crossing points), vehicular parking spaces and associated turning area as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

12) No part of the development hereby approved shall be brought into its intended use until the East-West footway/cycleway connections and North-South footway/cycle connections and associated crossing points as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

13) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

14) A detailed scheme for landscaping, including the planting of trees and/or shrubs (in particular in respect of the southern boundary), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

14) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

15) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of

implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

16) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

17) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed.

18) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

19) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

20) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.

Reason – To ensure adequate protection to the Met Office satellite reception facility.

22) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

23) Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of

sustainable drainage systems. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

24) No dwelling shall be occupied until details of gates to all rear service alleyways have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these agreed details at all times.

Reason: In accordance with paragraphs 91 and 127 the National Planning Policy Framework in respect of reducing the fear of crime and increased surveillance opportunities.

25) Pre-commencement condition - A noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.

Reason: In the interest of amenity.

26) Pre-commencement condition: No development shall commencement until an air quality assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

27) No dwelling shall be occupied until a lighting assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

## **INFORMATIVES**

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an

impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council, which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

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

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

4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

5) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.

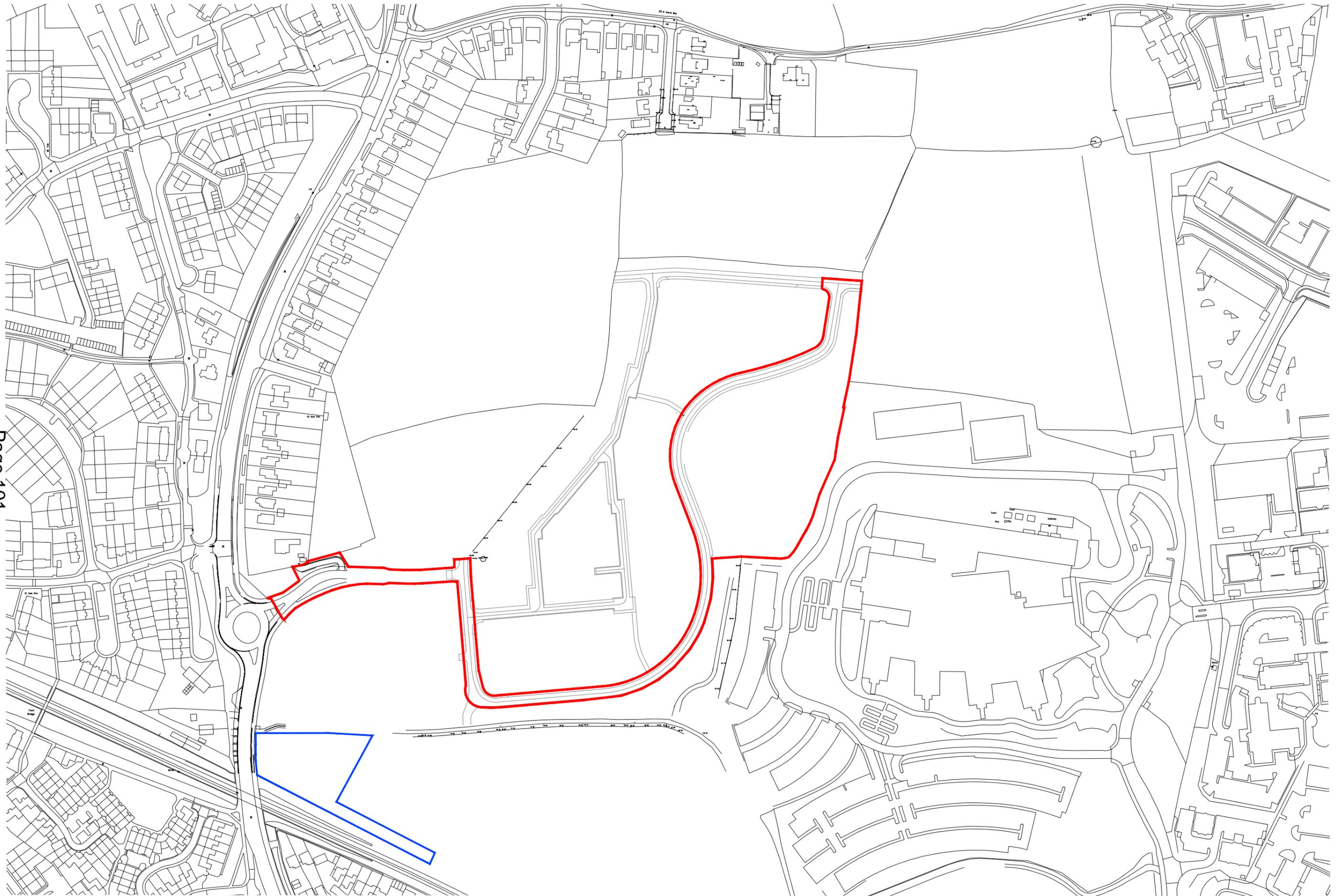
6) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 7 MARCH 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**

The applicant has failed to complete a Section 106 Agreement within an appropriate timescale for requirements that are deemed necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development.



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# Agenda Item 9

**COMMITTEE DATE:** 7th September 2020

**APPLICATION NO:** 20/0293/FUL

**APPLICANT:** Mr Daniel Partridge

**LOCATION:** 89 Mount Pleasant Road, Exeter

**PROPOSAL:** Change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4).

**REGISTRATION DATE:** 28<sup>th</sup> February 2020

**RELATED DOCUMENTS:** <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6EKYJHBGLB00>

## **SITE HISTORY**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
19/0667/FUL	Change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4)	WDN	09.09.2019

## **DESCRIPTION OF SITE/PROPOSAL**

The proposal relates to a two storey three-bedroom mid-terrace dwelling on Mount Pleasant Road. The property is located within a zone where the Council has applied an Article 4 Direction to restrict changes of use from Class C3 (dwelling) to Class C4 (House in Multiple Occupation, or HMO). This was introduced in 2011 in order to address an identified problem with a growing concentration of HMOs in residential streets close to the city centre and the University of Exeter campus. The objective was to ensure the maintenance of balanced communities and to prevent streets being dominated by short stay student residents, which leaves properties vacant for significant periods outside of the academic terms.

This property was in student HMO use prior to 2013 when the applicant bought the property and, through Permitted Development, converted it back to a Class C3 dwelling. After a period of 6 years, the applicant has concluded that the dwelling is not suitable for normal family life and therefore wishes to move. He considers that it is unlikely that an owner occupier will purchase the property and therefore seeks planning permission for a change of use back to a Class C4 HMO.

## **REPRESENTATIONS**

3 objections have been received.

2 of these are short objections effectively stating that there should be no more HMOs in the area.

1 letter of support from a Support Worker for the adjacent Salvation Army Housing Association HMO. He acknowledges that tenants in this property cause difficulties for the applicant. He states that he and his colleagues work with the residents of the HMO to help them to be good neighbours. However, once they develop these skills and are able to move to more permanent and independent accommodation a new resident takes their place and the process starts again. When No. 89 was occupied by students previously, prior to 2013, the occupiers kept irregular hours and had the odd party and seemed to tolerate their neighbours doing the same. The property is one of the few family houses in the street and the presence of so many bedsits and multiple-lets is discouraging owner occupiers from making offers.

## **CONSULTATIONS**

The Police *Designing Out Crime* Officer at Devon and Cornwall Police has no objection to the proposal but provides some general advice on measures to improve security as HMOs can be at significant risk of burglary and theft.

## **PLANNING POLICIES/POLICY GUIDANCE**

Exeter Local Plan First Review 1995-2011  
H5 – Diversity of Housing  
DG1 – Objectives of Urban Design  
DG4 – Residential Layout and Amenity

Exeter City Council Supplementary Planning Document  
HMO (Including Class C4 Uses)

Article 4 Direction restricting Permitted Development rights for changes of use from Class C3 (dwelling) to Class C4 (HMO)

## **OBSERVATIONS**

The Council's Article 4 Direction is accompanied by a Supplementary Planning Document (SPD) on HMOs, which seeks to clarify Policy H5 of the Exeter Local Plan. This states that conversions of dwellings to HMOs will be permitted provided that "the proposal will not create an overconcentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community". The very presence of the Article 4 Direction indicates that the Council has identified a problem with an overconcentration of HMOs in the restricted zone. The question therefore is whether this particular change would create an imbalance in the local community.

In order to support its objectives, the Council's aforementioned SPD contains a presumption against granting planning permission for further Class C4 uses within the restricted zone. However, the document acknowledges that "there may be some cases where very localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. In these cases owners of Class C3 dwellings may find difficulty in finding a purchaser for continued Class C3 use and may therefore wish to change to Class C4/HMO use" (Paragraph 5.2). The Council sets out 4 criteria that it will take into account when these circumstances arise. These are addressed in turn below.

1. *Local representations in support or objection from those directly affected by the proposal.*

Two objections have been raised. One is from a resident in Beech Avenue in Pennsylvania, which is some distance from the site. It is not clear if the writer has any more local property interests in the area. The other objection is from a resident in the street behind this property, Abbots Road, who is concerned about the strain being put on parking and services. This is not a significant response from the local community although it could also be a reflection of a lack of owner occupiers in the immediate vicinity.

In his application form, the applicant refers to particular problems he is experiencing with the neighbouring HMO run by the Salvation Army Housing Association. He states that this is occupied by individuals in need of temporary housing that are recovering from homelessness and substance abuse. He stipulates that “we have had significant ongoing issues with noise, loud music and disturbance at all hours of the day and night throughout the period in which we have owned the property. We have been in regular contact with the housing charity about these ongoing issues, but these issues have not been (and will not be) resolved due to the ongoing nature of the use”. He also relates that the other neighbouring HMO is occupied by students and he has also had problems with late night noise and disturbance from this property. Consequently, he has concluded that the property is not suitable for normal family life.

A Support Worker at the Salvation Army Housing Association acknowledges the problems with the tenants in its HMO. Whilst he and his colleagues do all they can to encourage the tenants to be good neighbours, the individuals move on once they develop these skills and reach a point where they are equipped to be able to support themselves in permanent independent accommodation. A new tenant then arrives and the process starts again. This writer supports the change of use to an HMO.

*2. The proximity of existing Class C4 uses, larger HMOs or Council Tax exempt properties where they might be likely to affect the amenities of normal family life (e.g. if there were such uses on both adjoining sides).*

The applicant has provided a map of HMOs and properties subdivided into flats and bedsits in the immediate vicinity. This has been checked and verified as accurate by the Council’s HMO Licensing team. It shows that of the thirteen properties in the row from Nos. 85 to 97 Mount Pleasant Road 10 are already in HMO use and 1 is subdivided into flats or bedsits. On the opposite side of the road, the row of 17 properties between Nos. 12a and 29 includes 12 HMOs and 4 subdivided properties.

This demonstrates that there is already a high percentage of HMOs in the locality and indicates that the area already contains a concentration that has changed the character of the area and resulted in a loss of community balance. The evidence tends to support the applicant’s assertion that his property is not suitable for normal family life.

*3. Any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling.*

The applicant placed the property on the market in August 2019. Whilst it remains for sale, the property was on the market for around 7 months prior to the Coronavirus lockdown. In a letter dated 19 February 2020, the estate agent confirmed that there had been 36 viewings booked during that period although some were subsequently cancelled when clients realised the nature of the neighbouring uses. Two clients returned for second viewings but these were understood to be people interested in buying the property to let. No offers had been made at all, including none below the asking price.

In seeking feedback from clients, the estate agent discovered that 16 were not interested because of the neighbouring uses. 5 were discouraged because the Article 4 Direction would restrict buy to let. 2 were concerned about parking. None mentioned the price as a problem. The estate agent therefore stated that in his professional opinion a reduction in price would not make a significant difference in achieving a sale. He noted that other properties in the area that were not adjoined by HMOs had sold reasonably quickly. Nonetheless, the applicant revisited the price with the estate agent and in May 2020 it was reduced from £300000 to £290000.

In a further letter dated 25 August 2020, the estate agent has updated the situation. It asserts that the property market has been buoyant as lockdown has eased and that it has sold more properties in the past 3 months than in any other 3 month period over the past five years. This particular property has been advertised extensively both locally and online. A sale board also remains outside the property. However, the estate agent points out that 30% of its clients no longer choose to display a board because it is not considered necessary.

Online, the property details are being viewed around 40-50 times a day. In total there have now been around 50 viewings booked. 10 have been booked post-lockdown since the price has been reduced. However, around 30 have been subsequently cancelled. In obtaining feedback, the estate agent discovered that 31 were not interested because of the neighbouring uses. 2 were put off by parking arrangements. 5 were discouraged because the Article 4 Direction would restrict buy to let. No one has stated that the price is a problem. Indeed, the estate agent points to the fact that it has recently sold a much smaller 2 bedroom house in nearby Commins Road for £270000, just £20000 below the asking price for this property. "The overwhelming feedback that we have received throughout our time marketing the property", it concludes, "is that potential buyers do not want to live next door to HMOs and student accommodation."

To confirm that the price of the property is reasonable, the applicant has asked for valuations from two other estate agents. He reports that both have recently sold similar properties in the local area. They have valued the property in the region of £300000 to £325000.

To date, after more than a year on the market, it remains the case that no offers have been made including none below the asking price.

The evidence presented here suggests that the Council's policy objectives are difficult to achieve when there is a perception that a balanced community has already been lost.

*4. Any other circumstances indicating the policy restriction is causing severe personal hardship.* The applicant has not provided any information in his submission on this matter.

Taking all these points together, it is concluded that three of the four exceptional circumstances have been reasonably met in this instance. The immediate vicinity already has an overconcentration of HMOs and subdivided properties that have altered the character of the area and resulted in a loss of a balanced community. Consequently, as the marketing feedback has confirmed, it is difficult for the Council to achieve its policy objectives here. For these reasons, it is recommended that planning permission be granted.

#### **DELEGATION BRIEFING - 7 April 2020 and 28 April 2020**

Members expressed a range of views on the proposal and requested that it be presented to the Planning Committee for determination.

## **PLANNING COMMITTEE – 01 June 2020**

Members deferred the application for a period of 3 months to allow more time for the property to be marketed.

### **RECOMMENDATION**

#### **APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:-**

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

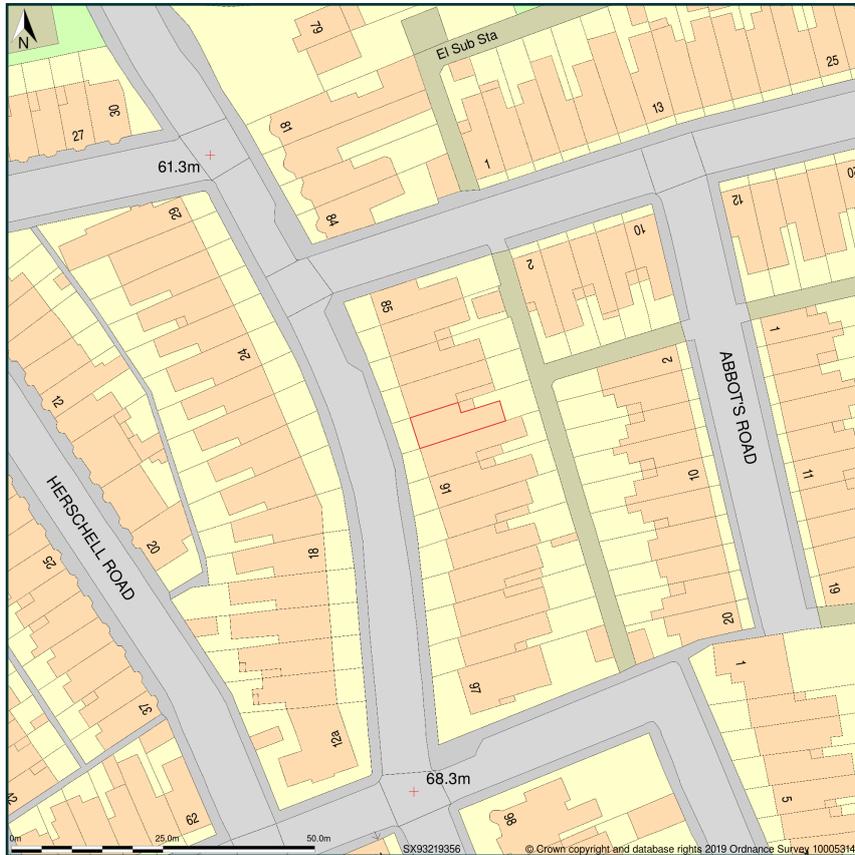
**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 February 2020 as modified by other conditions of this consent.

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

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89, Mount Pleasant Road, Exeter, Devon, EX4 7AD



Site Plan shows area bounded by: 293141.29, 93496.24 293282.71, 93637.66 (at a scale of 1:1250), OSGridRef: SX93219356. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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## Planning Committee Report - 20/0437/FUL

**1.0**      **Application Number:** 20/0437/FUL  
**Applicant name:** Strongvox Homes  
**Proposal:** Residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works.  
**Site address:** Land to the North East of Newcourt Road, Topsham, Exeter.  
**Registration Date:** 02/04/2020  
**Web-link to application, drawings/plans:**  
<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8472WHBH2H00>  
**Case Officer:** Michael Higgins  
**Ward Members:** Cllrs Leadbetter, Newby and Sparkes

REASON APPLICATION IS GOING TO COMMITTEE: Non-delegated.

**2.0**      **Summary of Recommendation:**

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

**3.0**      **Reason for the recommendation:** as set out in Section 18 at end

- Absence of 5 year land supply
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to neighbouring residential amenity.
- There are no material considerations which it is considered would warrant refusal of this application

**4.0**      **Table of key planning issues**

Issue	Conclusion
Principle of development	In context of lack of 5 year housing supply principle considered acceptable notwithstanding landscape setting policy.

Affordable Housing	Provision meets requirement of relevant policy
Access/Impact on Local Highways and parking provision	The Local Highway Authority has confirmed that these issues are acceptable, subject to contributions towards sustainable travel measures in the area and a Traffic Regulation Order (TRO) to extend the 20mph zone into the development, and conditions including one to secure a Travel Plan.
Scale, design, impact on character and appearance	Design is considered to be appropriate in context of prevailing character of existing development in the locality
Impact on Heritage Assets	No significant heritage assets impact
Impact on Trees and Biodiversity	Hedgerows retained, scheme incorporates appropriate mitigation and enhancement
Flood Risk and Surface Water Management	Following the provision of revised information the proposed approach is considered acceptable.
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition
Economic benefits	Affordable housing, open space, contribution to enhances GP service provision, and jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

## 5.0 Description of Site

The application site comprises a 1.01 hectare field situated on the north side of Newcourt Road between it and the Exeter to Exmouth branch railway line. The site slopes slightly down from the railway line to Newcourt Road and has hedgerows forming the site boundaries.

Newcourt Road itself comprises a mixture of ribbon development comprising mainly semi-detached dwelling on both sides of the first stretch extending out from Topsham interspersed with agricultural fields before a change to more ribbon development of principally detached properties on the southern side of the road. The field between the site and existing houses on Newcourt Road also has outline approval for residential development.

## **6.0 Description of Development**

The proposal relates to the development of this field to provide 27 dwellings comprising a mix of 1, 2, 3, 4 and 5 bed units arranged either side of a new road leading off Newcourt Road at approximately the midpoint of the site frontage. Alongside the road a central open space will be created with dwellings arranged around it creating a focal point for the development. The existing hedgerow along the site frontage will be removed as part of the formation of the site access and associated visibility splays.

## **7.0 Supporting information provided by applicant**

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Ecological Assessment
- Biodiversity Management and Enhancement Plan (BMEP)
- Method Statement for a Programme of Archaeological Work
- Flood Risk Assessment & Drainage Strategy Report
- Arboricultural Impact Assessment
- Lighting Impact Assessment
- Acoustic Design Statement
- Phase 1 Geo-environmental Assessment
- Phase 2 Geotechnical and Geo-environmental Assessment

## **8.0 Relevant Planning History**

19/0543/OUT - Construction of up to 23 residential dwellings (including market, affordable and age-restricted dwellings), provision of access off Newcourt Road, open space and associated works (outline application with details of access only for approval with scale, layout, appearance and landscaping all reserved for future consideration). Approved 23/12/2019 subject to a S106 Agreement relating to affordable housing.

The following applications on adjoining land are also considered relevant:

18/1120/OUT – Outline planning permission for development of site to provide 7 residential units (3 open market and 4 self-build plots) with access from Newcourt Road (Appearance, Landscaping, Layout and Scale all reserved for subsequent approval). This application was considered by the Planning Committee at its' meeting on the 24<sup>th</sup> June 2019 The Committee resolved to grant conditional planning permission subject to a S106 Agreement relating to affordable housing. This was completed and the approval was issued on 18<sup>th</sup> December 2019.

20/0121/RES - Submission of all reserved matters (appearance, landscape, layout and scale), pursuant to Planning Permission Reference 18/1120/OUT for development of site to provide 7 residential units (3 open market and 4 self-build plots) with access from Newcourt Road. This application is currently under consideration.

17/1148/OUT - Outline planning permission for up to 155 residential units and a 64-bedroom residential care home. Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration. Refused 07/03/2018. Subsequently allowed on appeal by Planning Inspector's decision letter dated 14/01/2019.

## 9.0 List of Constraints

Zone of Influence of SPA's  
Landscape Setting  
Adjacent branch railway line

## 10.0 Consultations

**All consultee responses can be viewed in full on the Council's website.**

**Devon & Somerset Fire & Rescue Service** – No objection in principle. Identify services need for a Fire Hydrant and state that detailed requirements will be picked up at Building Regulations stage. Subsequent to receipt of these comments the applicant has provided a further drawing demonstrating that the layout provides access and turning for a fire appliance as well as Refuse vehicles.

**Royal Devon and Exeter NHS Foundation Trust** - submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £34,813 towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

**Torbay and South Devon NHS Foundation Trust** – Respond as follows (It should be noted that in the Methodology section of the response below the application number referenced is incorrect) -

“The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon Clinical Commissioning Group as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other->

county-policy-and-guidance) which was jointly prepared by NHS England and Devon County Council.

In preparing this response, it is noted that the Exeter City Council Core Strategy Document 2012 under “Meeting the Communities Needs” states that:

*The objectives of the Sustainable Community Strategy and other strategies and programmes can be delivered, at least in part, through developer contributions sought for social and community infrastructure, including education/skills, health, culture, sports and leisure facilities.*

*Examples of areas where developer contributions could facilitate change and enhancement include:*

*.....improving access to health and social care (Exeter Sustainable Community Strategy/Exeter Primary Care Trust Estate Strategy/Royal Devon and Exeter (NHS) Trust Building Programme);*

The CCG’s concern is that Topsham Surgery in the Topsham area is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already have 10,943 patients registered between them and this new development will increase the local population by a further 60 to 70 persons.

Taking this into account and drawing upon the document “*Devon Health Contributions Approach: GP Provision document*” which was agreed by NHS England and Devon County Council, the following calculation has been made:

#### **Methodology for Application 20/0321/FUL**

1. Residential development of 27 dwellings (including 35% affordable housing)
2. This development is in the catchment of the Topsham Surgery which has a total capacity for 10,411 patients.
3. The current patient list size is 10,943 which is already over capacity by 532 patients or at 105% of capability.
4. The increased population from this development = 62
  - a. No of dwellings \* Average occupancy rate = population increase
  - b.  $27 * 2.28 = 62$
5. The new GP List size will be 11,005 which is over capacity by 594

- a. Current GP patient list + Population increase = Expected patient list size
  - b.  $10,943 + 62 = 11,005$  (594 over capacity)
  - c. *If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6*
6. Additional space required =  $4.92\text{m}^2$
- a. The expected patient list size, for this size practice =  $0.08\text{m}^2$
  - b. Population increase \* space requirement per patient = total space ( $\text{m}^2$ ) required
  - c.  $62 * 0.08 = 4.92 \text{ m}^2$
7. Total contribution required = **£11,322**
- a. Total space ( $\text{m}^2$ ) required \* premises cost = final contribution calculation
  - b.  $4.92 \text{ m}^2 * £2299 = £11,322$  (£419 per dwelling).

Could you please acknowledge the CCG's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and it will form part of any future s106 Agreement with the Developers."

**Environmental Health** – Recommends conditions relating to a CEMP, land contamination, noise mitigation and external lighting.

**ECC Principle Project Manager (Heritage)** – Comments "A written scheme of archaeological work has been submitted with the planning application documents. So long as this can be approved as part of an eventual planning permission and listed in the decision notice then there is no need for a pre-commencement condition. No other supporting info is required as there are no archaeological constraints on the principle or layout of the proposed development."

**Police Designing Out Crime Officer** – No response received.

**DCC Education (Children's Services)** – Have confirmed that given the fall-back position of a valid consent on this site for 23 dwellings (ref no. 19/0543/OUT) on which no S106 education contribution was secured they are not requesting an education contribution in connection with this current application.

**Natural England** – Identify need to secure mitigation of potential impact on protected European sites, and refer to standing advice relating to impact on protected species and biodiversity gain.

**Network Rail** – No objection but recommend guidance for applicant to follow regarding protection of the railway asset.

**DCC (Lead Local Flood Authority) – Comment as follows:**

“At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012) which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.”

Following submission of further information a revised consultation response has been received with the following recommendation –

“Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.  
Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.  
Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.  
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.”

**County Head of Planning, Transportation and Environment (Highways) –**

The development will result in an increase of 6 trip during peak hours compared to the previously permitted development. This will increase traffic on Newcourt Road raising some concern over private vehicle reliance, however the applicant is willing to pay a s106 contribution of £250 per dwelling towards sustainable travel measures in the area which mitigates this concern. A footpath will be provided along the site frontage that will link with the footpath that will be provided on the neighbouring site. In addition Newcourt Road will be widened to

allow two vehicles to pass. These works will be subject to s278/38 agreements and should be secured by condition. Overall the access to the site and internal road network is acceptable. A contribution of £3,000 is required for a TRO to extend the existing 20mph zone into the development. The layout includes sufficient parking provision for residents and visitors. Cycle parking should be conditioned to ensure compliance with the standards in the Sustainable Transport SPD. A Travel Plan should also be secured by condition. Blacktop and/or imprint must be used on roads to be adopted by the Local Highway Authority.

## 11.0 Representations

23 letters of representation have been received, including one from the Topsham Society and Exeter Cycling Campaign, raising the following issues:

- Newcourt Road is a no-through road which is unsuitable to accommodate additional traffic, including construction traffic, especially due to the bottleneck at the Denver Road end
- Impact on road safety – increased traffic. Narrow road, lack of pavements, poor visibility – dangerous to cyclists/pedestrians – well used, including children walking to school
- More traffic on Topsham Road since Old Rydon Lane made partly one-way
- Loss of green space (fields)/Topsham Gap – contrary to Development Plan
- Question validity of traffic surveys/assumptions
- Lack of school places to accommodate additional pupils
- Lack of infrastructure capacity – health, education, policing
- Sustainability – use of renewables
- Wildlife impacts/protected species – biodiversity enhancement opportunities
- Loss of trees/hedgerows
- Poor architecture – not in character with area nor exemplar, no Design Review process
- Lack of adequate parking provision
- Noise disturbance/pollution, especially during construction phase
- Design car dominated – quantity of parking not encouraging sustainable modes of transport. Should demonstrate priority to cyclists/pedestrians
- Lack of open space
- Junction design with Newcourt Road should have a raised table
- Developer should pay for shared use pedestrian/cycle path from development to junction with Topsham Road
- Cycle storage provision
- Nature and use of Newcourt Road changed considerably over years with developments nearby

- Overdevelopment, height of buildings
- Loss of agricultural land
- Drainage/sewerage arrangements and capacity
- Planners failed in dealing with previous applications in locality creating lack of faith in ability to assess this proposal
- Changes from previous approval in terms of number of dwellings and nature of them exacerbate problems identified.

## 12.0 Relevant Policies

### **Government Guidance**

National Planning Policy Framework (NPPF) (February 2019)

Planning Practice Guidance (PPG)

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 – Flood Risk

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H3 – Housing Sites

H5 – Diversity of Housing

H7 – Housing for Disabled People

L4 – Provision of Playing Pitches

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network

T9 – Access to Buildings by People with Disabilities

T10 – Car Parking Standards

C5 – Archaeology  
LS1 – Landscape Setting  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
EN6 – Renewable Energy  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG4 – Residential Layout and Amenity  
DG5 – Provision of Open Space and Children’s Play Areas  
DG6 – Vehicle Circulation and Car Parking in Residential Development  
DG7 – Crime Prevention and Safety

**Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

**Development Delivery Development Plan Document (Publication Version, July 2015)**

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

DD1 – Sustainable Development  
DD8 – Housing on Unallocated Sites  
DD9 – Accessible, Adaptable and Wheelchair User Dwellings  
DD13 – Residential Amenity  
DD19 – Safeguarding Railway Land and Former Railway Land  
DD20 – Accessibility and Sustainable Movement  
DD21 – Parking  
DD22 – Open Space, Allotments, and Sport and Recreation Provision  
DD25 – Design Principles  
DD26 – Designing out Crime  
DD28 – Conserving and Managing Heritage Assets  
DD29 – Protection of Landscape Setting Areas  
DD30 – Green Infrastructure  
DD31 – Biodiversity  
DD33 – Flood Risk  
DD34 – Pollution and Contaminated Land

**Exeter City Council Supplementary Planning Documents**

Affordable Housing SPD (April 2014)  
Archaeology and Development SPD (Nov 2004)  
Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)  
Public Open Space SPD (Sept 2005)  
Residential Design Guide SPD (Sept 2010)  
Trees and Development SPD (Sept 2009)

### **Other documents**

Exeter Fringes Landscape Sensitivity and Capacity Study February 2007  
Visual Land Parcel Evaluation for Potential Residential Sites in Exeter  
September 2013

### **Devon County Council Supplementary Planning Documents**

Minerals and Waste – not just County Matters Part 1: Waste Management and  
Infrastructure SPD (July 2015)

## **13.0 Human rights**

Article 6 - Right to a fair trial.  
Article 8 - Right to respect for private and family life and home.  
The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **14.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

- New footpath to site frontage as part of access formation on a section of Newcourt Road where none presently exists.
- Health Care – Contribution secured towards enhanced GP services provision.
- Wheelchair accessible ground floor flat as part of affordable housing provision.

## 15.0 Financial benefits

### Material considerations

Affordable housing, 9 dwellings and commuted sum of £60,322.61 for part unit of 35% requirement.

Quantum of greenspace – approx. 900sq m (excluding new hedgerow frontage)

Contributions to health care of £11,322 towards enhanced GP services provision.

£250 per dwelling towards sustainable travel measures in the area.

£3,000 Traffic Regulation Order to extend 20mph zone into the development.

Proposal will create jobs in construction and related industries.

### Non material considerations

#### CIL contributions

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £119.92 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq. m granted for 2020 for this development is £119.29.

New Homes Bonus.

## 16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access/Impact on Local Highways and parking provision
4. Scale, design, impact on character and appearance
5. Impact on Heritage Assets
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation

## 1. The Principle of the Proposed Development

There are a number of material planning considerations that need to be assessed in connection with this application. However in terms of the overall context for determination of the application it is important to highlight the position in relation to the Council's 5 year housing land supply and implications for relevant development plan policies.

Most recently this position has been highlighted in the consideration of an application for residential development of land in close proximity to the current application site, namely application 17/1148/OUT for land at Clyst Road that is only separated from the current application site by the intervening Exeter to Exmouth branch railway line. During this recent Public Inquiry it was accepted that the Council could only demonstrate a 5 year land supply of just over 2 years and 1 month. Although this has improved slightly recently the Council is still significantly short of being able to demonstrate a 5 year housing land supply. This is important when weighing up the planning balance in reaching a decision on the current application.

The current application site lies within an area identified as Landscape Setting in both the Adopted Local Plan and Core Strategy – Policies LS1 and CP16 respectively.

Policy LS1 states –

“Development which would harm the Landscape Setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:

- (a) Be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or
- (b) Be concerned with change of use, conversion or extension of existing buildings;

Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.”

Whilst it is not considered that the proposed development would satisfy the requirements of this policy, in the Clyst Rd appeal mentioned above the Inspector referred to the policy as being based on outdated information, superseded by national policy and thereby concluded that conflict with this policy should be afforded limited weight. These comments are considered valid and as such it is equally considered that conflict with policy LS1 should be afforded limited weight in the determination of this application. The Inspector also attached no weight to policy DD29 of the emerging Development Delivery DPD due to the fact that it has not been progressed to submission and is likely to be delayed until sufficient

progress has been made with the intended Greater Exeter Strategic Plan (GESP). It is accepted that no significant weight should be attached to DDDPD policies in the consideration of this current application

Therefore the critical policy against which to judge the merits of the principle of residential development of the application site is policy CP16. The relevant section of policy CP16 is its third paragraph which reads as follows -

“The character and local distinctiveness of the areas identified below, will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the Green Infrastructure Strategy, through the Development Management DPD:

- the hills to the north and north west;
- Knowle Hill to the south west;
- the strategic gap between Topsham and Exeter;
- and the Valley Parks: Riverside, Duryard, Mincinglake, Ludwell, Alphington to Whitestone Cross, Savoy Hill and Hoopern.”

The key consideration therefore in respect of the application proposal in terms of its acceptability from a policy context is considered to be –

- a) whether it would harm the landscape setting of the city by virtue of its impact upon the local distinctiveness and character of the area, and
- b) if it is determined that there is harm in this respect, whether taking into account other material considerations, such as the absence of a 5yr housing land supply, that harm/adverse impact significantly and demonstrably outweighs the benefits of the proposal in terms of the provision of much needed housing to meet identified needs.

Therefore a case specific assessment of the harm/impact arising from the scheme is required. The explanatory text to policy CP16 states the following in respect of the Topsham Gap –

“The strategic gap between Topsham and Exeter is also particularly important in that it forms an open break between the two settlements, thus preventing their coalescence, whilst also protecting Topsham’s attractive setting. Whilst this area has a low intrinsic landscape value, the role it plays makes it sensitive to development.”

The site forms does form part of the ‘Topsham Gap’ and whilst it is located more towards the norther fringes of the town it still contributes to the sense of separation from Exeter as part of the more open countryside to the north of Topsham. In terms of the Exeter Fringes Landscape Sensitivity and Capacity Study 2007 the land forms part of land parcel 21 which is identified as being of ‘medium’ landscape sensitivity. The site is also one of those assessed in the Visual Land Parcel Evaluation for Potential Residential Sites in Exeter (Sept

2013) as site no 68. The assessment of this site concludes that does not make an important contribution to the visual amenity of the urban fringe, and has limited impact in views both of, and from the site. In terms of visual value and susceptibility the site is evaluated as being low and medium/low respectively, with no distinct features other than the hedge site boundaries. It is also identified as being of very low visual sensitivity.

Notwithstanding the above it is fact that the scheme would result in development of part of the Topsham gap and landscape setting around Topsham, and would consequently harm the character of part of it. However, the development of this small site would not in itself lead to any material coalescence between the two settlements. Its visual sensitivity is identified as low and in the context of the character of the immediate vicinity of the site, and the fact that land adjoining the site on the other side of the railway line has recently been granted permission for residential development on appeal, it is not considered that this proposal would have a significant urbanising effect. There would still remain open land between the site and the Motorway and therefore whilst the 'gap' would be eroded its function in respect of preventing coalescence in terms of policy CP16 would be maintained and the remaining gap would continue to serve its purpose of separation. In this context the harm to the landscape setting arising from this particular proposal is considered minimal.

Even if a contrary view of the proposal with regard to the degree of harm resulting from it on the landscape setting and local distinctiveness and character of the area is adopted, it would be necessary to balance this against the Council's inability to demonstrate a 5 year housing supply. In the recent appeal decision in respect of the Clyst Road site, despite considering that the scheme would not protect the character and local distinctiveness of the strategic gap in that case the Inspector concluded "in the light of the considerable housing shortfall, the contribution that the appeal scheme would make to the supply of housing is an important material consideration that is sufficient to outweigh the adverse effect that would be caused to the character and local distinctiveness of the strategic gap and conflicts with the relevant development plan policies in this instance."

In light of the early stage of the GESP, which has not yet been subject to public consultation in respect of potential site allocations, it is not considered that a refusal of the current proposal on the grounds of prematurity could be sustained. It is necessary therefore to consider the proposal in the context of the adopted Development Plan and the Council's position in respect of its 5 year housing land supply.

Given the above assessment of the merits of the scheme the proposal is considered acceptable from a landscape setting policy perspective.

## 2. Affordable Housing

The application comprises 27 units in total and the affordable housing requirement set out in policy CP7 is for 35% affordable (split 70% social rent/30% intermediate). This equates to 9.45 units, with part units to be dealt with by way of financial contribution as set out in the Council's Affordable Housing SPD. The relevant financial contribution in respect of the 0.45 of a unit calculated in accordance with the SPD is £ 60,322.61. The submitted plans depict 9 units (a mix of 1/2 bed flats, 2/3 bed houses) split 80/20% between social rent (the 7 flats, one of which will be provided as a wheelchair accessible unit) and intermediate (the 2 houses). The affordable housing and associated financial contribution will be secured through S106 obligations.

## 3. Access/Impact on Local Highways and parking provision

The access to the development is provided via a new junction off Newcourt Road in accordance with details that were previously approved as part of the extant outline approval ref 19/0543/OUT. Although the existing hedgerow fronting Newcourt Road will be removed as part of the provision of the access and associated visibility splays a replacement hedgerow will be provided within the site setback behind the new footpath running along the site frontage. This section of Newcourt Road currently has no footpath, so this provision constitutes an improvement in terms of highway safety for all pedestrians using this section of the road.

The application will increase the number of units on the site by 4 dwellings compared to the previously permitted outline application, resulting in a slight increase in traffic on Newcourt Road. The Local Highways Authority has requested a contribution of £250 per dwelling toward sustainable travel measures to mitigate the additional impact and on balance considers the traffic impact to be insignificant. Paragraph 109 of the NPPF states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Officers consider there are no highways grounds to refuse the application, as the impacts will not be severe and only constitute a slight increase over what was previously permitted. Facilities will also be provided to ensure safe access is provided for all users.

A total of 67 parking spaces are provided to serve the development (62 residents and 5 visitor spaces). The parking to serve individual properties is predominantly on-plot through a combination of garages and driveways. Those properties without garages are provided with separate cycle storage provision in the form of

sheds within the rear gardens of the properties. The flats are provided with a communal refuse/cycle storage facility.

The Local Highways Authority has recommend conditions which should be added should the application be permitted.

#### 4. Scale, design, impact on character and appearance

The layout has been designed with the central open space as focal point of the development with dwellings arranged around it facing over it provided a high degree of natural surveillance. Parking provided predominantly on-plot ensures that the public realm is not highway dominated and the use of differing road materials within private drives helps to create visual variety and break-up the hard surfaces. The majority of buildings are 2 storey in height which reflects the prevailing character of existing dwellings in the locality. The flats are contained within a 2.5 storey building located to the rear of the site. External materials comprise a mix of brick and render with slate/tile roofs apart from a single thatch roof property as an interesting variation on the road into the development facing the open space. The dwellings themselves are of traditional pitched roof design. Overall the development is considered visually acceptable and appropriate in the context of the character and appearance of the locality generally.

The dwellings have been located appropriate distances off the site boundaries and therefore the impact on the amenity of surrounding properties is considered acceptable. Setting the buildings an appropriate and fair distance off the boundary with the adjoining site (which has outline planning permission) provides the opportunity, with a similar approach to the design of the detailed layout of that site, to achieve appropriate privacy distances between dwellings.

Within the site itself, negotiations have secured revised plans that have satisfactorily addressed some minor concerns about the relationship between dwellings and the provision of adequate external amenity spaces. The dwellings are all considered acceptable in terms of both internal and external space standards.

#### 5. Impact on Heritage Assets

The submitted method statement for a programme of archaeological work has been considered and the Heritage Officer is satisfied on the basis of this that there is no archaeological constraints on the principle or layout of the proposed development. There are no other heritage assets that will be affected by the proposal and therefore in this respect the scheme is considered acceptable provided it is implemented in accordance with the submitted method statement.

## 6. Impact on Trees and Biodiversity

Aside from the boundary hedgerows the site does not contain any significant trees or landscaping features. Whilst the hedgerow fronting Newcourt Road will be removed as part of the new access, a replacement hedgerow is proposed on the development side of the new access/footpath. The other hedgerows forming the boundaries of the site will be retained as part of the development with additional native planting to fill in any gaps, whilst a new hedgerow is proposed along the railway boundary inside a 2.4m high acoustic fence.

A Biodiversity Management and Enhancement Plan (BMEP) has been submitted in support of the application which identifies measures to both protect and enhance biodiversity on the site, measures include a total of 27 bat/bird boxes integrated within the buildings, dormice boxes to be agreed with Natural England as part of the statutory licensing process. The implementation of the development in accordance with the submitted BMEP can be secured through an appropriate condition.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

## 7. Flood Risk and Surface Water Management

The revised submitted Flood Risk Assessment (FRA) and Drainage Strategy Report concludes that the site is located within Flood Zone 1 and is therefore a very low risk of flooding from rivers or sea and not at risk from surface water flooding. Therefore the site is considered suitable for residential development in this respect.

The site is generally unsuitable for the use of soakaways due to ground conditions and therefore it is proposed to discharge surface water runoff from the site to the existing surface water sewer in Newcourt Road. The discharge will be controlled to correspond to the existing greenfield scenario utilising storm water attenuation tanks and limited areas of permeable paving on communal driveways. It states that this strategy is the same as that approved in the previous outline application granted on the site and has been agreed with South West Water.

DCC as the LLFA objected to the initial FRA and Drainage Strategy. Following negotiations revised information, including a revised FRA and Drainage Strategy, has been submitted. Based on this revised information the LLFA have confirmed that the approach is now acceptable and have withdrawn their initial objection and recommended a condition relating to the details to manage surface water during the construction phase.

#### 8. Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

#### CIL/S106

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision (35% of the total number of dwellings to be provided, including financial contribution in lieu of part unit), open space (provision, public access and maintenance), and a financial contribution towards enhanced GP facilities/provision in the locality.

The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.

The development will result in additional population in the locality which will create additional demand for GP services. Given that the existing GP provision in the locality is already at over-capacity the requested S106 financial contribution towards enhanced provision to meet the demand generated by the proposed development is considered justified in terms of the relevant tests to be applied to requested contributions.

### **17.0 Conclusion**

The site already has a valid outline permission for residential development. The Council is still unable to demonstrate a 5 year housing land supply and the proposal will make a contribution towards housing delivery. The development is considered acceptable in terms of its design/amenity and transportation impacts, and sustainable in terms of its location. Therefore, the officer recommendation is one of approval as set out below.

**18.0** **RECOMMENDATION** Dual Recommendation as set out below with B) only applying in the event of the failure to complete the S106 Agreement within the prescribed timeframe: -

**A) DELEGATE TO CITY DEVELOPMENT MANAGER TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

- Affordable housing, including financial contribution in lieu of part unit
- Open space provision, maintenance and public access in perpetuity
- Contribution of £11,322 towards enhanced GP facilities/provision in the locality.
- £250 per dwelling towards sustainable travel measures in the area.
- £3,000 Traffic Regulation Order to extend 20mph zone into the development.
- All S106 contributions should be index linked from the date of resolution.

And the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 1st April, 16th June and 10th July 2020 (including dwg. nos. 0702-101, 0702-102 Rev A, 0702-103 Rev A, 0702-104 Rev A, 0701-105 Rev A, 0702-106 Rev A, 0702-107 Rev A, 0702-108 Rev A, 0702-109 Rev A, 0702-110 Rev A, 0702-111, 0702-112, Rev A, 0702-113, Topsham-C-100\_002-A- Proposed Site Sections Rev A, 3274\_L\_LMP\_0\_01 Rev H, 3274\_L\_LMP\_3\_01 Rev B, 3274\_L\_LMP\_3\_02 Rev B, Planting Schedule Rev A, 12952/P05, Garden Areas Schedule, Parking Matrix, 0702-300, 0702-301, 0702-302, 0702-303, 0702-304, 0702-305, 0702-306, 0702-307, 0702-308, 0702-309, 0702-310, 0702-311, 0702-312, 0702-313, 0702-314, 0702-315, 0702-316, 0702-317, 0702-318, 0702-319, 0702-320, and 0702-321) as modified by other conditions of this consent.

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

3) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. The developer shall maintain such fences to the satisfaction of the

Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

4) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

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

5) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO<sub>2</sub> saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer

will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

6) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

7) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area and a plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

8) The development hereby approved shall be implemented and maintained strictly in accordance with the submitted Flood Risk Assessment & Drainage Strategy Report dated July 2020 Rev A prepared by Spring Design.

Reason: To ensure that the scheme is implemented in accordance with an agreed framework and drainage strategy in the interests of ensuring that the drainage impacts of the proposal are acceptable and sustainable.

9) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the

construction of the development shall correspond with the approved samples in all respects.

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

10) The development hereby approved shall be implemented in accordance with the provisions and mitigation measures contained within the submitted Ecological Assessment Report Ref 12952\_R01\_RR-MM and the Biodiversity Management and Enhancement Plan Report Ref 12952\_R02c\_JP\_HM dated 24th March 2020 prepared by Tyler Grange (as updated by the Bat and Bird Box location plan drawing no. 12952/P05 dated July 2020). Thereafter the mitigation measures specified shall be maintained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the scheme is implemented to protect the existing ecological interest of the site through appropriate mitigation and to enhance the ecological value of the site.

11) The development hereby approved shall be implemented in accordance with the submitted 'Method Statement for a programme of Archaeological Work' prepared by AC archaeology report ref no: ACD2231/1/1 dated March 2020.

Reason - To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

12) All external lighting comprised in the development shall be installed and maintained in accordance with the specifications set out and specified with the Lighting Impact Assessment prepared by Designs for Lighting report ref no: 1409-DFL-LIA-001 Rev D dated 08.07.2020.

Reason - To minimise the potential for light pollution and create an acceptable residential environment for future occupants of the dwellings.

13) None of dwellings comprising plots 9 to 20 shall be occupied until the mitigation measures outlined in Clarke Saunders's Acoustic Design Statement (report ref: AS11066.200326.R2.3, dated 26.0.20), including the specific boundary treatments referred to in paragraphs 4.8.7 and 4.8.8, have been implemented in full and evidence that the mitigation measures have been implemented has been provided to the Local Planning Authority. Mitigation measures shall be maintained thereafter.

Reason - To ensure that a satisfactory environment in terms of residential amenity and protection from noise is created for potential occupants of the properties.

14) In the event of failure of any trees or shrubs, planted in accordance with the landscaping scheme hereby approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be

replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

15) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

16) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

17) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling, as indicate on drawings no's 0702-102 Rev A and 0702-109 Rev A, has been provided and made available for use by the occupant. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

18) No part of the development hereby approved shall be brought into its intended use until the 2.0m footway fronting Newcourt Road, visibility splays, carriageway widening and the vehicular access point as shown on drawing ref. Topsham-C-1300\_001-A - S278 General Arrangement Plan have been provided and maintained in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy CP9 of the Core Strategy (February 2012).

19) No part of the development shall be occupied until a travel plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

## **INFORMATIVES**

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

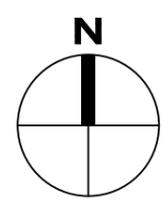
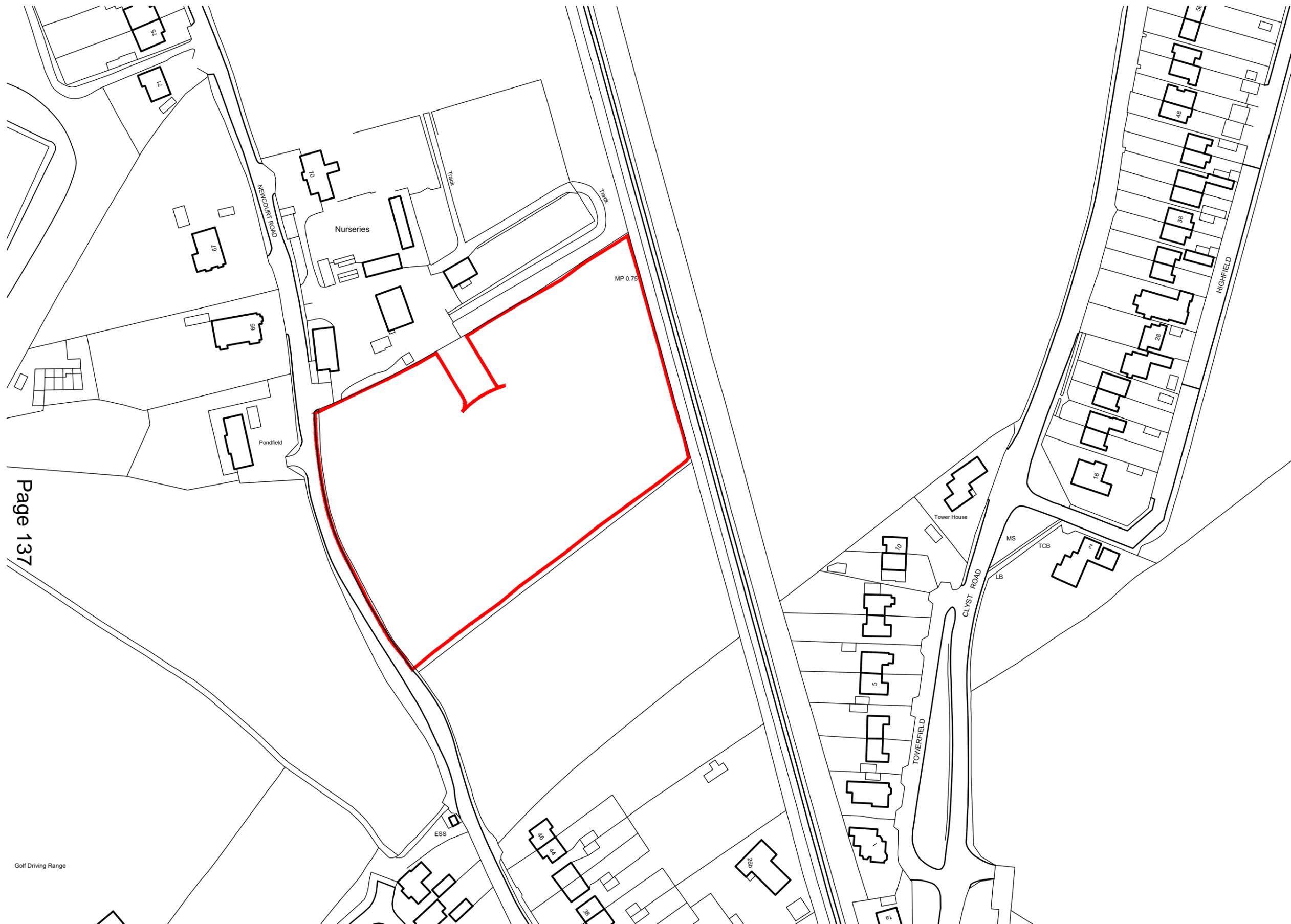
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief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

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

4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

5) The applicant's attention is drawn to the requirements of Network Rail set out in their emailed communication dated 29th May 2020.

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 7 MARCH 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**



**LAND OFF NEWCOURT ROAD, TOPSHAM**  
LOCATION PLAN

**DATE** : MARCH 2020  
**DRAWN** : DGK

**DRAWING TITLE** : LOCATION PLAN  
**DRAWING NO** : 0702-101  
**SCALE** : 1:1250 @ A3

The Distillery, The Old Brewery Office Park,  
7 - 11 Lodway, Pill, Bristol BS20 0DH  
T. 01275 813380 E: admin@focusdp.com  
[www.focusdp.com](http://www.focusdp.com)



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## REPORT TO: PLANNING COMMITTEE

Date of Meeting: 7 September 2020

Report of: Director

Title: Delegated Decisions and Planning Report Acronyms

### 1 WHAT IS THE REPORT ABOUT

- 1.1 This report lists planning applications determined 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.

### 2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant City Development Manager [Planning] (Roger Clotworthy) or the Director (Bindu Arjoon) of any questions on the schedule prior to Planning Committee meeting.
- 2.2 Members are asked to note the report.

### 3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the type of application:

OUT	Outline Planning Permission
RES	Approval of Reserved Matters
FUL	Full Planning Permission
TPO	Works to Tree(s) with Preservation Order
ADV	Advertisement Consent
CAT	Works to Tree(s) in Conservation Area
LBC	Listed Building Consent
ECC	Exeter City Council Regulation 3
LED	Lawfulness of Existing Use/Development
LPD	Certificate of Proposed Use/Development
TEL	Telecommunication Apparatus Determination
CMA	County Matter Application
CTY	Devon County Council Application
MDO	Modification and Discharge of Planning Obligation Regulations
NMA	Non Material Amendment
EXT	Extension to Extant Planning Consent
PD	Extension - Prior Approval
PDJ	Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes:

DREF	Deemed Refusal
DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
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

### 4 PLANNING REPORT ACRONYMS

The following list explains the acronyms used in Officers reports:

AH	Affordable Housing
AIP	Approval in Principle

BCIS	Building Cost Information Service
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
DCC	Devon County Council
DCLG	Department for Communities and Local Government: the former name of the Ministry of Housing, Communities & Local Government
DfE	Department for Education
DfT	Department for Transport
dph	Dwellings per hectare
ECC	Exeter City Council
EIA	Environment Impact Assessment
EPS	European Protected Species
ESFA	Education and Skills Funding Agency
ha	Hectares
HMPE	Highway Maintainable at Public Expense
ICNIRP	International Commission on Non-Ionizing Radiation Protection
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	National Planning Policy Framework
QBAR	The mean annual flood: the value of the average annual flood event recorded in a river
SAM	Scheduled Ancient Monument
SANGS	Suitable Alternative Natural Green Space
SEDEMS	South East Devon European Sites Mitigation Strategy
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPR	Standard Percentage Runoff
TA	Transport Assessment
TEMPro	Trip End Model Presentation Program
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UE	Urban Extension

**Bindu Arjoon**  
**Director**



<b>Delegated Decision</b>	
Application Number: 20/0648/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/06/2020
Location Address: 21 Edwin Road Exeter Devon EX2 8JF	
Proposal: Single storey rear extension in line with existing rear outbuildings.	
<b>Delegated Decision</b>	
Application Number: 20/0675/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 24/07/2020
Location Address: 12 St Michaels Close Exeter Devon EX2 8XH	
Proposal: Ground floor rear extension	
<b>Delegated Decision</b>	
Application Number: 20/0717/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 03/08/2020
Location Address: 34 Shillingford Road Exeter Devon EX2 8UB	
Proposal: Change of materials on external finishes (from what was proposed and approved on recent application ref: 20/0577/LPD)	
<b>Delegated Decision</b>	
Application Number: 20/0766/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 22/07/2020
Location Address: 114 Broadway Exeter Devon EX2 9NT	
Proposal: Single storey rear extension extending a maximum 4m from rear elevation, height to eaves 2.44m and maximum overall height 3.56m.	
<b>Delegated Decision</b>	
Application Number: 20/0787/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 06/08/2020
Location Address: Fursdon Clapperbrook Lane Exeter Devon EX2 8TE	
Proposal: Formation of new access and hardstanding.	
<b>Delegated Decision</b>	
Application Number: 20/0978/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 07/08/2020
Location Address: Ewhurst Little Johns Cross Hill Exeter Devon EX2 9PL	
Proposal: Fell three Poplar trees.	

<b>Delegated Decision</b>	
Application Number:	20/1029/LPD
Decision Type:	Was lawful use
Location Address:	Exe View 74 Chudleigh Road Exeter Devon EX2 8TZ
Proposal:	Alterations to rear extension and formation of pitched roof for provision of rear dormer.

**Duryard And St James**

<b>Committee Decision</b>	
Application Number:	19/1215/FUL
Decision Type:	Permitted
Location Address:	Hickling Cottage Taddyforde Estate Exeter Devon EX4 4AT
Proposal:	Change of use of ancillary residential accommodation outbuilding to new separate dwellinghouse

<b>Delegated Decision</b>	
Application Number:	20/0200/FUL
Decision Type:	Permitted
Location Address:	1 Kilbarran Rise Exeter Devon EX4 4AA
Proposal:	Two storey side extension.

<b>Delegated Decision</b>	
Application Number:	20/0219/CAT
Decision Type:	Permitted
Location Address:	62 Velwell Road Exeter Devon EX4 4LD
Proposal:	Cherry: FellYew: Prune to give 1.5m clearance to building

<b>Committee Decision</b>	
Application Number:	20/0284/FUL
Decision Type:	Permitted
Location Address:	Existing Car Park D University Of Exeter (East Of Amory Building) Exeter
Proposal:	Construction of a six-storey research and education building includes office space, a 400 seat auditorium, 16 seminar rooms, a student project workshop, 90 seat think space, computer labs, PGR study centre, research laboratories, meeting rooms, break-out space, quick service restaurant, social study space and landscaping.

<b>Delegated Decision</b>	
Application Number:	20/0316/PDJ
Decision Type:	Prior Approval Required and Granted
Location Address:	3 The Courtyard 48 New North Road Exeter Devon EX4 4EP
Proposal:	Prior approval application for change of use of third floor office (B1) to 3 bedroom flat (C3).

<b>Delegated Decision</b>	
Application Number: 20/0416/FUL	Delegation Briefing: 25/06/2020
Decision Type: Permitted	Date: 20/07/2020
Location Address: 11 The Courtyard 48 New North Road Exeter Devon EX4 4EP	
Proposal: Conversion of two bedroom flat into two 1 bedroom flats.	
<b>Delegated Decision</b>	
Application Number: 20/0556/FUL	Delegation Briefing: 28/05/2020
Decision Type: Permitted	Date: 19/06/2020
Location Address: 4 Oxford Road Exeter Devon EX4 6QU	
Proposal: Installation of photovoltaics to main roof of house on garden elevation.	
<b>Delegated Decision</b>	
Application Number: 20/0557/LBC	Delegation Briefing: 28/05/2020
Decision Type: Permitted	Date: 19/06/2020
Location Address: 4 Oxford Road Exeter Devon EX4 6QU	
Proposal: Installation of photovoltaics to main roof of house on garden elevation.	
<b>Delegated Decision</b>	
Application Number: 20/0582/FUL	Delegation Briefing: 28/05/2020
Decision Type: Refuse Planning Permission	Date: 19/06/2020
Location Address: 4 Oxford Road Exeter Devon EX4 6QU	
Proposal: Installation of Electric Vehicle Charging Station.	
<b>Delegated Decision</b>	
Application Number: 20/0583/LBC	Delegation Briefing: 28/05/2020
Decision Type: Refuse Planning Permission	Date: 19/06/2020
Location Address: 4 Oxford Road Exeter Devon EX4 6QU	
Proposal: Installation of Electric Vehicle Charging Station.	
<b>Delegated Decision</b>	
Application Number: 20/0585/FUL	Delegation Briefing: 30/07/2020
Decision Type: Permitted	Date: 24/08/2020
Location Address: 94 Wrefords Lane Exeter Devon EX4 5BS	
Proposal: Off-road parking and hardstanding and accessibility ramp.	
<b>Delegated Decision</b>	
Application Number: 20/0587/FUL	Delegation Briefing: 28/05/2020
Decision Type: Permitted	Date: 19/06/2020
Location Address: Caroline House Streatham Rise Exeter Devon EX4 4PE	
Proposal: Re-ordering and extension to the existing detached house including replacement of garage.	

<b>Delegated Decision</b>	
Application Number: 20/0601/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 30/06/2020
Location Address: Pennsylvania House Pennsylvania Road Exeter Devon EX4 5BQ	
Proposal: T1 Oak, reduce lateral spread over neighbours garden by up to 2m, max cut diameter 100mm. T2 Maple, reduce height by 6m.	
<b>Delegated Decision</b>	
Application Number: 20/0619/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 02/07/2020
Location Address: 101B Pennsylvania Road Exeter Devon EX4 6DT	
Proposal: Statement of Reasons for Tree Preservation Order Application to 70% by vol canopy prune and repeat prune to the same dimensions in 2021/2022 to one Oak tree (T1) and to fell and treat stump to one Oak tree (T2).	
<b>Delegated Decision</b>	
Application Number: 20/0626/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 17/07/2020
Location Address: 15 Pennsylvania Road Exeter Devon EX4 6BP	
Proposal: New external signage.	
<b>Delegated Decision</b>	
Application Number: 20/0656/FUL	Delegation Briefing: 23/07/2020
Decision Type: Permitted	Date: 03/08/2020
Location Address: 94 Wrefords Lane Exeter Devon EX4 5BS	
Proposal: Construction of decking along rear of property for disabled access to rear garden, levelling of tapered garden.	
<b>Delegated Decision</b>	
Application Number: 20/0738/LBC	Delegation Briefing: 16/07/2020
Decision Type: Permitted	Date: 20/08/2020
Location Address: HM Prison Exeter New North Road Exeter Devon EX4 4EX	
Proposal: Install smoke extract louvres in the roof of the house blocks and other buildings.	
<b>Delegated Decision</b>	
Application Number: 20/0754/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 17/07/2020
Location Address: 14 St Sidwells Avenue Exeter Devon EX4 6QW	
Proposal: Alteration to the exterior wall and internal layout changes	

<b>Delegated Decision</b>	
Application Number: 20/0755/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 17/07/2020
Location Address: 16 St Sidwells Avenue Exeter Devon EX4 6QW	
Proposal: Alteration in the layout of the glazed roof panels and repositioning of the Bi-fold doors.	
<b>Delegated Decision</b>	
Application Number: 20/0775/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 09/07/2020
Location Address: The Innovation Centre Rennes Drive Exeter Devon EX4 4RN	
Proposal: Non-material amendment to planning application 20/0022/FUL granted 9 March 2020 including repositioning of building; reduction in overall floor area; minor alterations to rooflights and removal of condenser units.	
<b>Delegated Decision</b>	
Application Number: 20/0793/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/07/2020
Location Address: 2 Cowley Lawn New North Road Exeter Devon EX4 4AG	
Proposal: Minor cutting and reshape of Large Turkey Oak.	
<b>Delegated Decision</b>	
Application Number: 20/0817/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 21/07/2020
Location Address: Moberly House Halls Of Residence Lower Argyll Road Exeter Devon EX4 4QS	
Proposal: Discharge of condition 13 (Access) in respect of planning application 17/0724/FUL granted consent 2 February 2018.	
<b>Delegated Decision</b>	
Application Number: 20/0902/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 25/08/2020
Location Address: 3 Thomas Lane Harefield Close Exeter Devon EX4 4AL	
Proposal: Rear extension.	
<b>Delegated Decision</b>	
Application Number: 20/0926/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 25/08/2020
Location Address: 42C Powderham Crescent Exeter Devon EX4 6BZ	
Proposal: Like for like replacement of timber windows.	

<b>Delegated Decision</b>	
Application Number:	20/0941/PD
Decision Type:	Prior Approval Required and Granted
Location Address:	8 Kilbarran Rise Exeter Devon EX4 4AA
Proposal:	Single storey rear extension extending a maximum 8 metres from the rear elevation, height to eaves 2.598 metres and maximum overall height 3.46 metres.

**Exwick**

<b>Delegated Decision</b>	
Application Number:	20/0576/FUL
Decision Type:	Permitted
Location Address:	39 Addison Close Exeter Devon EX4 1SJ
Proposal:	Two storey and single storey rear extension to form ancillary accommodation.

<b>Delegated Decision</b>	
Application Number:	20/0700/TPO
Decision Type:	Permitted
Location Address:	15 Gloucester Road Exeter Devon EX4 2EF
Proposal:	G3 Birch. Fell two southernmost trees of Group G3. Trees' crowns are weighted to west, due to suppression from London Planes G4, and excessively dominate rear garden of 15 Gloucester Road. BS5837 report TH/X972/1113 recommends removal of this line of trees.

<b>Delegated Decision</b>	
Application Number:	20/0734/TPO
Decision Type:	Permitted
Location Address:	Exwick Heights Primary School Exwick Lane Exeter Devon EX4 2FB
Proposal:	English Oak 1324 Declining upper canopy. Dysfunction in stem. Reducing upper canopy by approx. 6m to live canopy at approx. 18m so that tree is no longer within falling distance of high occupancy areas. Beech 1325 Dead Fell Sycamores 1327 Dead Fell Sycamore 1326 Included branch union Reduce stem with tag and paint to 6m to subordinate Ash x 3 G1 Dense ivy Sever ivy

<b>Delegated Decision</b>	
Application Number:	20/0970/LPD
Decision Type:	Was lawful use
Location Address:	11 Canterbury Road Exeter Devon EX4 2EQ
Proposal:	Installation of Rear Dormer



<b>Delegated Decision</b>	
Application Number: 20/0740/FUL	Delegation Briefing: 09/07/2020
Decision Type: Permitted	Date: 31/07/2020
Location Address: 152 Sweetbrier Lane Exeter Devon EX1 3DG	
Proposal: Front and rear extensions and alterations.	
<b>Delegated Decision</b>	
Application Number: 20/0761/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 30/07/2020
Location Address: St Michaels Ce Primary School South Lawn Terrace Exeter Devon EX1 2SN	
Proposal: Fell three trees due to constant complaints from our neighbours in Newcombe Street as the trees are blocking all the light from their properties and gardens. These trees were planted when the school was altered about 13 years ago. They are part of a woodland area which the school use constantly. These three trees have got particularly large and need to come down. They are not being replaced as there are still plenty of trees in this area.	
<b>Delegated Decision</b>	
Application Number: 20/0854/FUL	Delegation Briefing: 23/07/2020
Decision Type: Permitted	Date: 20/08/2020
Location Address: 39 Whiteway Drive Exeter Devon EX1 3AL	
Proposal: Single storey extension and alterations to rear of existing dwelling.	
<b>Delegated Decision</b>	
Application Number: 20/0968/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 06/08/2020
Location Address: 25 Nicholas Road Exeter Devon EX1 3AT	
Proposal: Discharge of Condition 4 (Materials Schedule) pursuant of planning approval ref. 20/0024/FUL dated 30 March 2020.	
<b>Delegated Decision</b>	
Application Number: 20/0972/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 07/08/2020
Location Address: Selsdon House 9A Mont Le Grand Exeter Devon EX1 2PD	
Proposal: T1 - Magnolia - remove the rear stem touching the wall (target pruning cut near the base)T2 - Magnolia - reduce height by 20%, reshape laterals by 15-20% to balance the form.	



<b>Delegated Decision</b>	
Application Number:	20/0368/FUL
Delegation Briefing:	04/06/2020
Decision Type:	Permitted
Date:	24/08/2020
Location Address:	5 Jennifer Close Exeter Devon EX2 4RB
Proposal:	Installation of timber decking to rear elevation and fence (2.4 metres high, 3 metres deep) on boundary with No. 7 Jennifer Close
<b>Delegated Decision</b>	
Application Number:	20/0400/FUL
Delegation Briefing:	30/04/2020
Decision Type:	Permitted
Date:	25/06/2020
Location Address:	8 Lower Summerlands Exeter Devon EX1 2LJ
Proposal:	Extension to detached garage, internal alterations to dwelling.
<b>Delegated Decision</b>	
Application Number:	20/0514/FUL
Delegation Briefing:	14/05/2020
Decision Type:	Permitted
Date:	26/06/2020
Location Address:	3 To 29 And 60 To 71 Beacon Avenue Exeter Devon EX4 7JF
Proposal:	Rendered external wall insulation, re-roofing and new bin stores.
<b>Delegated Decision</b>	
Application Number:	20/0554/LBC
Delegation Briefing:	21/05/2020
Decision Type:	Permitted
Date:	06/07/2020
Location Address:	23 St Leonards Road Exeter Devon EX2 4LA
Proposal:	Replacement rear door.
<b>Delegated Decision</b>	
Application Number:	20/0555/FUL
Delegation Briefing:	28/05/2020
Decision Type:	Permitted
Date:	11/08/2020
Location Address:	2 Mount Pleasant Road Exeter Devon EX4 7AB
Proposal:	Alteration and subdivision of three flats to create four flats including replacement roof with higher ridge
<b>Delegated Decision</b>	
Application Number:	20/0580/FUL
Delegation Briefing:	04/06/2020
Decision Type:	Permitted
Date:	26/06/2020
Location Address:	5 The Lyndons Lyndhurst Road Exeter Devon EX2 4PT
Proposal:	Proposed pergola on roof terrace.
<b>Delegated Decision</b>	
Application Number:	20/0584/FUL
Delegation Briefing:	11/06/2020
Decision Type:	Permitted
Date:	06/07/2020
Location Address:	Laurel Cottage Elmside Exeter Devon EX4 6LN
Proposal:	Single storey side extension.

<b>Delegated Decision</b>	
Application Number: 20/0603/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 07/08/2020
Location Address: Co-operative Belgrave Road Exeter Devon EX1 2LB	
Proposal: Two logo fascia signs, one welcome fascia sign, two projecting signs and window graphics.	
<b>Delegated Decision</b>	
Application Number: 20/0608/LBC	Delegation Briefing: 28/05/2020
Decision Type: Permitted	Date: 25/06/2020
Location Address: 8 Lower Summerlands Exeter Devon EX1 2LJ	
Proposal: Extension to detached garage, internal alterations to dwelling.	
<b>Delegated Decision</b>	
Application Number: 20/0643/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 18/06/2020
Location Address: Land Between Belgrave Road And Bampfylde Street Exeter	
Proposal: External works phasing plan	
<b>Delegated Decision</b>	
Application Number: 20/0645/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 04/08/2020
Location Address: Uplands House Heavitree Road Exeter Devon EX1 2LX	
Proposal: First floor roof terrace with associated alterations.	
<b>Delegated Decision</b>	
Application Number: 20/0679/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 29/06/2020
Location Address: 7 Portland Street Exeter Devon EX1 2EG	
Proposal: Formation of a single storey rear extension. Replacement of existing rear roof dormer with larger dormer.	
<b>Delegated Decision</b>	
Application Number: 20/0680/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 13/07/2020
Location Address: Barnfield House 2 Barnfield Hill Exeter Devon EX1 1SR	
Proposal: T1 Sycamore FellT2 Plum Cut back off path around side of building G1 Bay/Holly/Hazel Reduce to 8ftT3 Sycamore Remove east stemT4 Bay Reduce to 8ft. Remove limbs over shed G2 Sycamores, Bay Fell small Sycamores and all Bay, retaining one SycamoreG3 Apple, Sycamore Fell Sycamore and cut back apple off pathT5 Cypress FellG4 Robinia, Sycamore Fell 1 Sycamore and 1 Robinia damaging wall. Crown raise over car parking to gutter level on house.	

<b>Delegated Decision</b>	
Application Number: 20/0697/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 29/07/2020
Location Address: Unit 2 The Depot Belgrave Road Exeter EX1 2LB	
Proposal: Addition of ATM to the south east elevation fronting Belgrave Road.	
<b>Delegated Decision</b>	
Application Number: 20/0698/CAT	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 02/07/2020
Location Address: 5 Baring Crescent Exeter Devon EX1 1TL	
Proposal: Remove 1x Cherry Tree.	
<b>Delegated Decision</b>	
Application Number: 20/0718/FUL	Delegation Briefing: 09/07/2020
Decision Type: Permitted	Date: 05/08/2020
Location Address: 13 St Leonards Road Exeter Devon EX2 4LA	
Proposal: Alterations to garage, installation of shed, replacement balcony and access stairs and creation of a log store.	
<b>Delegated Decision</b>	
Application Number: 20/0719/LBC	Delegation Briefing: 09/07/2020
Decision Type: Permitted	Date: 05/08/2020
Location Address: 13 St Leonards Road Exeter Devon EX2 4LA	
Proposal: Alterations to garage, installation of shed, replacement balcony and access stairs with creation of a log store, and four replacement windows	
<b>Delegated Decision</b>	
Application Number: 20/0745/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 07/08/2020
Location Address: Stagecoach Devon Belgrave Road Exeter Devon EX1 2LB	
Proposal: Discharge of planning condition 24 (BREEAM Assessment) of planning permission 16/0405/FUL.	
<b>Delegated Decision</b>	
Application Number: 20/0747/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 30/07/2020
Location Address: 2 St Leonards Place Exeter Devon EX2 4LZ	
Proposal: T1 - Monterey Cypress Dismantle in sections to near ground level.	

<b>Delegated Decision</b>			
Application Number:	20/0786/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/07/2020
Location Address:	45A Victoria Park Road Exeter Devon EX2 4NU		
Proposal:	Copper beech - reduce in height by approx 20%.		
<b>Delegated Decision</b>			
Application Number:	20/0792/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	15/07/2020
Location Address:	56 Belmont Road Exeter Devon EX1 2HG		
Proposal:	Removal of Ash Tree.		
<b>Delegated Decision</b>			
Application Number:	20/0794/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/07/2020
Location Address:	17 Belmont Road Exeter Devon EX1 2HF		
Proposal:	Ash tree - removal of potentially dangerous branches.		
<b>Delegated Decision</b>			
Application Number:	20/0837/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/08/2020
Location Address:	2 Victoria Park Road Exeter Devon EX2 4NT		
Proposal:	T1 Lime. Re-pollard.		
<b>Delegated Decision</b>			
Application Number:	20/0977/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	07/08/2020
Location Address:	Grosvenor Cottage 7 Grosvenor Place Exeter Devon EX1 2HJ		
Proposal:	T1 - Laurel - cut to ground level.		
<b>Delegated Decision</b>			
Application Number:	20/0995/CTY	Delegation Briefing:	
Decision Type:	Raise No Objection	Date:	12/08/2020
Location Address:	County Hall Topsham Road Exeter Devon EX2 4QD		
Proposal:	Demolition of existing Devon Lady and associated ramp and steps, with restoration of the area to grass at County Hall, Devon County Council.		

## Pennsylvania

### Delegated Decision

Application Number: 20/0352/FUL Delegation Briefing: 09/04/2020  
Decision Type: Refuse Planning Permission Date: 03/07/2020  
Location Address: 1A Rosebarn Avenue Exeter Devon EX4 6DY  
Proposal: Construction of a four bedroom house, new access to highway and associated works.

### Delegated Decision

Application Number: 20/0477/FUL Delegation Briefing: 23/04/2020  
Decision Type: Permitted Date: 09/07/2020  
Location Address: Morrison Supermarket Prince Charles Road Exeter Devon EX4 7BY  
Proposal: New car valeting pod, located within existing car park.

### Delegated Decision

Application Number: 20/0478/ADV Delegation Briefing:  
Decision Type: Permitted Date: 09/07/2020  
Location Address: Morrison Supermarket Prince Charles Road Exeter Devon EX4 7BY  
Proposal: Signage proposed on all elevations of proposed car valeting unit including hoarding panels; fascia signs and banners.

### Delegated Decision

Application Number: 20/0479/FUL Delegation Briefing:  
Decision Type: Withdrawn by Applicant Date: 18/08/2020  
Location Address: 167 Pinhoe Road Exeter Devon EX4 7HZ  
Proposal: INVALID Conversion of existing offices and storeroom into two storey living accomodation.

### Delegated Decision

Application Number: 20/0497/FUL Delegation Briefing: 02/07/2020  
Decision Type: Withdrawn by Applicant Date: 20/08/2020  
Location Address: 1 Calthorpe Road Exeter Devon EX4 7JS  
Proposal: New garage with roof terrace.

### Delegated Decision

Application Number: 20/0588/FUL Delegation Briefing: 04/06/2020  
Decision Type: Permitted Date: 06/07/2020  
Location Address: 53 Chaucer Grove Exeter Devon EX4 7BX  
Proposal: Single storey rear extension.

<b>Delegated Decision</b>			
Application Number:	20/0595/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	18/06/2020
Location Address:	36 St Johns Road Exeter Devon EX1 2HR		
Proposal:	Construction of rear dormer and rear 3m extension.		
<b>Delegated Decision</b>			
Application Number:	20/0604/FUL	Delegation Briefing:	25/06/2020
Decision Type:	Refuse Planning Permission	Date:	17/08/2020
Location Address:	The Grange Stoke Hill Exeter Devon EX4 7JH		
Proposal:	Replacement of wooden stable block with a 2 bed log cabin annexe.		
<b>Delegated Decision</b>			
Application Number:	20/0612/FUL	Delegation Briefing:	28/05/2020
Decision Type:	Permitted	Date:	19/06/2020
Location Address:	23 Sylvan Road Exeter Devon EX4 6EW		
Proposal:	Construction of single storey infill extension to rear of house.		
<b>Delegated Decision</b>			
Application Number:	20/0632/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	02/07/2020
Location Address:	20 Rosebarn Lane Exeter Devon EX4 5DX		
Proposal:	Oak Tree, reduce crown ~25% to reduce building overhang and balance east/west elevations.		
<b>Delegated Decision</b>			
Application Number:	20/0644/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	18/06/2020
Location Address:	8 Kings Road Exeter Devon EX4 7AS		
Proposal:	Proposed rear and side dormer.		
<b>Delegated Decision</b>			
Application Number:	20/0649/FUL	Delegation Briefing:	25/06/2020
Decision Type:	Permitted	Date:	20/07/2020
Location Address:	16 Rosebarn Avenue Exeter Devon EX4 6DY		
Proposal:	Two story rear extensions, changes to external material finishes and associated alterations.		

<b>Delegated Decision</b>	
Application Number:	20/0712/FUL
Decision Type:	Was lawful use
Location Address:	18 Union Road Exeter Devon EX4 6HZ
Proposal:	Certificate of lawfulness sought for existing use of the property as a small HMO (C4 use class).

<b>Delegated Decision</b>	
Application Number:	20/0741/FUL
Decision Type:	Permitted
Location Address:	6 Armstrong Avenue Exeter Devon EX4 5DJ
Proposal:	Single storey rear extension and alterations including replacement of tile-hanging with render.

**Pinhoe**

<b>Delegated Decision</b>	
Application Number:	19/1095/OUT
Decision Type:	Permitted
Location Address:	Land South Of Hessary And Ellen Tinkham School And North Of Exeter Business Park Exeter EX1 3RW
Proposal:	Outline application for mixed use development in Use Classes B1 (Business) and/or D1 (Non-Residential Institutions) with associated means of access, access road, parking and landscaping (Appearance, landscaping, layout and scale reserved for future consideration).

<b>Delegated Decision</b>	
Application Number:	19/1380/DIS
Decision Type:	Condition(s) Partially Approved
Location Address:	Land Between Hollow Lane And Harts Lane Monkerton Exeter
Proposal:	Discharge of conditions 18 and 23 on planning permission Ref. 19/0287/FUL granted 20 September 2019

<b>Delegated Decision</b>	
Application Number:	20/0367/FUL
Decision Type:	Refuse Planning Permission
Location Address:	Aprillo 3 Pinn Lane Exeter Devon EX1 3QX
Proposal:	Construction of five dwellings.

<b>Delegated Decision</b>	
Application Number:	20/0534/ADV
Decision Type:	Permitted
Location Address:	Stratus House Emperor Way Exeter Devon
Proposal:	Replacement of existing ATM header signage to comply with new HSBC branding.

<b>Delegated Decision</b>			
Application Number:	20/0541/FUL	Delegation Briefing:	18/06/2020
Decision Type:	Permitted	Date:	03/08/2020
Location Address:	Peterhayes Park Lane Exeter Devon EX4 9HQ		
Proposal:	Raised rear platform with steps.		
<b>Delegated Decision</b>			
Application Number:	20/0548/FUL	Delegation Briefing:	25/06/2020
Decision Type:	Permitted	Date:	20/07/2020
Location Address:	10 Fairview Terrace Exeter Devon EX1 3SQ		
Proposal:	Ground and first floor rear extensions.		
<b>Delegated Decision</b>			
Application Number:	20/0566/FUL	Delegation Briefing:	25/06/2020
Decision Type:	Permitted	Date:	03/08/2020
Location Address:	3 Hill Top Road Exeter Devon EX1 3DZ		
Proposal:	Construction of garage on driveway.		
<b>Delegated Decision</b>			
Application Number:	20/0678/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/06/2020
Location Address:	Park House Park Lane Exeter Devon EX4 9HQ		
Proposal:	T1, Sycamore, remove dead wood and two low branches. T2, Maple, reduce crown by 50%. T3, Sycamore, fell. T4, Ash, reduce crown by 50%. T5, Oak, remove one dead branch.		
<b>Delegated Decision</b>			
Application Number:	20/0692/TPO	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	03/08/2020
Location Address:	Gipsy Hill Hotel Gipsy Lane Exeter Devon EX1 3RN		
Proposal:	Fell one Cedar Tree.		
<b>Delegated Decision</b>			
Application Number:	20/0694/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	03/08/2020
Location Address:	Gipsy Hill Hotel Gipsy Lane Exeter Devon EX1 3RN		
Proposal:	Species unknown in need of felling. The tree is in very bad condition and in danger of falling. It is the first noticeable item as you enter the site and has very poor amenity value. The majority of the tree does not produce any leaves. It has deep splits cracks down the length of the tree extending into the wood of the tree. The tree is failing and as it is the car park it can cause danger to people and property.		

**Delegated Decision**

Application Number: 20/0768/PD Delegation Briefing:  
Decision Type: Prior Approval Not Required Date: 22/07/2020  
Location Address: 13 The Mede Pinhoe Exeter Devon EX4 8ED  
Proposal: Single storey rear extension extending a maximum 4.47m from rear elevation, height to eaves 2.5m and max. overall height 3.3m.

**Delegated Decision**

Application Number: 20/0994/FUL Delegation Briefing:  
Decision Type: Withdrawn by Applicant Date: 18/08/2020  
Location Address: 21 Park Lane Exeter Devon EX4 9HL  
Proposal: Remove existing sun room. New foundations to a depth of 1 metre. Concrete foundations ready for new timber framed and rendered walls, with cavity and insulation to 300 mm. Roof will be flat with glass lantern at the same level as existing. When roof is assembled and property secure, electrics, plastering and floor to be finished. Existing wall to have 2 new steels, making opening as wide as possible - leaving 400 mm each side for steels. Total room size: Length 456 cm. Width 300 cm. Height 241 cm. Materials to be used:- Foundation to building control required depth- 145 x 215 concrete block in foundation- 145 x 47 timber for frames - 11 mm OBS for outside frames covered by breathable felt- 25 x 50 battens covered by stainless steel mesh- Inside between timber frame 100 mm insulation covered by 12.5 plaster board Floor as follows:- 100 mm hardcore 300 visscreen 100 mm concrete finished with 100 mm insulation like walls / kingspan our similar Roof as follows:- Timbers to match existing roof. insulation between timbers same as walls . uPVC double glazed lantern , - 18 mm OSB sheets over roof , with felt finish - Ceiling 12.5 mm plaster board

**Delegated Decision**

Application Number: 20/1034/LPD Delegation Briefing:  
Decision Type: Was lawful use Date: 26/08/2020  
Location Address: 10 Shales Road Exeter Devon EX4 8FW  
Proposal: Side Extension.

**Delegated Decision**

Application Number: 20/1054/NMA Delegation Briefing:  
Decision Type: Permitted Date: 21/08/2020  
Location Address: Aldi Foodstore Ltd Exhibition Way Exeter Devon EX4 8JD  
Proposal: Non-material amendment to planning application 20/0203/FUL granted 27 May 2020 for external entrance lobby and relocation of electric vehicle changing points within car park.



<b>Delegated Decision</b>	
Application Number: 20/0683/FUL	Delegation Briefing: 11/06/2020
Decision Type: Permitted	Date: 03/07/2020
Location Address: 11 Chaucer Avenue Exeter Devon EX2 6BR	
Proposal: Two storey and single storey rear extensions.	
<b>Delegated Decision</b>	
Application Number: 20/0704/FUL	Delegation Briefing: 25/06/2020
Decision Type: Permitted	Date: 20/07/2020
Location Address: 24 Earl Richards Road North Exeter Devon EX2 6AG	
Proposal: Single storey rear extension, adjacent to the existing extension.	
<b>Delegated Decision</b>	
Application Number: 20/0715/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 08/07/2020
Location Address: 88 Attwyll Avenue Exeter Devon EX2 5HW	
Proposal: Single storey rear extension, extending a maximum 5 metres from the rear elevation, height to eaves 2.85 metres and maximum height 3 metres.	
<b>Delegated Decision</b>	
Application Number: 20/0728/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 29/07/2020
Location Address: 20 Countess Wear Road Exeter Devon EX2 6LG	
Proposal: Refurbishment and extension of existing dwelling, including new garage, first-floor ensuite, and additional dining space.	
<b>Delegated Decision</b>	
Application Number: 20/0851/PD	Delegation Briefing:
Decision Type: Prior Approval Required and Granted	Date: 25/08/2020
Location Address: 19 Chestnut Avenue Exeter Devon EX2 6DH	
Proposal: Single storey rear extension extending a maximum 4m from rear elevation and max. overall height 3m.	
<b>St Davids</b>	
<b>Delegated Decision</b>	
Application Number: 18/1604/FUL	Delegation Briefing: 20/02/2020
Decision Type: Permitted	Date: 21/07/2020
Location Address: Basements Of 5 (A And B) And 6 New Bridge Street Exeter Devon EX4 3JW	
Proposal: Change of use of lower ground floors to create 9 studio flats, and alterations to existing pedestrian ramp, associated cycle parking and bin store to provide student accommodation or special needs housing (C2 use)	

<b>Delegated Decision</b>	
Application Number: 19/1637/VOC	Delegation Briefing: 16/01/2020
Decision Type: Permitted	Date: 28/07/2020
Location Address: Exeter College Further Education Hele Road Exeter Devon EX4 4JS	
Proposal:	Construction of three storey extension to southern elevation of the existing Hele Building to deliver a new Digital and Data Centre (Institute of Technology) (Use Class D1), together with associated landscaping and a revised parking layout. (Variation of Condition 2 - Minor Material Amendments to elevations, blue/green roof, roof lights and landscaping).
<b>Delegated Decision</b>	
Application Number: 19/1714/FUL	Delegation Briefing: 09/01/2020
Decision Type: Permitted	Date: 07/08/2020
Location Address: Unit 3 And 4 Maclaines Warehouse Haven Road Exeter Devon EX2 8GR	
Proposal:	Change of use to offices, and alterations including replacement windows and external staircase.
<b>Delegated Decision</b>	
Application Number: 19/1715/LBC	Delegation Briefing: 09/01/2020
Decision Type: Permitted	Date: 07/08/2020
Location Address: Unit 3 And 4 Maclaines Warehouse Haven Road Exeter Devon EX2 8GR	
Proposal:	Change of use to offices, and alterations including replacement windows and external staircase.
<b>Delegated Decision</b>	
Application Number: 20/0006/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 10/08/2020
Location Address: Exeter College Further Education Hele Road Exeter Devon EX4 4JS	
Proposal:	Discharge of Conditions 3 (Written Scheme of Archaeological Work), 5 (Waste Audit Statement) and 14 (Noise Impact Assessment) of pp.19/0330/FUL - Construction of three storey extension to southern elevation of the existing Hele Building to deliver a new Digital and Data Centre (Institute of Technology) (Use Class D1), together with associated landscaping and a revised parking layout.
<b>Delegated Decision</b>	
Application Number: 20/0057/FUL	Delegation Briefing: 09/07/2020
Decision Type: Refuse Planning Permission	Date: 21/08/2020
Location Address: 22 Bagshot Avenue Exeter Devon EX2 4RN	
Proposal:	Proposed rear and side extension, with construction of basement and internal alterations.

<b>Delegated Decision</b>	
Application Number:	20/0217/FUL
Decision Type:	Permitted
Location Address:	Unit 1 Maclaines Warehouse Haven Road Exeter Devon EX2 8GR
Proposal:	Change of use of first and second floor from light industry and storage (B1/B8 use) to bar (A4 use) and brewery office (B1 use)
<b>Delegated Decision</b>	
Application Number:	20/0218/LBC
Decision Type:	Permitted
Location Address:	Unit 1 Maclaines Warehouse Haven Road Exeter Devon EX2 8GR
Proposal:	Internal alterations to form new staircases in existing openings with alterations to internal windows and doors.
<b>County Decisions</b>	
Application Number:	20/0329/LPD
Decision Type:	Was lawful use
Location Address:	Morwenna Court 60B St Davids Hill Exeter Devon EX4 4DS
Proposal:	Internal modifications and refurbishment to create reconfigured supported housing and associated ancillary areas for up to 16 persons
<b>Delegated Decision</b>	
Application Number:	20/0366/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	Exeter College Further Education Hele Road Exeter Devon EX4 4JS
Proposal:	Discharge of Condition 15 (Material Samples) of pp.19/0330/FUL - Construction of three storey extension to southern elevation of the existing Hele Building to deliver a new Digital and Data Centre (Institute of Technology) (Use Class D1), together with associated landscaping and a revised parking layout.
<b>Delegated Decision</b>	
Application Number:	20/0410/FUL
Decision Type:	Permitted
Location Address:	89 St Davids Hill Exeter Devon EX4 4DW
Proposal:	Single storey rear extension.
<b>Delegated Decision</b>	
Application Number:	20/0489/FUL
Decision Type:	Permitted
Location Address:	162-163 Fore Street St Davids Exeter Devon EX4 3AT
Proposal:	Change of use of premises from theatre and bar to public bar (Use Class A4).

<b>Delegated Decision</b>			
Application Number:	20/0502/FUL	Delegation Briefing:	28/05/2020
Decision Type:	Permitted	Date:	24/06/2020
Location Address:	9A Cathedral Close Exeter Devon EX1 1EZ		
Proposal:	Change of use of offices (B1) to dwelling (C3).		
<b>Delegated Decision</b>			
Application Number:	20/0503/LBC	Delegation Briefing:	28/05/2020
Decision Type:	Permitted	Date:	24/06/2020
Location Address:	9A Cathedral Close Exeter Devon EX1 1EZ		
Proposal:	Change of use of offices (B1) to dwelling (C3).		
<b>Delegated Decision</b>			
Application Number:	20/0636/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	18/06/2020
Location Address:	27 Princesshay Exeter Devon EX1 1GE		
Proposal:	Replacement of shopfront signage and backlight visual display within shop.		
<b>Delegated Decision</b>			
Application Number:	20/0658/LBC	Delegation Briefing:	09/07/2020
Decision Type:	Permitted	Date:	24/08/2020
Location Address:	Flat 7 12 Friars Walk Exeter Devon EX2 4AY		
Proposal:	Overhaul and replacement of 3 timber-framed single-glazed sash windows (Retrospective).		
<b>Delegated Decision</b>			
Application Number:	20/0699/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	14/08/2020
Location Address:	21-22 Queen Street Exeter Devon EX4 3SH		
Proposal:	Non-material amendment to planning approval 19/1070/FUL to replace proposed double doors on the side rear elevation of the unit with single door and side vision panel. Add additional high level window and two vents to the same elevation. Relocate previously approved external condenser unit from roof level to the same elevation.		



<b>Delegated Decision</b>	
Application Number:	20/0753/NMA
Decision Type:	Withdrawn by Applicant
Location Address:	35 High Street Exeter Devon EX4 3LN
Proposal:	Addition of a spa, fitness suite and F&B unit at basement level- Re-working of hotel circulation and lightwell to provide greater natural light to the centre of the building- Additional circulation core up to the fifth floor to the south of the lightwell- General amendments to the bedroom layouts- Replacement of fifth-floor restaurant with relocated bedrooms- Relocated plant space
<b>Delegated Decision</b>	
Application Number:	20/0757/NMA
Decision Type:	Permitted
Location Address:	9 Piazza Terracina Haven Road Exeter Devon EX2 8GT
Proposal:	Non materail amendment to planning application 17/0453/FUL granted 25 March 2017 to change the main entrance to the side elevation and timber infill the existing entrance door.
<b>Delegated Decision</b>	
Application Number:	20/0865/NMA
Decision Type:	Permitted
Location Address:	Central Living 74 Paris Street Exeter Devon EX1 2JY
Proposal:	Non material amendment to provide external bin store for cafe in respect of planing application 16/1210/FUL granted 12 April 2017.
<b>Delegated Decision</b>	
Application Number:	20/0867/ADV
Decision Type:	Permitted
Location Address:	Central Living 74 Paris Street Exeter Devon EX1 2JY
Proposal:	Three non-illuminated signs
<b>Delegated Decision</b>	
Application Number:	20/0874/NMA
Decision Type:	Permitted
Location Address:	1 Mary Arches Street Exeter Devon EX4 3FQ
Proposal:	Non-material amendment to Planning Permission Ref. 17/0922/FUL (granted on 10 October 2017) to alter fenestration / external appearance on all elevations
<b>Delegated Decision</b>	
Application Number:	20/0900/CAT
Decision Type:	Permitted
Location Address:	Street Record Northernhay Gate Exeter Devon
Proposal:	Six lapsed lime pollards - repollard.

<b>Delegated Decision</b>	
Application Number:	20/0971/CAT
Decision Type:	Permitted
Location Address:	St Davids Church Of England Primary School Dinham Road Exeter Devon EX4 4EE
Proposal:	T1 - Blue Lawson Cypress - Fell.

<b>Delegated Decision</b>	
Application Number:	20/0999/DIS
Decision Type:	Condition(s) Fully Discharged
Location Address:	46 High Street Exeter Devon EX4 3DJ
Proposal:	Discharge of pre-commencement conditions 3 (Replacement window details), 4 (Method Statement) and 5 (Construction Management Plan) pursuant of listed building consent case ref. 19/0981/LBC dated 17th October 2019.

<b>Delegated Decision</b>	
Application Number:	20/1021/NMA
Decision Type:	Permitted
Location Address:	The Chapel Site Office Lower Coombe Street Exeter Devon EX1 1DX
Proposal:	Non-material asmsendment to planning application 17/1374/FUL granted 16 January 2018 for the introduction of granite setts into forecourt; simplify porch and raise rear boundary fence from 1200mm to 1800mm.

### St Loyes

<b>Delegated Decision</b>	
Application Number:	20/0317/FUL
Decision Type:	Permitted
Location Address:	Former Homebase Ltd Osprey Road Exeter Devon EX2 7XX
Proposal:	Change of use from A1 retail to flexible use as builders merchant or B1c, B2 or B8 uses.

<b>Delegated Decision</b>	
Application Number:	20/0409/FUL
Decision Type:	Permitted
Location Address:	Devon And Cornwall Constabulary Police Training College Alderson Drive Exeter Devon EX2 7HQ
Proposal:	Single storey extension to north side of existing SSU Building.

<b>Delegated Decision</b>	
Application Number: 20/0454/FUL	Delegation Briefing: 21/05/2020
Decision Type: Permitted	Date: 06/07/2020
Location Address: 43 Birchy Barton Hill Exeter Devon EX1 3EX	
Proposal: Construction of new garage and workshop to replace existing garage and car port.	
<b>Delegated Decision</b>	
Application Number: 20/0564/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 29/07/2020
Location Address: 66 Bishops Way Exeter Devon EX2 7PF	
Proposal: Rear single storey extension.	
<b>Delegated Decision</b>	
Application Number: 20/0627/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 19/06/2020
Location Address: 30 Heath Road Exeter Devon EX2 5JX	
Proposal: Single storey rear extension extending a maximum of 3.6 metres from the rear elevation, height to eaves 2.6 metres and maximum overall height 3.1 metres.	
<b>Delegated Decision</b>	
Application Number: 20/0711/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 04/08/2020
Location Address: Unit A4 Sanderling Court Osprey Road Exeter Devon EX2 7PJ	
Proposal: 1 x Totem Sign as direction signage to Toolstation unit.	
<b>Delegated Decision</b>	
Application Number: 20/0730/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 10/08/2020
Location Address: 1 Blackmore Mews Exeter Devon EX2 5SA	
Proposal: T1 - Ash - Crown reduce by approx 2m in height to suitable growth points (previous cuts). Side prune Western canopy of tree overhanging 1 Blackmore Mews by approx 2m to suitable growth points. Side prune Eastern side of canopy overhanging neighbouring gardens by approx 3m to suitable growth points as branches are dropping into garden where children play. Chip and remove brash. Owner has been advised that the Ash tree is showing signs of ADB and may require removal in the near future, but they only want the management works carried out at present.	

<b>Delegated Decision</b>	
Application Number:	20/0780/TPO
Decision Type:	Permitted
Location Address:	6 Headingley Close Exeter Devon EX2 5UH
Proposal:	T2 - Oak - Crown lift oak over garden for 3.5m ground clearance. Crown reduce remaining crown by approx 2m from branch tip to appropriate pruning point to remove overhang over garden and clear adjacent property.

<b>Delegated Decision</b>	
Application Number:	20/0881/NMA
Decision Type:	Permitted
Location Address:	102 Honiton Road St Loyes Exeter Devon EX1 3EQ
Proposal:	Non-material amendment sought to alter rear extension roof pitch and window design (original application ref. 19/0692/FUL).

<b>Delegated Decision</b>	
Application Number:	20/1027/NMA
Decision Type:	Permitted
Location Address:	43 Birchy Barton Hill Exeter Devon EX1 3EX
Proposal:	Non-material amendment sought to planning approval ref. 20/0454/FUL to change material finish of rear elevation and from a single structure of 30m2 to 2 buildings of 15m2 each.

### St Thomas

<b>Delegated Decision</b>	
Application Number:	20/0395/FUL
Decision Type:	Permitted
Location Address:	35 Okehampton Street Exeter Devon EX4 1DY
Proposal:	Change of use from small HMO (C4) to large HMO for 7 people (Sui Generis).

<b>Delegated Decision</b>	
Application Number:	20/0458/FUL
Decision Type:	Permitted
Location Address:	8 Hampshire Close Exeter Devon EX4 1NA
Proposal:	Single storey rear extension.

<b>Delegated Decision</b>	
Application Number:	20/0613/FUL
Decision Type:	Permitted
Location Address:	Redstones Residential Care Home 8 Surbiton Crescent Exeter Devon EX4 1PB
Proposal:	Change of use from residential care home to single dwelling house (C3 use).

<b>Delegated Decision</b>	
Application Number:	20/0702/FUL
Decision Type:	Permitted
Location Address:	23 Manor Road Exeter Devon EX4 1EN
Proposal:	Replace existing rear kitchen and side return extension, with a single storey wrap-around kitchen extension, to create single kitchen.
Delegation Briefing:	09/07/2020
Date:	20/08/2020
<b>Delegated Decision</b>	
Application Number:	20/0748/CAT
Decision Type:	Permitted
Location Address:	47 Regent Street Exeter Devon EX2 9EH
Proposal:	Crown reduction of an evergreen tree with variegated leaves. crown reduction of approx 1-2 meter, due to excessive shading and overgrown into neighbours garden
Delegation Briefing:	
Date:	30/07/2020
<b>Delegated Decision</b>	
Application Number:	20/1005/CAT
Decision Type:	Permitted
Location Address:	Street Record Pincas Gardens Exeter Devon
Proposal:	1x Holly, 1x Cotoneaster, 1x Sorbus, removal for safety reasons.
Delegation Briefing:	
Date:	05/08/2020
<b>Delegated Decision</b>	
Application Number:	20/1042/ADV
Decision Type:	Permitted
Location Address:	Hidden Hearing Ltd 182 Cowick Street Exeter Devon EX4 1AA
Proposal:	1 x aluminium fascia sign with individually halo illuminated lettering and logo; and 1 x illuminated projecting sign.
Delegation Briefing:	
Date:	21/08/2020
<b>Topsham</b>	
<b>Delegated Decision</b>	
Application Number:	19/0443/DIS
Decision Type:	Condition(s) Partially Approved
Location Address:	Beech Cottage Old Rydon Close Exeter Devon EX2 7JR
Proposal:	Discharge of conditions 3 (Materials), 4 (Levels), 5 (SAP/CO2), and 10 (CEMP) of application no. 18/0652/VOC granted on 9th October 2018.
Delegation Briefing:	
Date:	22/07/2020
<b>Delegated Decision</b>	
Application Number:	19/1770/LBC
Decision Type:	Permitted
Location Address:	74 Fore Street Topsham Exeter Devon EX3 0HQ
Proposal:	Alterations to rear warehouse/storeroom to create additional residential unit
Delegation Briefing:	20/02/2020
Date:	03/08/2020

<b>Delegated Decision</b>			
Application Number:	20/0579/FUL	Delegation Briefing:	28/05/2020
Decision Type:	Permitted	Date:	23/06/2020
Location Address:	196 Lower Wear Road Exeter Devon EX2 7DD		
Proposal:	Two storey side extension.		
<b>Delegated Decision</b>			
Application Number:	20/0614/LBC	Delegation Briefing:	09/07/2020
Decision Type:	Permitted	Date:	25/08/2020
Location Address:	33 Fore Street Topsham Exeter Devon EX3 0HD		
Proposal:	Installation of skylight into kitchen roof.		
<b>Delegated Decision</b>			
Application Number:	20/0622/LBC	Delegation Briefing:	09/07/2020
Decision Type:	Permitted	Date:	05/08/2020
Location Address:	74A Fore Street Topsham Exeter Devon EX3 0HQ		
Proposal:	Replace flat roof over entrance hall and bathroom with new Firestone rubber roof.		
<b>Delegated Decision</b>			
Application Number:	20/0637/FUL	Delegation Briefing:	02/07/2020
Decision Type:	Permitted	Date:	24/07/2020
Location Address:	26 Highfield Clyst Road Topsham Exeter Devon EX3 0DA		
Proposal:	Replacement detached single garage		
<b>Delegated Decision</b>			
Application Number:	20/0663/FUL	Delegation Briefing:	18/06/2020
Decision Type:	Permitted	Date:	17/07/2020
Location Address:	15 Riverside Road Topsham Exeter Devon EX3 0LR		
Proposal:	Remodelling of existing house to include lower ground floor extension, gable extension to the rear, full width extension to the front and loft conversion		
<b>Delegated Decision</b>			
Application Number:	20/0689/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	13/07/2020
Location Address:	18 Monmouth Street Topsham Exeter Devon EX3 0AJ		
Proposal:	Fell one dead Willow.		
<b>Delegated Decision</b>			
Application Number:	20/0695/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	14/07/2020
Location Address:	19 The Strand Topsham Exeter Devon EX3 0AS		
Proposal:	Arbutus unedo / Strawberry Tree, pruning reduction of 20%.		

<b>Delegated Decision</b>	
Application Number: 20/0713/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 20/07/2020
Location Address: 6 Tresillian Gardens Topsham Exeter Devon EX3 0BA	
Proposal: T1 & T2 Lime: Reduce lateral branches by 2-3m and remove epicormic growth to a height of 8m above ground.	
<b>Delegated Decision</b>	
Application Number: 20/0726/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 30/07/2020
Location Address: 2A Elm Grove Road Topsham Exeter Devon EX3 0BW	
Proposal: T1 Thuja, fell.	
<b>Delegated Decision</b>	
Application Number: 20/0727/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 30/07/2020
Location Address: 12 Monmouth Avenue Topsham Exeter Devon EX3 0AF	
Proposal: T1- Ornamental Prunus. Reduce crown.	
<b>Delegated Decision</b>	
Application Number: 20/0731/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 30/07/2020
Location Address: 7 Tresillian Gardens Topsham Exeter Devon EX3 0BA	
Proposal: T1 Lime: Reduce over extended lateral branches by 2-3m and reduce height of tree by 3-4m. T2 Lime: Crown raise to give 3.5m clearance over road T3 Holly: Fell	
<b>Delegated Decision</b>	
Application Number: 20/0750/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 30/07/2020
Location Address: 30 Elm Grove Road Topsham Exeter Devon EX3 0EQ	
Proposal: Plum tree - fell.	
<b>Delegated Decision</b>	
Application Number: 20/0756/FUL	Delegation Briefing: 09/07/2020
Decision Type: Permitted	Date: 31/07/2020
Location Address: 5 Mount Wear Square Exeter Devon EX2 7BN	
Proposal: Construction of first floor extension over existing ground floor.	
<b>Delegated Decision</b>	
Application Number: 20/0774/FUL	Delegation Briefing: 23/07/2020
Decision Type: Permitted	Date: 17/08/2020
Location Address: 27 Monmouth Street Topsham Exeter Devon EX3 0AJ	
Proposal: Construction of garden office and storeroom.	

<b>Delegated Decision</b>	
Application Number: 20/0782/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/07/2020
Location Address: Mansard Parkfield Road Topsham Exeter Devon EX3 0ET	
Proposal: Fell large pine tree in rear garden.	
<b>Delegated Decision</b>	
Application Number: 20/0788/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 17/07/2020
Location Address: Enterprise Globe Lane Topsham Exeter Devon EX3 0EX	
Proposal: Discharge of Condition 5 (Landscaping Scheme) relating to 18/0822/FUL.	
<b>Delegated Decision</b>	
Application Number: 20/0790/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 23/07/2020
Location Address: 478 Topsham Road Exeter Devon EX2 7AJ	
Proposal: Single storey side extension measuring 5m (Depth) x 1.5m (Width) x 3.8m (Height).	
<b>Delegated Decision</b>	
Application Number: 20/0799/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 16/07/2020
Location Address: 11 Denver Close Topsham Exeter Devon EX3 0NB	
Proposal: Creation of a new single-storey extension with internal alterations.	
<b>Delegated Decision</b>	
Application Number: 20/0841/FUL	Delegation Briefing: 16/07/2020
Decision Type: Permitted	Date: 17/08/2020
Location Address: Sandylands Old Rydon Lane Topsham Exeter Devon EX2 7JW	
Proposal: Single storey side extension.	
<b>Total Applications: 190</b>	

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**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 7 September 2020  
**Report of:** Director  
**Title:** Appeals Report

**Is this a Key Decision?** No

**Is this an Executive or Council Function?** No

## 1. What is the report about?

1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

## 2. Recommendation:

2.1 Members are asked to note the report.

## 3. Appeal Decisions

3.1 [19/1169/FUL](#) - **6 Elliott Close**. This was an application for a single storey front extension and extension to bay window.

A planning appeal has been dismissed by the Inspectorate. The Council did not object to the extension of the bay window and the Inspector saw no reason to disagree with this view. The main issue was the effect of the front extension on the character and appearance of the dwelling and the wider area.

The appeal property is a two-storey end of terrace house which is situated in a planned estate containing a mix of house types. Most houses have a modest projecting front door canopy or porch and/or a first-floor bay window feature. Substantive forward projections from the main front walls are not a characteristic of these house types. The houses are also set back from the highway which, in combination with the front elevation treatment, ensures the street has a degree of spaciousness. This spaciousness is an important positive characteristic of the locality.

Owing largely to its corner plot position, the appeal property has more space to the side and front than most houses in the street. However, the position also means the property is particularly prominent when viewed from the two respective cul-de-sac spurs. The proposed front extension would be approximately 2.8m deep and 4m wide with a mono pitch lean to roof. In contrast to the typical modest porch projections, it would appear as a very bulky and incongruous addition that would detract from the simple character of the appeal property and the terrace. Whilst the space available at the front of the property would accommodate the extension, the prominent corner plot position would nevertheless emphasise its appearance as an incongruous feature and it would harmfully erode the important spaciousness of the locality.

The benefits of the proposed additional and reconfigured living accommodation were acknowledged but were not considered to outweigh the identified harm.

3.2 [19/1184/FUL](#) - **11 Sheridan Road**. This was an application for a first-floor side extension.

An Inspector has dismissed an appeal for a first floor side extension at 11 Sheridan Road, a two storey semi-detached property occupying a corner plot within a planned estate.

The main issues are the effect of the proposed extension on:

- i) the character and appearance of the host property and the wider area, and
- ii) the living conditions of the occupiers of No 13 Sheridan Road with particular regard to their outlook.

With regards the character and appearance of the host property and the wider area the Inspector considered that owing to its excessive width and lack of set-back, the proposed extension would

appear unduly dominant and disproportionate to the form and character of the original house. The diagonal set back element, which would be particularly prominent due to its high-level and the exposed corner plot position, would also appear awkward and incongruous. The general failure to harmonise with the original house would be detrimental to the visual qualities of the planned street scene. Although it was appreciated the proposed extension was designed with a ridge height lower than the original dwelling, thereby providing a degree of subservience, this alone is insufficient to render the scheme acceptable.

The Inspector concluded that the extension would conflict with Objective 9 and Policy DG1 of the Council's 2005 adopted Local Plan First Review (LP). These seek to ensure that development proposals promote local distinctiveness and contribute to the visual richness and amenity of the townscape

As a result of the height and massing, the extension was considered by the Inspector to have an oppressive and overbearing appearance when viewed from the neighbouring property. Although the Inspector appreciated that the extension was designed so that no window would overlook No 13, the resulting bleakness of the rear elevation arising from this design response adds to its oppressive appearance. Consequently, owing to its inappropriate design, in particular its position, height and massing, it is concluded the proposed extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 13 with particular regard to their outlook and therefore conflicted with Policy.

3.3 **19/1271/FUL - Charlotte Mews, Pavilion Place.** This was an application for two additional floors on northern and eastern part of building to form 4 new residential units over existing units 5 and 6.

The inspectorate has been dismissed an appeal to add two new floors, to create 4 additional flats, to the rear two storey wing of Charlotte Mews, a large modern red brick building on the corner of the junction between Magdalen Street and Pavilion Place.

It is located within the Southernhay and the Friars Conservation Area. The building has three storeys at the front, dropping to two storeys at the rear. It was originally designed as an office block although some of the office space has since been converted to residential. The surrounding townscape is largely historic. On Magdalen Street, the Grade II\* listed Wynards complex, a group of alms-houses and a chapel, is to the west of the site – along with two other Grade II listed buildings. There is another terrace of Grade II listed buildings to the east. Pavilion Place consists of various rows of small artisans' cottages, which have been locally listed by the Council. A Friends Meeting House (Quakers) is located to the rear, unlisted but nonetheless of some historic interest and value.

The Council refused planning permission for two main reasons. One related to the impact of the proposal on the setting of neighbouring listed buildings and the character and appearance of the conservation area. The other related to the standards of residential amenity on offer.

In respect of the heritage matters, the Inspector agreed with the Council. It was noted that the current building drops down at the rear in order to respect the more modest height of buildings in the vicinity. It was considered that the proposal would result in a building with a height and massing that would dominate the surrounding townscape and harm both the setting of nearby listed buildings and the character and appearance of the wider conservation area. A mansard roof feature would also introduce an incongruous and unsympathetic feature to the locality. In respect of the heritage tests set out in the National Planning Policy Framework, the Inspector concluded that the public benefits of the scheme, short term employment opportunities during construction and 4 additional residential units, did not outweigh the identified harm to designated heritage assets.

With regard to living conditions, the Inspector did not accept all of the conclusions of the Council. It was considered that nearby Bull Meadow Park could compensate for the lack of any amenity space and that a design solution could be found to address bicycle and bin storage facilities. Nonetheless, the Inspector agreed that some of the flats fell short of the Government's national internal space standards and that that would result in poor living conditions for future occupiers.

3.4 [20/0018/FUL](#) - **1 Venny Gardens, Venny Bridge**. This was an application for roof alterations for loft conversion and Velux windows; conversion of garage to hallway and new front door arrangement.

A planning appeal has been dismissed by the Planning Inspectorate.

The Council did not object to the garage conversion and the Inspector saw no reason to disagree with this view. The main issue was the effect of the proposed roof alterations on the character and appearance of the pair of dwellings (no. 1 & 2 Venny Gardens) and the street scene.

Owing to its design, the proposal was considered to have an unacceptably harmful effect on the character and appearance of the dwellings and the street scene, which conflicts with Objective 9 and Policy CP17 of the Core Strategy (2012) and Policy DG1 of the Local Plan First Review (2005). These seeks to ensure development proposals promote local character and distinctiveness, with part (g) of Policy DG1 specifically seeking to ensure that the volume and shape of proposals relates well to adjoining buildings.

The two pairs of semi-detached properties that form Venny Gardens are built to a common design, and have a visually pleasing degree of uniformity. The Inspector considered that the alteration to the roof shape, would create additional high-level bulk to the property and would result in the property having an awkward top heavy appearance which would harmfully erode the symmetry with the neighbouring property.

Whilst the improved living conditions were acknowledged it was not considered to outweigh the resulting harm.

3.5 [20/0045/FUL](#) - **20 Victoria Street**. This was an application for ground and first floor extensions.

An inspector has dismissed an appeal for ground and first floor extensions at 20 Victoria Street, a two storey mid-terraced property with further habitable space within the roof space.

The main issues of this application are the effect of the proposed development on the character and appearance of the host property and the wider area; and the living conditions of occupiers 19 and 21 Victoria Street with particular regard to natural light and outlook.

An earlier scheme for the property was refused planning permission and dismissed on appeal (Our ref. 18/0555/FUL and Appeal ref. APP/Y1110/d/18/3214646). In this appeal the inspector considered the ground floor extension acceptable but the first floor extension was considered an unsympathetic addition to the character of the house as a result of its scale and materials. This application reduced the extent of the extension from 6 metres to 4 metres and the cladding was replaced with brick walls.

The Inspector considered owing to its inappropriate design, in particular its scale and massing, the proposed development would have an unacceptably harmful impact on the character and appearance of the wider area. First floor extensions are notably absent from the neighbouring properties which formed the site's immediate setting and a first floor addition here was considered overdevelopment and visually incongruous. Therefore conflicting with a number of the Council's policies which amongst other things seek to ensure development promotes the local character and distinctiveness.

In the earlier scheme the previous Inspector found again the ground floor extension to be acceptable with regards natural light and outlook for neighbours but considered the first floor extension to cause significant harm to the living conditions of neighbouring occupiers.

The inspector concluded for this proposed development that the first floor extension that as a result of the set back of the windows, the orientation of the site and lack of impinging development, the extension would not degrade the level of natural light to warrant refusal. However, with regards outlook the relationship between the first floor extension and the neighbouring properties would be visually intrusive and cause significant harm to the outlook, particularly to the relevant window of no

21. This unacceptable impact on outlook is contrary to Policy DG4 which seeks to ensure a quality of amenity which allows residents to feel at ease within their homes.

In conclusion, the inspector considered the proposed development to have an unacceptable impact on the character of the property and the wider area and resulted in an unacceptably harmful impact on the outlook of the neighbouring properties.

#### **4. New Appeals**

##### **4.1 [18/0580/FUL](#) - Land and Buildings at Pocombe Grange House, Pocombe Bridge.**

Extension and alterations to existing accommodation to create 1no. additional dwelling unit and construction of 2no. new build dwelling houses, landscaping and associated works

##### **4.2 [19/0952/OUT](#) - Land off Tithebarn Lane.**

Proposed residential development of 10 homes with new vehicular access to Tithebarn Lane.

##### **4.3 [19/1676/FUL](#) - St Andrews Yard, Willeys Avenue.**

Demolition of existing single storey business premises and construction of 9no residential apartments along with on-site parking and associated landscaping.

##### **4.4 [20/0465/FUL](#) - 13C St James Road.**

Change of use of building from office (B1 use) to residential (C3 use).

**Bindu Arjoon**

Director

**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 are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Room 2.3. Tel: 01392 265275